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# *House of Representatives*

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

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*June 11, 2003.*

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

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

## PRAYER

The Reverend Dr. Thomas A. Erickson, Interim Pastor, the National Presbyterian Church, Washington, DC., offered the following prayer:

Almighty and ever-gracious God, You have given us this good land as our heritage. We thank You for patriots in the past who have occupied this Chamber and whose dedication has secured the liberties we enjoy today. Bless those who now hold office in this House. We thank You for their commitment to the highest ideals of freedom. Enable them to do their work with wisdom and kindness, that their legislation may enhance life, liberty, and justice for all. In Your holy name we pray. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. NETHERCUTT led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

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

H.R. 1625. An act to designate the facility of the United States Postal Service located at 1114 Main Avenue in Clifton, New Jersey, as the ''Robert P. Hammer Post Office Building''.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minute speeches on each side.

## WELCOMING THE REV. DR. THOMAS A. ERICKSON

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

Mr. NETHERCUTT. Mr. Speaker, I am pleased to welcome here to the Chamber today Dr. Tom Erickson, the interim pastor at National Presbyterian Church who offered the opening prayer. We are thankful for his presence today, and we are thankful that he has devoted himself to a ministry in the Presbyterian faith.

Dr. Erickson is no stranger to Presbyterian ministry and commitment to God. He has served a lifetime of ministries in Spokane, Washington, my home town, in California and Massachusetts; and he most recently retired from a very large church in Paradise Valley, Arizona.

He brings to the ministry a kindness, a grace, a wisdom, a commitment to Jesus Christ, a commitment to his faith and a commitment to compassion around this country and to those he ministers to and serves. He is a credit to the ministry of the Presbyterian faith. We are so delighted that he has committed himself, even after retirement, to an interim position here in Washington, D.C. at the National Presbyterian Church in Washington, a church of great tradition and history.

He and his wife, Carol, have been married for almost 49 years. They have three beautiful daughters who are adult children, and they are devoted to those dear children and to each other and to their faith in God.

We are delighted that Dr. Erickson could be here today, and we certainly welcome him and thank him for his prayer this morning.

## FAMILY FRIENDLY WAL-MART

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

Mr. PITTS. Mr. Speaker, Wal-Mart is our Nation's largest company and it is growing. The company plans to expands its workforce from 1.2 million to 3 million over the next 5 years, and it will build 48 million square feet of new retail space.

Fortune Magazine recently named Wal-Mart the Nation's most admired company. The retail chain offers its many products and selections in a family-friendly environment.

Recently, the retail chain has announced plans to cover four women's magazines it carries on its sales racks. The content on the covers of these magazines could offend customers and are inappropriate for children. It has

taken similar stands in the past to protect the families who shop at their stores.

Even during tough economic times, Wal-Mart has found ways to keep people coming through the door, and it has not sacrificed the principles Sam Walton has established.

Those family-friendly principles are part of Wal-Mart's success and have set the example for how retailers should act, regardless of the economic conditions or latest trends.

## WHERE WAS THE IMMINENT THREAT

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

Mr. KUCINICH. Mr. Speaker, the Bush administration made specific, unequivocal statements about the imminent threat posed by Iraq's alleged weapons of mass destruction, repeatedly claiming they had intelligence showing Iraq had 25,000 liters of anthrax, 38,000 liters of botulin toxin, 500 tons of sarin mustard and VX nerve agent, and over 30,000 munitions capable of delivering chemical agents. So where are those vast stockpiles? Where was the imminent threat?

At the State of the Union the President said, Hussein had the materials to produce as much as 500 tons of sarin mustard and VX nerve agent. Where are those vast stockpiles? Where was the imminent threat?

This administration repeatedly claimed Iraq's weapons of mass destruction represented an imminent threat to this country. They claimed specific evidence of vast stockpiles. Where are those vast stockpiles? Where was the imminent threat?

Did this administration deliberately mislead this Nation into war, telling us there was an imminent threat when there was not?

The resolution of inquiry now signed by 36 Members of the House aims to find out the truth.

## WEAPONS OF MASS DESTRUCTION ARE IN IRAQ

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

Mr. PENCE. Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH), who just addressed this body, raised the issue that I suspect we will hear again and again before this Congress. Where are the WMDs, and who do you believe? Did the Bush administration mislead the American people?

Well, in answering the question of who you believe, I believe Saddam Hussein, Mr. Speaker, who in 1991 after being soundly defeated in the Persian Gulf War admitted to the U.N. agency responsible for monitoring the cease fire that he possessed 10,000 nerve gas warheads, 1,500 chemical weapons, and 412 tons of chemical weapons with 25 long-range missiles.

Even President Clinton when he bombed Baghdad in 1998 said he did so to ''attack Iraq's nuclear, chemical and biological programs in its capacity to threaten its neighbors.''

As a State Department official told the Committee on International Relations last week, there was no change in the assessment of the WMD program from the Clinton administration to the Bush administration. Those weapons were there. The program was there. The President led America aright in this war.

## CHILD TAX CREDIT SHOULD APPLY TO ALL

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

Mr. SNYDER. Mr. Speaker, hopefully this week the House will correct an error in the most recently signed tax cut bill and extend the tax credit to literally hundreds of thousands of American families who do not qualify under the act that was signed by the President.

One of the arguments that has been used against extending this tax credit for children to lower-income people is that they do not pay enough taxes.

This is the most recent payroll stub from one of my Little Rock residents, a single mom with two children. She works over 40 hours a week as a certified nursing assistant at a State facility.

She pays $51.80 so far this year in Federal taxes. Look at the next two lines. She pays Social Security tax, a Federal tax. She pays her Medicare tax. A Federal tax. She pays State taxes. She pays State excise tax. She pays State sales tax. These people pay taxes. They have children. They deserve to get the benefit of this tax cut also. Please vote for a clean version of the extension of this child tax credit.

## CONGRESSIONAL DELEGATION VISITS NORTH KOREA

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

Mr. WILSON of South Carolina. Mr. Speaker, in my travels over the years promoting democracy, I have visited communist nations, but none have had the anomalies of my visit to the capital of North Korea, Pyongyang, on a congressional delegation last week led by the gentleman from Pennsylvania (Mr. WELDON).

The government officials tried to show North Korea as if nothing were wrong. Yet empty streets and buildings gave signs of a fragile economy, and the intense communist and anti-American propaganda gave signs of a weak society.

President Bush has praised our troops for getting the world's attention with success in Afghanistan and Iraq. Our invitation was a reflection of this attention, summarized by delegation co-chairman, the gentleman from Texas (Mr. ORTIZ), who said, ''The world has either seen the light or felt the heat.''

North Korea is a tipping point, struggling to hold up a crumbling society that was neglected in the pursuit of nuclear weapons. I support the efforts of President Bush to seek a peaceful solution with North Korea so they will be disarmed by the nuclear threat and that innocent North Korean civilian can be saved from tragedy.

In conclusion, God bless our troops.

## CURRENT UNEMPLOYMENT SITUATION IS GRIM

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

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about something that the President does not want you to hear about. It is called our country's current unemployment situation.

Now, when the President began his term a little over 2 years ago, our Nation's unemployment rate stood at 4.1 percent, but today it stands at 6.1 percent. That means that there are 2.6 million people more who do not have a job. That is not those people who lost their jobs during this time and were able to find another job that paid less. There are plenty of those people who are making less. Or those people who stayed on the job but had to make less because their wages were cut.

No, these are people who are out of jobs, 2.6 million more people; 1.1 million more of them in California.

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The situation is even worse if you are a Hispanic, because the unemployment rate is now at 8.2 percent for Hispanics.

More than 1.5 million Hispanics, Mr. President, have lost their jobs since you took office. We have got to start talking about this and doing something about this job loss.

## WILLIAM ''BOO'' BARTON

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

Mr. HENSARLING. Mr. Speaker, I rise today to salute a young man from Groesbeck, Texas, William ''Boo'' Barton, a 17-year-old high school junior with an incredible athletic gift, an incredible story and an incredibly big heart, as big as the State of Texas. Last September while playing for the Groesbeck Goats football team, Boo Barton suffered a tragic injury on the field. Shortly afterwards, doctors were forced to amputate his left leg 4 inches below the knee. The doctors told Boo with luck he would be able to walk, but

Boo and his track coach, Phil LaFountaine, had bigger dreams. Three months after being fitted with a prosthetic leg, with family, friends and teammates looking on, Boo Barton defied all the odds by running the 100-meter race at the Groesbeck Goat relays. His time: 14.06. Some may say that was not the winning time that day, but I and everyone in the stands know better.

Mr. Speaker, Boo Barton is an inspiring example to all of us. He shows us with the power of positive thinking and persistence through adversity, you can still dream bold dreams in America.

## INTRODUCTION OF THE FULLY FUND THE NO CHILD LEFT BEHIND ACT

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

Mr. ETHERIDGE. Mr. Speaker, yesterday afternoon the President held a Rose Garden ceremony to celebrate the No Child Left Behind Act. I voted for that legislation and I wish I could have joined in the celebration, but unfortunately because the administration refuses to fund the new law, I spent my afternoon answering questions from unhappy local leaders in my district who wanted to know where the money is going to come from to pay for the President's education reforms. Despite yesterday's White House photo op, the fact remains that the administration is cutting $20 billion from No Child Left Behind. Local leaders know that they will get stuck with the bill for these educational cuts.

Make no mistake, the Bush educational cuts will result in worse schools, cuts in local services like law enforcement and fire and rescue or higher property taxes, or all of the above. There has got to be a better way.

Last week I introduced H.R. 2366, the Fully Fund the No Child Left Behind Act. My bill simply requires the Federal Government to fund No Child Left Behind. Mr. Speaker, it is only fair. I urge my colleagues to join us in this legislation.

## MEDICARE

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

Mrs. CAPITO. Mr. Speaker, finally a strengthened Medicare system that includes prescription drug coverage seems to be the number one priority for both houses of Congress. The time is right to make progress. We have a tremendous opportunity to reform Medicare and help our seniors. The budget of $400 billion over the next 10 years is enough to strengthen and improve Medicare, so we do have the resources to make reform work.

Our Nation has made a binding commitment to bring affordable health care to our seniors. We must honor that commitment by making sure Medicare stays current with the needs of today's seniors. When Medicare was launched 38 years ago, medicine focused on surgery and hospital stays. Today doctors routinely treat patients with prescription drugs, preventive care and groundbreaking medical devices. Our goal is to give seniors the best, most innovative care. This will require a strong, up-to-date Medicare system that relies on innovation and quality delivery, not bureaucratic rules and regulations. We can reach that goal now.

## VETERANS FACE INCREASED COSTS FOR HEALTH CARE

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

Mr. STRICKLAND. Mr. Speaker, I rise today to point out the shabby treatment that this House and the administration is directing toward our Nation's veterans and our Nation's children. Just yesterday it was confirmed in the Committee on Veterans' Affairs that the administration continues to push for a $250 annual enrollment fee for many of our veterans just to be able to participate in the VA health care system. They want to increase the cost of a prescription drug from $7 to $15 a prescription. They want to increase the cost of a clinic visit from $15 to $20. At a time when our young men and women are fighting for this country in Iraq, this President and this Congress want to impose additional financial hardships on the backs of our veterans. It does not make sense. It is time for the people of this country to become aware of what is happening. This administration is treating our veterans in a shabby manner and it ought to stop.

## EXPANDING THE CHILD TAX CREDIT

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

Mr. PALLONE. Mr. Speaker, for the last few days the Democrats have been demanding that the Republicans bring up the child tax credit and extend it for lower-income working families. The Senate passed this bill. It is time for the House to bring it up. What do we hear today? What have the House Republicans done? Basically what they have done is to take this very small amount of money, $3.5 billion that will pay for these 12 million kids to get their child tax credit, and they have now expanded it, they are not paying for it and they are trying to cover and pay $82 billion for an expanded tax break for wealthier individuals.

Why is it that we cannot just take up the Senate-passed bill, give these 12 million kids and their parents a tax break that they deserve, and instead we are holding this bill hostage so that we can have more tax breaks for wealthier people and deal with other tax issues that are not germane to these 12 million kids? I resent the fact that the House Republicans are now holding this bill hostage, holding these working families hostage to try to expand tax cuts for other people and wealthier individuals.

## EXPANDING THE CHILD TAX CREDIT

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, can I read the roll: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, D.C., Texas, Florida, Georgia. And it goes on and on; 19 million children left out in the cold.

Mr. Speaker, why can we not be a cooperative and collaborative Congress that works on behalf of the American people? Why is it that the President has made a statement this morning or yesterday saying support the Senate bill? What kind of leadership says that the President's representative who has asked this Congress to collaborate to provide a tax credit refund for working families, Ari Fleischer, someone says, ''He does not have a vote''?

Mr. Speaker, the American people have a vote. I frankly do not hear those making $150,000 clamoring for this tax credit refund for children but I do hear the working families who make $26,000, who get up early in the morning, who pay payroll taxes, property taxes, and sales taxes saying, give us a simple break. Allow the Senate bill to go forward, allow the President to sign it. Let us work on behalf of the American people and not special interests.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

## COMMERCIAL SPECTRUM ENHANCEMENT ACT

Mr. UPTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1320) to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users, as amended.

The Clerk read as follows:

H.R. 1320

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

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Commercial Spectrum Enhancement Act''.*

***SEC. 2. RELOCATION OF ELIGIBLE FEDERAL ENTITIES FOR THE REALLOCATION OF SPECTRUM FOR COMMERCIAL PURPOSES.***

*Section 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)) is amended by striking paragraphs (1) through (3) and inserting the following:—*

*''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station assigned to a band of frequencies specified in paragraph (2) and that incurs relocation costs because of the reallocation of frequencies from Federal use to non-Federal use shall receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a), are eligible to receive payment under this paragraph.*

*''(2) ELIGIBLE FREQUENCIES.—The bands of eligible frequencies for purposes of this section are as follows:*

*''(A) the 216–220 megahertz band, the 1432–1435 megahertz band, the 1710–1755 megahertz band, and the 2385–2390 megahertz band of frequencies; and*

*''(B) any other band of frequencies reallocated from Federal use to non-Federal use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), except for bands of frequencies previously identified by the National Telecommunications and Information Administration in the Spectrum Reallocation Final Report, NTIA Special Publication 95–32 (1995).*

*''(3) DEFINITION OF RELOCATION COSTS.—For purposes of this subsection, the term 'relocation costs' means the costs incurred by a Federal entity to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment or by utilizing an alternative technology. Such costs include—*

*''(A) the costs of any modification or replacement of equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation;*

*''(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including outside consultants, and reasonable additional costs incurred by the Federal entity that are attributable to relocation, including increased recurring costs associated with the replacement facilities;*

*''(C) the costs of engineering studies, economic analyses, or other expenses reasonably incurred in calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection;*

*''(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of such frequencies prior to the termination of the Federal entity's primary allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process; and*

*''(E) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment.*

*''(4) NOTICE TO COMMISSION OF ESTIMATED RELOCATION COSTS.—*

*''(A) The Commission shall notify the NTIA at least 18 months prior to the commencement of any auction of eligible frequencies defined in paragraph (2). At least 6 months prior to the commencement of any such auction, the NTIA, on behalf of the Federal entities and after review by the Office of Management and Budget, shall notify the Commission of estimated relocation costs and timelines for such relocation.*

*''(B) Upon timely request of a Federal entity, the NTIA shall provide such entity with information regarding an alternative frequency assignment or assignments to which their radiocommunications operations could be relocated for purposes of calculating the estimated relocation costs and timelines to be submitted to the Commission pursuant to subparagraph (A).*

*''(C) To the extent practicable and consistent with national security considerations, the NTIA shall provide the information required by subparagraphs (A) and (B) by the geographic location of the Federal entities' facilities or systems and the frequency bands used by such facilities or systems.*

*''(5) NOTICE TO CONGRESSIONAL COMMITTEES AND GAO.—The NTIA shall, at the time of providing an initial estimate of relocation costs to the Commission under paragraph (4)(A), submit to the Committees on Appropriations and Energy and Commerce of the House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General a copy of such estimate and the timelines for relocation.*

*''(6) IMPLEMENTATION OF PROCEDURES.—The NTIA shall take such actions as necessary to ensure the timely relocation of Federal entities' spectrum-related operations from frequencies defined in paragraph (2) to frequencies or facilities of comparable capability. Upon a finding by the NTIA that a Federal entity has achieved comparable capability of systems by relocating to a new frequency assignment or by utilizing an alternative technology, the NTIA shall terminate the entity's authorization and notify the Commission that the entity's relocation has been completed. The NTIA shall also terminate such entity's authorization if the NTIA determines that the entity has unreasonably failed to comply with the timeline for relocation submitted by the Director of the Office of Management and Budget under section 118(d)(2)(B).''.*

***SEC. 3. MINIMUM AUCTION RECEIPTS AND DISPOSITION OF PROCEEDS.***

*(a) AUCTION DESIGN.—Section 309(j)(3) of the Communications Act of 1934 (47 U.S.C. 309(j)(3)) is amended—*

*(1) by striking ''and'' at the end of subparagraph (D);*

*(2) by striking the period at the end of subparagraph (E) and inserting ''; and''; and*

*(3) by adding at the end the following new subparagraph:*

*''(F) for any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)), the recovery of 110 percent of estimated relocation costs as provided to the Commission pursuant to section 113(g)(4) of such Act.''.*

*(b) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—Section 309(j) of such Act is further amended by adding at the end the following new paragraph:*

*''(15) SPECIAL AUCTION PROVISIONS FOR ELIGIBLE FREQUENCIES.—*

*''(A) SPECIAL REGULATIONS.—The Commission shall revise the regulations prescribed under paragraph (4)(F) of this subsection to prescribe methods by which the total cash proceeds from any auction of eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall at least equal 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 113(g)(4) of such Act.*

*''(B) CONCLUSION OF AUCTIONS CONTINGENT ON MINIMUM PROCEEDS.—The Commission shall not conclude any auction of eligible frequencies described in section 113(g)(2) of such Act if the total cash proceeds attributable to such spectrum are less than 110 percent of the total estimated relocation costs provided to the Commission pursuant to section 113(g)(4) of such Act. If the Commission is unable to conclude an auction for the foregoing reason, the Commission shall cancel the auction, return within 45 days after the auction cancellation date any deposits from participating bidders held in escrow, and absolve such bidders from any obligation to the United States to bid in any subsequent reauction of such spectrum.*

*''(C) AUTHORITY TO ISSUE PRIOR TO DE-AUTHORIZATION.—In any auction conducted under the regulations required by subparagraph (A), the Commission may grant a license assigned for the use of eligible frequencies prior to the termination of an eligible Federal entity's authorization. However, the Commission shall condition such license by requiring that the licensee cannot cause harmful interference to such Federal entity until such entity's authorization has been terminated by the National Telecommunications and Information Administration.''.*

*(c) DEPOSIT OF PROCEEDS.—Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—*

*(1) in subparagraph (A), by inserting ''or subparagraph (D)'' after ''subparagraph (B)''; and*

*(2) by adding at the end the following new subparagraph:*

*''(D) DISPOSITION OF CASH PROCEEDS.—Cash proceeds attributable to the auction of any eligible frequencies described in section 113(g)(2) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) shall be deposited in the Spectrum Relocation Fund established under section 118 of such Act, and shall be available in accordance with that section.''.*

***SEC. 4. ESTABLISHMENT OF FUND AND PROCEDURES.***

*Part B of the National Telecommunications and Information Administration Organization Act is amended by adding after section 117 (47 U.S.C. 927) the following new section:*

***''SEC. 118. SPECTRUM RELOCATION FUND.***

*''(a) ESTABLISHMENT OF SPECTRUM RELOCATION FUND.—There is established on the books of the Treasury a separate fund to be known as the 'Spectrum Relocation Fund' (in this section referred to as the 'Fund'), which shall be administered by the Office of Management and Budget (in this section referred to as 'OMB'), in consultation with the NTIA.*

*''(b) CREDITING OF RECEIPTS.—The Fund shall be credited with the amounts specified in section 309(j)(8)(D) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)).*

*''(c) USED TO PAY RELOCATION COSTS.—The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as defined in section 113(g)(3) of this Act, of an eligible Federal entity incurring such costs with respect to relocation from those frequencies.*

*''(d) FUND AVAILABILITY.—*

*''(1) APPROPRIATION.—There are hereby appropriated from the Fund such sums as are required to pay the relocation costs specified in subsection (c).*

*''(2) TRANSFER CONDITIONS.—None of the funds provided under this subsection may be transferred to any eligible Federal entity—*

*''(A) unless the Director of OMB has determined, in consultation with the NTIA, the appropriateness of such costs and the timeline for relocation; and*

*''(B) until 30 days after the Director of the OMB has submitted to the Committees on Appropriations and Energy and Commerce of the*

*House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General a detailed plan describing how the sums transferred from the Fund will be used to pay relocation costs in accordance with such subsection and the timeline for such relocation.*

*''(3) REVERSION OF UNUSED FUNDS.—Any auction proceeds in the Fund that are remaining after the payment of the relocation costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 8 years after the date of the deposit of such proceeds to the Fund.*

*''(e) TRANSFER TO ELIGIBLE FEDERAL ENTITIES.—*

*''(1) TRANSFER.—*

*''(A) Amounts made available pursuant to subsection (d) shall be transferred to eligible Federal entities, as defined in section 113(g)(1) of this Act.*

*''(B) An eligible Federal entity may receive more than one such transfer, but if the sum of the subsequent transfer or transfers exceeds 10 percent of the original transfer—*

*''(i) such subsequent transfers are subject to prior approval by the Director of OMB as required by subsection (d)(2)(A);*

*''(ii) the notice to the committees containing the plan required by subsection (d)(2)(B) shall be not less than 45 days prior to the date of the transfer that causes such excess above 10 percent;*

*''(iii) such notice shall include, in addition to such plan, an explanation of need for such subsequent transfer or transfers; and*

*''(iv) the Comptroller General shall, within 30 days after receiving such plan, review such plan and submit to such committees an assessment of the explanation for the subsequent transfer or transfers.*

*''(C) Such transferred amounts shall be credited to the appropriations account of the eligible Federal entity which has incurred, or will incur, such costs, and shall, subject to paragraph (2), remain available until expended.*

*''(2) RETRANSFER TO FUND.—An eligible Federal entity that has received such amounts shall report its expenditures to OMB and shall transfer any amounts in excess of actual relocation costs back to the Fund immediately after the NTIA has notified the Commission that the entity's relocation is complete, or has determined that such entity has unreasonably failed to complete such relocation in accordance with the timeline required by subsection (d)(2)(A).''.*

***SEC. 5. TELECOMMUNICATIONS DEVELOPMENT FUND.***

*Section 714(f) of the Communications Act of 1934 (47 U.S.C. 614(f)) is amended to read as follows:*

*''(f) LENDING AND CREDIT OPERATIONS.—Loans or other extensions of credit from the Fund shall be made available to an eligible small business on the basis of—*

*''(1) the analysis of the business plan of the eligible small business;*

*''(2) the reasonable availability of collateral to secure the loan or credit extension;*

*''(3) the extent to which the loan or credit extension promotes the purposes of this section; and*

*''(4) other lending policies as defined by the Board.''.*

***SEC. 6. CONSTRUCTION.***

*Nothing in this Act is intended to modify section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).*

***SEC. 7. ANNUAL REPORT.***

*The National Telecommunications and Information Administration shall submit an annual report to the Committees on Appropriations and Energy and Commerce of the House of Representatives, the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Comptroller General on—*

*(1) the progress made in adhering to the timelines applicable to relocation from eligible frequencies required under section 118(d)(2)(A) of the National Telecommunications and Information Administration Organization Act, separately stated on a communication system-by-system basis and on an auction-by-auction basis; and*

*(2) with respect to each relocated communication system and auction, a statement of the estimate of relocation costs required under section 113(g)(4) of such Act, the actual relocations costs incurred, and the amount of such costs paid from the Spectrum Relocation Fund.*

***SEC. 8. PRESERVATION OF AUTHORITY; NTIA REPORT REQUIRED.***

*(a) SPECTRUM MANAGEMENT AUTHORITY RETAINED.—Except as provided with respect to the bands of frequencies identified in section 113(g)(2)(A) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)(A)) as amended by this Act, nothing in this Act or the amendments made by this Act shall be construed as limiting the Federal Communications Commission's authority to allocate bands of frequencies that are reallocated from Federal use to non-Federal use for unlicensed, public safety, shared, or non-commercial use.*

*(b) NTIA REPORT REQUIRED.—Within 1 year after the date of enactment of this Act, the Administrator of the National Telecommunications and Information Administration shall submit to the Energy and Commerce Committee of the House of Representatives and the Commerce, Science, and Transportation Committee of the Senate a report on various policy options to compensate Federal entities for relocation costs when such entities' frequencies are allocated by the Commission for unlicensed, public safety, shared, or non-commercial use.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

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

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of H.R. 1320, bipartisan legislation called the Commercial Spectrum Enhancement Act, otherwise known as the spectrum relocation trust fund bill. I introduced this legislation with my good friend, the gentleman from New York (Mr. TOWNS), along with the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Virginia (Mr. BOUCHER), the gentleman from Nebraska (Mr. TERRY), the gentleman from Texas (Mr. GREEN), the gentleman from Florida (Mr. STEARNS), the gentleman from New Hampshire (Mr. BASS), the gentleman from Mississippi (Mr. PICKERING), the gentleman from Kentucky (Mr. WHITFIELD), and the gentleman from Illinois (Mr. KIRK).

Lately the subcommittee has been focused on the ailing telecommunications sector. Clearly the commercial wireless industry has not been spared from the wreckage, and we have been searching for ways to restore some hope. In my view what we need to do is get new, valuable spectrum into the hands of the commercial wireless carriers so that they can bring new, advanced wireless services to the consumer. That would be good for the wireless carriers, good for the equipment manufacturers, good for the consumer, and certainly great for the economy.

In the current context, the government already has identified the 1710 to 1755 megahertz band for relocation from the government to the private sector. This spectrum, mostly encumbered by DOD, is considered valuable ''beachfront property'' due to its suitability for commercial, mobile advanced wireless services like 3G. However, the road to relocating government entities to comparable spectrum is unpaved and filled with potholes. This bumpy road creates massive uncertainty in the process and depresses interest in participating in the auction in the first place.

H.R. 1320 would pave that road, establishing a spectrum relocation fund and procedures to ensure a timely, certain and privately yet fully funded relocation of Federal incumbents to comparable spectrum. H.R. 1320 requires the FCC to notify the National Telecommunications and Information Administration, NTIA, 18 months before conducting an auction of relocated spectrum. The purpose of that notification is so that the NTIA, after review by the Office of Management and Budget, can provide the Commission with an estimate of relocation costs for a particular band and a time line for relocation. That information is critical because under the legislation, an FCC auction of relocated spectrum is only valid if the auction yields proceeds of at least 110 percent of the estimated relocation costs.

The proceeds from auctions of eligible reallocated bands are deposited into a spectrum relocation fund which is an OMB-administered separate fund at the Department of Treasury. If any agency has any transferred money remaining when relocation is complete, the agency is required to transfer the money back to the spectrum relocation fund right away. Unexpected auction proceeds are then transferred to the Treasury no later than 8 years after the proceeds were initially deposited into the spectrum relocation fund. All the while, H.R. 1320 provides tight fiscal controls and congressional oversight, as it should, of the use of the spectrum relocation fund.

Finally, the bill exempts the telecommunications development fund, TDF, from the Federal Credit Reform Act, the practical application of which has prevented TDF from making loans without first obtaining budget authority on an annual basis. The provision in H.R. 1320 will significantly enhance

the TDF's ability to make loans to worthy development projects focused on rural and underserved areas. I appreciate my good friend, the gentleman from New York (Mr. TOWNS), for his attention to this issue. I am pleased that the provision in fact is incorporated into the bill.

As such, the bipartisan bill represents a win-win-win. That is good news for the private sector which craves certainty in the process and the consumer who craves the benefits which new services enabled by additional spectrum will afford them. That is good news for government agencies who know that they will be made whole when they relocate to comparable spectrum and the taxpayer who will not have to pay a dime to relocate government agencies and will know that there is tight fiscal oversight in that regard. As I indicated, all of this is great news for the economy.

I should also add that we worked very closely with the administration to get where we are today and that the bill enjoys the administration's support, including the Department of Defense, the OMB and NTIA. I want to especially thank Assistant Secretary of Commerce Nancy Victory and former Deputy Assistant Secretary of Defense Stephen Price, the gentleman from Louisiana (Mr. TAUZIN), my good friend from the great State of Michigan, ranking member (Mr. DINGELL), and certainly the gentleman from Massachusetts (Mr. MARKEY), in addition to the majority and minority staff for their efforts to get us where we are today. I urge an ''aye'' vote on this legislation.

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

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

I would like to begin by first thanking my good and great friend, the gentleman from Michigan (Mr. UPTON), for that wonderful opening statement and to the chairman of the full committee, the gentleman from Louisiana (Mr. TAUZIN), to the great Member of Congress from the State of Michigan (Mr. DINGELL), the dean of the entire House of Representatives, for his wonderful work on this legislation, and to all the Members who participated in the formulation of this excellent piece of legislation. I want to thank all of them for their help in putting this bill together today.

The goal of this legislation is to establish a policy mechanism that may assist the Federal Government in reallocating airwave frequencies from the Federal Government to the Federal Communications Commission. Ensuring the best use of such frequencies for the public is a vital function of both the National Telecommunications Information Agency and the Federal Communications Commission. The bill we bring to the House floor this morning proposes the creation of a fund derived from FCC auction revenue to pay the military and other Federal users for moving out of particular bands of frequencies. Establishing such a mechanism when and if the FCC chooses to license certain government frequencies through auctions may bring greater certainty to the process and may also speed along the availability of certain frequencies. In addition, one issue that we will need to continue to focus on is the necessity of ensuring that the money raised is spent wisely and with adequate oversight. We have returned to an era of Federal budget deficits for as far as the eye can see and, as a result, this is a very important issue.

□ 1030

The bill does contain improved oversight and reporting provisions to guard against cost overruns by Federal entities that seek to use money in the Spectrum Relocation Fund, but this process will likely need ongoing review as the bill is implemented.

I want to commend the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. UPTON), and the gentleman from Louisiana (Chairman TAUZIN) for their work in this area.

Second, it is important to note that today's bill puts in place a new policy for Federal spectrum reallocations. It does so through establishing a Federal fund derived from auction proceeds to compensate the Federal users for the costs associated with moving out of their current frequencies.

One issue that arose during the committee consideration of this bill is that this new policy is only operative in circumstances when an auction actually occurs. I think it is important to recognize that in the future certain frequencies utilized by Federal entities may be reallocated by the Federal Communications Commission, yet not licensed through auctions. They may be for public safety, noncommercial uses, shared frequencies, or unlicensed use such as the so-called WiFi technologies. In other words, in order to ensure the highest and best use of such frequencies for the public, the FCC may seek to allocate or assign such frequencies without auctions.

In recent years it has become evident that one of the telecommunications sector's economic bright spots has been unlicensed applications such at WiFi. Ensuring that we have a policy in place to permit the Federal Communications Commission to continue to promote unlicensed spectrum is important. But in addition, retaining the historic flexibility for the Federal Communications Commission to allocate frequencies for both commercial and noncommercial use is something we should safeguard, even as we put in place a new policy to compensate Federal users for the costs of moving out.

We do not want the absence of an articulated policy for unlicensed use, shared use, public safety use, or noncommercial use to be construed as compelling the FCC to use auctions whenever it intends to move a Federal user to another frequency band.

I am pleased that the legislation contains a provision that I authored in this policy area. First, the provision safeguards the FCC's historic authority to allocate frequencies as the public interest is deemed to be best served. Second, it also directs the National Telecommunications Information Agency to develop reports on various policy options to compensate Federal entities for relocation costs when such entities' frequencies are allocated by the commission for unlicensed public safety, shared or noncommercial use.

Finally, I believe that when the Federal Communications Commission does decide to proceed with auctions as a means of granting licenses for use of the public's airwaves the public deserves to reap the benefits of the sale of licenses to its airwaves. These benefits should not only manifest themselves in the offering of new commercial services or the temporary infusion of cash into the Federal Treasury as under current law.

I have proposed in H.R. 1396 that the public should also enjoy the dividends that can be reaped by reinvesting auction money into a Digital Dividends trust fund. This fund would generate interest, and that interest could be used in the form of grants to promote educational technology projects, public safety telecommunications initiatives, software R&D, teacher training, and digitizing for online access the important cultural assets held in our Nation's libraries and museums, among other initiatives.

Investing surplus auction revenues in this manner is a wise investment. It supports the educational infrastructure of our country. It will help to better prepare our citizens for an information-rich, knowledge-based economy. An educated citizenry is indispensable to our democracy. Educating citizens so that they possess the necessary digital skill set that they will need in order to compete in a modern global economy will make us a more secure, more productive country for the generations to come.

Again, I want to thank the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Chairman UPTON), the gentleman from Michigan (Mr. DINGELL), and all of the Members who have helped to construct this very progressive legislation.

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

Mr. UPTON. Mr. Speaker, I include for the RECORD three statements in support of this legislation: the first by the administration in their statement of administration policy; second, a strong letter of support by the Chamber of Commerce; and, third, a letter of strong support by the CTIA.

STATEMENT OF ADMINISTRATION POLICY

(ThIs statement has been coordinated by OMB with the concerned agencies.)

The Administration strongly supports House passage of H.R. 1320, which would create a spectrum relocation fund. The Administration believes that the fund will serve as

an important spectrum management tool to streamline the process for reimbursing government users, facilitate their relocation to comparable spectrum, and provide greater certainty to auction bidders and incumbents. This legislation will also expedite the opening of spectrum to commercial use for new services and technologies for consumers.

The Administration is pleased that H.R. 1320 closely tracks the Administration's proposal to create a spectrum relocation fund. The Administration urges quick action by the Congress to establish a spectrum relocation fund to make the spectrum management process more effective and efficient.

PAY-AS-YOU-GO SCORING

H.R. 1320 would affect direct spending. The Budget Enforcement Act's pay-as-you-go requirements and discretionary spending caps expired on September 30, 2002. The Administration supports the extension of these budget enforcement mechanisms in a manner that ensures fiscal discipline and is consistent with the President's budget.

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CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
*Washington, DC, June 10, 2003.*

*To All Members of the U.S. House of Representatives:*

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, urges you to support H.R. 1320, the Commercial Spectrum Enhancement Act. It is expected that the U.S. House of Representatives will consider H.R. 1320 on June 11 or 12, 2003, under suspension of the rules. Furthermore, we urge you to oppose any amendments that would weaken this legislation or divert substantial funds away from the primary purpose of freeing up essential spectrum for commercial usage.

This legislation would clear a major hurdle in the ongoing effort to make available more spectrum for advanced wireless services and applications. The act would establish a mechanism for reimbursing incumbent federal spectrum users for their relocation costs when their spectrum is reallocated for commercial use. The trust fund would ensure the safe and efficient transition of governmental operations from one spectrum location to another, while creating new opportunities for innovation in the wireless sector.

The creation of a spectrum relocation trust fund represents an important step in the difficult process of reforming our nation's spectrum allocation and management policies. We must continue to support these efforts in order to create the necessary incentives for investment and advancement in the technology industry, which will continue to be a key driver of the American economy.

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President.*

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CELLULAR TELECOMMUNICATIONS
AND INTERNET ASSOCIATION,
*Washington, DC, June 11, 2003.*

Hon. BILLY TAUZIN,
*Chairman, House Energy and Commerce Committee, RHOB, House of Representatives, Washington, DC.*

Hon. JOHN D. DINGELL,
*Ranking Member, House Energy and Commerce Committee, RHOB, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN AND RANKING MEMBER: The Cellular Telecommunications & Internet Association (herein, CTIA) offers its unqualified support for the Commercial Spectrum Enhancement Act (H.R 1320). We salute your hard work on this legislation and urge its passage by the House of Representatives. CTIA represents all categories of commercial wireless telecommunications carriers, including cellular and personal communications services, manufacturers and wireless Internet providers.

CTIA and the wireless industry appreciates the efforts of the many members who are cosponsors of H.R. 1320, in particular Telecommunications Subcommittee Chairman Upton and Congressman Towns, the lead sponsors.

Passage of H.R. 1320 would significantly improve spectrum management for both government spectrum users and for the commercial wireless industry. The current process is a ''black hole'' for both government agencies and the private sector—filled with uncertainty, punctuated by unknown costs, and bereft of predictability. The current process works for no one.

President Bush identified that fact in both the Fiscal Year 2003 and 2004 Budgets and called for the legislative changes that are embodied in H.R. 1320. The relocation fund legislation balances three key policy objectives: First, H.R. 1320 fully funds government relocation, providing certainty essential to the Defense Department and all other government incumbents. Second, H.R. 1320 will result in workable timelines for both wireless industry and government incumbents. Third, H.R. 1320 provides certainty and accountability in developing—and adhering to—relocation cost estimates and relocation timetables.

During his March 25 testimony, Deputy Assistant Secretary of Defense for Spectrum, Space, Sensors and C3 Steven Price called for a ''trustworthy Trust Fund.'' We concur, H.R. 1320 provides exactly this solution.

This bi-partisan legislation is a ''win-win-win'' solution, benefiting our national security, our nation's economy and American consumers. CTIA looks forward to continuing to work with you and all members of the Committee to assure that this legislation is soon law.

Sincerely,

STEVEN K. BERRY,
*Senior Vice President, Government Affairs.*

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the powerful Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Speaker, I thank the distinguished chairman of the Subcommittee on Telecommunications and the Internet, the gentleman from Michigan (Mr. UPTON); and I want to congratulate him on his hard work and the work product that we debate here on the House floor today.

I particularly also want to congratulate and thank my friend, the gentleman from Massachusetts (Mr. MARKEY), the ranking member of the subcommittee, and my dear friend, the gentleman from Michigan (Mr. DINGELL), the dean of our House and the ranking Democrat on the full committee, for the extraordinary cooperation that has been shown on this and so many pieces of legislation that our Committee on Energy and Commerce brings to the floor in the course of a year.

This is one of those rare occasions where the administration, the Democrats and Republicans are all on the same page. We all agree this is of vital importance to the national economy, to the advancement of important wireless technologies for the good of our consumers in America and for the good of the lead that our Nation has played in world telecommunications technologies and commerce.

This is one area where we can immediately begin to assist the Nation's economy in recovering, where we can immediately begin to do something to advance the cause of third-generation wireless technologies, the video and data links that are going to provide new services, equipment and products, built in America, made by American hands and used by Americans to advance the progress of their lives and their social contact with one another.

This is a good day for America, because we have come together and realized that all the handicaps, all the internecine battles that may have been fought between agencies and those in the private sector who wanted spectrum to begin to develop these new technologies, all of these fights about who is going to pay the relocation costs to get the spectrum made available to have these things happen in our country are now being resolved by this relocation trust fund, a concept that says the trust fund is going to be there to make sure the relocation costs are taken care of so the FCC can move these new and exciting technologies to the forefront so Americans can enjoy them and our economy can grow again.

This is a good day, but I want to point out to Members how without this kind of legislation things go wrong. We passed a bill on this House floor, again with the extraordinary bipartisan support of our friends on the Democratic side of our committee in this House and with the President's support, called E911. E911 is a concept that says when a person makes an emergency 911 call, it would be good to know where they are calling from; and when they are using a mobile telephone it would be certainly extraordinarily helpful if the person who received the 911 call could identify the location of the caller, because often the call is made in times of distress, an accident on the highway, a mugging in a park, a call of distress made by a citizen who is lost or in trouble on the highway and needs assistance, someone who has been seriously injured and cannot get help, cannot leave the automobile.

One of my dearest friends a few years ago was in an automobile accident in the middle of the night. His car got flipped off the road, and he landed in one of those wonderful Louisiana marshes on the side of the road and no one could see him on the highway. He spent the night there, crushed, bleeding, broken, until a garbage truck driver spotted him from the highway the next morning.

He nearly died. He went through incredible, horrible operations that might have been avoided if only E911 were in place, where he could have picked up his mobile phone in that car, called 911, and immediately somebody could have known where he was and an

ambulance could have come to his rescue.

That is what E911 is all about. E911 is literally taking the ''search'' out of ''search and rescue'' and making our mobile systems work much more efficiently so we can, in that first incredible hour where we can save lives and save limbs on the highway, we get to the person who has been injured, who made the call, and we rescue them. In that important 20 minutes when someone's child is being abducted, or a house is being broken into and somebody sees it on the highway and calls from a mobile unit, we can immediately identify that location.

When those kind of things are happening in our society, when we pass a bill to facilitate this kind of technology, and we find out that the funds that are derived from the telecommunications companies to pay for the deployment of this service are being diverted by State and local governments to other purposes, even when 911 is not deployed in our communities, we should get upset.

So today I take this opportunity to congratulate the House on moving forward on this Spectrum Relocation Fund and emphasizing how important it is to get the ball rolling on these new technologies and also call upon our colleagues at the State and local level to stop raiding those E911 funds. They are set up, like this relocation fund, to get that technology deployed.

In the E911 case, it is not just to get a technology that is going to enrich our entertainment values or satisfy our need for information exchanges and mobile services. In E911 it is going to mean somebody's life. It may mean someone you love survives. It may mean my friend would not have had to go through all of those operations and not have had to spend the night broken and wounded in the swamps of Louisiana waiting for rescue. That is how important it is.

So I hope, and I know my friends on the other side agree with me on this, we need to urge our friends at the State and local governments to take a good example from what we are doing on this relocation fund and make sure the funds that have been allocated to deploy E911 are used to deploy E911, not to cover deficit problems at a State or local government or divert it to other purposes.

E911 funds ought to be used to deploy E911. Americans ought to demand it. Any State and local government that is diverting those funds ought to be put on notice today that you are taking a chance on somebody's life when you do not deploy those services.

Here today, this House, this Congress, this government says that if we have government spectrum that we can make available to important uses like this, we are going to set up a relocation fund to make sure nobody touches it.

Mr. Speaker, I want to thank the gentleman from Iowa (Chairman NUSSLE) of the Committee on the Budget, who helped make this suspension day possible for us by helping approve this bill. I want to thank the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), because the appropriators and budget chairmen have surrendered the right to control this money. This money is going to be in this fund to do what it was intended to do. They did the right thing when they approved this legislation.

I want to again thank the Defense Department and the head of our Committee on Armed Services, the gentleman from California (Mr. HUNTER), for working with us, because in so many cases the spectrum we are talking about is now under the control of the Defense Department. That is the spectrum that might make the new generation of wireless services available for Americans.

I want to thank all of them for working with us on this legislation. This is the best example of Democrats and Republicans, of government agencies, of the White House, of everybody agreeing that we can do something good for the American economy, great for telecom resurgence in this country, great for new consumer services, great for all who produce and develop and work for the technology companies that make these incredible products available to us in America and to people all over the world. This is a good day for this House and for this government and for this country, and I urge approval of this legislation.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. TOWNS), the principal cosponsor of this legislation.

Mr. TOWNS. Mr. Speaker, I rise as a cosponsor and strong supporter of the Commercial Spectrum Enhancement Act. H.R. 1320 will allow for deployment of advanced wireless services through relocating federally owned spectrum to commercially designated areas and allowing the carriers to bid on the bands of spectrum currently held by the government. The bill would also allow NTIA and the Department of Defense adequate flexibility to complete the relocation while being held liable for the funds spent by the General Accounting Office.

Another important provision of the bill, Mr. Speaker, deals with the Telecommunications Development Fund, TDF, which was founded as part of the 1996 Telecommunications Act to ensure that entrepreneurs in rural and underserved areas are not left behind by the digital economy.

□ 1045

The language in H.R. 2350 will allow the TDF to extend loans to start up technology and telecom companies in rural and underserved areas without being held to the standards of the Fair Credit Reform Act, which is good. Not only will this be a boon to small business, but it will also spur innovation and investment, both of which are desperately needed in this day and age.

I would like to again thank the gentleman from Louisiana (Chairman TAUZIN), I would like to thank the ranking member, the gentleman from Michigan (Mr. DINGELL), the lead sponsor of the bill, the gentleman from Michigan (Mr. UPTON), chairman of the subcommittee, and the ranking member of the Subcommittee on Telecommunications and the Internet, the gentleman from Massachusetts (Mr. MARKEY).

In addition, I would also like to thank Jesse McCollum from my staff, and Will Nordwind, Howard Waltzman, and Greg Rothschild of the committee staff, for their efforts as well.

I urge my colleagues to vote for this good government bill because it makes a lot of sense and it is something that we should do.

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

Mr. Speaker, I would add to that litany of saints which was just uttered by the gentleman from New York (Mr. TOWNS). I would also like to add the names of David Schooler, who is counsel to the gentleman from Michigan (Mr. DINGELL) and the Democrats on the committee, and to Colin Crowell on my staff, who participated in the drafting of this legislation right from its inception.

During the course of the actual drafting of the bill, his first son Gavin was born, while balancing those two important responsibilities. Both of them have come out extremely well over the last month. I think our country for the future is much brighter because of the work of Colin for our Nation over this past year.

I hope that the other Members of this great Chamber deem fit to pass this important legislation today, which will help us become stronger economically while not undermining the defense of our Nation at all.

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

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

Mr. Speaker, I urge my colleagues to support this legislation. It is good legislation, a win-win. I look forward to getting it to the President's desk and working with the other body as well to make sure this bill happens.

Mr. GREEN of Texas. Mr. Speaker, I rise in support of H.R. 1320, and I would like to thank Chairman UPTON, Ranking Member MARKEY, Chairman TAUZIN, and Ranking Member DINGELL, the dean of the House, for the opportunity to work with them on this beneficial legislation, of which I am proud to be an original cosponsor.

I am pleased that our House leadership has moved this bill to the floor in a timely manner. This is good, consensus legislation.

The Commercial Spectrum Enhancement Act is a reasonable, effective effort to allow American consumers to more quickly benefit from the ambitious rollout of wireless technologies that America's wireless industry is planning in the near future.

By freeing up federal spectrum for the market, consumers who are coming to depend on mobile communications will greatly benefit.

Wireless technology increases economic efficiency and productivity, increases convenience and connectivity for individuals and families, and is ready to be a major growth sector of the technology economy.

I would like to point out some key aspects of this bill that make it deserving of support by all in this House. Number 1 is filling national security needs.

This bill has a sustainable and predictable funding mechanism to ensure DOD does not have to cut corners with their communications.

Robust communications are especially critical to our modern military's ability to get its job done, and DOD, and all other federal agencies should be fully, 100 percent compensated for spectrum relocation costs.

Number two is the Congressional oversight of the spectrum auction and relocation process to be led by the Commerce Committee and the GAO.

While the Department of Defense may be the most essential federal agency and one with a great tradition of heroism and honor—waste, fraud, and abuse do occur there. That is no particular criticism of DOD, just the federal government in general.

Mr. Speaker, I urge my colleagues to suspend the rules and pass this consensus legislation.

Mr. DINGELL. Mr. Speaker, I strongly support H.R. 1320, the ''Commercial Spectrum Enhancement Act,'' to ensure that consumers benefit from the tremendous technological advances in commercial wireless services.

I had several concerns when this bill was first introduced, and I commend Chairmen TAUZIN and UPTON for working with me to address my concerns.

It is important that the Committee on Energy and Commerce, whenever it creates a direct funding mechanism to achieve a policy goal, ensure that both the Committee and the congress maintain full and effective oversight abilities. I am comfortable that the substitute before us achieves that goal.

First, it directs that both the Comptroller General and the Energy and Commerce and Appropriations Committees receive reports on the preliminary and final cost estimates for all relocations. The Committees and the General Accounting Office (GAO) will also receive reports on an annual basis regarding adherence to cost estimates and proposed timelines. These materials, taken together, will permit the Congress to closely monitor the spending inclinations of the Department of Defense and other agencies as they relocate to new spectrum.

Also—this is particularly important—if an agency ever exceeds its spending estimates by 10 percent, it has to justify that increase both to the relevant Committees and to the GAO. In addition, the government agency in question is prohibited from spending the additional request for 45 days while the Congress examines the reason for the cost overrun.

Thesxe provisions are not perfect, but they represent a good faith effort on the part of the Energy and Commerce leadership to exercise effective oversight over the relocation process. I am pleased that Chairman TAUZIN, Subcommittee Chairman UPTON, Subcommittee Ranking Member MARKEY and I will be working with the GAO throughout the process to ensure that its work is thorough and its oversight is effective.

Mr. Speaker, I look forward to passing this legislation and to bringing the next generation of wireless services to America's consumers.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) to suspend the rules and pass the bill, H.R. 1320.

The question was taken.

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

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

The yeas and nays were ordered.

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

## WELFARE REFORM EXTENSION ACT OF 2003

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2350) to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003, and for other purposes.

The Clerk read as follows:

H.R. 2350

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Welfare Reform Extension Act of 2003''.

**SEC. 2. REFERENCES.**

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

**SEC. 3. CONTINUATION OF TANF BLOCK GRANT FUNDING.**

(a) STATE FAMILY ASSISTANCE GRANT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (A), by striking ''and 2002'' and inserting ''2002, and 2003''; and

(2) by striking subparagraphs (B) through (E) and inserting the following:

''(B) STATE FAMILY ASSISTANCE GRANT.—The State family assistance grant payable to a State for a fiscal year shall be the amount that bears the same ratio to the amount specified in subparagraph (C) of this paragraph as the amount required to be paid to the State under this paragraph for fiscal year 2002 (determined without regard to any reduction pursuant to section 409 or 412(a)(1)) bears to the total amount required to be paid under this paragraph for fiscal year 2002 (as so determined).

''(C) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2003 $16,566,542,000 for grants under this paragraph.''.

(b) MATCHING GRANTS FOR THE TERRITORIES.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking ''2002'' and inserting ''2003''.

(c) BONUS TO REWARD DECREASE IN ILLEGITIMACY RATIO.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended—

(1) in subparagraph (C)(ii), by striking ''and 2002'' and inserting ''2002, and 2003''; and

(2) in subparagraph (D), by striking ''2002'' and inserting ''2003''.

(d) SUPPLEMENTAL GRANTS FOR POPULATION INCREASES IN CERTAIN STATES.—Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)) is amended—

(1) in the subparagraph heading, by striking ''of grants for fiscal year 2002'';

(2) in clause (i), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 and 2003'';

(3) in clause (ii), by striking ''2002'' and inserting ''2003''; and

(4) in clause (iii), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 and 2003''.

(e) CONTINGENCY FUND.—

(1) IN GENERAL.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended by striking ''and 2002'' and inserting ''2002, and 2003''.

(2) CONFORMING AMENDMENT.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking ''2002'' and inserting ''2003''.

(f) FEDERAL LOANS FOR STATE WELFARE PROGRAMS.—Section 406(d) (42 U.S.C. 606(d)) is amended by striking ''2002'' and inserting ''2003''.

(g) MAINTENANCE OF EFFORT.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking ''or 2003'' and inserting ''2003, or 2004''; and

(2) in subparagraph (B)(ii), by striking ''2002'' and inserting ''2003''.

(h) GRANTS TO INDIAN TRIBES.—Paragraphs (1)(A) and (2)(A) of section 412(a) (42 U.S.C. 612(a)(1)(A) and (2)(A)) are each amended by striking ''and 2002'' and inserting ''2002, and 2003''.

(i) CENSUS BUREAU STUDY.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking ''and 2002'' and inserting ''2002, and 2003''.

**SEC. 4. CONTINUATION OF MANDATORY CHILD CARE FUNDING.**

Section 418(a)(3)(F) (42 U.S.C. 618(a)(3)(F)) is amended by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 and 2003''.

**SEC. 5. CONTINUATION OF CHILD WELFARE DEMONSTRATION AUTHORITY.**

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking ''2002'' and inserting ''2003''.

**SEC. 6. CONTINUATION OF ABSTINENCE EDUCATION FUNDING.**

Section 510(d) (42 U.S.C. 710(d)) is amended by striking ''2002'' and inserting ''2003''.

**SEC. 7. CONTINUATION OF TRANSITIONAL MEDICAL ASSISTANCE.**

(a) IN GENERAL.—Section 1925(f) (42 U.S.C. 1396r–6(f)) is amended by striking ''2002'' and inserting ''2003''.

(b) CONFORMING AMENDMENT.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking ''2002'' and inserting ''2003''.

**SEC. 8. EFFECTIVE DATE.**

The amendments made by this Act shall take effect on July 1, 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Maryland (Mr. CARDIN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

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

Mr. Speaker, I rise in support of H.R. 2350, the Welfare Reform Extension Act of 2003. This legislation is a simple 3-month extension of key parts of the Nation's welfare system.

Since the historic 1996 welfare reform law, nearly 3 million children have been lifted from poverty, record shares of current and former welfare recipients are working, and welfare dependence has been cut in half. Despite the challenges facing our country, these welfare reforms continue to benefit families with children by promoting work by low-income parents.

Unless we act, the authorization for key welfare programs will expire on June 30, 2003. H.R. 2350 will continue current funding for these programs through September 30, 2003. That will provide the Senate more time to consider a broad welfare reauthorization bill along the lines proposed by the President and already passed by the House.

Members will recall that the House passed a broad 5-year welfare reauthorization bill last year. The Senate did not act on that bill before the 107th Congress adjourned. The 2002 House bill was the product of intensive research and evaluation, including more than 20 hearings in the House. Key provisions focused on achieving more work, less poverty, and stronger families.

In February 2003, the House again acted on a full 5-year welfare reform reauthorization bill and approved H.R. 4, an updated version of its 2002 bill. While we have been waiting for consensus on a long-term reauthorization of these programs, the House and Senate have agreed to three separate short-term extensions. Those extensions covered the first, second, and third quarters of the current fiscal year.

The legislation before us today would do more of the same, extending these programs for the fourth quarter of the current fiscal year, or through September 30, 2003. States and families would be on the receiving end if we reach agreement on a long-term reauthorization bill.

The House-passed 5-year reauthorization bill, H.R. 4, encourages even more low-income parents to work while providing more resources to support them. Unfortunately, the improvements included in H.R. 4 will continue to remain on hold while we pass short-term placeholder extensions. For example, H.R. 4 as passed by the House provides at least $2 billion in added child care funds over 5 years, along with more flexibility in spending cash welfare funds on child care and other needs.

So long as we continue to extend our Nation's welfare system on a short-term basis, States cannot take advantage of these additional dollars or improve flexibility. That means low-income families will not see the benefits of the improvements we have proposed for the program. Ultimately, the success of the 1996 law reforms may begin to erode as well.

It is my hope H.R. 2350 will be the final short-term extension we approve, and in the next 3 months we get a comprehensive welfare reform bill to the President's desk for signature.

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

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

Mr. Speaker, I rise in support of this 3-month extension of the funding for the Temporary Assistance for Needy Families, or TANF, program. I also support the bill's continuation of funding for a series of programs designed to help people leave welfare for work, including child care assistance and transitional Medicaid coverage. Without this extension, funding for all these vitally important programs would expire at the end of this month.

While this bill is important, it is obviously only a stopgap measure, as the chairman has indicated. Unfortunately, this is the fourth short-term extension we have been forced to pass since last fall. Rather than continuously enacting these temporary measures, we should be sitting down to figure out how to craft a good 5-year reauthorization for the TANF program.

I appreciate my chairman's hope that this will be the last of our extensions. I can tell my chairman, the best way to make sure that this will be the last of these short-term extensions is for us to get together, Democrats and Republicans, with Members of the other body and the administration, and work out a true bipartisan compromise on a reauthorization that will help America's families.

But regrettably, the Republican leadership of this House has precluded such discussions by literally ramming through a TANF reauthorization without any hearings and without any opportunity this year for us to work our will, so once again we are stuck without a long-term commitment to many of our Nation's most important anti-poverty programs.

My friends on the other side of the aisle may be tempted to blame the other body, but let me tell the Members, I think it has been our actions, not theirs, that have stalled the opportunity to enact a comprehensive 5-year reauthorization bill. President Bush did send to Congress a rigid, Washington-knows-best welfare plan that was criticized by Governors, mayors, welfare administrators, poverty experts, and religious leaders. It focused on make-work instead of real jobs for welfare recipients, and it replaced State flexibility with unfunded mandates.

Mr. Speaker, on Monday three dozen religious leaders sent a letter to President Bush echoing these concerns. Let me quote a little from that letter. These were religious leaders, some of whom helped the administration in crafting its policy.

''Poor people are suffering; and our faith-based service providers see it every day in communities across the country . . . We believe that the budget your administration has put forward fails to protect and promote the well-being of our poorest and most vulnerable citizens. The tax cut passed by Congress with your support provides virtually no help for those at the bottom of the economic ladder, while those at the top reap windfalls.''

The letter goes on to say:

''Pro-family commitments to invest in adequate child care, education, and training for our poorest families have fallen short in your administration's proposals. The most effective and bipartisan public policies for reducing poverty have not been adequately supported by your administration.''

This letter from religious leaders concludes by suggesting, ''many are feeling betrayed'' by the disconnect between the President's words and the actions on poverty-related issues.

Mr. Speaker, I include for the RECORD a copy of this letter.

The letter referred to is as follows:

CALL TO RENEWAL,
*Washington, DC, June 9, 2003.*

DEAR MR. PRESIDENT: We are all leaders in the faith community, whose churches and faith-based organizations are on the front lines of fighting poverty. Many of us have supported your faith-based initiative from the beginning of the administration. Several of us have met with you to discuss the churches' role in overcoming poverty and have offered solid support to our friends, John Dilulio and Jim Towey, who have led your Office of Faith Based and Community Initiatives. But while we have consistently backed faith-based approaches to poverty reduction, we have also insisted they must be accompanied by policies that really do assist low-income families and children as they seek self-sufficiency.

Mr. President, it is a critical time for poor people in America. Poor people are suffering; and our faith-based service providers see it every day in communities across the country. The poor are suffering because of a weakening economy. The poor are suffering because of resources being diverted to war and homeland security. And the poor are suffering because of lack of attention in national public policy.

We are writing because of our deep moral concern about consistency in your administration's support for effective policies that help alleviate poverty. We believe a lack of focus on the poor in the critical areas of budget priorities and tax policy is creating a crisis for low-income people. We believe the budget your administration has put forward fails to protect and promote the well being of our poorest and most vulnerable citizens. The tax cut just passed by the Congress with your support provides virtually no help for those at the bottom of the economic ladder, while those at the top reap windfalls. The resulting spending cuts, at both federal and state levels, in the critical areas of health care, education, and social services, will fall heaviest on the poor. Budgets are moral documents.

You have taken many positive steps with regard to international aid and development, such as the HIV/AIDS initiative, and we would like to see that compassion manifest here at home. In significant social programs, like welfare reform, we have supported the proposals of your administration to strengthen marriage and family as effective antipoverty measures; but the companion pro-family commitments to invest in adequate child care, education, and training for our poorest families have fallen short in your administration's proposals. The most effective and bipartisan public policies for reducing poverty have not been adequately supported by your administration.

Over the past several years, we have advocated several policy initiatives in addition to the ''faith-based initiative'' that would help low-income people in this country. These include TANF reauthorization that makes poverty reduction a priority, targeted tax relief for low-income families, and funding for proven programs that would effectively reduce poverty. We believe administration support for such policies would be consistent with your stated commitment of being compassionate toward the poor, especially since you have spoken more about issues of poverty than many of your predecessors.

We recall your Notre Dame address two years ago, where you pointed out: ''Government has an important role. It will never be replaced by charities. . . . Yet, government must also do more to take the side of charities and community healers, and support their work. . . . Government must be active enough to fund services for the poor—and humble enough to let good people in local communities provide those services.''

Mr. President, ''the good people'' who provide such services are feeling overwhelmed by increasing need and diminishing resources. And many are feeling betrayed. The lack of a consistent, coherent, and integrated domestic policy that benefits low-income people makes our continued support for your faith-based initiative increasingly untenable. Mr. President, the poor are suffering, and without serious changes in the policies of your administration, they will suffer even more.

When you announced the faith-based initiative, you pledged that: ''I want to ensure that faith-based and community groups will always have a place at the table in our deliberations.'' Mr. President, it's time to bring faith-based organizations to the table where policy decisions are being made. We are concerned that the needs of poor people in America seem to have little influence in the critical policy decisions your administration is making. The faith-based-initiative seems to be the only place in your administration where poverty is prioritized, yet we know that faith-based initiatives alone will never be sufficient to solve the problems of poverty. As we have discussed with you the faith-based initiative, we now want to engage your administration in a serious conversation about domestic social policy. Mr. President, it's time to talk.

Sincerely,

Rev, Jim Wallis, Convener and President, Call to Renewal.

David Beckmann, President, Bread for the World.

Rev. Peter Borgdorff, Executive Director of Ministries, Christian Reformed Church.

Lt. Col. Paul Bollwahn, National Social Services Secretary, The Salvation Army.

J. Daryl Byler, Director, Washington Office, Mennonite Central Committee.

Bart Campolo, President, Mission Year.

Tony Campolo, President, Evangelical Association for Promotion of Education.

Rt. Rev. John Bryson Chane, Bishop, Episcopal Diocese of Washington, DC.

Rt. Rev. Steven Charleston, President and Dean, Episcopal Divinity School.

Dave Donaldson, President, We Care America.

Rev. Dr. Robert Edgar, General Secretary, National Council of Churches in the USA.

Dr. Robert M. Franklin, Presidential Distinguished Professor, Candler School of Theology, Emory University.

Wayne Gordon, President, Christian Community Development Association.

Rev. Wes Granberg-Michaelson, General Secretary, Reformed Church in America.

Rev. Dr. Richard Hamm, General Minister & President, Christian Church—Disciples of Christ in the US and Canada.

Rev. Mark Hanson, Presiding Bishop, Evangelical Lutheran Church in America.

Bishop Thomas L. Hoyt, Jr., Presiding Bishop, Fourth District, Christian Methodist Episcopal Church, President-elect, National Council of Churches in the USA.

David G. Hunt, President, American Baptist Churches USA.

Hyepin Im, President, Korean Churches for Community Development.

William ''Bud'' Ipema, Vice-President, Council of Leadership Foundations.

Rev. Alvin Jackson, National City Christian Church, Moderator, Christian Church-Disciples of Christ in the US and Canada.

Rev. Ted Keating, SM, Executive Director, Conference of Major Superiors of Men.

Rev. Cliffton Kirkpatrick, Stated Clerk, Presbyterian Church USA.

Rt. Rev. Mark MacDonald, Bishop, Episcopal Diocese of Alaska.

Bishop Felton Edwin May, Presiding Bishop, Baltimore-Washington Conference, United Methodist Church.

Rev. Dr. A. Roy Medley, General Secretary, American Baptist Churches USA.

Gordon Murphy, Executive Director, Christian Community Development Association.

Rev. Glenn R. Palmberg, President, Evangelical Covenant Church.

Bishop Donald A. Ott, Coordinator, United Methodist Council of Bishops Initiative on Children and Poverty.

Carole Shinnick, SSND, Executive Director, Leadership Conference of Women Religious.

Ron J. Sider, President, Evangelicals for Social Action.

Rev. John H. Thomas, General Minister and President, United Church of Christ.

Joe Volk, Executive Secretary, Friends Committee on National Legislation.

Jim Winkler, General Secretary, General Board of Church and Society, United Methodist Church.

Mr. Speaker, let me also point out to my colleagues a book that was recently released by Elizabeth Sawhill as the editor called ''One Percent for Kids. I mention that because the gentlewoman from Connecticut (Mrs. JOHNSON) and I participated on a panel at Brookings on this particular subject.

I want to just emphasize one point that was pointed out in the beginning of this book. At the present time, our Nation is spending 2 percent of its gross domestic product on programs for children. We are spending 2½ percent of our gross domestic product on servicing the national debt.

My chairman mentioned the fact that the TANF reauthorization bill that passed this body would increase the potential for funding for the poverty programs in this country by $2 billion. I might point out that only $1 billion was assured. The second billion was authorization. We are increasing the national debt this year by $400 billion in order to give tax cuts basically to wealthy people. To service that additional debt, it will cost somewhere between $12 billion and $14 billion in next year's budget alone.

□ 1100

So, yes, we are very generous on the tax cuts and on saddling taxpayers with interest on the national debt. But when it comes to America's future, when it comes to investing in our children for their future, we seem to have a deaf ear. One percent for kids could really help stimulate our economy and grow our economy.

Mr. Speaker, let me make it clear, speaking for my colleagues on this side of the aisle, we are ready today to sit down with our colleagues on the Republican side to work out a TANF reauthorization 5-year bill that will provide predictability, flexibility, and resources to our States to continue the job that they started 6 years ago when we reformed the welfare system in a bipartisan way. Let us continue that effort. Let us make the tools available. Let us not just try to ram through a bill that the experts tell us will not be in the best interests of our children.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. LEVIN), a distinguished member of the Committee on Ways and Means who is a very active member of the Subcommittee on Human Resources.

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

Mr. LEVIN. Mr. Speaker, the 1996 welfare reform bill expired about a year ago, and since then this Congress has passed a series of short-term extensions.

I will vote for this extension, but it is a sad reflection on this House and its majority, and on the majority in terms of the Senate, and surely on the administration that we have failed to renew and to really expand the basic principles of welfare reform that so many of us worked to enact.

The House Republican leaders rammed through a rewrite of welfare reform some months ago. It was not a continuation, but really a step backward. It was passed on a partisan vote. There was no effort in this House to create a bipartisan welfare bill. In 1996 we passed one on a bipartisan basis, but this time around there was no effort to continue that tradition. The bill that was pushed through this House also ran counter to the research that we helped to fund and the views of Governors.

In a survey that was conducted by the National Governors Association, over 40 State welfare directors said this, that the Bush administration plan would force ''fundamental changes'' in their successful welfare programs. And the researcher who did most of the research on welfare-to-work strategies said that the Bush administration plan would force ''the most successful programs to change substantially.''

So we lost, as the gentleman from Maryland (Mr. CARDIN) has said, a chance some months ago to work on a bipartisan basis in this House. And there are key differences between the approach that was embodied in the bill that passed here and what Democrats have proposed.

The first basic difference is whether people should be, who are on welfare and remain there, should be working or whether we should help people move off

of welfare into work. And we Democrats say that should be the key objective of welfare reform, helping people move off of welfare into work; and that was in the proposal that the gentleman from Maryland (Mr. CARDIN) and others of us put together.

A second difference is whether the emphasis should be on people working in poverty or people working their way out of poverty, and the Democratic plan emphasized people working their way out of poverty.

A third difference related to the issue of work supports. In 1996, the first welfare reform bill was vetoed by President Clinton because there were inadequate day care money and inadequate health care provisions. And then the majority here came back and finally agreed to adequate health care and adequate day care. But in the bill that passed here some months ago, there were inadequacies in terms of health care provisions and also in terms of day care provisions.

So here we are again. We are suggesting a quarterly extension. We cannot allow this legislation that was passed almost 7 years ago now to simply die. We have to continue the process. We owe it to this country. We owe it to the families who are trying to work their way off of welfare into work. But we need to do better. As the gentleman from Maryland (Mr. CARDIN) said to the chairman of the subcommittee, and really to the chairman of the committee, and really to this whole House, let us go back and try to put together a bipartisan product. Welfare reform deserves more than a partisan approach.

So that is really the basic issue before us today. We will pass the extension. I urge everybody to vote for it. But I do not think that it should be an excuse for further inaction by the majority in this House.

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

Mr. Speaker, I would just like to remind everyone that what we are renewing is an updated legislation that we had some 20 hearings on in the last Congress. It is legislation that is updating probably the most successful social welfare reform in our Nation's history. More than 50 percent of those who have been on welfare are now out being productive. Child poverty levels are at the lowest in history. Again, what we need to do is extend this for the 3 months so that we can get agreement in the Senate so we can move forward with this updated legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the committee and subcommittee.

Mr. ENGLISH. Mr. Speaker, I would like to thank the gentleman for yielding me time.

Mr. Speaker, I particularly welcome the opportunity to come to the floor and invite my colleagues to support this extension on a bipartisan basis. I will talk more on this in a moment; but too often we have seen partisanship, as the gentleman pointed out, but not with the examples that he had cited. We have seen partisanship creep into the debate on welfare reform, and I think it has detracted from the seriousness of the endeavor.

As the chairman of the subcommittee noted, this has been, if not one of the greatest social reforms of the 20th century, certainly the most successful social reform of the last 20 years of the last century. We were successful in overhauling a failed welfare system. And as a result, some 3 million children have risen out of poverty since the bill that we had passed and we developed in the subcommittee, and I was there in 1996, and was signed into law by the last administration.

According to the U.S. Department of Agriculture, the number of American children experiencing hunger has plummeted to half the number in 1995. Now, the economy was growing during this period; but we also have to recognize that at different times when the economy was growing in the past, the welfare rolls had also been growing. During this period, the welfare rolls were literally cut in half. In all, 3.5 million fewer Americans lived their lives in poverty than in 1995.

The results of welfare reform are hard to argue with, although some on the left are continuing to try to make that argument.

While this success is inspiring, we recognize that more work needs to be done and further changes need to be made, which were embodied in the bill that we passed last year. May I say we need to recognize that some of the things that were included in the bill that we passed earlier this year, which was a replication of what had passed in the earlier Congress to fully reauthorize this program, including initiatives like full-check sanction, a very important reform that makes very clear if you do not follow the rules, you do not get your welfare benefits.

Some 2 million recipients now remain dependent upon welfare assistance and many still do not participate in work or training programs. In response, we have passed in our reauthorization, a boost of tough work requirements and reinvigorated work incentives for State and welfare recipients. Stronger welfare reform means less dependence and more economic independence for poor people in America. Perhaps more importantly, strengthening welfare reform means fewer American children will be living in poverty.

However, some opponents of welfare reform, as we have seen, have sought to turn back the clock by running out the clock on this reauthorization. We saw that in the Senate in the last Congress; and, unfortunately, in this Congress the Senate has not taken up the bill in as timely a fashion as we would like. Hence, we are with this bill today.

I believe that there are opponents of this effective social policy that are trying to filibuster our attempts to fight poverty. I urge the Senate to end this obstructionism and work with us to enact a strengthened TANF program.

I am hopeful that this bill will pass today; but having heard some of the remarks earlier on the floor, I also want to take a moment to clarify the record. Yes, the bill that passed in 1996 passed finally with bipartisan support. But in its earlier forms it had been consistently opposed by the minority. The record shows very clearly the broad outline of what we had proposed and was signed into law was present in the earlier versions of the bill, but it was opposed by the Clinton administration and opposed by many on the minority side. We had sought bipartisanship in that markup in 1996 just as we had sought bipartisanship last year and this year. But bipartisanship requires both parties to engage. We also have shown on our side, in the majority, a strong and consistent commitment to day care, whereas, we were faulted by some for not adequately funding day care. In fact, in 1996 we put twice as much funding, substantially more funding for day care than the Clinton administration had originally proposed. So that has always been a red herring.

What we have done is give the States adequate resources to meet the needs of poor people; and as they brought more and more off the rolls, they have been extraordinarily successful in meeting those needs.

We need to continue that work and continue this bill by passing this reauthorization.

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

Mr. Speaker, first, let me just comment briefly on my friend's, the gentleman from Pennsylvania's (Mr. ENGLISH), revisionist history.

The original welfare reform bill was signed by President Clinton. He held out his final support because it was moving through Congress without the child care provisions that my friend from Pennsylvania is now taking credit for or the health provisions.

Let me also point out, if I might, Mr. Speaker, that a lot has happened in the last year. We have had no hearings on this legislation in this Congress. Yet we have extended unemployment insurance. We have seen a deterioration in our economy. We have seen our States strapped with some of the highest budget deficits in their history. And yet on the most important anti-poverty program in our Nation, we have not had one hearing or one opportunity to deal with the bill on this reauthorization act. That is not bipartisanship, and that is not an open process.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Maryland (Mr. CARDIN) for yielding me time. I thank him for his leadership on this issue in the Committee on Ways and Means.

Let me acknowledge to the chairman of this committee that I stand in support of the extension of the temporary assistance for needy families block grant reauthorization. But I think it is important to put a face on this question. And my good friend from Maryland (Mr. CARDIN) made a very good point. We have a troubled economy, almost a crumbling economy. And, frankly, it is imperative, it is almost urgent, it is a crisis that we have hearings on this particular legislation, the idea of welfare reauthorization, because people are hurting.

The history of this legislation was aptly pointed out that, in fact, as more people moved from welfare to work in the mid-1990s, it was because the economy was percolating. Under President Clinton's administration and the 1997 Budget Act, jobs increased and opportunities increased for those welfare recipients moving off of welfare; as I heard the chairman mention, more work, stronger families and less poverty.

Today we have the complete opposite: a deficit that is blossoming, booming and imploding; unemployment at 6.1 percent; constituents in my district begging for work but without the opportunity for work. Just last weekend in visiting with my constituents, a single mother with three children, working every day, begged me for increased child care assistance.

□ 1115

The reason why that bill passed in the mid-1990s that President Clinton signed is because he held out for child care and health assistance. What do we have now? We have the complete opposite. We have poverty growing deeper, more people in poverty and needing welfare, and no response from this Congress.

Yet the Democratic approach, which we are prepared to sit down and negotiate, involves more welfare recipients getting real jobs coming out of poverty, not make-work jobs, State flexibility to help welfare recipients move into employment, even in the backdrop of these terrible economic conditions. We need more education training, which the Democratic bill has, which we have not been able to get to the table and discuss and negotiate in a bipartisan way, and then of course the whole issue of child care services.

Mr. Speaker, we have another crisis because in fact as we extend this legislation but yet not have the real hearings that we need to have, we are still fighting to get the child tax credit bill on the floor of the House. We ARE still fighting to get the Republican leadership of this House to understand that people are living in a crisis, and those making $10,000 to $26,000 a year are begging us to pass the Senate bill which gives an additional $154 on average per child to hardworking low-income families, up to 12 million families.

The new tax law provides each of America's 190,000 families, meaning the bill passed by the Republicans, a $550 billion tax cut, an average of $93,500. So here we are, extending a welfare bill without real hearings to be able to assist us in getting a real welfare reform bill, and yet we cannot get the child tax credit bill, the refund bill, the free-standing Senate bill which has been passed by the Senate to aid 12 million families, we cannot get it on the floor of the House.

What we are hearing are rumors about a kitchen sink full of unnecessary additions to the tax bill that will do nothing but throw it into conference and delay this refund to needy working families in America. I hope as we extend and vote to extend this particular bill, we do it on behalf of those families who made a change in their life and those attempting to make a change, but we cannot really help America's working families unless we sit down in a bipartisan way and work on the Democratic approach and come together on a bill that truly puts tools and skills in the hands of those who want to move from welfare to work.

Finally, Mr. Speaker, we are shamed if we continue to pay 190,000 rich families in America $93,000, and we cannot afford to give working families on average $154. Let us vote for the Senate bill on the tax question and reextend this legislation.

Mr. Speaker, I rise in support of H.R. 2350, a bill to reauthorize the Temporary Assistance for Needy Families (TANF) block grant program. TANF is an important program for millions of needy families and it is right that we support the extension in funding that this bill provides.

While I support this bill, I agree with my Democratic colleagues who have said that this three month extension is only the beginning of what we must do to provide for the needy. I also agree with my colleagues that we need to bring to the floor and pass a bill to extend the child credit to more than 6 million families that were excluded from the legislation that the President recently signed. Extending the child tax credit will do much to aid low-income families in this country. As such, passing the child tax credit bill should be the next order of business by this body.

Mr. Speaker, in 1996, the House passed ''The Personal Responsibility and Work Opportunity Reconciliation Act.'' The act was a far-reaching welfare reform plan that dramatically changed the nation's welfare system. The primary change is that welfare recipients are now required to work in exchange for the time-limited assistance that they receive.

As part of that bill, the Temporary Assistance for Needy Families program replaces the Aid to Families with Dependent Children (AFDC) and Job Opportunities and Basic Skills Training (JOBS) programs. Under TANF, States and territories operate programs, and tribes have the option to run their own programs. States, territories, and tribes each receive a block grant allocation with a requirement on States to maintain historical levels of State spending known as maintenance of effort. Moreover, the Personal Responsibility and Work Opportunity Reconciliation Act empowers States with the flexibility to design their TANF programs.

Under TANF, recipients must work after two years of receiving assistance. With the county's current economic standing being so poor, it is difficult to find employment not only for TANF recipients but also for most unemployed people who are looking for work. To count toward State work requirements, recipients are required to participate in unsubsidized or subsidized employment, on-the-job training, community service, 12 months of vocational training, or they must provide child care services to individuals who are participating in community service. In this House, we know that budgets for subsidized employment programs have been cut, funds for vocational training are being slashed, and education programs are being decreased on the State and Federal level. The diminution of those employment and education programs only hurts TANF recipients and other low-income families.

Mr. Speaker, there is a five-year time limit for families who receive TANF. In other words, after receiving five years of assistance over a lifetime, recipients are ineligible for cash aid. If we do not do what is needed to get this economy moving and to create jobs for the unemployed, there will be many families bumping up against the cutoff time for their TANF benefits.

In closing, I will support this bill for the good of my constituents. I call upon the other members of this body to support this bill and to support the child tax credit for low-income families immediately. Finally, I call upon my colleagues on the other side of the aisle to stop the attack against working families and to support positive initiatives to help improve the lives of American families.

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

Mr. Speaker, I would just like to remind the other side how successful this legislation has been since 1996. Child poverty has fallen sharply. Nearly 3 million children have been lifted from poverty. The black child poverty rate is now at a record low. More parents are working. Employment by mothers most likely to go on welfare rose by 40 percent from 1995 to 2000. Dependence fell by unprecedented levels. Welfare caseloads fell by 9 million, from 14 million recipients in 1994 to just 5 million today.

Again, this is legislation that has been updated this year that we had some 20 hearings on in the last Congress and which passed earlier this year; and I might mention also that we provide an additional $2 billion in added child care funds in our legislation which hopefully will be renewed here in 3 months. We provide the States with more State flexibility in spending cash welfare funds, we focus more on promoting healthy marriage and child well-being, and we encourage more work, higher incomes, and less welfare dependence.

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

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

Mr. Speaker, let me just in response to our friend from California, point out if the gentleman has so much confidence in current law in the results that have just been spelled out, I am

curious as to why the bill that passed the House that is now being promoted, why over 40 of our welfare administrators in our various States have said it will cause a fundamental change in their welfare system, it would cause them to shift their local priorities to federally mandated priorities where our own scorekeepers have indicated that there are additional mandates to the States far beyond the dollars made available, far beyond the $2 billion, if in fact $2 billion is made available, our States would be required to conform to new mandates. If we believe that the current law has been so successful, why are we now taking away the ability of States to set their own priorities?

Mr. Speaker, I am going to ask my colleagues to do two things. First, I ask my colleagues to support the 3-month extension. It is the responsible thing to do. We need to approve this legislation.

Second, I am going to ask, let us all step back for a moment and take a deep breath and take a look at the issues and the families that are affected, listen to our Governors who have the principal responsibility, analyze the GAO report which indicates that most of our States have had to cut back on child care money because of their fiscal problems.

In my own State of Maryland, they are taking no new enrollments in child care unless you are on welfare. Think of this message: If you want safe, affordable child care, go on welfare. That is the wrong message. Let us talk together, let us listen to each other and let us come up with a bipartisan bill that we can be proud of, that can pass both this body and the other body and be signed by the President; and, most importantly, will help our States in their efforts not only to get people out of welfare, but to get American families out of poverty.

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

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

Mr. Speaker, in closing, let me remind the gentleman from Maryland (Mr. CARDIN) that just in the last 2 weeks we passed legislation which was signed by the President which gives to the States an additional $20 billion in State aid. The States also have some $6 billion in Temporary Aid to Needy Families or TANF surplus that is available to them. We also transferred some $3 billion of surplus that they have available. We also have $6 billion of unemployment that they have in surplus available.

The gentleman asked if the legislation is so successful, why would we want to make changes; child poverty has fallen, more parents are working, dependence fell by unprecedented levels. But the fact is there is still more that needs to be done. There is still 58 percent of recipients who are not working or trained. There are too many families that are breaking up, who never formed, that this legislation will address, and there are some 2 million families that remain dependent on welfare. And that is why even though this legislation has been so incredibly successful, we still have more to do.

With that, I would urge the body to support this legislation, this extending of 3 months. I urge an ''aye'' vote.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2350.

The question was taken.

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

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

The yeas and nays were ordered.

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

## PROVIDING FOR CONSIDERATION OF H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 265 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 265

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendment are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to revise and extend his remarks.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, House Resolution 265 is a structured rule providing for the consideration of 2115, the Flight 100 Century of Aviation Reauthorization Act. The rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides ample opportunity to discuss this important reauthorization before us today.

H.R. 2115 is a bipartisan bill introduced by the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) as well as the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO). This reauthorization of the Federal Aviation Administration, appropriately titled for the 100th anniversary of powered flight, continues a tradition of funding the promotion of safety in our skies.

Mr. Speaker, I would like to highlight some of the important provisions in the underlying legislation.

First, this legislation reauthorizes the FAA at $3.4 billion next year raising $200 million in the year after that. The FAA, nearly 45 years after it was created, takes an ever-present role as we take important steps to ensure America's security. The FAA is primarily responsible for the safety of our Nation's skies through activities ranging from the continued monitoring by air traffic controllers to the development of new air space technologies.

Within my district is Miami International Airport, which I have the privilege to represent, and is consistently one of the Nation's busiest for

both international and domestic travel. I am impressed by the level of public-private cooperation between organizations such as the FAA and Miami International Airport.

Mr. Speaker, following the tragedy of September 11, 2001, our Nation's airports and airlines were forced to deal with the ever-growing and obvious problem of security. I believe that this bill contributes to this endeavor while ensuring that those affected by these horrible acts are helped.

□ 1130

Mr. Speaker, H.R. 2115 provides for an extension of war risk insurance for both international and domestic flights while ensuring that this important insurance is extended to manufacturers and airline vendors through the Department of Transportation.

This Congress was quick to assist airlines following September 11, and rightfully so. The economic benefits from the movements of people and goods that airlines provide, I think, demanded our attention. I think we also have to consider that smaller aircraft that were restricted for months following September 11 would also need attention of the Congress. Congress, I think, should act, and I think it will through this underlying legislation to help general aviation return to some stability by providing compensation for the hardships on their businesses. The bill authorizes $100 million for these general aviators that were also greatly affected by increased security requirements.

H.R. 2115 is a good piece of legislation, Mr. Speaker. It is important to the continued needs of the FAA, obviously, and to the flying public. The underlying legislation was reported favorably out of the committee by voice vote.

I take this opportunity to thank the gentleman from Alaska (Mr. YOUNG), the chairman, for his great leadership on this issue, as well as the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member.

Due to the importance of the FAA's role in the security of the United States, as well as in the economic well-being of the United States, I urge my colleagues to support both the rule and the underlying legislation. I think it is important that we move forward and reauthorize the FAA, and we are doing that today.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

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

Mr. MCGOVERN. Mr. Speaker, today we consider the bipartisan FAA reauthorization bill. The gentleman from Alaska (Mr. YOUNG), the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) in the best tradition of the Committee on Transportation and Infrastructure worked long and hard to produce a sensible bipartisan bill, and they should be commended.

I also want to thank the Committee on Transportation and Infrastructure for including an important provision that will benefit smaller airports like the one I represent in Worcester, Massachusetts.

This provision will allow airports like Worcester, known as primary airports, to continue to receive Air Improvement Program Entitlement Funding, or AIP, for fiscal years 2004 and 2005 based on prior year emplanement levels. It specifically grants the Secretary of Transportation the authority to maintain current AIP funding levels for primary airports based on a discrete set of criteria related to the dramatic reduction in commercial air service since September 11.

AIP entitlement is a critical source and oftentimes the only source of funding for capital improvements at these airports. These airports rely on AIP funding to make a number of upgrades which now also include necessary, but costly, safety enhancements. In Worcester's case, this bill could mean the difference between receiving more than $1 million a year annually or $150,000.

This is an important provision, and I thank the Committee on Transportation and Infrastructure for its inclusion.

If only the Committee on Rules and the leadership of this House could act in a bipartisan way, because although I support the FAA bill, for the life of me I cannot figure out why the Republicans will not let us consider the child tax credit.

For a second straight week, the leadership is playing a nasty game with millions of hardworking American families. Two weeks ago, the President, Vice President, and the Republican leaders deliberately left 12 million families, including hundreds of thousands of military families, out in the cold by deleting the child tax credit extension from the recently passed tax cut.

We just fought a war in Iraq; we still have soldiers fighting in Afghanistan. And instead of a warm thank you, the Republican leadership gives our troops the cold shoulder. The average base pay of a serviceman in Iraq is about $16,000; but according to the Republicans, that soldier's family does not need any tax relief because they are not subject to Federal income tax.

This is wrong. These families work hard and they pay taxes. They pay sales taxes and payroll taxes and State taxes and local taxes and property taxes, most of which are going up because of the policies of this administration; but according to the Republican leadership, giving them a small tax credit would be welfare. How insulting.

My colleagues want to talk about welfare, well, let us do that. Enron paid no income taxes at all in 4 of the past 5 years, despite $1.8 billion in profits. Enron's taxes over 5 years were a negative $381 million, and its corporate tax welfare totaled $1 billion.

WorldCom paid no taxes at all in 2 of the last 3 years, despite $15.2 billion in profits before going bankrupt. WorldCom's total tax rate over the 3 years was only 1.6 percent. Corporate tax welfare slashed WorldCom's tax bill by $5.3 billion over the past 5 years.

All the while these corporations are not paying taxes, other companies are relocating to the Caribbean to avoid paying them altogether.

These corporate robber barons have saved billions and billions of dollars through loopholes supported by the Republican majority, and yet those same Republicans say that providing a hardworking American family a few hundred extra dollars is bad policy.

The Republican policies are crystal clear, Mr. Speaker; and they are wrong.

Last week, in this Chamber, the gentleman from Maryland (Mr. HOYER), the distinguished minority whip, challenged the Republicans to defend their actions. Their response? Dead silence. Yesterday, President Bush and his staff, at long last bowing to public demand, implored House Republicans to take up and pass the child tax credit passed by an overwhelming bipartisan vote in the other body. That bill is targeted, it is sensible, and very importantly, it is paid for by other offsets.

But the gentleman from Texas (Mr. DELAY), the majority leader, still refuses to bring this bill to the floor. Last week, the majority leader said there are more important priorities than tax relief for low- and middle-income families, and yesterday he brushed aside the White House request.

Instead, they are playing a game, pushing a much larger tax cut that will cost over $80 billion. They are betting that the other body will engage in a long, protracted debate over the House proposal because they know that the other body will not pass an $80 billion tax cut that is not paid for, and they are hoping that the whole issue will just go away.

Mr. Speaker, it will not go away because, as we have said over and over, we will not let it go away up till the Republican leadership in this House does the right thing and fixes the mistake that they made when they removed the child tax credit for millions of low-income and middle-income families.

So I say to the Republican leadership, are you really that cynical, are you really so consumed by the thrill of your own power that you refuse to do the right thing? Why can you not simply admit that it was wrong to drop these hardworking, tax-paying families from the tax bill and fix your mistake?

The answer may lie in an article in today's Washington Post. According to the article, the administration had no intention ever of implementing the child tax credit as approved by the other body. Treasury officials assumed

in May, weeks before the House and Senate met to work out the differences in the two tax bills, that the child tax credit would not become law; and now the White House claims to support it.

I insert this article in the RECORD at this point.

[From the Washington Post, June 11, 2003]

HOUSE GOP RESPONDS TO SENATE CHILD CREDIT BILL

$82 BILLION PLAN OFFERS BREAKS FOR MILITARY FAMILIES

(By Juliet Eiperin)

For the second time in two weeks, House leaders are pushing a sizable tax cut bill, seizing the debate over expanded credits for parents of minor children to propose several new, unrelated tax cuts.

House Republicans yesterday unveiled their $82 billion plan, which features tax breaks for military families (and for the estates of astronauts who die on space shuttle missions). The proposal sets up a likely fight with the Senate, which approved a more modest tax cut package last week.

For several days, Republicans have been trying to quell protests over the fact that the tax cut enacted last month excluded 6.5 million poor families from receiving a credit of as much as $1,000 per child. The Senate reacted swiftly, passing a $10 billion bill last week that would give the expanded child credit (now $600) to families making from $10,500 to $26,625 a year.

House Republicans rejected that approach yesterday, saying they wanted a broader bill that would extend the child credit and other tax breaks through 2010.

''We've not in the business of politics, but rather in policy,'' said Ways and Means Chairman Bill Thomas (R–Calif.), noting that the expanded child tax credit phases out in 2005 under the existing law. ''If these people need help between now and the election [of 2004], they need it for the rest of the decade.''

House Majority Leader Tom DeLay (R–Tex.) told reporters yesterday that passing a bill dealing only with the child credit ''ain't going to happen,'' because GOP leaders prefer a broader package that ''provides tax relief, creates jobs and [helps] the economy grow.''

The House proposal would provide a $1,000 per-child credit for families from Jan. 1, 2003, through 2010. The credit now begins to phase out when married couples make $110,000 or more. House GOP leaders would raise start of the phaseout to $150,000.

Their plan also would help military families, giving them a tax break on home sales, death benefits and dependent-care assistance. It would suspend the tax-exempt status of designated terrorist organizations and provide income and estate tax relief for astronauts who die on space shuttle missions, including those in the Columbia disaster.

The House is poised to pass the plan Thursday. Its prospects in a conference with the Senate are unclear. The Senate bill's costs are offset by higher Customs Service fees, adding nothing to the deficit. The House plan includes no such offsets, which could cause problems with Senate Democrats and some moderate Republicans.

''I philosophically support the House Ways and Means Committee proposal, ''Senate Finance Committee Chairman Charles E. Grassley (R–Iowa) said yesterday, but ''I don't know if there are enough Senate votes to pass it.''

Treasury officials informed Senate aides yesterday that the government will not be able to mail child credit checks to low-income families for 8 to 10 weeks. Administration officials assumed in May that the Senate child credit proposals would not become law, according to a Senate Democratic aide who met with Treasury officials.

The American people are smart. They can see through all the politics. They want Congress to fix the child tax credit, and they deserve action.

Mr. Speaker, the other body has already acted. We can solve this problem by taking up the bill right now. With quick action, we can send this bill to the President; and he can keep his word and sign it by the end of this week.

That is why, at the end of this debate on the rule, I will ask my colleagues to vote ''no'' on the previous question, and should the previous question be defeated, I will bring up the Senate-passed child tax credit so we can send it to the President immediately.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, this bill may be fine, but we need to defeat this question on the rule to get to the business at hand, because the business at hand is we want to free the goodly number of Republicans who want to vote for a child care tax credit, but who are under the tyranny of a Republican leadership who will not let them do it. We need to free those 228 Republicans to exercise some of their conscience because I believe there is a goodly number of them who realize why we are right; and we are right because it is indefensible to have decided to give these tax breaks to the wealthy and deny it to families as a child tax credit.

It is indefensible, and if my colleagues want to know why there has been such silence from this side of the aisle defending this, it is because they do not want to defend the indefensible. It is not because of massive laryngitis on this side of the aisle. If my colleagues want to know why there have been so few coming to this Chamber to try to excuse this, it is because they do not want to try to excuse the inexcusable.

I believe we should defeat this rule and go to the business at hand, and we should have a goodly number of Republicans join us to do it; and here is why I think this is possible. It is possible because there are a fair number of Republicans who share two basic values with the Democrats on this side of the aisle. Those values are work, number one, and two, responsibility.

We believe that work should be honored; and when we have heard the few Republicans that have come to defend this indefensible position, they have not honored work because what they have tried to say is that these people that are owed this child care tax credit, they have said, well, they are not working or they are not working for enough money. Hogwash. All work ought to be respected in this country whether one gets paid a million bucks a year or $12,500 a year, and there are a goodly number of Republicans who share that view.

I am here to call on my friends on the Republican side of the aisle who share that view to come defeat this rule and bring up the Senate bill so that we can pass a responsible bill that does not bust the budget and create another $80 billion of debt for the very kids subject to this child care tax credit.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding the time to me; to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) for bringing forward a very forward-thinking legislative initiative, Flight 100—Century of Aviation Reauthorization Act; to the chairman and ranking member of the full committee, the excellent work that they have done; and the chairman and ranking member of the subcommittee. They have truly brought forward a bill that raises and promotes the question of security.

As a member of the Select Committee on Homeland Security, this legislation includes grant programs for local airports. It also increases the number of flights that we can utilize out of Reagan National, indicating that we are secure and we are not afraid, and prohibits a very important aspect of a very important traffic controller from being privatized.

I have met with my traffic controllers, particularly in Houston. The kind of expertise that they have and the importance of their independence and their relationship to the government in our effort of security is crucial. It is imperative that we not privatize those individuals.

As well, it is important that we have other security measures that are being provided by this legislation.

Let me make one quick point. I am disappointed that the Gibbons amendment was not allowed in, the amendment that I supported, that raised the age of pilots to 65.

□ 1145

I think we are making a mistake by not having a vigorous debate on this question, particularly in light of the fact that it is well known that we are as a Federal Government opposed to age discrimination. This is supported by a number of members of the pilots union, meaning small groups or local chapters, and it certainly is questioned by the Black Pilots Association as to the issue of discrimination. I think we are making a mistake. I think it was a very effective amendment and I hope

we will have a time to address that question.

Mr. Speaker, it is interesting that we are bringing this bill up, but yet we have a difficulty in helping the children of America, particularly with bringing to the floor a freestanding bill that has now been passed by the Senate since last week that provides for minimally $154 for 12 million children, or families representing 12 million children in America. We understand that America believes in its children, but we are not believing it by putting our money where our mouth is. We only spend at this point between 1 and 2 percent of the GDP on our children. Yet today this House, the Republican leadership, is fighting against passing a freestanding tax credit for children, a refund to allow for 12 million children to be provided for and protected.

Under the tax cut plan passed in 2001, while most families with children receive the child tax credit, nearly 10 million low-income children receive nothing and another roughly 10 million children did not receive a full child tax credit. It seems ridiculous that this House can find its way to pass a number of suspension bills between this week and the end of the week. We did find it to move forward on this FAA legislation which is a positive step. But when the Senate moved quickly last week to pass the child tax credit refund, it does not seem to make any sense that we cannot support the Rangel-DeLauro bill or, in this instance, the freestanding Senate bill that simply provides the children of America of those making $10,000 to $26,000, working families, a tax credit refund. But we can provide, it seems, a number of our families, 190,000 families in America, we can give them a $93,000 check.

Mr. Speaker, it is a shame that we would bog down the tax bill and give all but the kitchen sink so that we know it will go to conference and takes ages and eons and months and weeks, but we cannot pass a freestanding bill. I hope that we will come to our senses and pass a freestanding bill and work on behalf of America's working families and children of America.

Mr. MCGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise to speak on this rule. This bill reauthorizes $58.9 billion over 4 years for the activities of the Federal Aviation Administration, including the grant program to local airports. It also increases the number of flights at Washington's Reagan National Airport, prohibits air traffic controllers from being privatized and allows airports to use some of their Federal grant resources to install explosive detection systems for checked luggage.

Funding our aviation infrastructure is an important component of ensuring the safety of the American public. But I would like to talk about another issue of great importance, and that is extending the child tax credit to the 6.5 million American families who were left out of the Republican tax bill, 200,000 of those military families while their spouse is at war. After the furor that erupted during the last 2 weeks over the Republicans' secret elimination of the child tax credit for the families of 12 million children, after the other body passed legislation to undo that wrong, late yesterday comes word from this House that this House has finally decided to act. But instead of accepting a simple extending of this tax cut to the taxpaying families who need it most, those who were left out of the package, the Republicans use the opportunity to try to pass another round of irresponsible tax cuts.

With the Thomas bill, what the Republicans are doing is very simple. They are holding 12 million children hostage. As I said yesterday, for them, extending the child tax credit to low-wage families who earn between $10,500 and $26,625 is simply part of a deal. They would use these 12 million children as a bargaining chip in their never-ending quest to cut taxes for only the wealthiest Americans.

But that is not what providing tax relief to these 6.5 million families should be about. Helping these families is a matter of fairness, equity and economic justice. They work hard. They pay nearly 8 percent of their incomes in payroll taxes and in sales taxes. Yes, they pay taxes, unlike Enron which the last 4 out of 5 years paid no taxes to this government, or those companies who go offshore for the direct purpose of paying no taxes and yet they are in line for very, very big tax cuts.

As the White House said without equivocation the other day, the House of Representatives needs to right this wrong. It needs to do so without complication, and it needs to do so immediately without holding hostage 12 million children. That is the right thing to do. This is why we were elected to this job. This issue is such a violation of all that we hold dear and believe. This issue is not about partisan politics. This is about what we hold dear, what the values of each and every one of us who serves in this body is about. It is about our individual character. It is also about our national character.

The people of the United States of America believe that there has been a violation here of folks who are hardworking people, who pay their taxes, who were told and were supposed to have been signed into law that they were going to get a tax credit for their children, pulled out in the dead of night, money stolen from them. It is an immoral act and we have the moral obligation in this body to move quickly to what the Senate did, not with any bargaining chip to hold these 12 million children hostage, or their families, but to do what the President has asked, without equivocation, do what the Senate did, do it without complication, do it immediately. Let us right this wrong. Let us give these families what they rightfully have earned. Twelve million children are waiting.

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

Mr. Speaker, I want to highlight the difference in philosophies here, and I think that my colleague on the Committee on Rules, the gentlewoman from North Carolina, in Congress Daily said it best. Speaking for the Republicans, she said: ''We have a philosophical difference. I look at it and other Republican Study Committee members feel if we give people a tax break that don't pay taxes, it's welfare.''

I profoundly disagree with her characterization of these hardworking citizens who do pay taxes, they do pay payroll taxes and sales taxes and other taxes, as somehow not contributing to our tax base. As a prominent member of my party in the other body said, and let me quote her, We are talking about 200,000 military families, hundreds of firefighters and teachers and other hardworking Americans. I don't think of them or view them as welfare recipients. I don't think that they think of themselves that way. These are taxpayers. These are essential people in our communities, those who are protecting us from fire and from criminal activity, those who are teaching our children, those who are stationed abroad and protecting our very freedoms. They are hardworking families who pay sales tax, both State and local. They have payroll taxes that come out of their checks.

Mr. Speaker, this is what this debate is about, whether or not these people deserve to benefit from this tax cut that was passed only a few weeks ago in this House or whether or not they should be excluded. Those on our side of the aisle and a lot of moderate Republicans in the other body believe that these people should not have been deleted from the tax bill.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I want to thank my good colleague from Massachusetts for yielding me this time.

It is amazing to me. The Democrats have been talking about the need to provide this child tax credit to the 12 million children who are in working families now for at least a week and we were very gratified to see that the other body, the Senate, on a bipartisan basis passed a very carefully tailored bill that would cost, I guess, $3.5 billion and that would essentially put the families of these children, the working families, back into eligibility for this increased tax credit. What happens when this bill comes over here to the House? Our House Republican leadership, which as we know has repeatedly said that they are not in favor of this, the gentleman from Texas (Mr. DELAY) was quoted many times last week as saying it was not important and that he was not going to do it unless it was part of a larger tax break giveaway. That is what we are hearing now. The House Republicans are saying and the

gentleman from California (Mr. THOMAS) and the Committee on Ways and Means have said that they are only willing to provide this tax credit to these 12 million children if we increase the amount of money greatly, go further into debt and add on a number of other things for wealthier families. It simply is not right because what effectively the Republicans in the House are doing is killing this proposal.

If the bill that passed the Senate came over here and we simply took it up and passed it, it would become law and the 12 million children would get the tax break. They would get the money going out sometime after July 1. And now because of the House Republican action here to expand this and try to help wealthier families and individuals, it is very likely that this whole bill is killed and that the Senate action will not accomplish what it should accomplish.

I blame directly the House Republican leadership. They were not in favor of this from the beginning. They did not include it in their tax bill in the beginning, they said they were opposed to it, and now they are putting up more hurdles and roadblocks to it. They are also saying they are not going to pay for it.

In the Senate, Senator BLANCHE LINCOLN had put in specific pay-fors, increases in customs duties to make sure that this would not do anything to increase the debt which we understand is like $400 billion now. And what do the House Republicans do in the leadership here? They eliminate the pay-fors and they increase the funding to pay for higher-income individuals, holding these children and their families essentially hostage to a tax break for wealthier individuals, and they refuse to pay for it. They basically come up with a bill that is about 80 or $82 billion that is all debt and not paid for at all. I cynically say the reason they are doing it is because they want to kill the bill. They do not want these 12 million children to get the tax break, these working families to get the tax break. They just want to kill the bill. They were always against the bill. Through this action they will kill the bill if it passes in that way, and they are totally responsible for that.

You have to understand the way this place works, and this is the sad part about it. It is very easy for the House Republican leadership to simply take something good that the other body did on a bipartisan basis and kill it by adding all these additional tax breaks for wealthier families and at the same time eliminating the pay-fors, so it is now being paid for out of debt which will cause so much problem for the other body that they will never take up the bill, it will never get the 50 or the 60 votes that are necessary in the Senate to pass the bill.

We have to do whatever we can over the next 24 hours, because this is likely to come up tomorrow, to try to force the original Senate bill to pass just at the cost of the $3.5 billion, just for those 12 million children that were left out, and with the pay-fors that were in it so that it is acceptable to everyone. That is the way this should be done. Simply take up the other body's bill and pass it and not load it down with all these other problems. We have about 24 hours to try to convince and get the votes for that. It is not going to be easy, but we are going to make sure as Democrats that we do that so that we have a good bill that will pass.

Mr. MCGOVERN. Mr. Speaker, I yield myself 2½ minutes.

Mr. Speaker, just to make clear the point that this is not a partisan issue throughout the country. Unfortunately it has become a partisan issue here in the House of Representatives, but I want to refer to two quotes from some distinguished Members of the other body. One, a senior Republican from the other body representing the State of Iowa, when asked about this subject said, What's going to make them, meaning the House Republicans, accept it is whether or not they want this group of people, particularly people in the military who are sacrificing their freedom for our freedom, to get the same benefit everybody else is going to get who has children in their family.

What is really unfortunate is that by the inaction of the leadership in this House, it appears that the Republicans in the House do not want to help these military families and their children.

□ 1200

Another prominent Republican in the other body from the State of Maine said the base pay of a first year soldier is $16,000. Paramedics make an average of $22,000, and home health aides make an average of $18,500 per year. These people are a critical part of our infrastructure, and they deserve tax relief too.

I could not agree more. People on this side of the aisle could not agree more. We have been fighting during these last several weeks to try to put back in the bill what the Republican leadership in the House removed from the bill in the dead of night, specifically this child tax credit for low-income workers, precisely because we understand the plight of these workers, and when we go back to our districts we hear from them when they say, you know, if you are going to give tax relief to people, we need it more than Donald Trump does, so why are you not helping us?

Again, there are prominent Members of the other body representing the Republican Party who get it, who are fighting to try to fix this problem right now; and yet here in this Chamber, in this House of Representatives, the leadership continues to try to find ways to deny these hard-working, taxpaying individuals, these families the benefit that they rightly deserve.

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

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

Mr. Speaker, in case some colleagues are perhaps listening to the debate on television in their offices, we have brought forth the rule to consider the aviation reauthorization bill, the reauthorization of the Federal Aviation Administration.

The Federal Aviation Administration is of extreme importance to the safety of not only the flying public in the United States, but really to the economy of the United States. One of the pillars of the economy of the United States is precisely the superb system of aviation that we have.

But that does not happen by chance. We have an obligation to fund and reauthorize the Federal Aviation Administration, and this legislation that we are attempting to get to today with this rule not only does that, but deals with a number of very important collateral issues in the area of aviation.

So, again, to be clear with regard to what we are attempting to do today, what the Committee on Rules has done, we have passed a rule to bring to the floor legislation to reauthorize the Federal Aviation Administration in the context of very important legislation entitled Flight 100—Century of Aviation Reauthorization Act. That is what we are discussing today.

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

Mr. MCGOVERN. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I agree with the gentleman that the underlying bill that we are considering here today is important. Aviation and the safety of our skies and the strength of our airports, all that is very, very important.

We are also trying to do here, so if anybody is listening they will understand, we are also trying to be able to, in addition to helping the aviation industry and helping our airports and helping protect our airports, we are also trying to help protect a lot of American families, 12 million families, to be exact, some of them military families where servicemen and servicewomen are serving our country in Iraq. We want to make sure that they can benefit from the child tax credit.

We cannot seem to get the leadership of this House to allow us to be able to vote on this issue, up or down. We are trying to advocate for millions of families in this country who not only need help, who deserve help.

So part of what we are doing on this bill and what we have been doing on previous bills is to try to highlight this issue, helping to persuade, and, if not persuade, maybe shame you into doing the right thing.

I guess I will ask the question that the distinguished minority whip asked last week during this debate. Why is it that we cannot get a vote up or down to reinsert the child tax credit that your leadership removed in the middle of the night?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Connecticut (Ms. DELAURO).

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

Mr. Speaker, I think the gentleman from Massachusetts has laid out the case very effectively. The underlying bill here is critically important. The underlying bill also deals with airport workers whose interests are tied up with the child tax credit issue, as well, and the importance of doing what we said we were going to do.

It is not a question of bargaining for putting back what was rightfully the child tax credit to these 6.5 million families, to these 12 million children. That is the only issue that we were trying to address, very simply. It seems to me that what the Senate did is perfectly acceptable and it can be done. And I asked the question last week of the majority leader as well, will you accept the Senate language if it comes over here? The Senate language is here.

We can do this, we can move quickly, and we can do it without holding hostage 12 million children. It is just not quid pro quo. It is not, as I said earlier, for political advantage. It is about doing what is the right thing. That is all we are asking.

The President has said, do it. Take the Senate language; make it happen. When people of well-meaning in every part of the government, whether it is the House, the other body, the executive branch, want to come together to try to address these 12 million children, these 6.5 million families, who pay taxes, it would just seem to me that we could do it quickly in this body without any hesitation.

What we want to do is be able to provide the opportunity for these people to get the same benefit 25 million other people are going to get on July 1. Why should they not be the beneficiaries of a tax cut to allow them to put food on their table? It is easy. Let us get it done, and let us just try to take aside all of the extraneous matter.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members should refrain from making improper references to the Senate.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time to close for our side.

Mr. Speaker, I will ask for a vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that as soon as the House passes this rule it will take from the Speaker's table and immediately consider the Senate-passed version of H.R. 1308, which restores the refundable child tax credit that was removed from the recently passed Republican tax bill. This way we can send that bill immediately to the President's desk for his signature and start helping America's low- and modest-income families right away, right this second.

The President's press secretary, Ari Fleischer, said this week that ''the President thinks at its core what the Senate has done is the right thing to do, a good thing to do, and he wants to sign it.'' I think we should give the President an opportunity to do just that.

H.R. 1308, as amended by the Senate, will provide immediate tax relief to America's hard-working families, in contrast to the Republican/Bush tax bill. That bill does next to nothing to help those low- and moderate-income Americans who need relief the most. In fact, in a late night negotiating session behind closed doors, the Republican leadership deleted the one provision that would have helped these Americans, the refundable child tax credit. When it came to a choice of helping their rich contributors or Americans struggling to make a living, they chose the rich. They stripped out this tax break that would have helped the families of 8 million children whose parents serve in the military or are veterans.

H.R. 1308, the bill amended and passed last week in the other body and sent back here, will give immediate help to working families by providing the child tax credit to 6.5 million low-income working families and nearly 12 million additional children. These families would receive an average annual increase of $150 per child.

It will also help families of soldiers in combat in Iraq by extending the child tax credit to many of them. It was suggested by some on the other side of the aisle that this break for our brave men and women in the military was nothing more than welfare. Well, I strongly disagree.

I ask for a ''no'' vote on the previous question.

Mr. Speaker, I include the following for the RECORD.

PREVIOUS QUESTION FOR H. RES. 265—RULES ON H.R. 2115 FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

At the end of the resolution add the following:

''SEC. 2. Immediately upon adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, with Senate amendments thereto, and a single motion that the House concur in each of the Senate amendments shall be considered as pending without intervention of any point of order. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.''

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

Mr. Speaker, again, in case somebody would like to determine what we have brought to the floor today, because obviously any students of political science who may have been watching this debate will have confirmed today that there is certainly no rule requiring germaneness in debate in the House of Representatives, the issue that we have brought to the floor today, that the Committee on Rules passed a rule in order to be able to do so, we did so yesterday, is the reauthorization of the Federal Aviation Administration.

In order to reauthorize the Federal Aviation Administration, the relevant committees worked long and hard on a very important piece of aviation legislation which we bring to the floor today. It is H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act. So that is what we are doing.

Now, since there is obviously no germaneness requirement with regard to debate, our colleagues on the other side of the aisle have talked about other issues, and they are certainly welcome to do so. The semantic of the day had to do with the word ''tax.''

We are very proud of our record since we were honored by the American people with the majority in this Chamber with regard to the issue of taxes. I remember in my first term here, Mr. Speaker, as a freshman Member, we were still in the minority and our friends on the other side of the aisle controlled the agenda, they were the majority, being faced with one of the largest tax increases in the history of this country. We on this side of the aisle opposed that tax increase, and our friends on the other side of the aisle pushed very hard, and at that time they had a Member of their party in the White House, to impose that record tax increase on the American people.

Every time we have been able to since we were given the majority by the American people, we have tried to do the opposite. We have tried to lessen the tax burden on the American people, and we are very proud of that.

So with regard to when it is germane to the debate on taxes, we are extremely proud of our record. That debate will continue, and I think it is a fundamental difference between the parties. We believe in and have every time we have been able to reduce the tax burden on the American people.

But today the debate that we bring forward, the legislation that we bring forward, is the important reauthorization of the Federal Aviation Administration. We believe, Mr. Speaker, that because of the importance of the Federal Aviation Administration, not only to the flying public and to the aviation industry in this country, but to the economy of the United States, as well as to our national security, that we should move forward and reauthorize that very important Federal agency, as well as effectuate the other important programs and initiatives that are included in this very significant piece of legislation.

□ 1215

With that in mind, I remind our colleagues what we are doing, the reauthorization of the Federal Aviation Administration.

Ms. WATERS. Mr. Speaker, I rise to oppose this rule, which does not allow consideration of several Democratic amendments. I submitted two amendments regarding Los Angeles International Airport (LAX), which is in my district, and neither was made in order.

The operator of LAX is proposing a major expansion project that would include the construction of a remote passenger check-in facility that would force all passengers to check-in and leave their baggage in the same location. This project could cost an estimated $9 to $10 billion. Supporters of this controversial project claim that it is necessary to protect public safety. Yet a RAND Corporation study concluded that this project will not improve public safety and could increase the likelihood of a terrorist attack by concentrating large number of people at the check-in facility.

I submitted an amendment to require the Secretary of Homeland Security to review the proposed remote passenger check-in facility and determine whether it would, in fact, protect public safety. My amendment would have prohibited the construction of this project unless the Secretary of Homeland Security concluded that it would protect the safety of air passengers and the general public. I also submitted an amendment to ensure that taxpayer funds are not wasted on dubious LAX expansion projects like this one.

I urge my colleagues to reject this rule and allow me to offer my amendments to protect the American people from both threats to public safety and unnecessary and expansion airport construction projects.

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

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

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

Mr. MCGOVERN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting House Resolution 265, if ordered; and on the three motions to suspend the rules previously postponed, in the following order: H. Con. Res. 110; H.R. 1320; and H.R. 2350.

The vote was taken by electronic device, and there were—yeas 219, nays 195, not voting 20, as follows:

[Roll No. 257]

YEAS—219

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

NAYS—195

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

NOT VOTING—20

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Sessions
Shimkus
Smith (WA)
Spratt
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). There are 10 Members stuck in an elevator in Rayburn. We are waiting for them.

□ 1305

Mr. HINOJOSA and Mr. DICKS changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clauses 8 and 9 of rule XX, the remainder of this series will be conducted as 5-minute votes.

The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 370, noes 43, not voting 21, as follows:

[Roll No. 258]

AYES—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez

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

NOES—43

Andrews
Becerra
Bell
Conyers
Doggett
Evans
Farr
Ford
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Kildee
Kilpatrick
Kucinich
Lee
Lewis (GA)
Lofgren
Matsui
McCollum
McDermott
McGovern
Meek (FL)
Miller, George
Moran (VA)
Obey
Olver
Owens
Rangel
Rothman
Sabo
Sandlin
Schiff
Slaughter
Thompson (MS)
Tierney
Towns
Van Hollen
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—21

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Frelinghuysen
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Nethercutt
Rush
Sessions
Smith (WA)
Spratt
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1313

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## RECOGNIZING SCIENTIFIC SIGNIFICANCE OF SEQUENCING OF HUMAN GENOME AND EXPRESSING SUPPORT FOR GOALS AND IDEALS OF HUMAN GENOME MONTH AND DNA DAY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 110.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 110, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 259]

YEAS—414

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

Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Farr
Fossella
Gallegly
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Sessions
Smith (WA)
Spratt
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). Members are advised that they have 2 minutes to vote.

□ 1322

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMERCIAL SPECTRUM ENHANCEMENT ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1320, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 1320, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 10, not voting 16, as follows:

[Roll No. 260]

YEAS—408

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

NAYS—10

Coble
Davis, Jo Ann
Duncan
Flake
Goode
Miller (FL)
Obey
Paul
Royce
Smith (MI)

NOT VOTING—16

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gephardt
Gutierrez
Kirk
Larson (CT)
Meehan
Rush
Smith (WA)
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have 2 minutes to vote.

□ 1331

Mr. ROYCE, Mr. DUNCAN and Mrs. JO ANN DAVIS of Virginia changed their vote from ''yea'' to ''nay.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## WELFARE REFORM EXTENSION ACT OF 2003

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2350.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 2350, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 6, not voting 22, as follows:

[Roll No. 261]

YEAS—406

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

NAYS—6

Conyers
Flake
Frank (MA)
Olver
Owens
Paul

NOT VOTING—22

Biggert
Crane
Cubin
Davis (IL)
Deutsch
Emanuel
Eshoo
Fossella
Gephardt
Gutierrez
Jones (NC)
Kirk
Kolbe
Larson (CT)
Majette
Northup
Nussle
Rush
Smith (WA)
Spratt
Thornberry
Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD) (during the vote). The Chair advises there are two minutes to vote.

□ 1338

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mrs. BIGGERT. Mr. Speaker, today I joined President Bush in my home State of Illinois for a forum on Medicare. As a result, I missed a series of votes. Had I been present, I would have cast the following votes:

''Yes'' on the Previous question on the Rule for H.R. 2115, Flight 100—Century of Aviation Reauthorization Act (roll No. 257); ''yes'' on Passage of the Rule for H.R. 2115, flight 100—Century of Aviation Reauthorization Act (roll No. 258); ''yes'' for H. Con. Res. 110, recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day (roll No. 259); ''yes'' for H.R. 1320, the Commercial Spectrum Enhancement Act (roll No. 260); and ''yes'' for H.R. 2350, the Temporary Assistance for Needy Families block grant program Reauthorization Act (roll No. 261).

## PERSONAL EXPLANATION

Mr. DEUTSCH. Mr. Speaker, I was unavoidably absent from the Chamber today during rollcall vote Nos. 257, 258, 259, 260, and 261. Had I been present, I would have voted ''nay'' on roll No. 257 and ''yea'' on roll No. 258, 259, 260, and 261.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present this morning, Wednesday, June 11, 2003, to vote on rollcall vote Nos. 252, 253, 254, 255, and 256 due to a family medical emergency.

Had I been present, I would have voted:

''No'' on rollcall vote No. 257 on Ordering the Previous Question on H. Res. 265, providing for consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes;

''Yea'' on rollcall vote No. 258 on H. Res. 265, providing for consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes;

''Aye'' on rollcall vote No. 259 on H. Con. Res. 110, recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day;

''Aye'' on rollcall vote No. 260 on H.R. 1320, Commercial Spectrum Enhancement Act; and

''Aye'' on rollcall vote No. 261 on H.R. 2350, to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003.

## PERSONAL EXPLANATION

Mr. EMANUEL. Mr. Speaker, I was unavoidably detained today and missed rollcall votes 257 through 261. Had I been present, I would have voted ''no'' on 257, and ''yes'' on 258, 259, 260 and 261.

## PERSONAL EXPLANATION

Mr. KIRK. Mr. Speaker, due to the visit of the President to Chicago today, I missed the following rollcall votes: Numbers 257, 258, 259, 260 and 261. Had I been present, I would have voted ''aye'' on all of these votes.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 660

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 660.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

## ORDER OF AMENDMENTS DURING CONSIDERATION OF H.R. 2115, FLIGHT 100–CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent that during the consideration of H.R. 2115, pursuant to House Resolution 265, it shall be in order to consider amendment No. 5 as printed in the report of the Committee on Rules before consideration of any other amendment.

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

There was no objection.

## GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2115.

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

There was no objection.

## EXCHANGE OF LETTERS REGARDING H.R. 2115, FLIGHT 100–CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent to insert into the RECORD at this point an exchange of letters between the gentleman from Alaska (Chairman YOUNG), the gentleman from Louisiana (Chairman TAUZIN), the gentleman from California (Mr. POMBO), the gentleman from New York (Mr. BOEHLERT), and the gentleman from Virginia (Mr. TOM DAVIS) regarding H.R. 2115.

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

There was no objection.

The letters referred to follow:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
*Washington, DC, June 6, 2003.*

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN YOUNG: I am writing with regard to H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act, which was ordered reported by the Committee on Transportation and Infrastructure on May 21, 2003.

I recognize your desire to bring this legislation before the House in an expeditious manner. Accordingly, I will not exercise my Committee's right to a referral. By agreeing to waive its consideration of the bill, however, the Energy and Commerce Committee does not waive its jurisdiction over H.R. 2115. In addition, the Energy and Commerce Committee reserves its right to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Energy and Commerce Committee for conferees on H.R. 2115 or similar legislation.

I request that you include this letter as part of the Committee's Report on H.R. 2115 and in the Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

W.J. ''BILLY'' TAUZIN,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, June 6, 2003.*

Hon. W.J. (BILLY) Tauzin,
*Chairman, Committee on Energy and Commerce, Rayburn Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of June 6, 2003 regarding H.R. 2115, the Flight 100—Century of Aviation Act and for your willingness to waive consideration of provisions in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 2115 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 2115 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Committee report on the legislation and in the Congressional Record.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
*Chairman.*

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
*Washington, DC, June 4, 2003,*

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: I have reviewed the text of H.R. 2115, Flight 100-Century of Aviation Reauthorization Act, as ordered reported from the Committee on Transportation and Infrastructure on May 21, 2003. The Committee on Resources has a jurisdictional interest in Section 408, Overflights of National Parks.

Recognizing your wish that this critical bill be considered by the House of Representatives as soon as possible, and noting the continued strong spirit of cooperation between our Committees, I will forego seeking a sequential referral of H.R. 2115 for the Committee on Resources. However, waiving the Committee on Resources' right to a referral in this case does not waive the Committee's jurisdiction over any provision in H.R. 2115 or similar provisions in other bills. In addition, I ask that you support my request to have the Committee on Resources represented on the conference on this bill, if a conference is necessary. Finally, I ask that you include this letter in the Committee on Transportation and Infrastructure's bill report.

I appreciate your leadership and cooperation on this bill and I look forward to working with you to see that H.R. 2115 is enacted into law soon.

Sincerely,

RICHARD W. POMBO,
*Chairman.*

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, June 4, 2003.*

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources, Longworth Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of June 4, 2003, regarding H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act, and for your willingness to waive consideration of the provision in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of this provision of H.R. 2115 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 2115 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be included in the Committee report on the legislation.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
*Washington, DC, June 6, 2003.*

Hon. DON YOUNG
*Chairman, House Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.*

DEAR CHAIRMAN YOUNG: I have reviewed H.R. 2115, Flight 100—Century of Aviation Reauthorization Act. The bill authorizes research and development (R&D) programs that fall within the jurisdiction of the Committee on Science.

In deference to your desire to bring this legislation before the House in an expeditious manner, I will not exercise this Committee's right to consider H.R. 2115—provided that your Committee acknowledges the jurisdiction of the Committee on Science over R&D programs regardless of the account from which they are funded. Further, the Committee on Science reserves its right to seek conferees on any provisions that are within this Committee's jurisdiction during any House-Senate conference that may be convened on this legislation and a corresponding Senate bill.

Specifically, the Committee on Science has jurisdiction over portions of section 102. That section authorizes, among other things, R&D programs within the Facilities & Equipment Account. This includes programs that the Committee on Appropriations transferred to the Facilities & Equipment Account in 1999. The Committee retains its right to such conferees on other portions of this bill related to R&D.

I request that you include this letter as part of the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Sincerely,

SHERWOOD BOEHLERT,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, June 6, 2003.*

Hon. SHERWOOD BOEHLERT,
*Chairman, Committee on Science, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter concerning H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act. I

appreciate your offer to waive consideration of the bill.

Traditionally, the Transportation Committee has authorized the equipment deployment functions from the Federal Aviation Administration Facilities and Equipment (F&E) account. I recognize that in certain years functions under the jurisdiction of the Science Committee were moved from the FAA Research, Engineering and Development (RED) account to the F&E account through the annual appropriations process. While I believe that these unauthorized appropriations do not have any bearing on committee jurisdiction, I prefer that the Appropriations Committee adhere to the authorizing language and refrain from moving functions from the RED account to the F&E account in order to benefit from a slower spend-out rate. For example, I would prefer that the Advanced Technology Development and Prototyping program remain in the RED account.

Historically, the Science Committee has had oversight and authorization responsibility over the RED account while the Transportation Committee has had exclusive jurisdiction over the F&E account. I believe that continuing this practice is the best way to preserve the jurisdiction of both committees.

I thank you for your attention to this matter and look forward to working with you and your staff. As you request, a copy of your letter and my response will be placed in the RECORD.

Sincerely,

DON YOUNG,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
*Washington, DC, June 11, 2003.*

Hon. DON YOUNG,
*Chairman, Committee on transportation and Infrastructure, House of Representatives, Washington, DC.*

DEAR MR. YOUNG: I am writing regarding H.R. 2115, ''the Flight 100—Century of Aviation Reauthorization Act.'' As you know, the bill includes provisions within the jurisdiction of the Committee on Government Reform. Section 404, Clarifications to procurement authority and Section 438 Definition of air traffic each contain provisions within the jurisdiction of the Committee on Government Reform.

In the interests of moving this important legislation forward, I have not asked for a sequential referral of this bill. However, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions, and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. I respectfully request your support for the appropriate appointment of Members of the Committee should such a conference arise.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during floor consideration. Thank you for your assistance and cooperation in this matter.

Sincerely,

TOM DAVIS,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, June 11, 2003.*

Hon. TOM DAVIS,
*Chairman, Committee on Government Reform, Rayburn Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter of June 11, 2003 regarding H.R. 2115, the Flight 100—Century of Aviation Act, and for your willingness to waive consideration of provisions in the bill that falls within your Committee's jurisdiction under House Rules.

I agree that your waiving consideration of these provisions of H.R. 2115 does not waive your Committee's jurisdiction over the bill. I also acknowledge your right to seek conferees on any provisions that are under your Committee's jurisdiction during any House-Senate conference on H.R. 2115 or similar legislation, and will support your request for conferees on such provisions.

As you request, your letter and this response will be in the CONGRESSIONAL RECORD.

Thank you for your cooperation in moving this important legislation to the House Floor.

Sincerely,

DON YOUNG,
*Chairman.*

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## FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 265 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2115.

□ 1339

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, with Mr. BASS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the occasion of the 100 years of powered flight, I rise in support of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act of 2003.

H.R. 2115 addresses the needs of the national aviation system today and in turn provides for its future. The Federal Aviation Administration oversees and ensures the safe and efficient use of our Nation's air space. The bill before us now supports this important work.

It reauthorizes FAA for 4 years and allows for modest increases in funding levels for fiscal years 2003 through 2007. H.R. 2115 also ensures that the Aviation Trust Fund is used to finance airport capacity and safety projects. It also continues to provide general funds to pay for FAA safety functions that are in the public interest.

Additionally, the bill makes a number of important legislative changes, such as:

Funding the Small Community Air Service Program and the Essential Air Service Program;

Increasing the number of slots at Reagan National Airport;

Streamlining airport project reviews as passed by the House twice last year; and

Prohibiting the privatization of functions performed by air traffic controllers.

It goes without saying that the aviation industry is vital to the U.S. economy. H.R. 2115 provides for its stability and, more importantly, for its continued growth.

I want to thank the full committee ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for working with me to draft H.R. 2115. As a result of this cooperative effort, we have bipartisan legislation that everyone in this House can fully support.

I especially want to thank the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the ranking member, the gentleman from Oregon (Mr. DEFAZIO). H.R. 2115 clearly represents the hard work and the long hours they and their staff put into this effort. I appreciate their dedication in ensuring that the United States continues to have the safest and most efficient aviation system in the world.

For that reason, I join with the full committee ranking member, the gentleman from Minnesota (Mr. OBERSTAR); the subcommittee chairman, the gentleman from Florida (Mr. MICA); and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), in urging the immediate passage of this bipartisan bill.

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

Mr. OBERSTAR. Mr. Chairman, I yield myself 7 minutes.

Mr. Chairman, I, too, of course rise in support of H.R. 2115, Flight 100—Century of Aviation Reauthorization Act. It is appropriate that we apply that title to the bill in this year; it is the 100th anniversary of flight. When you think how far the world has come in aviation in just 100 years, it is really extraordinary. No other technology in the field of transportation can match the speed with which we have advanced the cause of aviation in this 100 years.

We have worked in a very diligent and bipartisan manner over many weeks and months; and I want to thank the chairman, the gentleman from Alaska, for the frequent and thorough and intensive conversations we have had to shape this legislation, come together in agreement on the many sticky issues that we had to confront in shaping this bill, and the chairman of the subcommittee, the gentleman from Florida (Mr. MICA), who has always been available and readily available to discuss and iron out the many complex issues.

I want to compliment the ranking member on our side, the gentleman from Oregon (Mr. DEFAZIO), whose 18-plus years, 20 years of intensive work

in the field of aviation have paid off in his current position as the leader on our side on aviation issues. He has done a splendid job in shaping this legislation, which will put America on the course it needs to be to continue investment in our aviation airside infrastructure, in the modernization of the air traffic control system, and in ensuring we have the finest professionals in the world to manage that air traffic control system in the form of our air traffic controllers and those who support and maintain the technology of aviation.

□ 1345

Though emplanements dipped after September 11, they are on the rebound. We are seeing flights return to something approaching pre-September 11 numbers. Something like 71 percent load factors are returning, but yields are down. On average, they are down 4 cents to 5 cents per revenue passenger mile from what they ought to be to sustain the level of revenue we saw in the pre-September 11 era. But that, too, will come back. That will return as our economy gains in strength.

I know that the FAA is projecting over the next 6 years a return to 600-plus million passengers a year, and 696 million was the level we had prior to September 11. Now, when we think that in a world that emplaned 1 billion passengers in 2001, and 696 million of those were in the United States, it means that this Nation boards two-thirds of all the people who travel by air in the entire world.

So if we are to position ourselves to accommodate that growth in the future, then we have to make the investments now in the air side capacity of our airports. We have to prepare the taxiways, runways, and the air side improvements to accommodate that future growth so we will not be left behind, struggling, trying to catch up when it is too late and flights have rebounded.

In that respect, this bill provides $14.8 billion for the Airport Improvement Program funding. That is $1.2 billion more than the FAA's request. We have $12.3 billion for facilities and equipment over the life of this legislation, $200 million of which is specifically designated for the Standard Terminal Automation Replacement System, STARS, that handles 70 million airport operations a year throughout this country. That is a staggering amount and requires a vast capacity that this new system will provide.

We also maintain a level of funding to accommodate the air traffic controllers, $31.3 billion for FAA operations over the life of this legislation. We have done a good deal to accommodate the needs of small airports with essential air service improvements in this bill.

I recall so very vividly in 1978 sitting on this committee when we considered the deregulation of aviation. The question was raised whether we would have service to small communities. I offered the amendment for essential air service, with the concluding remark to the chairman of the Committee, that if we do not pass this amendment, there are towns in my district where the only way to get there will be to be born there, and I do not want to see that happen again. So we have done a good job with those issues.

Before concluding, I want to engage the chairman in a discussion. But I want to thank on our side the staff, Stacie Soumbeniotis, Giles Giovanazzi, Ward McCarragher, and, on the Republican side, David Schaffer, who have done superb professional work in crafting these extremely complicated provisions of this bill.

Mr. Chairman, I am disappointed that the bill does not go as far as I would have liked it to do in guaranteeing that our air traffic control system remains the safest in the world dealing with the privatization of air traffic controllers. It does not deal with the certification and related maintenance of equipment used by air traffic controllers.

So I think that we did not address this issue in the bill. I think we will come to that point in conference. I know the chairman is amenable to working towards a solution on this issue, and will work with us in conference to ensure that both controllers and air systems specialists are protected in the bill Congress sends to the President.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, I would say that that is correct. I am well aware of the proposal the gentleman has suggested. Frankly, I support it myself. But as the gentleman knows, we were threatened with a veto if it was amended in the committee, so the gentleman and I had a lot of work to do in conference, and, of course, the administration.

I do think that we have to have the safest air system. I believe, Mr. Chairman, we do have the safest air system in the world. Some of the other countries have changed their systems, but I actually think we are doing a better job. It does not mean we cannot improve upon it, but we are doing a better job.

The way we do a better job is keep the professional people in line and by making sure they are doing the job correctly, as they have been doing, and as the control tower people have done so far. I am well aware of it and I will be working with the gentleman.

As the gentleman knows, this bill will pass today overwhelmingly, I believe, and we will have an opportunity to address this issue as time goes by.

I thank the gentleman. I must say for the record, I don't believe anybody knows the air business better than the gentleman does. The gentleman has been a long time as subcommittee chairman when he was in the majority, and he knows this issue. We appreciate working with the gentleman, because this is a great value to our country, this transportation system we have. I do thank the gentleman.

Mr. OBERSTAR. Mr. Chairman, I appreciate the chairman's remarks. I am delighted that we will be able to work in conference to assure that both controllers and systems specialists remain Federal employees.

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

Mr. YOUNG of Alaska. Mr. Chairman, I yield the balance of my debate time to the gentleman from Florida (Mr. MICA), and I ask unanimous consent that the gentleman be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

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

Mr. Chairman, I particularly want to thank the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG), the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and our ranking member of the Subcommittee on Aviation, the gentleman from Oregon (Mr. DEFAZIO), for their leadership in trying to bring this measure together and to the floor.

This is a 4-year reauthorization, and it is very difficult. We have over 70 members on the full committee and over 40 members on the Subcommittee on Aviation, and the White House and all the various and sundry interests that want specific provisions in a reauthorization bill such as we have before us. But we have come together, and I am real proud of the work that the Members have done and the staff.

I will have a manager's amendment that incorporates some of the issues that we have agreed to on a bipartisan basis, and also pledge to work with all interests and sides on various issues as we hopefully bring this measure to conference.

Mr. Chairman, this legislation is critical to the future of aviation in our country. It is also fitting and I think very appropriate that on the 100th anniversary of manned flight by the Wright brothers that we bring this rewrite of our Federal aviation policy before the Congress. No nation in the world relies more on the safe and efficient operation of aircraft than the United States.

Just think about it: Two-thirds of all the air passengers in the world take off from the United States each year and each day, from U.S. soil. Without a reliable air transportation system, communities would become stranded, families would be separated, time-sensitive cargo lost, and countless jobs and opportunities forsaken.

This bill, H.R. 2115, also referred to as Flight 100, addresses the many pressing needs of our aviation system. We know it has been through a great deal of turmoil since September 11. I believe it also provides good elements for its future.

This legislation keeps our promise to the flying public and builds on the landmark successes of its predecessor legislation, known as AIR–21. This legislation continues the guarantee that all the taxes and revenues paid into the Aviation Trust Fund are fully spent, and that airport improvements and air traffic control modernization that is so important is fully funded.

H.R. 2115 provides the funding necessary for the administration to operate air traffic control systems to the very highest standards of safety, and also allows us to modernize our outdated air traffic control system. It also increases the funding to airports to help build the capacity we need for future economic growth. This bill also makes much needed reforms to FAA's management structure by redefining the role of the chief operating officer.

I am pleased to see the administration within the last 24 hours has named that chief operating officer, and this legislation will clearly define the responsibilities of that position as it relates to the administrator of FAA.

It makes also, I think, a greater success of our Small Community Air Service Pilot Program, and it reforms the Essential Air Service Program to ensure that communities that need this service will continue to receive air service.

The bill streamlines the environmental review process for urgent airport capacity projects, and it does so without weakening any of the underlying environmental statutes or requirements. It also authorizes compensation to general aviation entities for losses resulting from security mandates. Again, they have not been reimbursed like the airlines or other entities that the Congress has previously provided for.

A lot of hard work has gone into this legislation, and I think we have worked diligently with the other side of the aisle to craft careful and meaningful compromises. The aviation industry in the United States is still the strongest in the world, and we must keep it that way. This legislation provides the stability and funding to ensure that we will continue to lead the aviation industry of the world.

This is a good, bipartisan piece of legislation, and I urge all of the Members to join in support of this legislation.

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

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent that the gentleman from Oregon (Mr. DEFAZIO) manage the balance of the bill in general debate on our side, including authority to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of this legislation, and want to thank all the members of the committee and also particularly the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), the chairman, the gentleman from Alaska (Mr. YOUNG), and the gentleman from Florida (Mr. MICA), the subcommittee chairman, for the effort they and all our staff have put into this bill.

This is a good piece of work. It is a potential foundation for the second 100 years of the aviation industry in this country, an industry that contributes well in excess of 10 percent to our gross domestic product on an annual basis. It will begin to anticipate and invest in meeting the needs of the future.

There are a lot of folks that have seen the fall-off in air traffic, and they have forgotten the delays of 2 years ago and the capacity constraints of 2 years ago. But I have not and the members of the committee have not. It is going to require more investment, and there is significant investment in this bill over and above what was requested by the administration to begin to meet those capacity needs, in partnership with local communities and local airport authorities.

It also does include some environmental streamlining provisions which will not do violence to the National Environmental Policy Act, but will help move some of the bureaucratic impediments and sequential referrals and things that have gone on that have delayed unnecessarily projects that ultimately were found to have merit and to meet the environmental constraints and laws of the United States. We need to move some of these projects ahead more quickly, and this, I believe, will help facilitate that.

I am particularly happy with the air service section of the bill.

□ 1400

I represent what has become an underserved community because of the dominance of one major carrier who has chosen, despite the profitability of that market, to divest itself of service and substitute a substandard so-called express service.

There are many of us across the Midwest and the western United States and even in the East struggling with these sorts of issues. There are many communities that have no service whatsoever. So the improvements we are making in the essential air service authorization here are essential. The new pilot program that would allow other than the traditional essential air service program, which can sometimes be kind of lame, is to be undertaken by the Secretary. And, finally, the new section which I think is going to be the great benefit to airports like mine and other airports across the country that have seen a diminution in service is the Small Community Air Service Development program, which would, with language we have put in the bill, require and give preference to communities that are willing to partner with the government in terms of a contribution and also can demonstrate the potential sustainability of their plan. Not just a potential pilot program which essentially becomes another name for an EAS program, but something to encourage innovation, to attract in new carriers that could provide a permanent presence and a new competition and improvement in service to those communities. There are many of us that desire to facilitate that.

Also, being a west coast Member, the issue of Washington National Airport and the sort of outmoded restrictions we see there is also accommodated to some extent in the bill.

Flight attendants will get at least some small recognition for the vital service they provide the traveling public on a daily basis, where they are going to get a certificate when they have completed their training, which hopefully with the uncertainties in the industry, the bankruptcies and the layoffs, will give them some portability and viability perhaps to move to new jobs if they lose theirs or there are other problems.

We begin to anticipate the huge looming retirement of air traffic controllers with this bill and to require or authorize the hiring of replacements who have quite a long training window, and we need to move ahead with that so we do not have a crisis.

The cabin air-quality hearings which we had last week revealed that we are basically not monitoring cabin air quality; and where we do not monitor, we do not have a problem. But the few monitoring samples that have been done do show problems, and we are going to require studies that were called for by the National Academy of Sciences to be undertaken by the FAA.

Finally, the air traffic control system, there is no more successful model in the world of an efficient, well-operating, privatized air traffic control system. Those that do exist have had to be dramatically subsidized, reinvested in by the governments that went down that route. And when I recently met with the Chair of the committee of jurisdiction from the Parliament, she said, Do not go there. Look at the mistakes we made in Great Britain. And I am pleased to see the provisions in the bill that relate to that. All in all, Flight 100 is a great foundation over the next 4 years for the next 100 years of flight in the United States.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. DUNCAN), a senior member of the Subcommittee on Aviation and immediate past Chair of the subcommittee.

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in very strong support of this legislation, which has been entitled Flight 100. It is a very important bill for our entire Nation. It is important even for those who never fly because a strong aviation system is so vital to our entire economy.

I want to commend the gentleman from Florida (Mr. MICA) and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), and the ranking member of the full committee, the gentleman from Minnesota (Mr. OBERSTAR), whose knowledge of the aviation system we all admire so much, and our great chairman, the gentleman from Alaska (Mr. YOUNG), for this bill.

As the gentleman from Florida (Mr. MICA) mentioned, I had the privilege of chairing the Subcommittee on Aviation for 6 years; but I cannot tell you how much I admire and respect the work that the gentleman from Florida (Mr. MICA) has done. No one could have done a better job as chairman of that subcommittee. And I certainly appreciate all the work he has done because that subcommittee has to deal with some very difficult and contentious issues at times, and that has been particularly so over the last couple of years.

This bill continues what I think was very good work that we did in the AIR 21 legislation that I had the privilege to work on while I was chairman of the subcommittee. I especially want to mention, as the gentleman from Oregon (Mr. DEFAZIO) did, the environmental streamlining provisions, because we have had so many hearings that said projects were costing three times as much as they should and taking an average of 10 years to complete because of convoluted and confusing environmental rules.

I know the main runway at the Atlanta airport took 14 years from conception to completion, but only 99 days of actual construction.

I appreciate the provisions in regard to general aviation which is so important to this Nation's economy, and small and medium-sized airports, because that is vital to areas like mine.

I want to thank the gentleman from Florida (Mr. MICA) for the provisions concerning Midway Island and making that eligible for AIP funding because that is something that means so much to so many veterans.

Finally, to the National Safe Skies Alliance, which has done so much work on aviation safety and security. I urge support for this bill.

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

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise to engage the gentleman from Minnesota (Mr. OBERSTAR) in a colloquy.

As the senior member on the Subcommittee on Aviation from California, I wish to bring to the attention of this body the rapidly developing public air travel access and passenger capacity needs at certain airports across the country.

With national growing capacity needs and growth issues, airports must address attendant safety factors. In 2002, Long Beach Airport was the fastest-growing commercial airport in the country at an annual growth rate of 300 percent. Therefore, I respectfully request that the Federal Aviation Administration and Congress take under advisement such capacity and growth issues and give appropriate consideration in awarding grants under the Airport Improvement Program for airports that are experiencing major growth. Specifically, I ask the FAA to take under strong consideration the needs for runway rehabilitation in these airports across the country that are impacted by rapid growth.

I ask the gentleman from Minnesota (Mr. OBERSTAR), the ranking member, we as members of the Subcommittee on Aviation and the full committee have worked hard to produce an aviation reauthorization bill that will sustain growth and enhance capacity as well as address ongoing safety needs. Providing much-needed resources to these growing airports across the country is within the principle and spirit of this aviation reauthorization bill.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. MILLENDER-MCDONALD. I yield to the gentleman from Minnesota.

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

Mr. OBERSTAR. Mr. Chairman, I commend the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her persistence and continuous leadership on this capacity issue, as well as many other transportation matters within the jurisdiction of our committee.

Resources for airport growth is an essential feature of this legislation. The gentlewoman has worked very hard and reminded the committee of these capacity requirements over the coming years. The bill specifically improves those funding measures substantially over even AIR 21 and previous legislation.

Five years ago, Congress provided only $1.9 billion for the airport improvement program (AIP). In AIR 21, we substantially increased AIP funding. Flight 100 builds upon the success of AIR 21 and continues to grow the program to meet anticipated capacity issues. In total, the bill provides $14.8 billion for AIR over 4 years, $1.2 billion more than the Administration's request. Airport development funding will grow from the current level of $3.4 billion to $4 billion in FY 2007. Moreover, these funds are guaranteed under flight 100.

With Flight 100, we will continue to make headway toward addressing our enormous airport development needs.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY), who is also a senior member of our Subcommittee on Aviation.

Mrs. KELLY. Mr. Chairman, my purpose in rising is to express my strong support for the passage of H.R. 2115, Flight 100.

Three years ago, we passed landmark legislation under the chairmanship of Chairman SHUSTER, which increased dramatically Federal investment in our aviation system.

As we all know, the country has undergone fundamental changes since the enactment of AIR 21; and few, if any, industries have been so directly affected by our new circumstances. The legislation we have on the floor today is important because it builds on the accomplishments of AIR 21 and helps our aviation system adapt to new changes. Air transport is a large and very important part of the U.S. economy, and safety is a focus of not only the industry itself but of this bill.

The central feature of this bill is that it continues protections for the aviation trust fund that we achieved with AIR 21. These procedural protections which ensure the revenue generated by aviation taxes will be dedicated solely to aviation improvements have had a substantial and positive effect on Federal investment levels in aviation. In the first year of AIR 21 alone, funding for the Airport Improvement Program increased by $1.3 billion. Funding for the Facilities and Equipment Program increased by $700 million in the first year.

This bill maintains a strong focus on safety. It sets us on a path that will allow us to accommodate the continued growth of the system that we expect and we desire.

So I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for their efforts in getting this bill to the floor. And I would like to take note of my appreciation for their inclusion of a provision affecting our air traffic controllers and flight attendants. Once again, I urge a positive vote on this measure.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON of Indiana. Mr. Chairman, I would like to first and foremost commend the leadership of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), and those who are ranking here representing this Flight 100, in recognition of the flight of the Wright brothers' incredible and ingenious invention, an item that seeks to annihilate space and circumscribe time.

I am particularly pleased that the protection for the air traffic controllers has been contained in this major piece of legislation. Individuals who lowered 4,000 flights without incident on 9–11 certainly need to be protected for their good work and their expertise.

Mr. Chairman, I had wanted very badly to have an amendment in here, a sense of Congress that would encourage the Department of Transportation to give preference to new entrants into the aviation market in terms of different routes that will eventually culminate in this particular legislation. While I support the major airline industry in this country, and use them twice a week, I think it would be beneficial to be very consumer friendly to

allow some of your lesser-known carriers to be new entrants into this market to enable them to fly to, say, Washington Reagan National Airport at a more consumer-friendly cost than what we are having to pay at present. And we would trust that the Department of Transportation would look at that as a possibility as this measure goes forward.

Mr. Chairman, I commend those who worked laboriously to ensure the passage, and I support the passage of Flight 100.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BURGESS), a member of the full committee.

Mr. BURGESS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I am pleased to join my colleagues in support of H.R. 2115. A vibrant and strong aviation industry is critical to our Nation's long-term economic growth. Over 10 million people are employed directly in the aviation industry. For every job in the aviation industry, 15 related jobs are produced.

The aviation industry accounts for over $800 billion of the country's gross domestic product. Just as the aviation industry is a catalyst for growth in the national economy, airports are a catalyst of growth for their local communities. Airports create over $500 billion in economic activity and directly employ 1.9 million people. Almost 2 million people a day and 38,000 tons of cargo pass through our Nation's airports each day.

The aviation industry is important to me and my constituents in the 26th district of Texas. The Dallas-Fort Worth Airport and American Airlines are headquartered in my congressional district. In my district alone, the aviation industry directly and indirectly employs over 50,000 people.

Aviation also links our Nation's citizens and communities to the national and world marketplace. Without access to integrated air transportation networks, communities cannot attract the investment necessary to grow or allow homegrown businesses to expand. A modern and fully funded aviation network is fundamental to making sure that all Americans can participate fully in the economy.

Airports are economic development engines. Airport development is a real economic stimulus that creates both immediate jobs and long-term economic development. Once this bill is enacted, my constituents will have the tools and resources necessary to attract even more air service-related economic development, and most importantly, further expand their connections to the national and global economy.

Mr. Chairman, the FAA reauthorization bill meets the challenges facing our Nation's aviation system: increasing security, expanding airport safety and capacity, and making sure all of our Nation's communities have access to the network. I strongly support H.R. 2115 and look forward to its passage today.

□ 1415

Mr. DEFAZIO. Mr. Chairman, I yield 2¼ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I rise today in strong support of the Century of Aviation Reauthorization Act, and I want to commend the gentleman from Florida (Mr. MICA) and the gentleman from Oregon (Mr. DEFAZIO) because they have stressed so specifically the need for security in our airports, and they have worked diligently on that subject in terms of their leadership.

Working in a bipartisan manner, the committee has done an admirable job forging reasonable compromises on many issues. In the past 18 months, the Congress and the American people have made airport security and airline stabilization the primary focuses of aviation policy, and it is fitting to focus on our aviation capacity and safety needs again.

The Airport Improvement Program funding authorized in this bill will have the added benefit of putting people to work in a time of 6.1 percent unemployment. One issue that remains a top priority for me is funding for the national airspace redesign in the operations and maintenance account.

With a national airspace that looks as if it was designed in the time of the Wright brothers, AIR 21 did a good job of providing funds to stop the comprehensive design. H.R. 2115 allows that work to continue.

In 1998, FAA administrator Jane Garvey came to Newark airport and announced that the National Airspace Redesign would begin in the New York/New Jersey/Philadelphia region. I know that the FAA is still working on that segment of the design, and they hope to have a draft environmental impact statement next year.

The completion of the redesign will benefit Newark Liberty International Airport immensely by reducing delays, and it could potentially benefit New Jersey residents with air noise reduction.

Let me reiterate a point included in the committee report, if I may, that reminds the FAA that environmental streamlining provisions in the legislation have not been drafted to undermine the National Environmental Policy Act and we also worked that out. I urge the House to improve this important legislation.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Indiana (Mr. CHOCOLA), an outstanding new Member and also the vice chair of our subcommittee who is doing a great job.

Mr. CHOCOLA. Mr. Chairman, I want to thank the gentleman for yielding me the time. I also want to commend the distinguished chairman for his good work on this bill.

Mr. Chairman, I rise today in support of this bill. In December of 1903, on the sands of Kitty Hawk, North Carolina, the Wright brothers achieved the milestone of manned, controlled, powered flight, and with that historic first flight, the aviation age was born. Since that time, the Federal Aviation Administration has developed alongside the aviation industry. We are here today obviously working on a 4-year reauthorization of that government agency.

The FAA does a lot of good things, but like every government agency, the FAA needs to be a good steward of taxpayer dollars. While the Subcommittee on Aviation was considering this bill, we heard from the General Accounting Office about $5.4 million in government credit card, also known as purchase cards, abuses by the employees of the FAA. Some examples of that abuse include purchase of Palm Pilots and accessories such as keyboards and leather cases from Coach costing almost $67,000. They also uncovered individual subscriptions to Internet service providers totaling $17,000; store gift cards to places like Home Depot, WalMart, and there are several other examples.

In their report, the GAO made a number of recommendations to strengthen FAA's internal controls of this purchase card program and decrease wasteful spending and improve accountability. I offered an amendment during consideration of this bill to direct the FAA administrator to implement the GAO's recommendations and then report back to Congress in 1 year and tell us how they are doing, and I am happy to report that the amendment was adopted.

Mr. Chairman, I believe we need to be better stewards of taxpayer dollars, and this small step will lead us in the right direction. The FAA is committed to a sound purchase card program and is taking action to strengthen controls, but we have an obligation to ensure that the FAA takes the necessary steps to manage their purchase card program responsibly.

Mr. Chairman, I think this is a good bill, and I urge my colleagues to support it today.

Mr. DEFAZIO. Mr. Chairman, could I inquire of the Chair as to the time available on each side?

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 10¼ minutes remaining, and the gentleman from Florida (Mr. MICA) has 15 minutes remaining.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me express my appreciation for the extraordinary leadership of this Committee on Transportation and Infrastructure and this subcommittee in general in working together to formulate this bill, and I especially would like to voice my support for section 420 of the bill which has important implications for the aviation safety.

Over the last several weeks, I have heard from aviation repair stations in the Dallas/Fort Worth area that have told horror stories about the manufacturers refusing to make critical maintenance data available. I was contacted by one repair facility located in the Fort Worth area that has had firsthand experience with the problem that section 420 seeks to remedy.

In 1999, one of the manufacturers whose products the facility is authorized to maintain was charging just under $5,000 to keep three maintenance manuals current for 3 years. Now that same manufacturer is charging more than $20,000 to keep those manuals current for just 1 year. That price increase is outrageous and unwarranted, and this is just one example of aviation manufacturers taking advantage of the small businesses, and small businesses hire more people in Texas than any other type of business.

Mr. Chairman, we cannot sit by and allow manufacturers to deny access to critical maintenance information, so that we can keep our planes safe for the skies. We cannot sit by as the FAA fails to enforce its own regulations. Section 420 will remedy this situation if it is allowed, and, in turn, we will improve aviation safety and security.

Mr. MICA. Mr. Chairman, I am pleased to yield 2¼ minutes to the gentleman from Arkansas (Mr. BOOZMAN), one of our most active members on our subcommittee.

Mr. BOOZMAN. Mr. Chairman, I rise today in support of H.R. 2115, and I commend the gentleman from Alaska (Mr. YOUNG), the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for their efforts to bring this legislation to the floor.

H.R. 2115 protects the needed investment in our aviation system, and while doing so, it addresses the needs of our small communities. Most of us here in Congress represent small community airports. There are only a few airports the size of Chicago, Atlanta, or Los Angeles. In fact, over 60 percent of our airports are small airports.

That is why it is so important that H.R. 2115 continues the Small Community Air Service Development Pilot Program. This program is devoted to developing air service to smaller communities. Fort Smith, Arkansas Regional Airport, from my District, was fortunate enough to be one of the 40 airports selected to participate in this program. I am pleased to report that the program has been instrumental in enhancing air service in Fort Smith. They are truly a success story. The continuation of the Small Community Air Service Pilot Program is very important to small airports.

Another feature of this bill that works to support needs of small communities is the continuation of Essential Air Service. I commend the entire Committee on Transportation and Infrastructure for working together to improve the EAS program. The gentleman from Kansas (Mr. MORAN) worked very hard on this program, and I thank him for his efforts.

EAS provides air service to rural airports that would normally not be able to support a commercial air carrier in their community. In my District, Boone County Airport in rural Harrison, Arkansas depends on the EAS program for commercial service. The continuation and full funding of EAS is necessary for these rural communities. They simply cannot afford to pay a high-cost share to sustain service, and above all, they cannot afford to lose service.

H.R. 2115 adequately funds the EAS program and creates a community choice program that will allow communities to take ownership.

I ask support for the legislation.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the other gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the other gentleman from Oregon for his courtesy.

Mr. Chairman, the modern airport is a building block of a livable community. Air transportation is essential to cities being competitive in a global economy and being integrated into the national transportation framework.

It is time for us to start making plans for what the role of airports should be in the future so that they do not pose a threat to livability and are truly integrated with other modes of transportation.

The manager's amendment contains two items I think can help point the way towards better, long-term integration among aviation, rail, and surface modes. First, there is an effort to clarify and publicize how passenger facility charges can be used to assist in the development of ground access projects. For too many people, the worst part of the trip is trying to get to and from the airport.

Second, there is a provision that requires plans for airport and runway construction and expansion to be shared between the airports and the metropolitan planning organizations. Currently, there is no guarantee that the aviation and surface transportation agencies are even talking to each other, let alone actually planning together.

A sound transportation process includes all the players and respects their obligations and responsibilities, and it will work to the benefit of all.

Twelve years ago, with the ISTEA legislation, Congress started a revolution in how our communities' transportation services are provided. It gave local communities more flexibility and provided strong signals that it made sense to plan comprehensively and to work intermodally. It is time for us to think about the next step of the transportation revolution as it relates to aviation, and extend these concepts to the other interrelated modes of rail, aviation and surface transportation.

I appreciate the courtesy of the subcommittee in including these provisions in the bill to at least start some cooperation between the modes, and hopefully in the future we can break down those barriers further and make more progress to truly having an integrated, seamless transportation system with airplanes, the critical role that we know that it needs for tomorrow's future.

Mr. MICA. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kansas (Mr. MORAN), who is a member of our subcommittee who represents probably the largest aviation manufacturing facility, and does it so well, in the United States.

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman from Florida (Mr. MICA) and the committee staff for the opportunity to be here today and for the quality piece of legislation that addresses many important concerns back home to the State of Kansas.

I am grateful for the opportunity that we have had to work together, particularly in regard to Essential Air Service reform. This is maybe the most significant reform we have had since this program was created 25 years ago.

The EAS provisions included in this bill give small and rural communities a greater role in the EAS process. Besides preserving its funding, it will also allow small communities to better tailor their local air service to their unique individual needs. It is vital small communities across the country remain connected to the national air network.

This legislation also provides increased funding for the AIP, Airport Improvement Program, that is essential in maintaining our Nation's airports, both large and small, and continues funding for our Nation's contract tower program, a vital program that improves the safety for small community airports.

Mr. Chairman, one section of the bill that remains a concern to me is section 420 that addresses the availability of maintenance information. This provision has some economic ramifications for aviation manufacturers. We discussed this issue in the full committee markup, and I appreciate my colleague's continued involvement and his responsiveness to the issue I have raised. The manager's amendment that the gentleman has offered will address some of the concerns. However, a couple of key safety and liability issues remain to be resolved.

Mr. Chairman, as my colleagues know, I drafted an amendment that I think would be a satisfactory compromise on this issue, which I will not offer, but would ask for the gentleman's continued support and discussion as we try to find satisfactory resolution to this issue that is very important to the aviation manufacturing industry.

I again thank the gentleman for all the efforts that he has put into this legislation.

□ 1430

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Kansas. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I do appreciate the serious concerns that the gentleman from Kansas has raised relating to the repair manuals and other information that should be made available, and we will work with the gentleman to make sure that the concerns raised are addressed.

Mr. MORAN of Kansas. Mr. Chairman, I thank the gentleman from Florida.

Mr. Chairman, let me begin by thanking you for your efforts in drafting H.R. 2115, the Flight 100—Century of Aviation Reauthorization Act. This legislation is vital for the continuation of our nation's aviation system.

I would like to thank you, Aviation Subcommittee Chairman MICA, and the Committee staff for your assistance in creating a quality piece of legislation that addresses many important concerns for state of Kansas.

I am grateful for the opportunity to work with you in crafting the most significant Essential Air Service (EAS) reform since the program's inception twenty-five years ago. The EAS provisions included in this bill give small and rural communities a greater role in the EAS process. Besides preserving funding, it will allow small communities to better tailor their local air service to their unique individual needs. It is vital that small communities across the country remain connected to the national air network.

Their legislation provides increased funding for the Airport Improvement Program (AIP)—essential in maintaining our nation's airports—both large and small. Also, this bill provides continued funding for our nation's contract tower program—a vital program that dramatically improves the safety of small community airports.

Mr. Chairman, one section remains that still concerns me—Section 420—the section that addresses the availability of maintenance information. As you know, this is a controversial provision because of its dramatic economic ramifications for aviation manufacturers—many of whom, I might add, are laying off workers and temporarily closing their production lines. Aviation manufacturing is vital to the Kansas economy. It is our second largest industry behind agriculture. Also, more than 60 percent of the general aviation aircraft produced in the United States originates in Kansas. We discussed this issue during the Full Committee markup and I am appreciative of your continue involvement and your responsiveness to the issues I raised. The manager's amendment does address my concerns with the bill's language addressing the cost of maintenance manuals.

I continue to have concerns with Section 420 because we have not held a hearing on the issue, we have not heard from the FAA or the NTSB on the issue, and no one has shown me evidence that this provision will address a safety problem, if one in fact exists. Also, I have yet to see evidence that manufacturers are over-charging for these manuals.

If the case has not been made that such an immediate safety issue exists, why is Congress getting involved in the economic regulation of the aviation industry? Mr. Chairman, unless it an urgent and significant safety issue, I think we should be reluctant to intervene in the marketplace. I still believe we should first ask the FAA to study this issue in order to define the key terms of this legislation. Why pull the trigger without asking questions first?

Mr. Chairman, I drafted an amendment that I believe is an amenable compromise on this issue. However, rather than offer an amendment on a little-known and complex issue, I ask that you continue to work with me, the aircraft manufacturers, and the repair station industry, so a mutually agreed upon compromise—one that satisfies all parties—can be crafted during conference. I specifically ask for you commitment to address the following issues:

(1) For safety purposes, language to protect manufacturer oversight;

(2) Manufacturer liability concerns;

(3) In keeping with the current scope of the regulation, to include in section (a) the terms ''type certificate holder,'' ''supplemental type certificate holder,'' and ''amended type certificate holder''; and

(4) The definition of ''design approval holder.''

Again, I sincerely thank you and your staff for adopting the language contained in the manager's amendment—this is definitely a step in the right direction. Mr. Chairman, again, thank you for your consideration and your assistance.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

Mr. CASE. Mr. Chairman, I thank the committee for what I think is a good bill. My purpose in rising today as this bill goes forward is simply to highlight the absolute dependence on some parts of our country on air service, and thus the absolute importance of the essential air services portion of the law and of this bill, and also the necessity as we go forward of avoiding one-size-fits-all thinking when we deal with the problems of our rural communities in addressing EAS.

In fact, imagine a district in which air service is truly indispensable to providing the basic necessities, to transporting residents, to providing emergency medical service, and to the survival and prosperity of our number one industry, tourism, and several other important industries based on, for example, agricultural exports.

That is Hawaii today, and that is my second district, a district that has all of Hawaii other than urban Honolulu and is composed of seven inhabited islands. It is absolutely unique.

Let me give an example of how this fits into one-size-fits-all thinking. A great deal of discussion is given in essential air services to how far airports are apart from each other, and both the gentleman from Pennsylvania (Mr. PETERSON) and the gentleman from Pennsylvania (Mr. PITTS) are offering amendments which I fully support which deal with how far is an airport. Well, the airport on Molokai is somewhere around 40 miles from Honolulu International Airport. Not too far, but there is no road. No road. It is on another island, so we have to think about unique circumstances. The options are nonexistent, no driving, no highways, no rail, no trains, no Amtrak subsidies, no ferries, cannot do that. It is airplane, period.

We are also in a very difficult period of adjustment in our interisland air travel. One airline is now in bankruptcy so we face the possibility of a monopoly with fees increasing and capacity reducing. We do have EAS designation for three extremely rural airports in Hawaii, and that is very appropriate; but I could easily make the argument that all Hawaii airports, big or small, rural or urban, are essentially EAS airports.

In conclusion, I simply want to highlight the absolute necessity of EAS to States like Hawaii.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Montana (Mr. REHBERG), the former lieutenant governor of the State of Montana.

Mr. REHBERG. Mr. Chairman, I thank the gentleman for recognizing the differences between districts. The gentleman from New York (Mr. CROWLEY) is going to be speaking, and I want to highlight why essential air service is important to the State of Montana.

The gentleman from New York had to come all of the way to the State of Montana to find his future wife, but our districts could not be more dissimilar. He represents 75 square miles with LaGuardia in the middle. My district spans the distance from Washington, D.C. to Chicago. Washington, D.C. to Chicago. We have eight communities. When I travel back to my district, it takes me 7 hours to get to my district by air. I jump in a car, and just to get to one of the communities to have a listening session on an Indian reservation, it takes me another 6 hours to drive. We need essential air.

This country made a commitment in rail many years ago. It made a commitment in our interstate system many years ago, and it made a commitment to essential air service. I cannot think of a more appropriate name than essential air service.

When I came to Congress, I said I want to know about other people's districts so I know what kinds of things they are confronted with. I can see the problem between islands that the gentleman from Hawaii spoke about. People cannot swim necessarily between islands. Do you want grandmother and grandpa driving 324 miles to get to the hospital? They have no alternatives. They cannot get on Amtrak; they cannot call a cab and ride 324 miles to see their doctor. We need essential air service. This committee and this Congress has made that recognition through this bill, and I hope Members will look favorably upon the bill; and I thank the gentleman from Florida (Mr. MICA) for his hard work on this bill, and I thank the gentleman from New York (Mr. CROWLEY) for taking his wife and moving her to New York.

Mr. DEFAZIO. Mr. Chairman, may I inquire as to the time remaining.

The CHAIRMAN. The gentleman from Oregon (Mr. DEFAZIO) has 4½ minutes remaining, and the gentleman from Florida (Mr. MICA) has 9 minutes remaining.

Mr. DEFAZIO. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I would like to respond to the gentleman from Montana (Mr. REHBERG), but I do not have the time to do it right now.

I rise to engage in a colloquy with the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Florida (Mr. MICA) and call attention to the serious issue of noise pollution and the effects of airport noise in the communities surrounding LaGuardia Airport in Queens and the Bronx, New York, as well as the other communities surrounding the four airports of the Port Authority of New York and New Jersey.

To date, the Port Authority of New York and New Jersey has continually refused to provide for residential soundproofing for these homes or to undertake a part 150 noise compatibility study, which would allow the Port Authority to tap into tens of millions of Federal noise abatement dollars for residential soundproofing.

If one looks at the 10 largest airports in America, all of them spend money on residential soundproofing except the Port Authority of New York and New Jersey, which governs LaGuardia Airport, Kennedy Airport, Teterboro Airport, and Newark Airport.

While the Port Authority has contacted me to state they would be willing to work with my office and our congressional delegation, including the gentleman from New York (Mr. ACKERMAN), the gentlewoman from New York (Mrs. LOWEY), and the gentleman from New York (Mr. WEINER), to address these noise problems, it is my hope and the hope of the communities surrounding LaGuardia Airport that they will begin residential soundproofing of homes.

That is why I would like to address this issue and request assistance to work with me on crafting report language to make the Port Authority of New York and New Jersey a better and more responsible neighbor, so they will address noise problems created at their airports, especially as they affect residents living near these airports.

Mr. DEFAZIO. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, I commend the gentleman from New York (Mr. CROWLEY) on his fierce advocacy on this issue and the fact that we are beginning to see some movement on the part of the Port Authority. It is astounding they have not undertaken such a study. I want to continue to work with the gentleman and the Chair and others to see that we begin to move ahead on this issue.

Mr. MICA. Mr. Chairman, will the gentleman yield?

Mr. CROWLEY. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, I thank the gentleman for raising this important issue before the House, and I look forward to working with him to come to a fair solution to the problem raised by him.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), a former member of the Committee on Transportation and the Infrastructure.

Mr. TERRY. Mr. Chairman, I rise in support of this important bill. It continues the philosophy embraced in AIR 21, which accomplished two significant things. First of all, it recognized the importance of the infrastructure of our airports and the necessity to modernize and expand. I am proud that this bill embraces that philosophy. The Omaha Epplay Airport at one time was one of the fastest growing airports in the Midwest and certainly requires additional infrastructure.

Also in regard to safety, once you are in the air with the capacity that is necessary to move people back and forth in today's economy, it is necessary that we modernize in that area; and I am proud that this bill continues to modernize and make air travel even safer.

I do, however, have concerns about what I call the ''front end security'' in our airports. That is a variety of different issues that, I think while the gentleman is helping air travel with this bill, I worry that with the convoluted, confusing airport security in our airports today that we are not chasing passengers away. The number of airports that I have walked through since we have adopted airport security, I see the number of screeners and baggage handlers more than double, but what I see is longer lines. From my view, just as efficient, if not less efficient, airport screening. I see different rules from one airport to another in regard to how they handle baggage and requirement of IDs.

I have heard from many of my constituents complaints about the arrogance of those people now checking the bags and the difficulties that they have had. We did not hear those types of stories before. Maybe some of that comes from the fact that the Federal security directors in these airports are mostly retired military.

Mr. Chairman, are these issues going to be addressed by the committee?

Mr. MICA. Mr. Chairman, I yield myself 30 seconds to answer the gentleman's question.

Mr. Chairman, I want to assure the gentleman from Nebraska that while we do not address in this particular legislative measure before us today security issues raised by the gentleman, they will be addressed in a separate piece of legislation that is now pending, consideration by leadership and homeland security. Certainly all of the issues that the gentleman raised have been raised by other Members, and we will try to right-size and correct some of the problems with TSA and aviation security.

Mr. DEFAZIO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Florida (Mr. MICA), and the chairman of the full committee for the bipartisan way in which they have put together a very good bill.

Mr. Chairman, I ask Members to imagine their own district if general aviation or charters had been closed down since 9–11. Whether Members are from a small or large area, there would have been a demonstrable effect on the economy, and, indeed, on your way of life. And the last place one would expect that to happen is in the Nation's capital; but that is what has happened at Reagan National Airport, even though this area is a huge economic engine for the country because of the high-tech and other employers located here. And, of course, this is where the Nation's capital is located.

I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) for having supported the reopening of general aviation at Reagan National after listening to all of the security concerns, including secured briefings. General aviation is up and operating everywhere else in the United States. Yes, at Dulles from whence the Pentagon plane came, at New York where the Twin Towers were struck, and at BWI. Why is it not up here, especially when the Reagan contractors have said they will submit to any plan imposed by the Transportation and Safety Agency? None has been forthcoming.

Mr. Chairman, there is a plan. We know there is a plan, and we know that the TSA was about to offer a plan more than a year ago; but no plan has been published. I had an amendment that said publish a plan and let us speak on it. No one would compel them to put a plan in operation. General aviation is not closed. It must be kept open for the convenience of the government. Therefore, there are two employees there for the convenience of Federal and State and local takeoffs and landings.

The lesson from 9–11 is that security takes place on the ground or else it does not take place at all. We have some fail-safes for planes. But general aviation or charters, it would be easy enough to impose absolute measures: special screening, limited takeoffs and landings. I could go on and on. We cannot allow 9–11 to shut down any part of the national economy. They have already done so here. It is a notch in their belts; let us take that notch away.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from North

Carolina (Mr. HAYES), a very knowledgeable member and a pilot who serves on our subcommittee.

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Mr. HAYES. Mr. Chairman, as a person with an experienced perspective on aviation and the role of aviation in promoting economic investment, I want to thank the gentleman from Florida (Mr. MICA), the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for their leadership in working with Members to craft this excellent current legislation which I strongly support.

Modernization of the air traffic control system through an innovative financing program that they have included in this bill is very helpful to provide the kind of safety that we seek in our air traffic control. Keeping air traffic control from being privatized is very important. We have done that in this bill. Funding. Providing significant increases in the AIP, Airport Improvement Fund, is important. We have done that. Streamlining provisions which allow for runways and expansion to be accelerated without compromising any of our environmental concerns is in this bill and vitally important to helping alleviate future congestion in the system.

All of these and many other provisions included in the bill will strengthen the aviation industry, our transportation system, and will grow our economy for future generations.

Mr. Chairman, I appreciate the efforts, I appreciate the attention that was paid to the fine personnel who operate the finest and safest air traffic control system in the world, and I appreciate Members' support for this bill.

Mr. MICA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I would like to engage the gentleman from Florida in a colloquy concerning section 521 of H.R. 2115.

Section 521 concerns what is known as ''general conformity'' under the Clean Air Act. As reported from the Committee on Transportation and Infrastructure, the provision would require joint action by the Department of Transportation and the Environmental Protection Agency regarding appropriate emission credits for airport projects. The section would also authorize a pilot program to retrofit airport ground equipment at airports located in nonattainment or maintenance areas, as defined in the Clean Air Act.

This provision is within the jurisdiction of the Committee on Energy and Commerce and the Subcommittee on Energy and Air Quality that I am chairman of. I share the broad goals of this provision, but I have some concerns regarding the current legislative language, including the requirement for joint action. While the language indicates provision of the credits should be ''consistent'' with the Clean Air Act, the current construction may be subject to misinterpretation. It may also be in conflict with the present statutory role of the Environmental Protection Agency under the Clean Air Act. Therefore, I would seek the gentleman's assurances that the Energy and Commerce Committee's interests will be protected in conference and that any final legislative language regarding section 521 be subject to the review and concurrence of the committee that I serve on.

Mr. MICA. Mr. Chairman, will the gentleman yield?

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

Mr. MICA. The gentleman has my assurances that this will be the case and that I will work with the gentleman to see that the appropriate changes are made in conference.

Mr. BARTON of Texas. I want to thank the gentleman from Florida for his assurances and look forward to working with him during the upcoming conference.

Mr. MICA. Mr. Chairman, I am pleased in the spirit of bipartisanship, the good spirit in which the legislation has been crafted together with both sides of the aisle, to yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the very distinguished subcommittee chairman not just for yielding me this time but for the fact that this committee, I understand, has really been pretty fair to the Washington area, because I know the pressure that is on the committee with regard to National Airport, to expand the slots not just incrementally but exponentially because everyone would like the convenience of National Airport and a lot of the airlines would like transcontinental flights.

But we have a very serious concern. I know the chairman knows that, I know the gentleman from Minnesota (Mr. OBERSTAR) is aware of that and the gentleman from Alaska (Mr. YOUNG), all of the people that have been involved in this know that there was an agreement signed back in 1986 where the Washington area took over the financing and operational responsibility for National and Dulles airports. The deal was that the Congress would not micromanage. Yet we do have 20 additional slots here and we have 12 slots that go beyond the 1,250-mile perimeter rule which was a very basic part of that agreement. The gentlewoman from the District of Columbia (Ms. NORTON) and I have a very serious concern with expanding those slots. What we would like at least is an agreement that we will take out the so-called ''come see me'' provision so this would be the end of the slot expansion and we would like to get general aviation opened. I know that the gentleman from Florida (Mr. MICA) has been working on general aviation. It is very important to our economy but important to so many economies throughout the country. It does not make sense to keep general aviation closed.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to thank again the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Oregon (Mr. DEFAZIO), and particularly the gentleman from Alaska (Mr. YOUNG) for their leadership in putting this legislation together. There are a number of difficult issues. I particularly again want to reiterate thanks to the staff who have worked long and hard to bring this measure in rapid order before the House of Representatives.

Mr. Chairman, this is a vital piece of legislation. I think all we have to do is look back on the events of September 11. If you took American aviation for granted, certainly that day was an awakening. Every day since September 11, we have struggled to get back on our feet. We have seen the hundreds of thousands of jobs that have been lost in our economy as a result of damage done not only by the events of September 11 but the struggling difficulties of our major air carriers. We take aviation for granted in this United States. It has provided a magic carpet, a way of life unknown by any people who have ever walked the face of this Earth, but it has become a part of the very fabric of our society. This legislation will set our policy for the next 4 years as far as aviation, so it is very important.

We heard from the gentleman from Virginia and the gentlewoman from the District of Columbia how a closedown in just general aviation has affected the Nation's capital and the areas they represent. We cannot have that anywhere. We are willing to work with them and work with all to make certain that we restore this vital industry, that we restore jobs and that we protect a way of life for the American people. That is, to travel again in a manner in which only we can think about today and only 100 years ago the Wright brothers could dream about.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise to voice my concerns over this legislation.

Every few year, we return to the issue of adding slots at Reagan National. Every few years we tinker around with the Washington area airports in ways that congress shouldn't be tinkering.

It might be more convenient for some people to have the flights they want on airlines they want to favor, but these actions have real effects on the economy of my district in ways that I believe are not fully appreciated.

Three airports—Reagan National, Dulles, and Baltimore/Washington, serve Washington, D.C. region. Our region—my district—has developed around the services these airports provide. Along the Reston corridor one can see all the tech firms that have established themselves over recent years. One of the main reasons—one of the main selling points—for these companies to locate in

Northern Virginia was the fact that Dulles airport provided an accessible, convenient transportation hub for flights all over the globe.

It is not a secret that the airline industry is in deep financial trouble. United Airlines, which operates 60 percent of the flights at Dulles, is struggling to emerge from bankruptcy. They are struggling to deal with the fallout from the War in Iraq, SARS, terrorism—and they are facing increased pressure form the bankruptcy court to abandon their Dulles hub. Understand that continuing to divert traffic away from Dulles, especially long-haul traffic, gives more fuel to those who would have United leave Dulles.

I hope you understand why this is so important to me. This isn't solely a debate about noise and increased air traffic, although those are important issues to my constituents as well. It is a debate about continuing to erode the cornerstone of the Northern Virginia high-tech corridor.

That said, it seems a little unfair that if we must continue to add outside-the-perimeter slots at National, that we do not allow U.S. Airways—the airline that has put so many resources into making Reagan National a world-class airport—the opportunity get any of them. U.S. Airways is also an important part of our economy in Northern Virginia. They have done an outstanding job to re-emerge from bankruptcy, and I think it is time we started recognizing the contributions they have made for the National Capital Region.

To close, I would love to see an end to Congressional micromanagement in MWAA affairs. I am hopeful this will eventually happen. Until then, understand the true nature of my opposition to adding more long-haul flights to National.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 2115, Flight 100, the Century of Aviation Reauthorization Act. This is a good bill and I urge my colleagues to join me in supporting this legislation.

When this Congress passed AIR–21 in 2000, we significantly increased funding for aviation programs, especially the Airport Improvement Program (AIP), in order to increase capacity to help cope with record high aviation traffic and unprecedented delays.

While air traffic has declined in the last three years due to a variety of factors, including the attacks of September 11th, the slumping economy and the SARS outbreak, no one expects these declines to be permanent, and the FAA is forecasting a return to record levels in 2006. Our Nation's aviation infrastructure needs to be prepared for this growth in traffic, and this bill keeps us on track to do so.

Flight 100 authorizes $58.9 billion over four years for the programs and activities of the FAA, including $14.3 billion for FY04. It continues the budgetary protections that allowed us to increase funding in AIR–21, and continues to provide slightly increased annual funding for the AIP program.

In addition, the bill increases the entitlement for cargo airports, prohibits the privatization of air traffic controllers, allows airports to use some of their AIP money to modify terminals to install explosive detection systems, extends the government's ability to offer war-risk insurance until 2007 for domestic flights and increases the amount that airports in the military airport program may use for terminal development, parking lots, fuel farms or hanger construction.

Mr. Chairman, which this bill does not do everything that I would like it to do, overall it continues good aviation policies and will serve to strengthen our aviation infrastructure over the next four years. I urge my colleagues to join me in voting yes for this bill.

Mr. CASE. Mr. Chairman, my purpose in rising today is to highlight the absolute dependence of some parts of our country on air service and thus the absolute importance of the Essential Air Services (EAS) portions of the law and of this bill, and also the necessity as we go forward of avoiding one-size-fits-all thinking when we deal with the problems of our rural communities in providing EAS.

Imagine a district in which air service is truly indispensable to providing the basic necessities, to transporting residents, to providing emergency medical service, and to the survival and prosperity of its number one industry, tourism, and several other important industries like agriculture which are based on exports.

That's Hawaii today, and that's my Second District—a district that has all of Hawaii other than urban Honolulu, and is composed of seven inhabited islands—it's absolutely unique. And let me give an example of how this uniqueness doesn't work with one-size-fits-all thinking. A great deal of EAS discussion concerns how far airports are apart from each other. And both Mr. Peterson and Mr. Pitts are offering amendments today, which I fully support, that deal with ''How far apart are airports?'' Well, the airport on Molokai is somewhere around 40 miles from Honolulu International Airport as the crow flies. Not too far. But guess what—no road. No road, it's on another island. So we've got to think about unique circumstances in designing legislation.

The options are nonexistent for air service on these islands. No driving, no highways, no rail, no trains, no Amtrak subsidies, no ferries—can't do that. It's air, period!

We are also in a very difficult period of adjustment in our interisland air travel. Essentially we've had a duopoly—and one airline is now in bankruptcy so we face the possibility of a monopoly. And fees are increasing rapidly while capacity is decreasing.

We do have EAS designation for three extremely rural airports in Hawaii, and that is very appropriate. But I could easily make the argument that all Hawaii airports—big or small, rural or urban—are essentially EAS airports.

So in conclusion, I simply want to highlight, as this bill goes forward, the absolute necessity of EAS for states like Hawaii, and to say: think about unique circumstances.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendment printed in part A of House Report 108–146, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 2115

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

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

*(a) SHORT TITLE.—This Act may be cited as the ''Flight 100—Century of Aviation Reauthorization Act''.*

*(b) TABLE OF CONTENTS.—*

***SEC. 2. AMENDMENTS TO TITLE 49, UNITED STATES CODE.***

*Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.*

***SEC. 3. EFFECTIVE DATE.***

*Except as otherwise expressly provided, this Act and the amendments made by this Act shall be effective on the date of enactment of this Act.*

## *TITLE I—AUTHORIZATIONS*

***SEC. 101. FEDERAL AVIATION ADMINISTRATION OPERATIONS.***

*(a) IN GENERAL.—Section 106(k) is amended to read as follows:*

*''(k) AUTHORIZATION OF APPROPRIATIONS.—*

*''(1) SALARIES, OPERATIONS, AND MAINTENANCE.—There is authorized to be appropriated to the Secretary of Transportation for salaries, operations, and maintenance of the Administration—*

*''(A) $7,591,000,000 for fiscal year 2004;*

*''(B) $7,732,000,000 for fiscal year 2005;*

*''(C) $7,889,000,000 for fiscal year 2006; and*

*''(D) $8,064,000,000 for fiscal year 2007.*

*Such sums shall remain available until expended.*

*''(2) OPERATION OF CENTER FOR MANAGEMENT AND DEVELOPMENT.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Center for Management Development of the Federal Aviation Administration to operate at least 200 courses each year and to support associated student travel for both residential and field courses.*

*''(3) AIR TRAFFIC MANAGEMENT SYSTEM.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment and operation of a new office to develop, in coordination with the Department of Defense, the National Aeronautics and Space Administration, and the Department of Homeland Security, the next generation air traffic management system and a transition plan for the implementation of that system. The office shall be known as the 'Next Generation Air Transportation System Joint Program Office'.*

*''(4) HELICOPTER AND TILTROTOR PROCEDURES.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended by the Federal Aviation Administration for the establishment of helicopter and tiltrotor approach and departure procedures using advanced technologies, such as the Global Positioning System and automatic dependent surveillance, to permit operations in adverse weather conditions to meet the needs of air ambulance services.*

*''(5) ADDITIONAL AIR TRAFFIC CONTROLLERS.—Out of amounts appropriated under paragraph (1), such sums as may be necessary may be expended to hire additional air traffic controllers in order to meet increasing air traffic demands and to address the anticipated increase in the retirement of experienced air traffic controllers.*

*''(6) COMPLETION OF ALASKA AVIATION SAFETY PROJECT.—Out of amounts appropriated under paragraph (1), $6,000,000 may be expended for the completion of the Alaska aviation safety project with respect to the 3 dimensional mapping of Alaska's main aviation corridors.*

*''(7) AVIATION SAFETY REPORTING SYSTEM.—Out of amounts appropriated under paragraph (1), $3,400,000 may be expended on the Aviation Safety Reporting System.''.*

*(b) AIRLINE DATA AND ANALYSIS.—There is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established by section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $3,971,000 for fiscal year 2004, $4,045,000 for fiscal year 2005, $4,127,000 for fiscal year 2006, and $4,219,000 for fiscal year 2007 to gather airline data and conduct analyses of such data in the Bureau of Transportation Statistics of the Department of Transportation.*

*(c) HUMAN CAPITAL WORKFORCE STRATEGY.—*

*(1) DEVELOPMENT.—The Administrator of the Federal Aviation Administration shall develop a comprehensive human capital workforce strategy to determine the most effective method for addressing the need for more air traffic controllers that is called for in the June 2002 report of the General Accounting Office.*

*(2) COMPLETION DATE.—The Administrator shall complete development of the strategy not later than 1 year after the date of enactment of this Act.*

*(3) REPORT.—Not later than 30 days after the date on which the strategy is completed, the Administrator shall transmit to Congress a report describing the strategy.*

*(d) GOALS AND OBJECTIVES OF AVIATION SAFETY REPORTING SYSTEM.—Not later than 90 days after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the long-term goals and objectives of the Aviation Safety Reporting System and how such system interrelates with other safety reporting systems of the Federal Government.*

***SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.***

*Section 48101 is amended—*

*(1) in subsection (a) by striking paragraphs (1) through (5) and inserting the following:*

*''(1) $3,138,000,000 for fiscal year 2004;*

*''(2) $2,993,000,000 for fiscal year 2005;*

*''(3) $3,053,000,000 for fiscal year 2006; and*

*''(4) $3,110,000,000 for fiscal year 2007.'';*

*(2) by striking subsection (b);*

*(3) by redesignating (c) as subsection (b);*

*(4) by striking subsections (d) and (e) and inserting the following:*

*''(c) ENHANCED SAFETY AND SECURITY FOR AIRCRAFT OPERATIONS IN THE GULF OF MEXICO.—Of amounts appropriated under subsection (a), such sums as may be necessary for fiscal years 2004 through 2007 may be used to expand and improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather services in the Gulf of Mexico.*

*''(d) OPERATIONAL BENEFITS OF WAKE VORTEX ADVISORY SYSTEM.—Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 through 2007 may be used to document and demonstrate the operational benefits of a wake vortex advisory system.*

*''(e) GROUND-BASED PRECISION NAVIGATIONAL AIDS.—Of amounts appropriated under subsection (a), $20,000,000 for each of fiscal years 2004 to 2007 may be used to establish a program for the installation, operation, and maintenance of a closed-loop precision approach aid designed to improve aircraft accessibility at mountainous airports with limited land if the approach aid is able to provide curved and segmented approach guidance for noise abatement purposes and has been certified or approved by the Administrator.''; and*

*(5) in subsection (f)—*

*(A) by striking ''for fiscal years beginning after September 30, 2000''; and*

*(B) by inserting ''may be used'' after ''necessary''.*

***SEC. 103. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.***

*(a) AUTHORIZATION.—Section 48103 is amended—*

*(1) by striking ''September 30, 1998'' and inserting ''September 30, 2003''; and*

*(2) by striking paragraphs (1) through (5) and inserting:*

*''(1) $3,400,000,000 for fiscal year 2004;*

*''(2) $3,600,000,000 for fiscal year 2005;*

*''(3) $3,800,000,000 for fiscal year 2006; and*

*''(4) $4,000,000,000 for fiscal year 2007.''.*

*(b) OBLIGATIONAL AUTHORITY.—Section 47104(c) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2007''.*

***SEC. 104. ADDITIONAL REAUTHORIZATIONS.***

*(a) CONTRACT AIR TRAFFIC CONTROL TOWER PILOT PROGRAM.—Section 47124(b)(3)(E) is amended by striking ''$6,000,000 per fiscal year'' and inserting ''$6,500,000 for fiscal year 2004, $7,000,000 for fiscal year 2005, $7,500,000 for fiscal year 2006, and $8,000,000 for fiscal year 2007''.*

*(b) SMALL COMMUNITY AIR SERVICE.—Section 41743(e)(2) is amended—*

*(1) by striking ''and'' the first place it appears and inserting a comma; and*

*(2) by inserting after ''2003'' the following '', and $35,000,000 for each of fiscal years 2004 through 2008''.*

(c) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41766 is amended by striking ''2003'' and inserting ''2007''.

(d) FUNDING FOR AVIATION PROGRAMS.—Section 106 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 48101 note) is amended by striking ''2003'' each place it appears and inserting ''2007''.

(e) DESIGN-BUILD CONTRACTING.—Section 139(e) of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 47104 note) is amended by striking ''2003'' and inserting ''2007''.

(f) METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking ''2004'' and inserting ''2007''.

***SEC. 105. INSURANCE.***

(a) TERMINATION.—Section 44310 is amended to read as follows:

***''§ 44310. Termination date***

''Effective December 31, 2007, the authority of the Secretary of Transportation to provide insurance and reinsurance under this chapter shall be limited to—

''(1) the operation of an aircraft by an air carrier or foreign air carrier in foreign air commerce or between at least 2 points, all of which are outside the United States; and

''(2) insurance obtained by a department, agency, or instrumentality of the United States under section 44305.''.

(b) EXTENSION OF POLICIES.—Section 44302(f)(1) is amended by striking ''through December 31, 2004,'' and inserting ''thereafter''.

(c) AIRCRAFT MANUFACTURER LIABILITY FOR THIRD PARTY CLAIMS ARISING OUT OF ACTS OF TERRORISM.—Section 44303(b) is amended by adding at the end the following: ''The Secretary may extend the provisions of this subsection to the United States manufacturer (as defined in section 44310) of the aircraft of the air carrier involved.''.

(d) VENDORS, AGENTS, SUBCONTRACTORS, AND MANUFACTURERS.—

(1) IN GENERAL.—Chapter 443 is amended—

(A) by redesignating section 44310 (as amended by subsection (a) of this section) as section 44311; and

(B) by inserting after section 44309 the following:

***''§ 44310. Vendors, agents, subcontractors, and manufacturers***

''(a) IN GENERAL.—The Secretary of Transportation may extend the application of any provision of this chapter to a loss by a vendor, agent, and subcontractor of an air carrier and a United States manufacturer of an aircraft used by an air carrier but only to the extent that the loss involved an aircraft of an air carrier.

''(b) UNITED STATES MANUFACTURER DEFINED.—In this section, the term 'United States manufacturer' means a manufacturer incorporated under the laws of a State of the United States and having its principal place of business in the United States.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 443 is amended by striking the item relating to section 44310 and inserting the following:

''44310. Vendors, agents, subcontractors, and manufacturers.
''44311. Termination date.''.

(e) TECHNICAL CORRECTIONS.—Effective November 19, 2001, section 124(b) of the Aviation and Transportation Security Act (115 Stat. 631) is amended by striking ''to carry out foreign policy'' and inserting ''to carry out the foreign policy''.

***SEC. 106. PILOT PROGRAM FOR INNOVATIVE FINANCING FOR TERMINAL AUTOMATION REPLACEMENT SYSTEMS.***

(a) IN GENERAL.—In order to test the cost-effectiveness and feasibility of long-term financing of modernization of major air traffic control systems, the Administrator of the Federal Aviation Administration may establish a pilot program to test innovative financing techniques through amending a contract, subject to section 1341 of title 31, United States Code, of more than one, but not more than 20, fiscal years to purchase and install terminal automation replacement systems for the Administration. Such amendments may be for more than one, but not more than 10 fiscal years.

(b) CANCELLATION.—A contract described in subsection (a) may include a cancellation provision if the Administrator determines that such a provision is necessary and in the best interest of the United States. Any such provision shall include a cancellation liability schedule that covers reasonable and allocable costs incurred by the contractor through the date of cancellation plus reasonable profit, if any, on those costs. Any such provision shall not apply if the contract is terminated by default of the contractor.

(c) CONTRACT PROVISIONS.—If feasible and practicable for the pilot program, the Administrator may make an advance contract provision to achieve economic-lot purchases and more efficient production rates.

(d) LIMITATION.—The Administrator may not amend a contract under this section until the program for the terminal automation replacement systems has been rebaselined in accordance with the acquisition management system of the Administration.

(e) ANNUAL REPORTS.—At the end of each fiscal year during the term of the pilot program, the Administrator shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Administrator has implemented in such fiscal year the pilot program, the number and types of contracts or contract amendments that are entered into under the program, and the program's cost-effectiveness.

(f) FUNDING.—Out of amounts appropriated under section 48101 for fiscal year 2004, $200,000,000 shall be used to carry out this section.

## *TITLE II—AIRPORT PROJECT STREAMLINING*

***SEC. 201. SHORT TITLE.***

This title may be cited as the ''Airport Streamlining Approval Process Act of 2003''.

***SEC. 202. FINDINGS.***

Congress finds that—

(1) airports play a major role in interstate and foreign commerce;

(2) congestion and delays at our Nation's major airports have a significant negative impact on our Nation's economy;

(3) airport capacity enhancement projects at congested airports are a national priority and should be constructed on an expedited basis;

(4) airport capacity enhancement projects must include an environmental review process that provides local citizenry an opportunity for consideration of and appropriate action to address environmental concerns; and

(5) the Federal Aviation Administration, airport authorities, communities, and other Federal, State, and local government agencies must work together to develop a plan, set and honor milestones and deadlines, and work to protect the environment while sustaining the economic vitality that will result from the continued growth of aviation.

***SEC. 203. PROMOTION OF NEW RUNWAYS.***

Section 40104 is amended by adding at the end the following:

''(c) AIRPORT CAPACITY ENHANCEMENT PROJECTS AT CONGESTED AIRPORTS.—In carrying out subsection (a), the Administrator shall take action to encourage the construction of airport capacity enhancement projects at congested airports as those terms are defined in section 47178.''.

***SEC. 204. AIRPORT PROJECT STREAMLINING.***

(a) IN GENERAL.—Chapter 471 is amended by inserting after section 47153 the following:

''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING

***''§ 47171. DOT as lead agency***

''(a) AIRPORT PROJECT REVIEW PROCESS.—The Secretary of Transportation shall develop and implement a coordinated review process for airport capacity enhancement projects at congested airports.

''(b) COORDINATED REVIEWS.—

''(1) IN GENERAL.—The coordinated review process under this section shall provide that all environmental reviews, analyses, opinions, permits, licenses, and approvals that must be issued or made by a Federal agency or airport sponsor for an airport capacity enhancement project at a congested airport will be conducted concurrently, to the maximum extent practicable, and completed within a time period established by the Secretary, in cooperation with the agencies identified under subsection (c) with respect to the project.

''(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

''(c) IDENTIFICATION OF JURISDICTIONAL AGENCIES.—With respect to each airport capacity enhancement project at a congested airport, the Secretary shall identify, as soon as practicable, all Federal and State agencies that may have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project.

''(d) STATE AUTHORITY.—If a coordinated review process is being implemented under this section by the Secretary with respect to a project at an airport within the boundaries of a State, the State, consistent with State law, may choose to participate in such process and provide that all State agencies that have jurisdiction over environmental-related matters that may be affected by the project or may be required by law to conduct an environmental-related review or analysis of the project or determine whether to issue an environmental-related permit, license, or approval for the project, be subject to the process.

''(e) MEMORANDUM OF UNDERSTANDING.—The coordinated review process developed under this section may be incorporated into a memorandum of understanding for a project between the Secretary and the heads of other Federal and State agencies identified under subsection (c) with respect to the project and the airport sponsor.

''(f) EFFECT OF FAILURE TO MEET DEADLINE.—

''(1) NOTIFICATION OF CONGRESS AND CEQ.—If the Secretary determines that a Federal agency, State agency, or airport sponsor that is participating in a coordinated review process under this section with respect to a project has not met a deadline established under subsection (b) for the project, the Secretary shall notify, within 30 days of the date of such determination, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Council on Environmental Quality, and the agency or sponsor involved about the failure to meet the deadline.

''(2) AGENCY REPORT.—Not later than 30 days after date of receipt of a notice under paragraph (1), the agency or sponsor involved shall submit a report to the Secretary, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Council on Environmental Quality explaining why the agency or sponsor did not meet the deadline and what actions it intends to take to

complete or issue the required review, analysis, opinion, permit, license, or approval.

''(g) PURPOSE AND NEED.—For any environmental review, analysis, opinion, permit, license, or approval that must be issued or made by a Federal or State agency that is participating in a coordinated review process under this section with respect to an airport capacity enhancement project at a congested airport and that requires an analysis of purpose and need for the project, the agency, notwithstanding any other provision of law, shall be bound by the project purpose and need as defined by the Secretary.

''(h) ALTERNATIVES ANALYSIS.—The Secretary shall determine the reasonable alternatives to an airport capacity enhancement project at a congested airport. Any other Federal or State agency that is participating in a coordinated review process under this section with respect to the project shall consider only those alternatives to the project that the Secretary has determined are reasonable.

''(i) SOLICITATION AND CONSIDERATION OF COMMENTS.—In applying subsections (g) and (h), the Secretary shall solicit and consider comments from interested persons and governmental entities.

''(j) MONITORING BY TASK FORCE.—The Transportation Infrastructure Streamlining Task Force, established by Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews), may monitor airport projects that are subject to the coordinated review process under this section.

***''§ 47172. Categorical exclusions***

''Not later than 120 days after the date of enactment of this section, the Secretary of Transportation shall develop and publish a list of categorical exclusions from the requirement that an environmental assessment or an environmental impact statement be prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for projects at airports.

***''§ 47173. Access restrictions to ease construction***

''At the request of an airport sponsor for a congested airport, the Secretary of Transportation may approve a restriction on use of a runway to be constructed at the airport to minimize potentially significant adverse noise impacts from the runway only if the Secretary determines that imposition of the restriction—

''(1) is necessary to mitigate those impacts and expedite construction of the runway;

''(2) is the most appropriate and a cost-effective measure to mitigate those impacts, taking into consideration any environmental tradeoffs associated with the restriction; and

''(3) would not adversely affect service to small communities, adversely affect safety or efficiency of the national airspace system, unjustly discriminate against any class of user of the airport, or impose an undue burden on interstate or foreign commerce.

***''§ 47174. Airport revenue to pay for mitigation***

''(a) IN GENERAL.—Notwithstanding section 47107(b), section 47133, or any other provision of this title, the Secretary of Transportation may allow an airport sponsor carrying out an airport capacity enhancement project at a congested airport to make payments, out of revenues generated at the airport (including local taxes on aviation fuel), for measures to mitigate the environmental impacts of the project if the Secretary finds that—

''(1) the mitigation measures are included as part of, or support, the preferred alternative for the project in the documentation prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(2) the use of such revenues will provide a significant incentive for, or remove an impediment to, approval of the project by a State or local government; and

''(3) the cost of the mitigation measures is reasonable in relation to the mitigation that will be achieved.

''(b) MITIGATION OF AIRCRAFT NOISE.—Mitigation measures described in subsection (a) may include the insulation of residential buildings and buildings used primarily for educational or medical purposes to mitigate the effects of aircraft noise and the improvement of such buildings as required for the insulation of the buildings under local building codes.

***''§ 47175. Airport funding of FAA staff***

''(a) ACCEPTANCE OF SPONSOR-PROVIDED FUNDS.—Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under section 47114(c), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review, and completion of environmental activities associated with an airport development project.

''(b) ADMINISTRATIVE PROVISION.—Instead of payment from an airport sponsor from funds apportioned to the sponsor under section 47114, the Administrator, with agreement of the sponsor, may transfer funds that would otherwise be apportioned to the sponsor under section 47114 to the account used by the Administrator for activities described in subsection (a).

''(c) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, any funds accepted under this section, except funds transferred pursuant to subsection (b)—

''(1) shall be credited as offsetting collections to the account that finances the activities and services for which the funds are accepted;

''(2) shall be available for expenditure only to pay the costs of activities and services for which the funds are accepted; and

''(3) shall remain available until expended.

''(d) MAINTENANCE OF EFFORT.—No funds may be accepted pursuant to subsection (a), or transferred pursuant to subsection (b), in any fiscal year in which the Federal Aviation Administration does not allocate at least the amount it expended in fiscal year 2002, excluding amounts accepted pursuant to section 337 of the Department of Transportation and Related Agencies Appropriations Act, 2002 (115 Stat. 862), for the activities described in subsection (a).

***''§ 47176. Authorization of appropriations***

''In addition to the amounts authorized to be appropriated under section 106(k), there is authorized to be appropriated to the Secretary of Transportation, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), $4,200,000 for fiscal year 2004 and for each fiscal year thereafter to facilitate the timely processing, review, and completion of environmental activities associated with airport capacity enhancement projects at congested airports.

***''§ 47177. Designation of aviation safety and aviation security projects for priority environmental review***

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration may designate an aviation safety or aviation security project for priority environmental review. The Administrator may not delegate this designation authority.

''(b) PROJECT DESIGNATION CRITERIA.—The Administrator shall establish guidelines for the designation of an aviation safety or aviation security project for priority environmental review. Such guidelines shall include consideration of—

''(1) the importance or urgency of the project;

''(2) the potential for undertaking the environmental review under existing emergency procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(3) the need for cooperation and concurrent reviews by other Federal or State agencies; and

''(4) the prospect for undue delay if the project is not designated for priority review.

''(c) COORDINATED ENVIRONMENTAL REVIEWS.—

''(1) TIMELINES AND HIGH PRIORITY FOR COORDINATED ENVIRONMENTAL REVIEWS.—The Administrator, in consultation with the heads of affected agencies, shall establish specific timelines for the coordinated environmental review of an aviation safety or aviation security project designated under subsection (a). Such timelines shall be consistent with the timelines established in existing laws and regulations. Each Federal agency with responsibility for project environmental reviews, analyses, opinions, permits, licenses, and approvals shall accord any such review a high priority and shall conduct the review expeditiously and, to the maximum extent possible, concurrently with other such reviews.

''(2) AGENCY PARTICIPATION.—Each Federal agency identified under subsection (c) shall formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of environmental reviews, analyses, opinions, permits, licenses, and approvals described in paragraph (1) in a timely and environmentally responsible manner.

''(d) STATE PARTICIPATION.—

''(1) INVITATION TO PARTICIPATE.—If a priority environmental review process is being implemented under this section with respect to a project within the boundaries of a State with applicable State environmental requirements and approvals, the Administrator shall invite the State to participate in the process.

''(2) STATE CHOICE.—A State invited to participate in a priority environmental review process, consistent with State law, may choose to participate in such process and direct that all State agencies, which have jurisdiction by law to conduct an environmental review or analysis of the project to determine whether to issue an environmentally related permit, license, or approval for the project, be subject to the process.

''(e) FAILURE TO GIVE PRIORITY REVIEW.—

''(1) NOTICE.—If the Secretary of Transportation determines that a Federal agency or a participating State is not complying with the requirements of this section and that such noncompliance is undermining the environmental review process, the Secretary shall notify, within 30 days of such determination, the head of the Federal agency or, with respect to a State agency, the Governor of the State.

''(2) REPORT TO SECRETARY.—A Federal agency that receives a copy of a notification relating to that agency made by the Secretary under paragraph (1) shall submit, within 30 days after receiving such copy, a written report to the Secretary explaining the reasons for the situation described in the notification and what remedial actions the agency intends to take.

''(3) NOTIFICATION OF CEQ AND COMMITTEES.—If the Secretary determines that a Federal agency has not satisfactorily addressed the problems within a reasonable period of time following a notification under paragraph (1), the Secretary shall notify the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science and Transportation of the Senate, and the Council on Environmental Quality.

''(f) PROCEDURAL PROVISIONS.—The procedures set forth in subsections (c), (e), (g), (h), and (i) of section 47171 shall apply with respect to an aviation safety or aviation security project under this section in the same manner and to the same extent as such procedures apply to an airport capacity enhancement project at a congested airport under section 47171.

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

''(1) AVIATION SAFETY PROJECT.—The term 'aviation safety project' means an aviation project that—

''(A) has as its primary purpose reducing the risk of injury to persons or damage to aircraft

*and property, as determined by the Administrator; and*

*''(B)(i) is needed to respond to a recommendation from the National Transportation Safety Board; or*

*''(ii) is necessary for an airport to comply with part 139 of title 14, Code of Federal Regulations (relating to airport certification).*

*''(2) AVIATION SECURITY PROJECT.—The term 'aviation security project' means a security project at an airport required by the Department of Homeland Security.*

*''(3) FEDERAL AGENCY.—The term 'Federal agency' means a department or agency of the United States Government.*

***''§ 47178. Definitions***

*''In this subchapter, the following definitions apply:*

*''(1) AIRPORT SPONSOR.—The term 'airport sponsor' has the meaning given the term 'sponsor' under section 47102.*

*''(2) CONGESTED AIRPORT.—The term 'congested airport' means an airport that accounted for at least 1 percent of all delayed aircraft operations in the United States in the most recent year for which such data is available and an airport listed in table 1 of the Federal Aviation Administration's Airport Capacity Benchmark Report 2001.*

*''(3) AIRPORT CAPACITY ENHANCEMENT PROJECT.—The term 'airport capacity enhancement project' means—*

*''(A) a project for construction or extension of a runway, including any land acquisition, taxiway, or safety area associated with the runway or runway extension; and*

*''(B) such other airport development projects as the Secretary may designate as facilitating a reduction in air traffic congestion and delays.''.*

*(b) CONFORMING AMENDMENT.—The analysis for chapter 471 of such title is amended by adding at the end the following:*

*''SUBCHAPTER III—AIRPORT PROJECT STREAMLINING*

*''47171. DOT as lead agency.*
*''47172. Categorical exclusions.*
*''47173. Access restrictions to ease construction.*
*''47174. Airport revenue to pay for mitigation.*
*''47175. Airport funding of FAA staff.*
*''47176. Authorization of appropriations.*
*''47177. Designation of aviation safety and aviation security projects for priority environmental review.*
*''47178. Definitions.''.*

***SEC. 205. GOVERNOR'S CERTIFICATE.***

*Section 47106(c) of title 49, United States Code, is amended—*

*(1) in paragraph (1)—*

*(A) by inserting ''and'' after the semicolon at the end of subparagraph (A)(ii);*

*(B) by striking subparagraph (B); and*

*(C) by redesignating subparagraph (C) as subparagraph (B);*

*(2) in paragraph (2)(A) by striking ''stage 2'' and inserting ''stage 3'';*

*(3) by striking paragraph (4); and*

*(4) by redesignating paragraph (5) as paragraph (4).*

***SEC. 206. CONSTRUCTION OF CERTAIN AIRPORT CAPACITY PROJECTS.***

*Section 47504(c)(2) of title 49, United States Code, is amended—*

*(1) by moving subparagraphs (C) and (D) 2 ems to the right;*

*(2) by striking ''and'' at the end of subparagraph (C);*

*(3) by striking the period at the end of subparagraph (D) and inserting ''; and''; and*

*(4) by adding at the end the following:*

*''(E) to an airport operator of a congested airport (as defined in section 47178) and a unit of local government referred to in paragraph (1)(B) of this subsection to carry out a project to mitigate noise in the area surrounding the airport if the project is included as a commitment in a record of decision of the Federal Aviation Administration for an airport capacity enhancement project (as defined in section 47178) even if that airport has not met the requirements of part 150 of title 14, Code of Federal Regulations.''.*

***SEC. 207. LIMITATIONS.***

*Nothing in this title, including any amendment made by this title, shall preempt or interfere with—*

*(1) any practice of seeking public comment;*

*(2) any power, jurisdiction, or authority that a State agency or an airport sponsor has with respect to carrying out an airport capacity enhancement project; and*

*(3) any obligation to comply with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4371 et seq.) and the regulations issued by the Council on Environmental Quality to carry out such Act.*

***SEC. 208. RELATIONSHIP TO OTHER REQUIREMENTS.***

*The coordinated review process required under the amendments made by this title shall apply to an airport capacity enhancement project at a congested airport whether or not the project is designated by the Secretary of Transportation as a high-priority transportation infrastructure project under Executive Order 13274 (67 Fed. Reg. 59449; relating to environmental stewardship and transportation infrastructure project reviews).*

***TITLE III—FEDERAL AVIATION REFORM***

***SEC. 301. MANAGEMENT ADVISORY COMMITTEE MEMBERS.***

*Section 106(p) is amended—*

*(1) in the subsection heading by inserting ''AND AIR TRAFFIC SERVICES BOARD'' after ''COUNCIL''; and*

*(2) in paragraph (2)—*

*(A) by striking ''consist of'' and all that follows through ''members, who'' and inserting ''consist of 13 members, who'';*

*(B) by inserting after ''Senate'' in subparagraph (C)(i) '', except that initial appointments made after May 1, 2003, shall be made by the Secretary of Transportation'';*

*(C) by striking the semicolon at the end of subparagraph (C)(ii) and inserting ''; and''; and*

*(D) by striking ''employees, by—'' in subparagraph (D) and all that follows through the period at the end of subparagraph (E) and inserting ''employees, by the Secretary of Transportation.''.*

***SEC. 302. REORGANIZATION OF THE AIR TRAFFIC SERVICES SUBCOMMITTEE.***

*Section 106(p) is amended—*

*(1) in paragraph (3)—*

*(A) by striking ''(A) NO FEDERAL OFFICER OR EMPLOYEE.—'';*

*(B) by striking ''or (2)(E)'' and inserting ''or to the Air Traffic Services Board''; and*

*(C) by striking subparagraphs (B) and (C);*

*(2) in paragraph (4)(C) by inserting ''or Air Traffic Services Board'' after ''Council'' each place it appears;*

*(3) in paragraph (5) by inserting '', the Air Traffic Services Board,'' after ''Council'';*

*(4) in paragraph (6)(C)—*

*(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''BOARD'';*

*(B) by striking ''member'' and inserting ''members'';*

*(C) by striking ''under paragraph (2)(E)'' the first place it appears and inserting ''to the Air Traffic Services Board''; and*

*(D) by striking ''of the members first'' and all that follows through the period at the end and inserting ''the first members of the Board shall be the members of the Air Traffic Services Subcommittee of the Council on the day before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act who shall serve as members of the Board until their respective terms as members of the Subcommittee would have ended under this subparagraph, as in effect on such day.'';*

*(5) in paragraph (6)(D) by striking ''under paragraph (2)(E)'' and inserting ''to the Board'';*

*(6) in paragraph (6)(E) by inserting ''or Board'' after ''Council'';*

*(7) in paragraph (6)(F) by inserting ''of the Council or Board'' after ''member'';*

*(8) in the second sentence of subparagraph (6)(G)—*

*(A) by striking ''Council'' and inserting ''Board''; and*

*(B) by striking ''appointed under paragraph (2)(E)'';*

*(9) in paragraph (6)(H)—*

*(A) by striking ''SUBCOMMITTEE'' in the subparagraph heading and inserting ''BOARD'';*

*(B) by striking ''under paragraph (2)(E)'' in clause (i) and inserting ''to the Board''; and*

*(C) by striking ''Air Traffic Services Subcommittee'' and inserting ''Board'';*

*(10) in paragraph (6)(I)(i)—*

*(A) by striking ''appointed under paragraph (2)(E) is'' and inserting ''is serving as''; and*

*(B) by striking ''Subcommittee'' and inserting ''Board'';*

*(11) in paragraph (6)(I)(ii)—*

*(A) by striking ''appointed under paragraph (2)(E)'' and inserting ''who is a member of the Board''; and*

*(B) by striking ''Subcommittee'' and inserting ''Board'';*

*(12) in paragraph (6)(K) by inserting ''or Board'' after ''Council'';*

*(13) in paragraph (6)(L) by inserting ''or Board'' after ''Council'' each place it appears; and*

*(14) in paragraph (7)—*

*(A) by striking ''SUBCOMMITTEE'' in the paragraph heading and inserting ''BOARD'';*

*(B) by striking subparagraph (A) and inserting the following:*

*''(A) ESTABLISHMENT.—The Administrator shall establish a board that is independent of the Council by converting the Air Traffic Services Subcommittee of the Council, as in effect on the day before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, into such board. The board shall be known as the Air Traffic Services Board (in this subsection referred to as the 'Board').'';*

*(C) by redesignating subparagraphs (B) through (F) as subparagraphs (D) through (H), respectively;*

*(D) by inserting after subparagraph (A) the following:*

*''(B) MEMBERSHIP AND QUALIFICATIONS.—Subject to paragraph (6)(C), the Board shall consist of 5 members, one of whom shall be the Administrator and shall serve as chairperson. The remaining members shall be appointed by the President with the advice and consent of the Senate and—*

*''(i) shall have a fiduciary responsibility to represent the public interest;*

*''(ii) shall be citizens of the United States; and*

*''(iii) shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in all of the following areas:*

*''(I) Management of large service organizations.*

*''(II) Customer service.*

*''(III) Management of large procurements.*

*''(IV) Information and communications technology.*

*''(V) Organizational development.*

*''(VI) Labor relations.*

*''(C) PROHIBITIONS ON MEMBERS OF BOARD.—No member of the Board may—*

*''(i) have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;*

*''(ii) engage in another business related to aviation or aeronautics; or*

*''(iii) be a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.'';*

(E) by striking ''Subcommittee'' each place it appears in subparagraphs (D) and (E) (as redesignated by subparagraph (C) of this paragraph) and inserting ''Board'';

(F) by striking ''approve'' in subparagraph (E)(v)(I) (as so redesignated) and inserting ''make recommendations on'';

(G) by striking ''request'' in subparagraph (E)(v)(II) (as so redesignated) and inserting ''recommendations'';

(H) by striking ''ensure that the budget request supports'' in subparagraph (E)(v)(III) (as so redesignated) and inserting ''base such budget recommendations on'';

(I) by striking ''The Secretary shall submit'' in subparagraph (E) (as so redesignated) and all that follows through the period at the end of such subparagraph (E) and inserting ''The Secretary shall submit the budget recommendations referred to in clause (v) to the President who shall transmit such recommendations to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate together with the annual budget request of the Federal Aviation Administration.'';

(J) by striking subparagraph (F) (as so redesignated) and inserting the following:

''(F) BOARD PERSONNEL MATTERS.—The Board may appoint and terminate any personnel that may be necessary to enable the Board to perform its duties, and may procure temporary and intermittent services under section 40122.'';

(K) in subparagraph (G) (as so redesignated)—

(i) by striking clause (i);

(ii) by redesignating clauses (ii), (iii), and (iv) as clauses (i), (ii), and (iii), respectively; and

(iii) by striking ''Subcommittee'' each place it appears in clauses (i), (ii), and (iii) (as so redesignated) and inserting ''Board'';

(L) in subparagraph (H) (as so redesignated)—

(i) by striking ''Subcommittee'' each place it appears and inserting ''Board'';

(ii) by striking ''Administrator, the Council'' each place it appears in clauses (i) and (ii) and inserting ''Secretary''; and

(iii) in clause (ii) by striking ''(B)(i)'' and inserting ''(D)(i)''; and

(M) by adding at the end the following:

''(I) AUTHORIZATION.—There are authorized to be appropriated to the Board such sums as may be necessary for the Board to carry out its activities.''.

***SEC. 303. CLARIFICATION OF THE RESPONSIBILITIES OF THE CHIEF OPERATING OFFICER.***

Section 106(r) is amended—

(1) in each of paragraphs (1)(A) and (2)(A) by striking ''Air Traffic Services Subcommittee of the Aviation Management Advisory Council'' and inserting ''Air Traffic Services Board'';

(2) in paragraph (2)(B) by inserting ''in'' before ''paragraph (3).'';

(3) in paragraph (3) by striking ''Air Traffic Control Subcommittee of the Aviation Management Advisory Committee'' and inserting ''Air Traffic Services Board'';

(4) in paragraph (4) by striking ''Transportation and Congress'' and inserting ''Transportation, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate'';

(5) in paragraph (5)(A)—

(A) by striking ''develop a'' and inserting ''implement the''; and

(B) by striking '', including the establishment of'' and inserting ''in order to further'';

(6) in paragraph (5)(B)—

(A) by striking ''review'' and all that follows through ''Administration,'' and inserting ''oversee the day-to-day operational functions of the Administration for air traffic control,'';

(B) by striking ''and'' at the end of clause (ii);

(C) by striking the period at the end of clause (iii) and inserting ''; and''; and

(D) by adding at the end the following:

''(iv) the management of cost-reimbursable contracts.'';

(7) in paragraph (5)(C)(i) by striking ''prepared by the Administrator'';

(8) in paragraph (5)(C)(ii) by striking ''and the Secretary of Transportation'' and inserting ''and the Board''; and

(9) in paragraph (5)(C)(iii)—

(A) by inserting ''agency's'' before ''annual''; and

(B) by striking ''developed under subparagraph (A) of this subsection.'' and inserting ''for air traffic control services.''.

***SEC. 304. SMALL BUSINESS OMBUDSMAN.***

Section 106 is amended by adding at the end the following:

''(s) SMALL BUSINESS OMBUDSMAN.—

''(1) ESTABLISHMENT.—There shall be in the Administration a Small Business Ombudsman.

''(2) GENERAL DUTIES AND RESPONSIBILITIES.—The Ombudsman shall—

''(A) be appointed by the Administrator;

''(B) serve as a liaison with small businesses in the aviation industry;

''(C) be consulted when the Administrator proposes regulations that may affect small businesses in the aviation industry;

''(D) provide assistance to small businesses in resolving disputes with the Administration; and

''(E) report directly to the Administrator.''.

***SEC. 305. FAA PURCHASE CARDS.***

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall take appropriate actions to implement the recommendations contained in the report of the General Accounting Office entitled ''FAA Purchase Cards: Weak Controls Resulted in Instances of Improper and Wasteful Purchases and Missing Assets'', numbered GAO–03–405 and dated March 21, 2003.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall transmit to Congress a report containing a description of the actions taken by the Administrator under this section.

## *TITLE IV—AIRLINE SERVICE IMPROVEMENTS*

***SEC. 401. IMPROVEMENT OF AVIATION INFORMATION COLLECTION.***

(a) IN GENERAL.—Section 329(b)(1) is amended by striking ''except that in no case'' and all that follows through the semicolon at the end.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the issuance of a final rule to modernize the Origin and Destination Survey of Airline Passenger Traffic, pursuant to the Advance Notice of Proposed Rulemaking published July 15, 1998 (Regulation Identifier Number 2105–AC71), that reduces the reporting burden for air carriers through electronic filing of the survey data collected under section 329(b)(1) of title 49, United States Code.

***SEC. 402. DATA ON INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.***

Section 329 is amended by adding at the end the following:

''(e) INCIDENTS AND COMPLAINTS INVOLVING PASSENGER AND BAGGAGE SECURITY SCREENING.—

''(1) PUBLICATION OF DATA.—The Secretary of Transportation shall publish data on incidents and complaints involving passenger and baggage security screening in a manner comparable to other consumer complaint and incident data.

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist the Secretary of Transportation in the publication of data under paragraph (1), the Secretary of Homeland Security shall submit monthly to the Secretary of Transportation a report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

***SEC. 403. DEFINITIONS.***

(a) IN GENERAL.—Section 40102(a) is amended—

(1) by redesignating paragraphs (38) through (42) as paragraphs (43) through (47), respectively;

(2) by inserting after paragraph (37) the following:

''(42) 'small hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) by redesignating paragraphs (33) through (37) as paragraphs (37) through (41) respectively;

(4) by inserting after paragraph (32) the following:

''(36) 'passenger boardings'—

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(5) by redesignating paragraph (32) as paragraph (35);

(6) by inserting after paragraph (31) the following:

''(34) 'nonhub airport' means a commercial service airport (as defined in section 47102) that has less than 0.05 percent of the passenger boardings.'';

(7) by redesignating paragraphs (30) and (31) as paragraphs (32) and (33), respectively;

(8) by inserting after paragraph (29) the following:

''(31) 'medium hub airport' means a commercial service airport (as defined in section 47102) that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.'';

(9) by redesignating paragraph (29) as paragraph (30); and

(10) by inserting after paragraph (28) the following:

''(29) 'large hub airport' means a commercial service airport (as defined in section 47102) that has at least 1.0 percent of the passenger boardings.''.

(b) CONFORMING AMENDMENTS.—

(1) AIR SERVICE TERMINATION NOTICE.—Section 41719(d) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

(2) SMALL COMMUNITY AIR SERVICE.—Section 41731(a) is amended by striking paragraphs (3) through (5).

(3) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(A) in subsection (c)(1) by striking ''(as that term is defined in section 41731(a)(5))''; and

(B) in subsection (f) by striking ''(as defined in section 41731(a)(3))''.

(4) PRESERVATION OF BASIC ESSENTIAL AIR SERVICE AT SINGLE CARRIER DOMINATED HUB AIRPORTS.—Section 41744(b) is amended by striking ''(as defined in section 41731)''.

(5) REGIONAL AIR SERVICE INCENTIVE PROGRAM.—Section 41762 is amended—

(A) by striking paragraphs (11) and (15); and

(B) by redesignating paragraphs (12), (13), (14), and (16) as paragraphs (11), (12), (13), and (14), respectively.

***SEC. 404. CLARIFICATIONS TO PROCUREMENT AUTHORITY.***

(a) DUTIES AND POWERS.—Section 40110(c) is amended—

(1) by striking ''Administration—'' and all that follows through ''(2) may—'' and inserting ''Administration may—'';

(2) by striking subparagraph (D);

(3) by redesignating subparagraphs (A), (B), (C), (E), and (F) as paragraphs (1), (2), (3), (4), and (5) respectively; and

(4) by moving such paragraphs (1) through (5) 2 ems to the left.

(b) ACQUISITION MANAGEMENT SYSTEM.—Section 40110(d) is amended—

(1) in paragraph (1)—

(A) by striking '', not later than January 1, 1996,''; and

(B) by striking ''provides for more timely and cost-effective acquisitions of equipment and materials.'' and inserting the following:

''provides for—

''(A) more timely and cost-effective acquisitions of equipment, services, property, and materials; and

''(B) the resolution of bid protests and contract disputes related thereto, using consensual alternative dispute resolution techniques to the maximum extent practicable.''; and

(2) by striking paragraph (4), relating to the effective date, and inserting the following:

''(4) ADJUDICATION OF CERTAIN BID PROTESTS AND CONTRACT DISPUTES.—A bid protest or contract dispute that is not addressed or resolved through alternative dispute resolution shall be adjudicated by the Administrator through Dispute Resolution Officers or Special Masters of the Federal Aviation Administration Office of Dispute Resolution for Acquisition, acting pursuant to sections 46102, 46104, 46105, 46106 and 46107.''.

(c) AUTHORITY OF ADMINISTRATOR TO ACQUIRE SERVICES.—Section 106(f)(2)(A)(ii) is amended by inserting '', services,'' after ''property''.

***SEC. 405. LOW-EMISSION AIRPORT VEHICLES AND GROUND SUPPORT EQUIPMENT.***

(a) IN GENERAL.—Section 40117(a)(3) is amended by inserting at the end the following:

''(G) A project for the acquisition or conversion of ground support equipment or airport-owned vehicles used at a commercial service airport with, or to, low-emission technology (as defined in section 47102) or cleaner burning conventional fuels, or the retrofitting of such equipment or vehicles that are powered by a diesel or gasoline engine with emission control technologies certified or verified by the Environmental Protection Agency to reduce emissions, if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a), and if such project will result in an airport receiving appropriate emission credits as described in section 47138.''.

(b) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—Section 40117(b) is amended by adding at the end the following:

''(5) MAXIMUM COST FOR CERTAIN LOW-EMISSION TECHNOLOGY PROJECTS.—The maximum cost that may be financed by imposition of a passenger facility fee under this section for a project described in subsection (a)(3)(G) with respect to vehicle or ground support equipment may not exceed the incremental amount of the project cost that is greater than the cost of acquiring a vehicle or equipment that is not low-emission and would be used for the same purpose, or the cost of low-emission retrofitting, as determined by the Secretary.''.

(c) GROUND SUPPORT EQUIPMENT DEFINED.—Section 40117(a) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively;

(2) by inserting after paragraph (3) the following:

''(4) GROUND SUPPORT EQUIPMENT.—The term 'ground support equipment' means service and maintenance equipment used at an airport to support aeronautical operations and related activities.''.

***SEC. 406. STREAMLINING OF THE PASSENGER FACILITY FEE PROGRAM.***

(a) APPLICATION REQUIREMENTS.—Section 40117(c) is amended—

(1) by adding at the end of paragraph (2) the following:

''(E) The agency will include in its application or notice submitted under subparagraph (A) copies of all certifications of agreement or disagreement received under subparagraph (D).

''(F) For the purpose of this section, an eligible agency providing notice and an opportunity for consultation to an air carrier or foreign air carrier is deemed to have satisfied the requirements of this paragraph if the eligible agency limits such notices and consultations to air carriers and foreign air carriers that have a significant business interest at the airport. In the subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that had no less than 1.0 percent of passenger boardings at the airport in the prior calendar year, had at least 25,000 passenger boardings at the airport in the prior calendar year, or provides scheduled service at the airport.'';

(2) by redesignating paragraph (3) as paragraph (4);

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

''(3) Before submitting an application, the eligible agency must provide reasonable notice and an opportunity for public comment. The Secretary shall prescribe regulations that define reasonable notice and provide for at least the following under this paragraph:

''(A) A requirement that the eligible agency provide public notice of intent to collect a passenger facility fee so as to inform those interested persons and agencies who may be affected, which public notice may include—

''(i) publication in local newspapers of general circulation;

''(ii) publication in other local media; and

''(iii) posting the notice on the agency's Web site.

''(B) A requirement for submission of public comments no sooner than 30 days, and no later than 45 days, after the date of the publication of the notice.

''(C) A requirement that the agency include in its application or notice submitted under subparagraph (A) copies of all comments received under subparagraph (B).''; and

(4) in the first sentence of paragraph (4) (as redesignated by paragraph (2) of this subsection) by striking ''shall'' and inserting ''may''.

(b) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—Section 40117 is amended by adding at the end the following:

''(l) PILOT PROGRAM FOR PASSENGER FACILITY FEE AUTHORIZATIONS AT NONHUB AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall establish a pilot program to test alternative procedures for authorizing eligible agencies for nonhub airports to impose passenger facility fees. An eligible agency may impose in accordance with the provisions of this subsection a passenger facility fee under this section. For purposes of the pilot program, the procedures in this subsection shall apply instead of the procedures otherwise provided in this section.

''(2) NOTICE AND OPPORTUNITY FOR CONSULTATION.—The eligible agency must provide reasonable notice and an opportunity for consultation to air carriers and foreign air carriers in accordance with subsection (c)(2) and must provide reasonable notice and opportunity for public comment in accordance with subsection (c)(3).

''(3) NOTICE OF INTENTION.—The eligible agency must submit to the Secretary a notice of intention to impose a passenger facility fee under this subsection. This shall include—

''(A) information that the Secretary may require by regulation on each project for which authority to impose a passenger facility fee is sought;

''(B) the amount of revenue from passenger facility fees that is proposed to be collected for each project; and

''(C) the level of the passenger facility fee that is proposed.

''(4) ACKNOWLEDGEMENT OF RECEIPT AND INDICATION OF OBJECTION.—The Secretary shall acknowledge receipt of the notice and indicate any objection to the imposition of a passenger facility fee under this subsection for any project identified in the notice within 30 days after receipt of the eligible agency's notice.

''(5) AUTHORITY TO IMPOSE FEE.—Unless the Secretary objects within 30 days after receipt of the eligible agency's notice, the eligible agency is authorized to impose a passenger facility fee in accordance with the terms of its notice under this subsection.

''(6) DEADLINE.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall propose such regulations as may be necessary to carry out this subsection.

''(7) SUNSET.—This subsection shall not be in effect 3 years after the date of issuance of regulations to carry out this subsection.

''(8) ACKNOWLEDGEMENT NOT AN ORDER.—An acknowledgement issued under paragraph (4) shall not be considered an order of the Secretary issued under section 46110.''.

(c) CLARIFICATION OF APPLICABILITY OF PFCS TO MILITARY CHARTERS.—Section 40117(e)(2) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a semicolon;

(2) by striking ''and'' at the end of subparagraph (D);

(3) by striking the period at the end of subparagraph (E) and inserting ''; and''; and

(4) by inserting after subparagraph (E) the following:

''(F) enplaning at an airport if the passenger did not pay for the air transportation which resulted in such enplanement due to charter arrangements and payment by the Department of Defense.''.

(d) TECHNICAL AMENDMENTS.—Section 40117(a)(3)(C) is amended—

(1) by striking ''for costs'' and inserting ''A project''; and

(2) by striking the semicolon and inserting a period.

***SEC. 407. FINANCIAL MANAGEMENT OF PASSENGER FACILITY FEES.***

(a) IN GENERAL.—Section 40117 is further amended by adding at the end the following:

''(m) FINANCIAL MANAGEMENT OF FEES.—

''(1) HANDLING OF FEES.—

''(A) PLACEMENT OF FEES IN ESCROW ACCOUNT.—Subject to subparagraph (B), passenger facility revenue held by an air carrier or any of its agents shall be segregated from the carrier's cash and other assets and placed in an escrow account for the benefit of the eligible agencies entitled to such revenue.

''(B) ALTERNATIVE METHOD OF COMPLIANCE.—Instead of placing amounts in an escrow account under subparagraph (A), an air carrier may provide to the eligible agency a letter of credit, bond, or other form of adequate and immediately available security in an amount equal to estimated remittable passenger facility fees for 180 days, to be assessed against later audit, upon which security the eligible agency shall be entitled to draw automatically, without necessity of any further legal or judicial action to effectuate foreclosure.

''(2) TRUST FUND STATUS.—If an air carrier or its agent commingles passenger facility revenue in violation of the subsection, the trust fund status of such revenue shall not be defeated by an inability of any party to identify and trace the precise funds in the accounts of the air carrier.

''(3) PROHIBITION.—An air carrier and its agents may not grant to any third party any security or other interest in passenger facility revenue.

''(4) COMPENSATION TO ELIGIBLE ENTITIES.—An air carrier that fails to comply with any requirement of this subsection, or otherwise unnecessarily causes an eligible entity to expend funds, through litigation or otherwise, to recover or retain payment of passenger facility revenue to which the eligible entity is otherwise entitled shall be required to compensate the eligible agency for the costs so incurred.

''(5) INTEREST ON AMOUNTS.—An air carrier that collects passenger facility fees is entitled to receive the interest on passenger facility fee accounts, if the accounts are established and maintained in compliance with this subsection.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

(2) EXISTING REGULATIONS.—Beginning 60 days after the date of enactment of this Act, the provisions of section 158.49 of title 14, Code of Federal Regulations, that permit the commingling of passenger facility fees with other air carrier revenue shall have no force or effect.

**SEC. 408. GOVERNMENT CONTRACTING FOR AIR TRANSPORTATION.**

(a) GOVERNMENT-FINANCED AIR TRANSPORTATION.—Section 40118(f)(2) is amended by inserting before the period at the end the following: '', except that it shall not include a contract for the transportation by air of passengers''.

(b) AIRLIFT SERVICE.—Section 41106(b) is amended by inserting after ''military department'' the following: '', or by a person that has contracted with the Secretary of Defense or the Secretary of a military department,''.

**SEC. 409. OVERFLIGHTS OF NATIONAL PARKS.**

(a) AIR TOUR MANAGEMENT ACT CLARIFICATIONS.—Section 40128 is amended—

(1) in subsection (a)(1) by inserting '', as defined by this section,'' after ''lands'' the first place it appears;

(2) in subsections (b)(3)(A), (b)(3)(B), and (b)(3)(C) by inserting ''over a national park'' after ''operations'';

(3) in subsection (b)(3)(D) by striking ''at the park'' and inserting ''over a national park'';

(4) in subsection (b)(3)(E) by inserting ''over a national park'' after ''operations'' the first place it appears;

(5) in subsections (c)(2)(A)(i) and (c)(2)(B) by inserting ''over a national park'' after ''operations'';

(6) in subsection (f)(1) by inserting ''over a national park'' after ''operation'';

(7) in subsection (f)(4)(A)—

(A) by striking ''commercial air tour operation'' and inserting ''commercial air tour operation over a national park''; and

(B) by striking ''park, or over tribal lands,'' and inserting ''park (except the Grand Canyon National Park), or over tribal lands (except those within or abutting the Grand Canyon National Park),'';

(8) in subsection (f)(4)(B) by inserting ''over a national park'' after ''operation''; and

(9) in the heading for paragraph (4) of subsection (f) by inserting ''OVER A NATIONAL PARK'' after ''OPERATION''.

(b) GRAND CANYON NATIONAL PARK SPECIAL FLIGHT RULES AREA OPERATION CURFEW.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration may not restrict commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park during the period beginning 1 hour after sunrise and ending 1 hour before sunset, unless required for aviation safety purposes.

(2) EFFECT ON EXISTING REGULATIONS.—Beginning on the date of enactment of this Act, section 93.317 of title 14, Code of Federal Regulations, shall not be in effect.

**SEC. 410. COLLABORATIVE DECISIONMAKING PILOT PROGRAM.**

(a) IN GENERAL.—Chapter 401 is amended by adding at the end the following:

***''§ 40129. Collaborative decisionmaking pilot program***

''(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Administrator of the Federal Aviation Administration shall establish a collaborative decisionmaking pilot program in accordance with this section.

''(b) DURATION.—Except as provided in subsection (k), the pilot program shall be in effect for a period of 2 years.

''(c) GUIDELINES.—

''(1) ISSUANCE.—The Administrator shall issue guidelines concerning the pilot program. Such guidelines, at a minimum, shall define the criteria and process for determining when a capacity reduction event exists that warrants the use of collaborative decisionmaking among carriers at airports participating in the pilot program and that prescribe the methods of communication to be implemented among carriers during such an event.

''(2) VIEWS.—The Administrator may obtain the views of interested parties in issuing the guidelines.

''(d) EFFECT OF DETERMINATION OF EXISTENCE OF CAPACITY REDUCTION EVENT.—Upon a determination by the Administrator that a capacity reduction event exists, the Administrator may authorize air carriers and foreign air carriers operating at an airport participating in the pilot program to communicate for a period of time not to exceed 24 hours with each other concerning changes in their respective flight schedules in order to use air traffic capacity most effectively. The Administration shall facilitate and monitor such communication.

''(e) SELECTION OF PARTICIPATING AIRPORTS.—Not later than 30 days after the date on which the Administrator establishes the pilot program, the Administrator shall select 3 airports to participate in the pilot program from among the most capacity-constrained airports in the country based on the Administration's Airport Capacity Benchmark Report 2001 or more recent data on airport capacity that is available to the Administrator. The Administrator shall select an airport for participation in the pilot program if the Administrator determines that collaborative decisionmaking among air carriers and foreign air carriers would reduce delays at the airport and have beneficial effects on reducing delays in the national airspace system as a whole.

''(f) ELIGIBILITY OF AIR CARRIERS.—An air carrier or foreign air carrier operating at an airport selected to participate in the pilot program is eligible to participate in the pilot program if the Administrator determines that the carrier has the operational and communications capability to participate in the pilot program.

''(g) MODIFICATION OR TERMINATION OF PILOT PROGRAM AT AN AIRPORT.—The Administrator may modify or end the pilot program at an airport before the term of the pilot program has expired, or may ban an air carrier or foreign air carrier from participating in the program, if the Administrator determines that the purpose of the pilot program is not being furthered by participation of the airport or air carrier or if the Secretary of Transportation finds that the pilot program or the participation of an air carrier or foreign air carrier in the pilot program has had, or is having, an adverse effect on competition among carriers.

''(h) EVALUATION.—

''(1) IN GENERAL.—Before the expiration of the 2-year period for which the pilot program is authorized under subsection (b), the Administrator shall determine whether the pilot program has facilitated more effective use of air traffic capacity and the Secretary shall determine whether the pilot program has had an adverse effect on airline competition or the availability of air services to communities. The Administrator shall also examine whether capacity benefits resulting from the participation in the pilot program of an airport resulted in capacity benefits to other parts of the national airspace system.

''(2) OBTAINING NECESSARY DATA.—The Administrator may require participating air carriers and airports to provide data necessary to evaluate the pilot program's impact.

''(i) EXTENSION OF PILOT PROGRAM.—At the end of the 2-year period for which the pilot program is authorized, the Administrator may continue the pilot program for an additional 2 years and expand participation in the program to up to 7 additional airports if the Administrator determines pursuant to subsection (h) that the pilot program has facilitated more effective use of air traffic capacity and if the Secretary determines that the pilot program has had no adverse effect on airline competition or the availability of air services to communities. The Administrator shall select the additional airports to participate in the extended pilot program in the same manner in which airports were initially selected to participate.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 401 is amended by adding at the end the following:

''40129. Collaborative decisionmaking pilot program.''.

**SEC. 411. AVAILABILITY OF AIRCRAFT ACCIDENT SITE INFORMATION.**

(a) DOMESTIC AIR TRANSPORTATION.—Section 41113(b) is amended—

(1) in paragraph (16) by striking ''the air carrier'' the third place it appears; and

(2) by adding at the end the following:

''(17)(A) An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by air carrier representatives about compensation by the air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the air carrier's flight if that city is located in the United States.''.

(b) FOREIGN AIR TRANSPORTATION.—Section 41313(c) is amended by adding at the end the following:

''(17) NOTICE CONCERNING LIABILITY FOR MAN-MADE STRUCTURES.—

''(A) IN GENERAL.—An assurance that, in the case of an accident that results in significant damage to a man-made structure or other property on the ground that is not government-owned, the foreign air carrier will promptly provide notice, in writing, to the extent practicable, directly to the owner of the structure or other property about liability for any property damage and means for obtaining compensation.

''(B) MINIMUM CONTENTS.—At a minimum, the written notice shall advise an owner (i) to contact the insurer of the property as the authoritative source for information about coverage and compensation; (ii) to not rely on unofficial information offered by foreign air carrier representatives about compensation by the foreign air carrier for accident-site property damage; and (iii) to obtain photographic or other detailed evidence of property damage as soon as possible after the accident, consistent with restrictions on access to the accident site.

''(18) SIMULTANEOUS ELECTRONIC TRANSMISSION OF NTSB HEARING.—An assurance that, in the case of an accident in which the National Transportation Safety Board conducts a public hearing or comparable proceeding at a location greater than 80 miles from the accident site, the

foreign air carrier will ensure that the proceeding is made available simultaneously by electronic means at a location open to the public at both the origin city and destination city of the foreign air carrier's flight if that city is located in the United States.''.

(c) UPDATE PLANS.—Air carriers and foreign air carriers shall update their plans under sections 41113 and 41313 of title 49, United States Code, respectively, to reflect the amendments made by subsections (a) and (b) of this section not later than 90 days after the date of enactment of this Act.

***SEC. 412. SLOT EXEMPTIONS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.***

(a) BEYOND-PERIMETER EXEMPTIONS.—Section 41718(a) is amended by striking ''12'' and inserting ''24''.

(b) WITHIN-PERIMETER EXEMPTIONS.—Section 41718(b) is amended—

(1) by striking ''12'' and inserting ''20''; and

(2) by striking ''that were designated as medium hub or smaller airports''.

(c) LIMITATIONS.—

(1) GENERAL EXEMPTIONS.—Section 41718(c)(2) is amended by striking ''two'' and inserting ''3''.

(2) ALLOCATION OF WITHIN-PERIMETER EXEMPTIONS.—Section 41718(c)(3) is amended—

(A) in subparagraph (A)—

(i) by striking ''four'' and inserting ''six''; and

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

(B) in subparagraph (B)—

(i) by striking ''eight'' and inserting ''ten''; and

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

(C) by adding at the end the following:

''(C) four shall be for air transportation to airports without regard to their size.''.

(d) APPLICATION PROCEDURES.—Section 41718(d) is amended to read as follows:

''(d) APPLICATION PROCEDURES.—The Secretary shall establish procedures to ensure that all requests for exemptions under this section are granted or denied within 90 days after the date on which the request is made.''.

(e) EFFECT OF PERIMETER RULES ON COMPETITION AND AIR SERVICE.—

(1) IDENTIFICATION OF OTHER AIRPORTS.—The Secretary of Transportation shall identify airports (other than Ronald Reagan Washington National Airport) that have imposed perimeter rules like those in effect with respect to Ronald Reagan Washington National Airport.

(2) LIMITATION ON APPLICABILITY.—This subsection does not apply to perimeter rules imposed by Federal law.

(3) STUDY.—The Secretary shall conduct a study of the effect that perimeter rules for airports identified under paragraph (1) have on competition and on air service to communities outside the perimeter.

(4) REPORT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

(f) EFFECT OF CHANGING DEFINITION OF COMMUTER AIR CARRIER.—

(1) STUDY.—The Secretary shall study the effects of changing the definition of commuter air carrier in regulations of the Federal Aviation Administration to increase the maximum size of aircraft of such carriers to 76 seats or less on air service to small communities and on commuter air carriers operating aircraft with 56 seats or less.

(2) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

***SEC. 413. NOTICE CONCERNING AIRCRAFT ASSEMBLY.***

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end the following:

***''§ 41722. Notice concerning aircraft assembly***

''The Secretary of Transportation shall require, beginning after the last day of the 1-year period following the date of enactment of this section, an air carrier using an aircraft to provide scheduled passenger air transportation to display a notice, on an information placard available to each passenger on the aircraft, that informs the passengers of the nation in which the aircraft was finally assembled.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by striking the item relating to section 41721 and inserting the following:

''41721. Reports by carriers on incidents involving animals during air transport.
''41722. Notice concerning aircraft assembly.''.

***SEC. 414. SPECIAL RULE TO PROMOTE AIR SERVICE TO SMALL COMMUNITIES.***

(a) IN GENERAL.—Subchapter I of chapter 417 is further amended by adding at the end the following:

***''§ 41723. Special rule to promote air service to small communities***

''In order to promote air service to small communities, the Secretary of Transportation shall permit an operator of a turbine powered or multiengine piston powered aircraft with 10 passenger seats or less (1) to provide air transportation between an airport that is a nonhub airport and another airport or between an airport that is not a commercial service airport and another airport, and (2) to sell individual seats on that aircraft at a negotiated price, if the aircraft is otherwise operated in accordance with parts 119 and 135 of title 14, Code of Federal Regulations, and the air transportation is otherwise provided in accordance with part 298 of such title 14.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 417 is further amended by adding at the end the following:

''41723. Special rule to promote air service to small communities.''.

***SEC. 415. SMALL COMMUNITY AIR SERVICE.***

(a) COMPENSATION GUIDELINES, LIMITATION, AND CLAIMS.—

(1) PAYMENT OF PROMOTIONAL AMOUNTS.—Section 41737(a)(2) is amended by inserting before the period at the end ''or may be paid directly to the unit of local government having jurisdiction over the eligible place served by the air carrier''.

(2) LOCAL SHARE.—Section 41737(a) is amended by adding at the end the following:

''(3) PAYMENT OF COST BY LOCAL GOVERNMENT.—

''(A) GENERAL REQUIREMENT.—The guidelines may require a unit of local government having jurisdiction over an eligible place that is less than 170 miles from a medium or large hub or less than 75 miles from a small hub or a State within the boundaries of which the eligible place is located to pay 2.5 percent in fiscal year 2005, 5 percent in fiscal year 2006, 7.5 percent in fiscal year 2007, and 10 percent in fiscal year 2008 of the amount of compensation payable under this subchapter for air transportation with respect to the eligible place to ensure the continuation of that air transportation.

''(B) WAIVER.—The Secretary may waive the requirement, or reduce the amount, of a payment from a unit of local government under subparagraph (A) if the Secretary finds that—

''(i) the unit of local government lacks the ability to pay; and

''(ii) the loss of essential air service to the eligible place would have an adverse effect on the eligible place's access to the national air transportation system.

''(C) DETERMINATION OF MILEAGE.—In determining the mileage between the eligible place and a hub under this paragraph, the Secretary shall use the most commonly used highway route between the eligible place and the hub.''.

(3) AUTHORITY TO MAKE AGREEMENTS AND INCUR OBLIGATIONS.—Section 41737(d) is amended—

(A) by striking ''(1) The Secretary'' and inserting the ''The Secretary''; and

(B) by striking paragraph (2).

(b) AIRPORTS NOT RECEIVING SUFFICIENT SERVICE.—Section 41743 is amended—

(1) in the heading of subsection (a) by striking ''PILOT'';

(2) in subsection (a) by striking ''pilot'';

(3) in subsection (c)—

(A) by striking paragraph (3);

(B) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(C) in paragraph (4) (as so redesignated)—

(i) by striking ''and'' at the end of subparagraph (C);

(ii) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) the assistance can be used in the fiscal year in which it is received.''; and

(4) in subsection (f) by striking ''pilot''.

(c) ESSENTIAL AIR SERVICE AUTHORIZATION.—Section 41742 is amended—

(1) in subsection (a)(2) by striking ''$15,000,000'' and inserting ''$65,000,000'';

(2) by adding at the end of subsection (a) the following:

''(3) AUTHORIZATION FOR ADDITIONAL EMPLOYEES.—In addition to amounts authorized under paragraphs (1) and (2), there are authorized to be appropriated such sums as may be necessary for the Secretary of Transportation to hire and employ 4 additional employees for the office responsible for carrying out the essential air service program.''; and

(3) by striking subsection (c).

(d) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES.—Section 41734 is amended by adding at the end the following:

''(i) PROCESS FOR DISCONTINUING CERTAIN SUBSIDIES.—If the Secretary determines that no subsidy will be provided to a carrier to provide essential air service to an eligible place because the eligible place does not meet the requirements of section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note; 113 Stat. 1022), the Secretary shall notify the affected community that the subsidy will cease but shall continue to provide the subsidy for 90 days after providing the notice to the community.''.

(e) JOINT PROPOSALS.—Section 41740 is amended by inserting '', including joint fares,'' after ''joint proposals''.

(f) COMMUNITY AND REGIONAL CHOICE PROGRAM.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

***''§ 41745. Community and regional choice program***

''(a) ESTABLISHMENT.—The Secretary of Transportation shall establish an alternate essential air service pilot program in accordance with the requirements of this section.

''(b) COMPENSATION TO ELIGIBLE PLACES.—In carrying out the program, the Secretary, instead of paying compensation to an air carrier to provide essential air service to an eligible place, may pay compensation directly to a unit of local government having jurisdiction over the eligible place or a State within the boundaries of which the eligible place is located.

''(c) USE OF COMPENSATION.—A unit of local government or State receiving compensation for an eligible place under the program shall use the compensation for any of the following purposes:

''(1) To provide assistance to an air carrier to provide scheduled air service to and from the eligible place, without being subject to the requirements of 41732(b).

''(2) To provide assistance to an air carrier to provide on-demand air taxi service to and from the eligible place.

''(3) To provide assistance to a person to provide scheduled or on-demand surface transportation to and from the eligible place and an airport in another place.

''(4) In combination with other units of local government in the same region, to provide transportation services to and from all the eligible

places in that region at an airport or other transportation center that can serve all the eligible places in that region.

''(5) To purchase aircraft, or a fractional share in aircraft, to provide transportation to and from the eligible place.

''(6) To pay for other transportation or related services that the Secretary may permit.

''(d) FRACTIONALLY OWNED AIRCRAFT.—Notwithstanding any other provision of law, only those operating rules that relate to an aircraft that is fractionally owned apply when an aircraft described in subsection (c)(5) is used to provide transportation described in subsection (c)(5).

''(e) APPLICATIONS.—

''(1) IN GENERAL.—A unit of local government or State seeking to participate in the program for an eligible place shall submit to the Secretary an application in such form and containing such information as the Secretary may require.

''(2) REQUIRED INFORMATION.—At a minimum, the application shall include—

''(A) a statement of the amount of compensation required; and

''(B) a description of how the compensation will be used.

''(f) PARTICIPATION REQUIREMENTS.—

''(1) ELIGIBLE PLACES.—An eligible place for which compensation is received under the program in a fiscal year shall not be eligible to receive in that fiscal year the essential air service that it would otherwise be entitled to under this subchapter.

''(2) GOVERNMENTAL ENTITIES.—A unit of local government or State receiving compensation for an eligible place under the program in a fiscal year shall not be required to pay the local share described in 41737(a)(3) in such fiscal year.

''(g) SUBSEQUENT PARTICIPATION.—A unit of local government participating in the program under this section in a fiscal year shall not be prohibited from participating in the basic essential air service program under this chapter in a subsequent fiscal year if such unit is otherwise eligible to participate in such program.

''(h) FUNDING.—Amounts appropriated or otherwise made available to carry out the essential air service program under this subchapter shall be available to carry out this section.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 417 is amended by inserting after the item relating to section 41744 the following:

''41745. Community and regional choice program.''.

**SEC. 416. TYPE CERTIFICATES.**

(a) AGREEMENTS TO PERMIT USE OF CERTIFICATES BY OTHER PERSONS.—Section 44704(a) is amended by adding at the end the following:

''(3) If the holder of a type certificate agrees to permit another person to use the certificate to manufacture a new aircraft, aircraft engine, propeller, or appliance, the holder shall provide the other person with written evidence, in a form acceptable to the Administrator, of that agreement. A person may manufacture a new aircraft, aircraft engine, propeller, or appliance based on a type certificate only if the person is the holder of the type certificate or has permission from the holder.''.

(b) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS.—Section 44704 is further amended by adding at the end the following:

''(e) CERTIFICATION OF PRODUCTS MANUFACTURED IN FOREIGN NATIONS.—In order to ensure safety, the Administrator shall spend at least the same amount of time and perform a no-less-thorough review in certifying, or validating the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in a foreign nation as the regulatory authorities of that nation employ when the authorities certify, or validate the certification of, an aircraft, aircraft engine, propeller, or appliance manufactured in the United States.''.

**SEC. 417. DESIGN ORGANIZATION CERTIFICATES.**

(a) GENERAL AUTHORITY TO ISSUE CERTIFICATES.—Effective on the last day of the 7-year period beginning on the date of enactment of this Act, section 44702(a) is amended by inserting ''design organization certificates,'' after ''airman certificates,''.

(b) DESIGN ORGANIZATION CERTIFICATES.—

(1) PLAN.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan for the development and oversight of a system for certification of design organizations to certify compliance with the requirements and minimum standards prescribed under section 44701(a) of title 49, United States Code, for the type certification of aircraft, aircraft engines, propellers, or appliances.

(2) ISSUANCE OF CERTIFICATES.—Section 44704 is further amended by adding at the end the following:

''(f) DESIGN ORGANIZATION CERTIFICATES.—

''(1) ISSUANCE.—Beginning 7 years after the date of enactment of this subsection, the Administrator may issue a design organization certificate to a design organization to authorize the organization to certify compliance with the requirements and minimum standards prescribed under section 44701(a) for the type certification of aircraft, aircraft engines, propellers, or appliances.

''(2) APPLICATIONS.—On receiving an application for a design organization certificate, the Administrator shall examine and rate the design organization submitting the application, in accordance with regulations to be prescribed by the Administrator, to determine whether the design organization has adequate engineering, design, and testing capabilities, standards, and safeguards to ensure that the product being certificated is properly designed and manufactured, performs properly, and meets the regulations and minimum standards prescribed under section 44701(a).

''(3) ISSUANCE OF TYPE CERTIFICATES BASED ON DESIGN ORGANIZATION CERTIFICATION.—On receiving an application for a type certificate under subsection (a) that is accompanied by a certification of compliance by a design organization certificated under this subsection, instead of conducting an independent investigation under subsection (a), the Administrator may issue the type certificate based on the certification of compliance.

''(4) PUBLIC SAFETY.—The Administrator shall include in a design organization certificate issued under this subsection terms required in the interest of safety.''.

(c) REINSPECTION AND REEXAMINATION.—Section 44709(a) is amended by inserting ''design organization, production certificate holder,'' after ''appliance,''.

(d) PROHIBITIONS.—Section 44711(a)(7) is amended by striking ''agency'' and inserting ''agency, design organization certificate, ''.

(e) CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—Section 44704 is amended by striking the section designation and heading and inserting the following:

***''§ 44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates''.***

(2) CHAPTER ANALYSIS.—The analysis for chapter 447 is amended by striking the item relating to section 44704 and inserting the following:

''44704. Type certificates, production certificates, airworthiness certificates, and design organization certificates.''.

**SEC. 418. COUNTERFEIT OR FRAUDULENTLY REPRESENTED PARTS VIOLATIONS.**

Section 44726(a)(1) is amended—

(1) by striking ''or'' at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (C);

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

''(B) whose certificate is revoked under subsection (b); or''; and

(4) in subparagraph (C) (as redesignated by paragraph (2) of this section) by striking ''convicted of such a violation.'' and inserting ''described in subparagraph (A) or (B).''.

**SEC. 419. RUNWAY SAFETY STANDARDS.**

(a) IN GENERAL.—Chapter 447 is amended by adding at the end the following:

***''§ 44727. Runway safety areas***

''An airport owner or operator shall not be required to reduce the length of a runway or declare the length of a runway to be less than the actual pavement length in order to meet standards of the Federal Aviation Administration applicable to runway safety areas.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is amended by adding at the end the following:

''44727. Runway safety areas.''.

**SEC. 420. AVAILABILITY OF MAINTENANCE INFORMATION.**

(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:

***''§ 44728. Availability of maintenance information***

''(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall continue in effect the requirement of section 21.50(b) of title 14, Code of Federal Regulations, that the holder of a design approval—

''(1) shall prepare and furnish at least one set of complete instructions for continued airworthiness as prescribed in such section to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery or upon the issuance of the first standard airworthiness certificate for the affected aircraft, whichever occurs later; and

''(2) thereafter shall make the instructions, and any changes thereto, available to any other person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of the instructions.

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

''(1) MAKE AVAILABLE.—The term 'make available' means providing at a cost not to exceed the cost of preparation and distribution.

''(2) DESIGN APPROVAL.—The term 'design approval' means a type certificate, supplemental type certificate, amended type certificate, parts manufacturer approval, technical standard order authorization, and any other action as determined by the Administrator pursuant to subsection (c)(2).

''(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS.—The term 'instructions for continued airworthiness' means any information (and any changes to such information) considered essential to continued airworthiness that sets forth the methods, techniques, and practices for performing maintenance and alteration on civil aircraft, aircraft engines, propellers, appliances or any part installed thereon. Such information may include maintenance, repair, and overhaul manuals, standard practice manuals, service bulletins, service letters, or similar documents issued by a design approval holder.

''(c) RULEMAKING.—The Administrator shall conduct a rulemaking proceeding for the following purposes:

''(1) To determine the meaning of the phrase 'essential to continued airworthiness' of the applicable aircraft, aircraft engine, and propeller as that term is used in parts 23 through 35 of title 14, Code of Federal Regulations.

''(2) To determine if a design approval should include, in addition to those approvals specified in subsection (b)(2), any other activity in which

*persons are required to have technical data approved by the Administrator.*

*''(3) To revise existing rules to reflect the definition of design approval holder in subsections (b)(2) and (c)(2).*

*''(4) To determine if design approval holders that prepared instructions for continued airworthiness or maintenance manuals before January 29, 1981, should be required to make the manuals available (including any changes thereto) to any person required by parts 1 through 199 of title 14, Code of Federal Regulations, to comply with any of the terms of those manuals.*

*''(5) To require design approval holders that—*

*''(A) are operating an ongoing business concern;*

*''(B) were required to produce maintenance manuals or instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations; and*

*''(C) have not done so,*

*to prepare those documents and make them available as required by this section not later than 1 year after date on which the regulations are published.*

*''(6) To revise its rules to reflect the changes made by this section.*

*''(d) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing is this section shall be construed as requiring the holder of a design approval to make available proprietary information unless it is deemed essential to continued airworthiness.''.*

*(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:*

*''44728. Availability of maintenance information.''.*

***SEC. 421. CERTIFICATE ACTIONS IN RESPONSE TO A SECURITY THREAT.***

*(a) IN GENERAL.—Chapter 461 is amended by adding at the end the following:*

***''§ 46111. Certificate actions in response to a security threat***

*''(a) ORDERS.—The Administrator of Federal Aviation Administration shall issue an order amending, modifying, suspending, or revoking any part of a certificate issued under this title if the Administrator is notified by the Under Secretary for Border and Transportation Security of the Department of Homeland Security that the holder of the certificate poses, or is suspected of posing, a risk of air piracy or terrorism or a threat to airline or passenger safety. If requested by the Under Secretary, the order shall be effective immediately.*

*''(b) HEARINGS FOR CITIZENS.—An individual who is a citizen of the United States who is adversely affected by an order of the Administrator under subsection (a) is entitled to a hearing on the record.*

*''(c) HEARINGS.—When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Administrator or the Under Secretary.*

*''(d) APPEALS.—An appeal from a decision of an administrative law judge as the result of a hearing under subsection (b) shall be made to the Transportation Security Oversight Board established by section 115. The Board shall establish a panel to review the decision. The members of this panel (1) shall not be employees of the Transportation Security Administration, (2) shall have the level of security clearance needed to review the determination made under this section, and (3) shall be given access to all relevant documents that support that determination. The panel may affirm, modify, or reverse the decision.*

*''(e) REVIEW.—A person substantially affected by an action of a panel under subsection (d), or the Under Secretary when the Under Secretary decides that the action of the panel under this section will have a significant adverse impact on carrying out this part, may obtain review of the order under section 46110. The Under Secretary and the Administrator shall be made a party to the review proceedings. Findings of fact of the panel are conclusive if supported by substantial evidence.*

*''(f) EXPLANATION OF DECISIONS.—An individual who commences an appeal under this section shall receive a written explanation of the basis for the determination or decision and all relevant documents that support that determination to the maximum extent that the national security interests of the United States and other applicable laws permit.*

*''(g) CLASSIFIED EVIDENCE.—*

*''(1) IN GENERAL.—The Under Secretary, in consultation with the Administrator, shall issue regulations to establish procedures by which the Under Secretary, as part of a hearing conducting under this section, may substitute an unclassified summary of classified evidence upon the approval of the administrative law judge.*

*''(2) APPROVAL AND DISAPPROVAL OF SUMMARIES.—Under the procedures, an administrative law judge shall—*

*''(A) approve a summary if the judge finds that it is sufficient to enable the certificate holder to appeal an order issued under subsection (a); or*

*''(B) disapprove a summary if the judge finds that it is not sufficient to enable the certificate holder to appeal such an order.*

*''(3) MODIFICATIONS.—If an administrative law judge disapproves a summary under paragraph (2)(B), the judge shall direct the Under Secretary to modify the summary and resubmit the summary for approval.*

*''(4) INSUFFICIENT MODIFICATIONS.—If an administrative law judge is unable to approve a modified summary, the order issued under subsection (a) that is the subject of the hearing shall be set aside unless the judge finds that such a result—*

*''(A) would likely cause serious and irreparable harm to the national security; or*

*''(B) would likely cause death or serious bodily injury to any person.*

*''(5) SPECIAL PROCEDURES.—If an administrative law judge makes a finding under subparagraph (A) or (B) of paragraph (4), the hearing shall proceed without an unclassified summary provided to the certificate holder. In such a case, subject to procedures established by regulation by the Under Secretary in consultation with the Administrator, the administrative law judge shall appoint a special attorney to assist the accused by—*

*''(A) reviewing in camera the classified evidence; and*

*''(B) challenging, through an in camera proceeding, the veracity of the evidence contained in the classified information.''.*

*(b) CONFORMING AMENDMENT.—The analysis for chapter 461 is amended by adding at the end the following:*

*''46111. Certificate actions in response to a security threat.''.*

***SEC. 422. FLIGHT ATTENDANT CERTIFICATION.***

*(a) IN GENERAL.—Chapter 447 is further amended by adding at the end the following:*

***''§ 44729. Flight attendant certification***

*''(a) CERTIFICATE REQUIRED.—*

*''(1) IN GENERAL.—No person may serve as a flight attendant aboard an aircraft of an air carrier unless that person holds a certificate of demonstrated proficiency from the Administrator of the Federal Aviation Administration. Upon the request of the Administrator or an authorized representative of the National Transportation Safety Board or another Federal agency, a person who holds such a certificate shall present the certificate for inspection within a reasonable period of time after the date of the request.*

*''(2) SPECIAL RULE FOR CURRENT FLIGHT ATTENDANTS.—An individual serving as a flight attendant on the effective date of this section may continue to serve aboard an aircraft as a flight attendant until completion by that individual of the required recurrent or requalification training and subsequent certification under this section.*

*''(3) TREATMENT OF FLIGHT ATTENDANT AFTER NOTIFICATION.—On the date that the Administrator is notified by an air carrier that an individual has the demonstrated proficiency to be a flight attendant, the individual shall be treated for purposes of this section as holding a certificate issued under the section.*

*''(b) ISSUANCE OF CERTIFICATE.—The Administrator shall issue a certificate of demonstrated proficiency under this section to an individual after the Administrator is notified by the air carrier that the individual has successfully completed all the training requirements for flight attendants approved by the Administrator.*

*''(c) DESIGNATION OF PERSON TO DETERMINE SUCCESSFUL COMPLETION OF TRAINING.—In accordance with part 183 of chapter 14, Code of Federal Regulation, the director of operations of an air carrier is designated to determine that an individual has successfully completed the training requirements approved by the Administrator for such individual to serve as a flight attendant.*

*''(d) SPECIFICATIONS RELATING TO CERTIFICATES.—Each certificate issued under this section shall—*

*''(1) be numbered and recorded by the Administrator;*

*''(2) contain the name, address, and description of the individual to whom the certificate is issued;*

*''(3) contain the name of the air carrier that employs or will employ the certificate holder on the date that the certificate is issued;*

*''(4) is similar in size and appearance to certificates issued to airmen;*

*''(5) contain the airplane group for which the certificate is issued; and*

*''(6) be issued not later than 30 days after the Administrator receives notification from the air carrier of demonstrated proficiency and, in the case of an individual serving as flight attendant on the effective date of this section, not later than 1 year after such effective date.*

*''(e) APPROVAL OF TRAINING PROGRAMS.—Air carrier flight attendant training programs shall be subject to approval by the Administrator. All flight attendant training programs approved by the Administrator in the 1-year period ending on the date of enactment of this section shall be treated as providing a demonstrated proficiency for purposes of meeting the certification requirements of this section.*

*''(f) FLIGHT ATTENDANT DEFINED.—In this section, the term 'flight attendant' means an individual working as a flight attendant in the cabin of an aircraft that has 20 or more seats and is being used by an air carrier to provide air transportation.''.*

*(b) CONFORMING AMENDMENT.—The analysis for chapter 447 is further amended by adding at the end the following:*

*''44729. Flight attendant certification.''.*

*(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the 365th day following the date of enactment of this Act.*

***SEC. 423. CIVIL PENALTY FOR CLOSURE OF AN AIRPORT WITHOUT PROVIDING SUFFICIENT NOTICE.***

*(a) IN GENERAL.—Chapter 463 is amended by adding at the end the following:*

***''§ 46319. Closure of an airport without providing sufficient notice***

*''(a) PROHIBITION.—A public agency (as defined in section 47102) may not close an airport listed in the national plan of integrated airport systems under section 47103 without providing written notice to the Administrator of the Federal Aviation Administration at least 30 days before the date of the closure.*

*''(b) PUBLICATION OF NOTICE.—The Administrator shall publish each notice received under subsection (a) in the Federal Register.*

''(c) CIVIL PENALTY.—A public agency violating subsection (a) shall be liable for a civil penalty of $10,000 for each day that the airport remains closed without having given the notice required by this section.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 463 is amended by adding at the end the following:

''46319. Closure of an airport without providing sufficient notice.''.

***SEC. 424. NOISE EXPOSURE MAPS.***

Section 47503 is amended—

(1) in subsection (a) by striking ''1985,'' and inserting ''a forecast period that is at least 5 years in the future''; and

(2) by striking subsection (b) and inserting the following:

''(b) REVISED MAPS.—If, in an area surrounding an airport, a change in the operation of the airport would establish a substantial new noncompatible use, or would significantly reduce noise over existing noncompatible uses, that is not reflected in either the existing conditions map or forecast map currently on file with the Federal Aviation Administration, the airport operator shall submit a revised noise exposure map to the Secretary showing the new noncompatible use or noise reduction.''.

***SEC. 425. AMENDMENT OF GENERAL FEE SCHEDULE PROVISION.***

The amendment made by section 119(d) of the Aviation and Transportation Security Act (115 Stat. 629) shall not be affected by the savings provisions contained in section 141 of that Act (115 Stat. 643).

***SEC. 426. IMPROVEMENT OF CURRICULUM STANDARDS FOR AVIATION MAINTENANCE TECHNICIANS.***

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall ensure that the training standards for airframe and powerplant mechanics under part 65 of title 14, Code of Federal Regulations, are updated and revised in accordance with this section. The Administrator may update and revise the training standards through the initiation of a formal rulemaking or by issuing an advisory circular or other agency guidance.

(b) ELEMENTS FOR CONSIDERATION.—The updated and revised standards required under subsection (a) shall include those curriculum adjustments that are necessary to more accurately reflect current technology and maintenance practices.

(c) MINIMUM TRAINING HOURS.—In making adjustments to the maintenance curriculum requirements pursuant to this section, the current requirement of 1900 minimum training hours shall be maintained.

(d) CERTIFICATION.—Any adjustment or modification of current curriculum standards made pursuant to this section shall be reflected in the certification examinations of airframe and powerplant mechanics.

(e) COMPLETION.—The revised and updated training standards required by subsection (a) shall be completed not later than 12 months after the date of enactment of this Act.

(f) PERIODIC REVIEWS AND UPDATES.—The Administrator shall review the content of the curriculum standards for training airframe and powerplant mechanics referred to in subsection (a) every 3 years after completion of the revised and updated training standards required under subsection (a) as necessary to reflect current technology and maintenance practices.

***SEC. 427. TASK FORCE ON FUTURE OF AIR TRANSPORTATION SYSTEM.***

(a) IN GENERAL.—The President shall establish a task force to work with the Next Generation Air Transportation System Joint Program Office authorized under section 106(k)(3).

(b) MEMBERSHIP.—The task force shall be composed of representatives, appointed by the President, from air carriers, general aviation, pilots, and air traffic controllers and the following government organizations:

(1) The Federal Aviation Administration.

(2) The National Aeronautics and Space Administration.

(3) The Department of Defense.

(4) The Department of Homeland Security.

(5) The National Oceanic and Atmospheric Administration.

(6) Other government organizations designated by the President.

(c) FUNCTION.—The function of the task force shall be to develop an integrated plan to transform the Nation's air traffic control system and air transportation system to meet its future needs.

(d) PLAN.—Not later than 1 year after the date of establishment of the task force, the task force shall transmit to the President and Congress a plan outlining the overall strategy, schedule, and resources needed to develop and deploy the Nation's next generation air traffic control system and air transportation system.

***SEC. 428. AIR QUALITY IN AIRCRAFT CABINS.***

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall undertake the studies and analysis called for in the report of the National Research Council entitled ''The Airliner Cabin Environment and the Health of Passengers and Crew''.

(b) REQUIRED ACTIVITIES.—In carrying out this section, the Administrator, at a minimum, shall—

(1) conduct surveillance to monitor ozone in the cabin on a representative number of flights and aircraft to determine compliance with existing Federal Aviation Regulations for ozone;

(2) collect pesticide exposure data to determine exposures of passengers and crew; and

(3) analyze samples of residue from aircraft ventilation ducts and filters after air quality incidents to identify the allergens, diseases, and other contaminants to which passengers and crew were exposed.

(c) REPORT.—Not later than 30 months after the date of enactment of this Act, the Administrator shall transmit to Congress a report on the findings of the Administrator under this section.

***SEC. 429. RECOMMENDATIONS CONCERNING TRAVEL AGENTS.***

(a) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to Congress a report on any actions that should be taken with respect to recommendations made by the National Commission to Ensure Consumer Information and Choice in the Airline Industry on—

(1) the travel agent arbiter program; and

(2) the special box on tickets for agents to include their service fee charges.

(b) CONSULTATION.—In preparing this report, the Secretary shall consult with representatives from the airline and travel agent industry.

***SEC. 430. TASK FORCE ON ENHANCED TRANSFER OF APPLICATIONS OF TECHNOLOGY FOR MILITARY AIRCRAFT TO CIVILIAN AIRCRAFT.***

(a) IN GENERAL.—The President shall establish a task force to look for better methods for ensuring that technology developed for military aircraft is more quickly and easily transferred to applications for improving and modernizing the fleet of civilian aircraft.

(b) MEMBERSHIP.—The task force shall be composed of the Secretary of Transportation who shall be the chair of the task force and representatives, appointed by the President, from the following:

(1) The Department of Transportation.

(2) The Federal Aviation Administration.

(3) The Department of Defense.

(4) The National Aeronautics and Space Administration.

(5) The aircraft manufacturing industry.

(6) Such other organizations as the President may designate.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the task force shall report to Congress on the methods looked at by the task force for ensuring the transfer of applications described in subsection (a).

***SEC. 431. REIMBURSEMENT FOR LOSSES INCURRED BY GENERAL AVIATION ENTITIES.***

(a) IN GENERAL.—The Secretary of Transportation may make grants to reimburse the following general aviation entities for the security costs incurred and revenue foregone as a result of the restrictions imposed by the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001, or the military action to free the people of Iraq that commenced in March 2003:

(1) General aviation entities that operate at Ronald Reagan Washington National Airport.

(2) Airports that are located within 15 miles of Ronald Reagan Washington National Airport and were operating under security restrictions on the date of enactment of this Act and general aviation entities operating at those airports.

(3) General aviation entities that were affected by Federal Aviation Administration Notices to Airmen FDC 2/0199 and 3/1862 and section 352 of the Department of Transportation and Related Agencies Appropriations Act, 2003 (P.L. 108–7, Division I).

(4) General aviation entities affected by implementation of section 44939 of title 49, United States Code.

(5) Any other general aviation entity that is prevented from doing business or operating by an action of the Federal Government prohibiting access to airspace by that entity.

(b) DOCUMENTATION.—Reimbursement under this section shall be made in accordance with sworn financial statements or other appropriate data submitted by each general aviation entity demonstrating the costs incurred and revenue foregone to the satisfaction of the Secretary.

(c) GENERAL AVIATION ENTITY DEFINED.—In this section, the term ''general aviation entity'' means any person (other than a scheduled air carrier or foreign air carrier, as such terms are defined in section 40102 of title 49, United States Code) that—

(1) operates nonmilitary aircraft under part 91 of title 14, Code of Federal Regulations, for the purpose of conducting its primary business;

(2) manufactures nonmilitary aircraft with a maximum seating capacity of fewer than 20 passengers or aircraft parts to be used in such aircraft;

(3) provides services necessary for nonmilitary operations under such part 91; or

(4) operates an airport, other than a primary airport (as such terms are defined in such section 40102), that—

(A) is listed in the national plan of integrated airport systems developed by the Federal Aviation Administration under section 47103 of such title; or

(B) is normally open to the public, is located within the confines of enhanced class B airspace (as defined by the Federal Aviation Administration in Notice to Airmen FDC 1/0618), and was closed as a result of an order issued by the Federal Aviation Administration in the period beginning September 11, 2001, and ending January 1, 2002, and remained closed as a result of that order on January 1, 2002.

Such term includes fixed based operators, flight schools, manufacturers of general aviation aircraft and products, persons engaged in nonscheduled aviation enterprises, and general aviation independent contractors.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000. Such sums shall remain available until expended.

***SEC. 432. IMPASSE PROCEDURES FOR NATIONAL ASSOCIATION OF AIR TRAFFIC SPECIALISTS.***

(a) FAILURE OF CURRENT NEGOTIATIONS.—If, within 30 days after the date of enactment of this Act, the Federal Aviation Administration and the exclusive bargaining representative of

the National Association of Air Traffic Specialists have failed to achieve agreement through a mediation process of the Federal Mediation and Conciliation Service, the current labor negotiation shall be treated for purposes of this section to have failed.

(b) SUBMISSION TO IMPASSE PANEL.—Not later than 30 days after the negotiation has failed under subsection (a), the parties to the negotiation shall submit unresolved issues to the Federal Service Impasses Panel described in section 7119(c) of title 5, United States Code, for final and binding resolution.

(c) ASSISTANCE.—The Panel shall render assistance to the parties in resolving their dispute in accordance with section 7119 of title 5, United States Code, and parts 2470 and 2471 of title 5, Code of Federal Regulations.

(d) DETERMINATION.—The Panel shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the Panel shall specify the basis for its findings, taking into consideration such relevant factors as are normally and customarily considered in the determination of wages or impasse Panel proceedings. The Panel shall also take into consideration the financial ability of the Administration to pay.

(e) EFFECT OF PANEL DETERMINATION.—The determination of the Panel shall be final and binding upon the parties for the period prescribed by the Panel or a period otherwise agreed to by the parties.

(f) REVIEW.—The determination of the Panel shall be subject to review in the manner prescribed in chapter 71 of title 5, United States Code.

***SEC. 433. FAA INSPECTOR TRAINING.***

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of the aviation safety inspectors of the Federal Aviation Administration (in this section referred to as ''FAA inspectors'').

(2) CONTENTS.—The study shall include—

(A) an analysis of the type of training provided to FAA inspectors;

(B) actions that the Federal Aviation Administration has undertaken to ensure that FAA inspectors receive up-to-date training on the latest technologies;

(C) the extent of FAA inspector training provided by the aviation industry and whether such training is provided without charge or on a quid-pro-quo basis; and

(D) the amount of travel that is required of FAA inspectors in receiving training.

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study.

(b) SENSE OF THE HOUSE.—It is the sense of the House of Representatives that—

(1) FAA inspectors should be encouraged to take the most up-to-date initial and recurrent training on the latest aviation technologies;

(2) FAA inspector training should have a direct relation to an individual's job requirements; and

(3) if possible, a FAA inspector should be allowed to take training at the location most convenient for the inspector.

(c) WORKLOAD OF INSPECTORS.—

(1) STUDY BY NATIONAL ACADEMY OF SCIENCES.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall make appropriate arrangements for the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing standards for FAA inspectors to ensure proper oversight over the aviation industry, including the designee program.

(2) CONTENTS.—The study shall include the following:

(A) A suggested method of modifying FAA inspectors staffing models for application to current local conditions or applying some other approach to developing an objective staffing standard.

(B) The approximate cost and length of time for developing such models.

(3) REPORT.—Not later than 12 months after the initiation of the arrangements under subsection (a), the National Academy of Sciences shall transmit to Congress a report on the results of the study.

***SEC. 434. PROHIBITION ON AIR TRAFFIC CONTROL PRIVATIZATION.***

(a) IN GENERAL.—The Secretary of Transportation may not authorize the transfer of the air traffic separation and control functions operated by the Federal Aviation Administration on the date of enactment of this Act to a private entity or to a public entity other than the United States Government.

(b) CONTRACT TOWER PROGRAM.—Subsection (a) shall not apply to the contract tower program authorized by section 47124 of title 49, United States Code.

***SEC. 435. AIRFARES FOR MEMBERS OF THE ARMED FORCES.***

(a) FINDINGS.—Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

***SEC. 436. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED AIR SERVICE.***

Section 145(c) of the Aviation and Transportation Security Act (49 U.S.C. 40101 note; 115 stat. 645) is amended by striking ''more than'' and all that follows through ''after'' and inserting ''more than 36 months after''.

***SEC. 437. INTERNATIONAL AIR SHOW.***

(a) STUDY.—The Secretary of Transportation shall study the feasibility of the United States hosting a world-class international air show.

(b) REPORT.—Not later than 9 months after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study conducted under subsection (a) together with recommendations concerning potential locations at which the air show could be held.

***SEC. 438. DEFINITION OF AIR TRAFFIC CONTROLLER.***

(a) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8331 of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (27);

(2) by striking the period at the end of paragraph (28) and inserting ''; and''; and

(3) by adding at the end the following:

''(29) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8401 of title 5, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (33);

(2) by striking the period at the end of paragraph (34) and inserting ''; and''; and

(3) by adding at the end the following:

''(35) 'air traffic controller' or 'controller' means—

''(A) a controller within the meaning of section 2109(1); and

''(B) a civilian employee of the Department of Transportation or the Department of Defense holding a supervisory, managerial, executive, technical, semiprofessional, or professional position for which experience as a controller (within the meaning of section 2109(1)) is a prerequisite.''.

(c) MANDATORY SEPARATION TREATMENT NOT AFFECTED.—

(1) CIVIL SERVICE RETIREMENT SYSTEM.—Section 8335(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8331(29)(A).''.

(2) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—Section 8425(a) of title 5, United States Code, is amended by adding at the end the following: ''For purposes of this subsection, the term 'air traffic controller' or 'controller' has the meaning given to it under section 8401(35)(A).''.

(d) EFFECTIVE DATE.—This section and the amendments made by this section—

(1) shall take effect on the 60th day after the date of enactment of this Act; and

(2) shall apply with respect to—

(A) any annuity entitlement to which is based on an individual's separation from service occurring on or after that 60th day; and

(B) any service performed by any such individual before, on, or after that 60th day, subject to subsection (e).

(e) DEPOSIT REQUIRED FOR CERTAIN PRIOR SERVICE TO BE CREDITABLE AS CONTROLLER SERVICE.—

(1) DEPOSIT REQUIREMENT.—For purposes of determining eligibility for immediate retirement under section 8412(e) of title 5, United States Code, the amendment made by subsection (b) shall, with respect to any service described in paragraph (2), be disregarded unless there is deposited into the Civil Service Retirement and Disability Fund, with respect to such service, in such time, form, and manner as the Office of Personnel Management by regulation requires, an amount equal to the amount by which—

(A) the deductions from pay which would have been required for such service if the amendments made by this section had been in effect when such service was performed, exceeds

(B) the unrefunded deductions or deposits actually made under subchapter II of chapter 84 of such title 5 with respect to such service.

The amount under the preceding sentence shall include interest, computed under paragraphs (2) and (3) of section 8334(e) of such title 5.

(2) PRIOR SERVICE DESCRIBED.—This subsection applies with respect to any service performed by an individual, before the 60th day following the date of enactment of this Act, as an

employee described in section 8401(35)(B) of such title 5 (as set forth in subsection (b)).

**SEC. 439. JUSTIFICATION FOR AIR DEFENSE IDENTIFICATION ZONE.**

(a) IN GENERAL.—If the Administrator of the Federal Aviation Administration establishes an Air Defense Identification Zone (in this section referred as an ''ADIZ''), the Administrator shall transmit, not later than 60 days after the date of establishing the ADIZ, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing an explanation of the need for the ADIZ. The Administrator also shall transmit to the Committees updates of the report every 60 days until the ADIZ is rescinded. The reports and updates shall be transmitted in classified form.

(b) EXISTING ADIZ.—If an ADIZ is in effect on the date of enactment of this Act, the Administrator shall transmit an initial report under subsection (a) not later than 30 days after such date of enactment.

(c) DEFINITION.—In this section, the terms ''Air Defense Identification Zone'' and ''ADIZ'' each mean a zone established by the Administrator with respect to airspace under 18,000 feet in approximately a 15- to 38-mile radius around Washington, District of Columbia, for which security measures are extended beyond the existing 15-mile no-fly zone around Washington and in which general aviation aircraft are required to adhere to certain procedures issued by the Administrator.

**SEC. 440. INTERNATIONAL AIR TRANSPORTATION.**

It is the sense of Congress that, in an effort to modernize its regulations, the Department of Transportation should formally define ''Fifth Freedom'' and ''Seventh Freedom'' consistently for both scheduled and charter passenger and cargo traffic.

**SEC. 441. REIMBURSEMENT OF AIR CARRIERS FOR CERTAIN SCREENING AND RELATED ACTIVITIES.**

The Secretary of Transportation, subject to the availability of funds (other than amounts in the Aviation Trust Fund) provided for this purpose, shall reimburse air carriers and airports for the following:

(1) All screening and related activities that the air carriers or airports are still performing or continuing to be responsible for, including—

(A) the screening of catering supplies;

(B) checking documents at security checkpoints;

(C) screening of passengers; and

(D) screening of persons with access to aircraft.

(2) The provision of space and facilities used to perform screening functions if such space and facilities have been previously used, or were intended to be used, for revenue-producing purposes.

**SEC. 442. GENERAL AVIATION FLIGHTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.**

It is the sense of Congress that Ronald Reagan Washington National Airport should be open to general aviation flights as soon as possible.

## TITLE V—AIRPORT DEVELOPMENT

**SEC. 501. DEFINITIONS.**

(a) IN GENERAL.—Section 47102 is amended—

(1) by redesignating paragraphs (19) and (20) as paragraphs (24) and (25), respectively;

(2) by inserting after paragraph (18) the following:

''(23) 'small hub airport' means a commercial service airport that has at least 0.05 percent but less than 0.25 percent of the passenger boardings.'';

(3) in paragraph (10) by striking subparagraphs (A) and (B) and inserting following:

''(A) means, unless the context indicates otherwise, revenue passenger boardings in the United States in the prior calendar year on an aircraft in service in air commerce, as the Secretary determines under regulations the Secretary prescribes; and

''(B) includes passengers who continue on an aircraft in international flight that stops at an airport in the 48 contiguous States, Alaska, or Hawaii for a nontraffic purpose.'';

(4) by redesignating paragraphs (10) through (18) as paragraphs (14) through (22), respectively;

(5) by inserting after paragraph (9) the following:

''(10) 'large hub airport' means a commercial service airport that has at least 1.0 percent of the passenger boardings.

''(12) 'medium hub airport' means a commercial service airport that has at least 0.25 percent but less than 1.0 percent of the passenger boardings.

''(13) 'nonhub airport' means a commercial service airport that has less than 0.05 percent of the passenger boardings.''; and

(6) by striking paragraph (6) and inserting the following:

''(6) 'amount made available under section 48103' or 'amount newly made available' means the amount authorized for grants under section 48103 as that amount may be limited in that year by a subsequent law, but as determined without regard to grant obligation recoveries made in that year or amounts covered by section 47107(f).''.

(b) CONFORMING AMENDMENT.—Section 47116(b)(1) is amended by striking ''(as defined in section 41731 of this title)''.

**SEC. 502. REPLACEMENT OF BAGGAGE CONVEYOR SYSTEMS.**

Section 47102(3)(B)(x) is amended by striking the period at the end and inserting the following: ''; except that such activities shall be eligible for funding under this subchapter only using amounts apportioned under section 47114.''.

**SEC. 503. SECURITY COSTS AT SMALL AIRPORTS.**

(a) SECURITY COSTS.—Section 47102(3)(J) is amended to read as follows:

''(J) in the case of a nonhub airport or an airport that is not a primary airport in fiscal year 2004, direct costs associated with new, additional, or revised security requirements imposed on airport operators by law, regulation, or order on or after September 11, 2001, if the Government's share is paid only from amounts apportioned to a sponsor under section 47114(c) or 47114(d)(3)(A).''.

(b) CONFORMING AMENDMENT.—Section 47110(b)(2) is amended—

(1) in subparagraph (D) by striking '', 47102(3)(K), or 47102(3)(L)''; and

(2) by aligning the margin of subparagraph (D) with the margin of subparagraph (B).

**SEC. 504. WITHHOLDING OF PROGRAM APPLICATION APPROVAL.**

Section 47106(d) is amended—

(1) in paragraph (1) by striking ''section 47114(c) and (e) of this title'' and inserting ''subsections (c), (d), and (e) of section 47114''; and

(2) by adding at the end the following:

''(4) If the Secretary withholds a grant to an airport from the discretionary fund under section 47115 or from the small airport fund under section 47116 on the grounds that the sponsor has violated an assurance or requirement of this subchapter, the Secretary shall follow the procedures of this subsection.''.

**SEC. 505. RUNWAY SAFETY AREAS.**

Section 47106 is amended by adding at the end the following:

''(h) RUNWAY SAFETY AREAS.—The Secretary may approve an application under this chapter for a project grant to construct, reconstruct, repair, or improve a runway only if the Secretary receives written assurances, satisfactory to the Secretary, that the sponsor will undertake, to the maximum extent practical, improvement of the runway's safety area to meet the standards of the Federal Aviation Administration.''.

**SEC. 506. DISPOSITION OF LAND ACQUIRED FOR NOISE COMPATIBILITY PURPOSES.**

Section 47107(c) is amended by adding at the end the following:

''(4) Notwithstanding paragraph (2)(A)(iii), an airport owner or operator may retain all or any portion of the proceeds from a land disposition described in that paragraph if the Secretary finds that the use of the land will be compatible with airport purposes and the proceeds retained will be used for airport development or to carry out a noise compatibility program under section 47504(c).''.

**SEC. 507. GRANT ASSURANCES.**

(a) HANGAR CONSTRUCTION.—Section 47107(a) is amended—

(1) by striking ''and'' at the end of paragraph (19);

(2) by striking the period at the end of paragraph (20) and inserting ''; and''; and

(3) by adding at the end the following:

''(21) if the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long-term lease (of not less than 50 years) that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.''.

(b) STATUTE OF LIMITATIONS..—Section 47107(l)(5)(A) is amended by inserting ''or any other governmental entity'' after ''sponsor''.

(c) AUDIT CERTIFICATION.—Section 47107(m) is amended—

(1) in paragraph (1) by striking ''promulgate regulations that'' and inserting ''include a provision in the compliance supplement provisions to'';

(2) in paragraph (1) by striking ''and opinion of the review''; and

(3) by striking paragraph (3).

**SEC. 508. ALLOWABLE PROJECT COSTS.**

(a) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES.—Section 47110 is amended—

(1) in subsection (f) by striking ''subsection (d)'' and inserting ''subsections (d) and (h)''; and

(2) by adding at the end the following:

''(h) CONSTRUCTION OR MODIFICATION OF PUBLIC PARKING FACILITIES FOR SECURITY PURPOSES.—Notwithstanding subsection (f)(1), a cost of constructing or modifying a public parking facility for passenger automobiles to comply with a regulation or directive of the Department of Homeland Security shall be treated as an allowable airport development project cost.''.

(b) DEBT FINANCING.—Section 47110 is further amended by adding at the end the following:

''(i) DEBT FINANCING.—In the case of an airport that is not a medium hub airport or large hub airport, the Secretary may determine that allowable airport development project costs include payments of interest, commercial bond insurance, and other credit enhancement costs associated with a bond issue to finance the project.''.

(c) CLARIFICATION OF ALLOWABLE COSTS..—Section 47110(b)(1) is amended by inserting before the semicolon at the end ''and any cost of moving a Federal facility impeding the project if the rebuilt facility is of an equivalent size and type''.

(d) TECHNICAL AMENDMENTS.—Section 47110(e) is amended by aligning the margin of paragraph (6) with the margin of paragraph (5).

**SEC. 509. APPORTIONMENTS TO PRIMARY AIRPORTS.**

(a) FORMULA CHANGES.—Section 47114(c)(1)(A) is amended by striking clauses (iv) and (v) and by inserting the following:

''(iv) $.65 for each of the next 500,000 passenger boardings at the airport during the prior calendar year;

''(v) $.50 cents for each of the next 2,500,000 passenger boardings at the airport during the prior calendar year; and

''(vi) $.45 cents for each additional passenger boarding at the airport during the prior calendar year.''.

(b) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Section 47114(c)(1) is amended by adding at the end the following:

''(F) SPECIAL RULE FOR FISCAL YEARS 2004 AND 2005.—Notwithstanding subparagraph (A) and the absence of scheduled passenger aircraft service at an airport, the Secretary may apportion in fiscal years 2004 and 2005 to the sponsor of the airport an amount equal to the amount apportioned to that sponsor in fiscal year 2002 or 2003, whichever amount is greater, if the Secretary finds that—

''(i) the passenger boardings at the airport were below 10,000 in calendar year 2002;

''(ii) the airport had at least 10,000 passenger boardings and scheduled passenger aircraft service in either calendar year 2000 or 2001; and

''(iii) the reason that passenger boardings described in clause (i) were below 10,000 was the decrease in passengers following the terrorist attacks of September 11, 2001.''.

**SEC. 510. CARGO AIRPORTS.**

Section 47114(c)(2) is amended—

(1) in the paragraph heading by striking ''ONLY''; and

(2) in subparagraph (A) by striking ''3 percent'' and inserting ''3.5 percent''.

**SEC. 511. CONSIDERATIONS IN MAKING DISCRETIONARY GRANTS.**

Section 47115(d) is amended to read as follows:

''(d) CONSIDERATIONS.—

''(1) FOR CAPACITY ENHANCEMENT PROJECTS.—In selecting a project for a grant to preserve and improve capacity funded in whole or in part from the fund, the Secretary shall consider—

''(A) the effect that the project will have on overall national transportation system capacity;

''(B) the benefit and cost of the project, including, in the case of a project at a reliever airport, the number of operations projected to be diverted from a primary airport to the reliever airport as a result of the project, as well as the cost savings projected to be realized by users of the local airport system;

''(C) the financial commitment from non-United States Government sources to preserve or improve airport capacity;

''(D) the airport improvement priorities of the States to the extent such priorities are not in conflict with subparagraphs (A) and (B); and

''(E) the projected growth in the number of passengers or aircraft that will be using the airport at which the project will be carried out.

''(2) FOR ALL PROJECTS.—In selecting a project for a grant described in paragraph (1), the Secretary shall consider whether—

''(A) funding has been provided for all other projects qualifying for funding during the fiscal year under this chapter that have attained a higher score under the numerical priority system employed by the Secretary in administering the fund; and

''(B) the sponsor will be able to commence the work identified in the project application in the fiscal year in which the grant is made or within 6 months after the grant is made, whichever is later.''.

**SEC. 512. FLEXIBLE FUNDING FOR NONPRIMARY AIRPORT APPORTIONMENTS.**

(a) IN GENERAL.—Section 47117(c) is amended to read as follows:

''(c) USE OF SPONSOR'S APPORTIONED AMOUNTS AT PUBLIC USE AIRPORTS.—

''(1) OF SPONSOR.—An amount apportioned to a sponsor of an airport under section 47114(c) or 47114(d)(3)(A) is available for grants for any public-use airport of the sponsor included in the national plan of integrated airport systems.

''(2) IN SAME STATE OR AREA.—A sponsor of an airport may make an agreement with the Secretary of Transportation waiving the sponsor's claim to any part of the amount apportioned for the airport under section 47114(c) or 47114(d)(3)(A) if the Secretary agrees to make the waived amount available for a grant for another public-use airport in the same State or geographical area as the airport, as determined by the Secretary.''.

(b) PROJECT GRANT AGREEMENTS.—Section 47108(a) is amended by inserting ''or 47114(d)(3)(A)'' after ''under section 47114(c)''.

(c) ALLOWABLE PROJECT COSTS.—Section 47110 is further amended—

(1) in subsection (b)(2)(C) by striking ''of this title'' and inserting ''or section 47114(d)(3)(A)'';

(2) in subsection (g)—

(A) by inserting ''or section 47114(d)(3)(A)'' after ''of section 47114(c)''; and

(B) by striking ''of project'' and inserting ''of the project''; and

(3) by adding at the end the following:

''(j) NONPRIMARY AIRPORTS.—The Secretary may decide that the costs of revenue producing aeronautical support facilities, including fuel farms and hangars, are allowable for an airport development project at a nonprimary airport if the Government's share of such costs is paid only with funds apportioned to the airport sponsor under section 47114(d)(3)(A) and if the Secretary determines that the sponsor has made adequate provision for financing airside needs of the airport.''.

(d) TERMINAL DEVELOPMENT COSTS.—Section 47119(b) is amended—

(1) by striking ''or'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; or''; and

(3) by adding at the end the following:

''(5) to a sponsor of a nonprimary airport, any part of amounts apportioned to the sponsor for the fiscal year under section 47114(d)(3)(A) for project costs allowable under section 47110(d).''.

**SEC. 513. USE OF APPORTIONED AMOUNTS.**

(a) SPECIAL APPORTIONMENT CATEGORIES.—Section 47117(e)(1)(A) is amended—

(1) by striking ''of this title'' the first place it appears and inserting a comma; and

(2) by striking ''of this title'' the second place it appears and inserting '', for noise mitigation projects approved in an environmental record of decision for an airport development project under this title, for compatible land use planning and projects carried out by State and local governments under section 47140, and for airport development described in section 47102(3)(F) or 47102(3)(K) to comply with the Clean Air Act (42 U.S.C. 7401 et seq.)''.

(b) ELIMINATION OF SUPER RELIEVER SET-ASIDE.—Section 47117(e)(1)(C) is repealed.

(c) RECOVERED FUNDS.—Section 47117 is further amended by adding at the end the following:

''(h) TREATMENT OF CANCELED OR REDUCED GRANT OBLIGATIONS.—For the purpose of determining compliance with a limitation, enacted in an appropriations Act, on the amount of grant obligations of funds made available by section 48103 that may be incurred in a fiscal year, an amount that is recovered by canceling or reducing a grant obligation of funds made available by section 48103 shall be treated as a negative obligation that is to be netted against the obligation limitation as enacted and thus may permit the obligation limitation to be exceeded by an equal amount.''.

**SEC. 514. MILITARY AIRPORT PROGRAM.**

Subsections (e) and (f) of section 47118 are each amended by striking ''$7,000,000'' and inserting ''$10,000,000''.

**SEC. 515. TERMINAL DEVELOPMENT COSTS.**

Section 47119(a) is amended to read as follows:

''(a) REPAYING BORROWED MONEY.—

''(1) TERMINAL DEVELOPMENT COSTS INCURRED AFTER JUNE 30, 1970, AND BEFORE JULY 12, 1976.—An amount apportioned under section 47114 and made available to the sponsor of a commercial service airport at which terminal development was carried out after June 30, 1970, and before July 12, 1976, is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d) if they had been incurred after September 3, 1982.

''(2) TERMINAL DEVELOPMENT COSTS INCURRED BETWEEN JANUARY 1, 1992, AND OCTOBER 31, 1992.—An amount apportioned under section 47114 and made available to the sponsor of a nonhub airport at which terminal development was carried out between January 1, 1992, and October 31, 1992, is available to repay immediately money borrowed and to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(3) TERMINAL DEVELOPMENT COSTS AT PRIMARY AIRPORTS.—An amount apportioned under section 47114 or available under subsection (b)(3) to a primary airport—

''(A) that was a nonhub airport in the most recent year used to calculate apportionments under section 47114;

''(B) that is a designated airport under section 47118 in fiscal year 2003; and

''(C) at which terminal development is carried out between January 2003 and August 2004,

is available to repay immediately money borrowed and used to pay the costs for such terminal development if those costs would be allowable project costs under section 47110(d).

''(4) CONDITIONS FOR GRANT.—An amount is available for a grant under this subsection only if—

''(A) the sponsor submits the certification required under section 47110(d);

''(B) the Secretary of Transportation decides that using the amount to repay the borrowed money will not defer an airport development project outside the terminal area at that airport; and

''(C) amounts available for airport development under this subchapter will not be used for additional terminal development projects at the airport for at least 3 years beginning on the date the grant is used to repay the borrowed money.

''(5) APPLICABILITY OF CERTAIN LIMITATIONS.—A grant under this subsection shall be subject to the limitations in subsection (b)(1) and (2).''.

**SEC. 516. CONTRACT TOWERS.**

Section 47124(b) is amended—

(1) in paragraph (1) by striking ''on December 30, 1987,'' and inserting ''on date of enactment of the Flight 100—Century of Aviation Reauthorization Act'';

(2) in the heading for paragraph (3) by striking ''PILOT'';

(3) in paragraph (4)(C) by striking ''$1,100,000'' and inserting ''$1,500,000''; and

(4) by striking ''pilot'' each place it appears.

**SEC. 517. AIRPORT SAFETY DATA COLLECTION.**

Section 47130 is amended to read as follows:

***''§ 47130. Airport safety data collection***

''Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration may award a contract, using sole source or limited source authority, or enter into a cooperative agreement with, or provide a grant from amounts made available under section 48103 to, a private company or entity for the collection of airport safety data. In the event that a grant is provided under this section, the United States Government's share of the cost of the data collection shall be 100 percent.''.

**SEC. 518. AIRPORT PRIVATIZATION PILOT PROGRAM.**

(a) IN GENERAL.—Section 47134(b)(1) is amended—

(1) in subparagraph (A) by striking clauses (i) and (ii) and inserting the following:

''(i) in the case of a primary airport, by at least 65 percent of the scheduled air carriers serving the airport and by scheduled and nonscheduled air carriers whose aircraft landing at the airport during the preceding calendar year, had a total landed weight during the preceding calendar year of at least 65 percent of the total

landed weight of all aircraft landing at the airport during such year; or

''(ii) by the Secretary at any nonprimary airport after the airport has consulted with at least 65 percent of the owners of aircraft based at that airport, as determined by the Secretary.'';

(2) by redesignating subparagraph (B) as subparagraph (C); and

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

''(B) OBJECTION TO EXEMPTION.—An air carrier shall be deemed to have approved a sponsor's application for an exemption under subparagraph (A) unless the air carrier has submitted an objection, in writing, to the sponsor within 60 days of the filing of the sponsor's application with the Secretary, or within 60 days of the service of the application upon that air carrier, whichever is later.''.

(b) FEDERAL SHARE.—Section 47109(a) is amended—

(1) by inserting ''and'' at the end of paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

***SEC. 519. INNOVATIVE FINANCING TECHNIQUES.***

(a) ELIGIBLE PROJECTS.—Section 47135(a) is amended—

(1) in the first sentence by inserting after ''approve'' the following: ''after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act'';

(2) in the first sentence by striking ''20'' and inserting ''10''; and

(3) by striking the second sentence and inserting the following: ''Such projects shall be located at airports that are not medium or large hub airports.''.

(b) INNOVATIVE FINANCING TECHNIQUES.—Section 47135(c)(2) is amended—

(1) by striking subparagraphs (A) and (B); and

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (A) and (B), respectively.

(c) SAVINGS CLAUSE.—The amendments made by this section shall not affect applications approved under section 47135 of title 49, United States Code, before the date of enactment of this Act.

***SEC. 520. AIRPORT SECURITY PROGRAM.***

Section 47137 is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) ADMINISTRATION.—The Secretary, in cooperation with the Secretary of Homeland Security, shall administer the program authorized by this section.''.

***SEC. 521. LOW-EMISSION AIRPORT VEHICLES AND INFRASTRUCTURE.***

(a) EMISSIONS CREDITS.—Subchapter I of chapter 471 is amended by adding at the end the following:

***''§ 47138. Emission credits for air quality projects***

''(a) IN GENERAL.—The Secretary of Transportation and the Administrator of the Environmental Protection Agency shall jointly agree on how to assure that airport sponsors receive appropriate emission credits for carrying out projects described in sections 40117(a)(3)(G), 47102(3)(K), and 47102(3)(L). Such agreement must include, at a minimum, the following conditions:

''(1) The provision of credits is consistent with the Clean Air Act (42 U.S.C. 7402 et seq.).

''(2) Credits generated by the emissions reductions are kept by the airport sponsor and may only be used for purposes of any current or future general conformity determination under the Clean Air Act or as offsets under the Environmental Protection Agency's new source review program for projects on the airport or associated with the airport.

''(3) Credits are calculated and provided to airports on a consistent basis nationwide.

''(4) Credits are provided to airport sponsors in a timely manner.

''(5) The establishment of a method to assure the Secretary that, for any specific airport project for which funding is being requested, the appropriate credits will be granted.

''(b) ASSURANCE OF RECEIPT OF CREDITS.—

''(1) IN GENERAL.—As a condition for making a grant for a project described in section 47102(3)(K), 47102(3)(L), or 47139 or as a condition for granting approval to collect or use a passenger facility fee for a project described in section 40117(a)(3)(G), 47102(3)(K), 47102(3)(L), or 47139, the Secretary must receive assurance from the State in which the project is located, or from the Administrator of the Environmental Protection Agency where there is a Federal implementation plan, that the airport sponsor will receive appropriate emission credits in accordance with the conditions of this section.

''(2) AGREEMENT ON PREVIOUSLY APPROVED PROJECTS.—The Secretary and the Administrator of the Environmental Protection Agency shall jointly agree on how to provide emission credits to airport projects previously approved under section 47136 under terms consistent with the conditions enumerated in this section.''.

(b) AIRPORT GROUND SUPPORT EQUIPMENT EMISSIONS RETROFIT PILOT PROGRAM.—Subchapter I of chapter 471 is further amended by adding at the end the following:

***''§ 47139. Airport ground support equipment emissions retrofit pilot program***

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program at not more than 10 commercial service airports under which the sponsors of such airports may use an amount made available under section 48103 to retrofit existing eligible airport ground support equipment that burns conventional fuels to achieve lower emissions utilizing emission control technologies certified or verified by the Environmental Protection Agency.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT OR MAINTENANCE AREAS.—A commercial service airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a).

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the pilot program.

''(d) MAXIMUM AMOUNT.—Not more than $500,000 may be expended under the pilot program at any single commercial service airport.

''(e) GUIDELINES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall establish guidelines regarding the types of retrofit projects eligible under the pilot program by considering remaining equipment useful life, amounts of emission reduction in relation to the cost of projects, and other factors necessary to carry out this section. The Secretary may give priority to ground support equipment owned by the airport and used for airport purposes.

''(f) ELIGIBLE EQUIPMENT DEFINED.—In this section, the term 'eligible equipment' means ground service or maintenance equipment that is located at the airport, is used to support aeronautical and related activities at the airport, and will remain in operation at the airport for the life or useful life of the equipment, whichever is earlier.''.

(c) ADDITION TO AIRPORT DEVELOPMENT.—Section 47102(3) is further amended by striking subparagraphs (K) and (L) and inserting the following:

''(K) work necessary to construct or modify airport facilities to provide low-emission fuel systems, gate electrification, and other related air quality improvements at a commercial service airport if the airport is located in an air quality nonattainment or maintenance area (as defined in sections 171(2) and 175A of the Clean Air Act (42 U.S.C. 7501(2), 7505a) and if such project will result in an airport receiving appropriate emission credits, as described in section 47138.

''(L) converting vehicles and ground support equipment owned by a commercial service airport to low-emission technology or acquiring for use at a commercial service airport vehicles and ground support equipment that include low-emission technology if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2)) or a maintenance area referred to in section 175A of such Act (42 U.S.C. 7505a) and if such project will result in an airport receiving appropriate emission credits as described in section 47138.''.

(d) ALLOWABLE PROJECT COST.—Section 47110(b) is further amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) in the case of a project for acquiring for use at a commercial service airport vehicles and ground support equipment owned by an airport that is not described in section 47102(3) and that include low-emission technology, if the total costs allowed for the project are not more than the incremental cost of equipping such vehicles or equipment with low-emission technology, as determined by the Secretary.''.

(e) LOW-EMISSION TECHNOLOGY EQUIPMENT.—Section 47102 (as amended by section 501 of this Act) is further amended by inserting after paragraph (10) the following:

''(11) 'low-emission technology' means technology for vehicles and equipment whose emission performance is the best achievable under emission standards established by the Environmental Protection Agency and that relies exclusively on alternative fuels that are substantially non-petroleum based, as defined by the Department of Energy, but not excluding hybrid systems or natural gas powered vehicles.''.

(f) CONFORMING AMENDMENTS.—The analysis of subchapter I of chapter 471 is amended by adding at the end the following:

''47138. Emission credits for air quality projects.
''47139. Airport ground support equipment emissions retrofit pilot program.''.

***SEC. 522. COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.***

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

***''§ 47140. Compatible land use planning and projects by State and local governments***

''(a) IN GENERAL.—The Secretary of Transportation may make grants from amounts set aside under section 47117(e)(1)(A) to States and units of local government for land use compatibility plans or projects resulting from those plans for the purposes of making the use of land areas around large hub airports and medium hub airports compatible with aircraft operations if—

''(1) the airport operator has not submitted a noise compatibility program to the Secretary under section 47504 or has not updated such program within the past 10 years; and

''(2) the land use plan meets the requirements of this section and any project resulting from the plan meets such requirements.

''(b) ELIGIBILITY.—In order to receive a grant under this section, a State or unit of local government must—

''(1) have the authority to plan and adopt land use control measures, including zoning, in the planning area in and around a large or medium hub airport;

''(2) provide written assurance to the Secretary that it will work with the affected airport to identify and adopt such measures; and

''(3) provide written assurance to the Secretary that it will achieve, to the maximum extent possible, compatible land uses consistent with Federal land use compatibility criteria under section 47502(3) and that those compatible land uses will be maintained.

''(c) ASSURANCES.—The Secretary shall require a State or unit of local government to which a grant may be awarded under this section for a land use plan or a project resulting from such a plan to provide—

''(1) assurances satisfactory to the Secretary that the plan—

''(A) is reasonably consistent with the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses;

''(B) addresses ways to achieve and maintain compatible land uses, including zoning, building codes, and any other projects under section 47504(a)(2) that are within the authority of the State or unit of local government to implement;

''(C) uses noise contours provided by the airport operator that are consistent with the airport operation and planning, including any noise abatement measures adopted by the airport operator as part of its own noise mitigation efforts;

''(D) does not duplicate, and is not inconsistent with, the airport operator's noise compatibility measures for the same area; and

''(E) has received concurrence by the airport operator prior to adoption by the State or unit of local government; and

''(2) such other assurances as the Secretary determines to be necessary to carry out this section.

''(d) GUIDELINES.—The Secretary shall establish guidelines to administer this section in accordance with the purposes and conditions described in this section. The Secretary may require the State or unit of local government to which a grant may be awarded under this section to provide progress reports and other information as the Secretary determines to be necessary to carry out this section.

''(e) ELIGIBLE PROJECTS.—The Secretary may approve a grant under this section to a State or unit of local government for a land use compatibility project only if the Secretary is satisfied that the project is consistent with the guidelines established by the Secretary under this section, that the State or unit of local government has provided the assurances required by this section, that the Secretary has received evidence that the State or unit of local government has implemented (or has made provision to implement) those elements of the plan that are not eligible for Federal financial assistance, and that the project is not inconsistent with Federal standards.

''(f) SUNSET.—This section shall not be in effect after September 30, 2007.''.

(b) CONFORMING AMENDMENT.—The analysis of subchapter I of chapter 471 is further amended by adding at the end the following:

''47140. Compatible land use planning and projects by State and local governments.''.

**SEC. 523. PROHIBITION ON REQUIRING AIRPORTS TO PROVIDE RENT-FREE SPACE FOR FEDERAL AVIATION ADMINISTRATION.**

(a) IN GENERAL.—Subchapter I of chapter 471 is further amended by adding at the end the following:

**''§ 47141. Prohibition on rent-free space requirements for Federal Aviation Administration**

''(a) IN GENERAL.—The Secretary of Transportation may not require an airport sponsor to provide to the Federal Aviation Administration, without compensation, space in a building owned by the sponsor and costs associated with such space for building construction, maintenance, utilities, and other expenses.

''(b) NEGOTIATED AGREEMENTS.—Subsection (a) does not prohibit—

''(1) the negotiation of agreements between the Secretary and an airport sponsor to provide building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings to the Federal Aviation Administration without cost or at below-market rates; or

''(2) the Secretary of Transportation from requiring airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.''.

(b) CONFORMING AMENDMENT.—The analysis for subchapter I of chapter 471 is further amended by adding at the end the following:

''47141. Prohibition on rent-free space requirements for Federal Aviation Administration.''.

**SEC. 524. MIDWAY ISLAND AIRPORT.**

(a) FINDINGS.—Congress finds that the continued operation of the Midway Island Airport in accordance with the standards of the Federal Aviation Administration applicable to commercial airports is critical to the safety of commercial, military, and general aviation in the mid-Pacific Ocean region.

(b) MEMORANDUM OF UNDERSTANDING ON SALE OF AIRCRAFT FUEL.—The Secretary of Transportation shall enter into a memorandum of understanding with the Secretaries of Defense, Interior, and Homeland Security to facilitate the sale of aircraft fuel on Midway Island at a price that will generate sufficient revenue to improve the ability of the airport to operate on a self-sustaining basis in accordance with the standards of the Federal Aviation Administration applicable to commercial airports. The memorandum shall also address the long-range potential of promoting tourism as a means to generate revenue to operate the airport.

(c) TRANSFER OF NAVIGATION AIDS AT MIDWAY ISLAND AIRPORT.—The Midway Island Airport may transfer, without consideration, to the Administrator the navigation aids at the airport. The Administrator shall accept the navigation aids and operate and maintain the navigation aids under criteria of the Administrator.

(d) FUNDING TO THE SECRETARY OF INTERIOR FOR MIDWAY ISLAND AIRPORT.—

(1) IN GENERAL.—Chapter 481 is amended by adding at the end the following:

**''§ 48114. Funding to the Secretary of Interior for Midway Island Airport**

''The following amounts shall be available (and shall remain available until expended) to the Secretary of Interior, out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502), for airport capital projects at the Midway Island Airport:

''(1) $750,000 for fiscal year 2004.

''(2) $2,500,000 for fiscal year 2005.

''(3) $1,000,000 for fiscal year 2006.

''(4) $1,000,000 for fiscal year 2007.''.

(2) CONFORMING AMENDMENT.—The analysis for chapter 481 is amended by adding at the end the following:

''48114. Funding to the Secretary of Interior for Midway Island Airport.''.

TITLE VI—EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY

**SEC. 601. EXTENSION OF EXPENDITURE AUTHORITY.**

Paragraph (1) of section 9502(d) of the Internal revenue Code of 1986 (relating to expenditures from Airport and Airway Trust Fund) is amended—

(1) by striking ''October 1, 2003'' and inserting ''October 1, 2007'', and

(2) by inserting ''or the flight 100—Century of Aviation Reauthorization Act'' before the semicolon at the end of subparagraph (A).

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report or pursuant to the previous order of the House, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Pursuant to the previous order of the House, it is now in order to consider amendment No. 5 printed in part B of House Report 108–146.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. MANZULLO:

At the end of title V of the bill, add the following new section (and conform the table of contents accordingly):

**SEC. 525. REPORT ON WAIVERS OF PREFERENCE FOR BUYING GOODS PRODUCED IN THE UNITED STATES.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the waiver contained in section 50101(b) of title 49, United States Code (relating to buying goods produced in the United States). The report shall, at a minimum, include—

(1) a list of all waivers granted pursuant to that section since the date of enactment of that section; and

(2) for each such waiver—

(A) the specific authority under such section 50101(b) for granting the waiver; and

(B) the rationale for granting the waiver.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume. The American economy is in the midst of a manufacturing crisis. Over the past 3 years, we have lost 2.6 million jobs. The latest Bureau of Labor Statistics reports show that for 34 straight months, we have had a coring out of our manufacturing base, losing 53,000 manufacturing jobs each month. These jobs are necessary, many of them, to help out with our defense industrial base. They include such basic products as tools, dies and molds.

In 1981, Rockford, Illinois, the largest city in the congressional district I represent, led the Nation with unemployment at 24.9 percent. Today it is around 11 percent. I do not want to see a recurrence of 1981. We are in danger of seeing our industrial base irreparably harmed. Unlike the past when factories were closed during an economic downturn but reopened when times improved, today a too frequent outcome is the permanent closure of a factory. The jobs leave forever. The young people entering the workforce do not have a manufacturing career

choice left open to them. My own constituents have been impacted by the bankruptcy of several manufacturers since this downturn began.

Mr. Chairman, the bleeding continues. Since 1933, the Buy American Act has safeguarded the interests of American manufacturers by requiring the Federal Government to purchase domestically manufactured products for government usage. To qualify as a domestic product, the content cost of the components must be ''substantially all'' produced in America. Most people would say that term ''substantially all'' means 80 to 90 percent or even 99 percent. However, the regulators at the Federal Government say ''substantially all'' means only 50 percent. I am glad to say that at the Federal Aviation Administration, ''substantially all'' is defined as 60 percent for the acquisition of steel or manufactured goods according to the 1995 acquisition regulations which the FAA authorized back then.

I am disturbed, however, at the instance of waivers allowed by the FAA. Civil aircraft and aircraft components purchased by the FAA are not subject to the Buy American Act due to the provisions of the Agreement of Trade on Civil Aircraft negotiated by the U.S. Trade Representative. Currently the FAA is advertising on its Web site a requirement for an airborne research and development multi-engine jet aircraft at $14.9 million that could be bought with U.S. taxpayers' dollars from foreign countries at a time when tens of thousands of air and space workers in this country are unemployed.

It has been 8 years since the Secretary of Transportation was last required to report to Congress on procurements that were not domestic products. This amendment will require a report that will bring us current information on this subject. We do not even know how many aircraft or other products the FAA is procuring each year from foreign countries because of waivers to the Buy American Act. We are asking that this Congress, that this House of Representatives adopt this amendment to help stop the hemorrhaging of the loss of the American base in this country.

I urge my colleagues to support this commonsense amendment.

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

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition but not to speak in opposition to the amendment.

The CHAIRMAN. Without objection, the Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I think this is a very worthy undertaking. As the gentleman points out, we have hollowed out so much of American manufacturing capability, but we have for years touted the fact that our leadership in aviation and aerospace, that this would be one of the areas where we would continue to dominate the world. To have the prospect of agencies of the Federal Government using taxpayer resources to outsource to foreign vendors in this very critical sector, a sector which in the case of at least one major manufacturer is beleaguered by unfair foreign competition, in fact, something we heard repeated on a trip of the Subcommittee on Aviation for the engine manufacturers and others, where subsidies and development grants that never have to be paid back and all sorts of things are made available to them that are not made available to American manufacturers. I think the audit at this time is extraordinarily worthy. I really thank him for bringing this issue before the Congress.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding. I thank the gentleman for offering the amendment.

I just want to raise a cautionary note, that in doing so we do not scare business away from the United States from foreign manufacturers. I am very strong on Buy America, I insist on it in the Federal aid highway program on steel, but there was a time in which 70 percent of the value and the parts of Airbus aircraft were manufactured in the United States.

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As we got into the wars over agriculture with the European community, the Airbus consortium pulled back from its placing of business in the United States, and we have lost ground in the manufacturing of Airbus parts in the United States, and the same is occurring in other areas.

I just want to be sure in the process we are not scaring away business from the United States while legitimately protecting our own interests. I know the gentleman from Illinois has those concerns at heart.

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. MANZULLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment provides simply for a study of what has taken place in the past. It changes no law.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Chairman MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for offering this amendment, and I rise in strong support of it.

I think we need to do everything possible to protect the intent of our Buy America requirements, and I think the gentleman's amendment does exactly that. In the aviation industry, unfortunately, we are facing tremendous loss in jobs, employment, and manufacturing. We have lost about half of the large aircraft manufacturing, we produce no regional jets in the United States, and I think the very least we can do is have a Buy America provision that has teeth, that has provisions that will ensure that our manufactured goods are respected by the mandates set down by Congress to Buy America. So I strongly support the gentleman's amendment.

Mr. MANZULLO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time having expired, the question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MANZULLO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) will be postponed.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report No. 108–146.

AMENDMENT NO. 1 OFFERED BY MR. MICA

Mr. MICA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. MICA:

Page 46, strike line 20 and all that follows through page 47, line 2, and insert the following:

''(2) MONTHLY REPORTS FROM SECRETARY OF HOMELAND SECURITY.—To assist in the publication of data under paragraph (1), the Secretary of Transportation may request the Secretary of Homeland Security to periodically report on the number of complaints about security screening received by the Secretary of Homeland Security.''.

Page 58, after line 24, insert the following:

(e) ELIGIBILITY OF AIRPORT GROUND ACCESS TRANSPORTATION PROJECTS.—Not later than 60 days after the enactment of this Act, the Administrator of the Federal Aviation Administration shall publish in the Federal Register the current policy of the Administration with respect to the eligibility of airport ground access transportation projects for the use of passenger facility fees under section 40117 of title 49, United States Code.

Page 61, line 17, strike ''Section 41106(b) is amended'' and all that follows through ''following'' on line 18 and insert the following:

Subsections (a)(1), (b), and (c) of section 41106 are each amended—

(1) by striking ''through a contract for airlift service'' and inserting

Page 61, line 20, strike the period and insert ''; and''.

Page 61, after line 20, insert the following:

(2) by inserting ''through a contract for airlift service'' after ''obtained''.

Page 62, strike lines 4 through 6 and insert the following:

(2) in subsections (b)(3)(A) and (b)(3)(B) by inserting ''over a national park'' after ''operations'';

Page 62, after line 6, insert the following (and redesignate subsequent paragraphs in section 409(a) of the bill accordingly):

(3) in subsection (b)(3)(C) by inserting ''over a national park that are also'' after ''operations'';

Page 63, line 14, after the period insert the following:

Commercial Special Flight Rules Area operations in the Dragon and Zuni Point corridors of the Grand Canyon National Park may not take place during the period beginning 1 hour before sunset and ending 1 hour after sunrise.

Page 71, line 13, strike ''six'' and insert ''without regard to the criteria contained in subsection (b)(1), six''.

Page 72, strike line 24 and all that follows through page 73, line 11, and insert the following:

(f) COMMUTERS DEFINED.—

(1) IN GENERAL.—Section 41718 is amended by adding at the end the following:

''(f) COMMUTERS DEFINED.—For purposes of aircraft operations at Ronald Reagan Washington National Airport under subpart K of part 93 of title 14, Code of Federal Regulations, the term 'commuters' means aircraft operations using aircraft having a certificated maximum seating capacity of 76 or less.''.

(2) REGULATIONS.—The Administrator of the Federal Aviation Administration shall revise regulations to take into account the amendment made by paragraph (1).

Page 75, line 22, after ''pay'' insert ''from local sources other than airport revenues''.

Page 75, line 25, after ''2008'' insert ''and each fiscal year thereafter''.

Page 76, after line 24, insert the following:

(4) ADJUSTMENTS.—Section 41737 is amended by adding at the end the following:

''(e) ADJUSTMENTS TO ACCOUNT FOR SIGNIFICANTLY INCREASED COSTS.—

''(1) IN GENERAL.—If the Secretary determines that air carriers are experiencing significantly increased costs in providing air service or air transportation under this subchapter, the Secretary may increase the rates of compensation payable under this subchapter without regard to any agreement or requirement relating to the renegotiation of contracts or any notice requirement under section 41734.

''(2) SIGNIFICANTLY INCREASED COSTS DEFINED.—In this subsection, the term 'significantly increased costs' means an average monthly cost increase of 10 percent or more.''.

Page 78, line 20, before the comma insert the following:

or requirements contained in a subsequent appropriations Act

Page 78, after line 23, insert the following (and redesignate subsequent subsections in section 415 of the bill accordingly):

(e) EXEMPTION FROM HOLD-IN REQUIREMENTS.—Section 41734 is further amended by adding at the end the following:

''(j) EXEMPTION FROM HOLD-IN REQUIREMENTS.—If, after the date of enactment of this subsection, an air carrier commences air transportation to an eligible place that is not receiving essential air service as a result of the failure of the eligible place to meet requirements contained in an appropriations Act, the air carrier shall not be subject to the requirements of subsections (b) and (c) with respect to such air transportation.''.

Page 83, line 21, strike ''3 years'' and insert ''4 years''.

Page 88, strike lines 11 through 13 and insert the following:

''(1) MAKE AVAILABLE.—The term 'make available' means providing at a fair and reasonable price. Such price may include recurring and non-recurring costs associated with post-certification development, preparation, and distribution. Such price may not include the initial product development costs related to the issuance of a design approval.

Page 88, strike line 20 and all that follows through page 89, line 6, and insert the following:

''(3) INSTRUCTIONS FOR CONTINUED AIRWORTHINESS.—The term 'instructions for continued airworthiness' means any information (and any changes to such information) considered essential to continued airworthiness that sets forth instructions and requirements for performing maintenance and alteration.

Page 89, strike line 19 and all that follows through page 90, line 15, and insert the following:

''(3) To determine if design approval holders for aircraft, aircraft engines, and propellers that are in production on the date of enactment of this section and for which application for a type certificate or supplemental type certificate was made before January 29, 1981, should be required to make instructions for continued airworthiness or maintenance manuals available (including any changes thereto) to any person required by Federal Aviation Administration rules to comply with any of the terms of the instructions or manuals.

Page 90, line 16, strike ''(6)'' and insert ''(4)''.

Page 90, after line 17, insert the following:

''(d) DEADLINES FOR RULEMAKING.—

''(1) NOTICE OF PROPOSED RULEMAKING.—The Administrator shall issue a notice of proposed rulemaking to carry out subsection (c) not later than one year after the date of enactment of this section.

''(2) FINAL RULE.—The Administrator shall issue a final rule with respect to subsection (c) not later than one year after the final date for the submission of comments with respect to the proposed rulemaking.

''(e) ENFORCEMENT OF CURRENT REGULATION.—The Administrator shall review design approval holders that were required to produce instructions for continued airworthiness under section 21.50(b) of title 14, Code of Federal Regulations. If the Administrator determines that a design approval holder has not produced such instructions, the Administrator shall require the design approval holder to prepare such instructions and make them available as required by this section not later than 1 year after the design approval holder is notified by the Administrator of the determination.

Page 90, line 18, strike ''(d)'' and insert ''(f)''.

Page 95, before line 1, insert the following:

(c) REVIEW.—The first sentence of section 46110(a) is amended by striking ''part'' and inserting ''subtitle''.

Page 96, line 22, strike ''air carrier'' and insert ''employer''.

Page 112, strike lines 4 through 6 and insert the following:

(b) LIMITATION.—Subsection (a) shall not apply to a Federal Aviation Administration air traffic control tower operated under the contract tower program on the date of enactment of this Act or to any expansion of that program under section 47124(b)(3) or 47124(b)(4) of title 49, United States Code.

Page 113, line 21, after ''Transportation'' insert '', in consultation with the Secretary of Defense,''.

Page 113, lines 24 and 25, strike ''9 months after the date of enactment of this Act'' and insert ''September 30, 2004''.

Page 118, after line 13, insert the following:

(c) DESCRIPTION OF CHANGES TO IMPROVE OPERATIONS.—A report transmitted by the Administrator under this section shall include a description of any changes in procedures or requirements that could improve operational efficiency or minimize operational impacts of the ADIZ on pilots and controllers. This portion of the report may be transmitted in classified or unclassified form.

Page 118, line 14, strike ''(c)'' and insert ''(d)''.

Page 120, after line 5, insert the following (and conform the table of contents of the bill accordingly):

**SEC. 443. CHARTER AIRLINES.**

(a) IN GENERAL.—Section 41104(b)(1) is amended—

(1) by striking ''paragraph (3)'' and inserting ''paragraphs (3) and (4)'';

(2) by inserting a comma after ''regularly scheduled charter air transportation''; and

(3) by striking ''flight unless such air transportation'' and all that follows through the period at the end and inserting the following: ''flight, to or from an airport that—

''(A) does not have an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation); or

''(B) has an airport operating certificate issued under part 139 of title 14, Code of Federal Regulations (or any subsequent similar regulation) if the airport—

''(i) is a reliever airport (as defined in section 47102) and is designated as such in the national plan of integrated airports maintained under section 47103; and

''(ii) is located within 20 nautical miles (22 statute miles) of 3 or more airports that annually account for at least 1 percent of the total United States passenger enplanements and at least 2 of which are operated by the sponsor of the reliever airport.''.

(b) WAIVERS.—Section 41104(b) is amended by adding at the end the following:

''(4) WAIVERS.—The Secretary may waive the application of paragraph (1)(B) in cases in which the Secretary determines that the public interest so requires.''.

**SEC. 444. IMPLEMENTATION OF CHAPTER 4 NOISE STANDARDS.**

Not later than July 1, 2004, the Secretary of Transportation shall issue regulations to implement Chapter 4 noise standards, consistent with the recommendations adopted by the International Civil Aviation Organization.

**SEC. 445. CREW TRAINING.**

Section 44918 is amended to read as follows:

**''§ 44918. Crew training**

''(a) BASIC SECURITY TRAINING.—

''(1) IN GENERAL.—Each air carrier providing scheduled passenger air transportation shall carry out a training program for flight and cabin crew members to prepare the crew members for potential threat conditions.

''(2) PROGRAM ELEMENTS.—An air carrier training program under this subsection shall include, at a minimum, elements that address each of the following:

''(A) Recognizing suspicious activities and determining the seriousness of any occurrence.

''(B) Crew communication and coordination.

''(C) The proper commands to give passengers and attackers.

''(D) Appropriate responses to defend oneself.

''(E) Use of protective devices assigned to crew members (to the extent such devices are required by the Administrator of the Federal Aviation Administration or the Under Secretary for Border and Transportation Security of the Department of Homeland Security).

''(F) Psychology of terrorists to cope with hijacker behavior and passenger responses.

''(G) Situational training exercises regarding various threat conditions.

''(H) Flight deck procedures or aircraft maneuvers to defend the aircraft and cabin crew responses to such procedures and maneuvers.

''(I) The proper conduct of a cabin search.

''(J) Any other subject matter considered appropriate by the Under Secretary.

''(3) APPROVAL.—An air carrier training program under this subsection shall be subject to approval by the Under Secretary.

''(4) MINIMUM STANDARDS.—Not later than one year after the date of enactment of the

Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall establish minimum standards for the training provided under this subsection and for recurrent training.

''(5) EXISTING PROGRAMS.—Notwithstanding paragraph (3), any training program of an air carrier to prepare flight and cabin crew members for potential threat conditions that was approved by the Administrator or the Under Secretary before the date of enactment of the Flight 100—Century of Aviation Reauthorization Act may continue in effect until disapproved or ordered modified by the Under Secretary.

''(6) MONITORING.—The Under Secretary, in consultation with the Administrator, shall monitor air carrier training programs under this subsection and periodically shall review an air carrier's training program to ensure that the program is adequately preparing crew members for potential threat conditions. In determining when an air carrier's training program should be reviewed under this paragraph, the Under Secretary shall consider complaints from crew members. The Under Secretary shall ensure that employees responsible for monitoring the training programs have the necessary resources and knowledge.

''(7) UPDATES.—The Under Secretary, in consultation with the Administrator, shall order air carriers to modify training programs under this subsection to reflect new or different security threats.

''(b) ADVANCED SELF DEFENSE TRAINING.—

''(1) IN GENERAL.—Not later than one year after the date of enactment of the Flight 100—Century of Aviation Reauthorization Act, the Under Secretary shall develop and provide a voluntary training program for flight and cabin crew members of air carriers providing scheduled passenger air transportation.

''(2) PROGRAM ELEMENTS.—The training program under this subsection shall include both classroom and effective hands-on training in the following elements of self-defense:

''(A) Deterring a passenger who might present a threat.

''(B) Advanced control, striking, and restraint techniques.

''(C) Training to defend oneself against edged or contact weapons.

''(D) Methods to subdue and restrain an attacker.

''(E) Use of available items aboard the aircraft for self-defense.

''(F) Appropriate and effective responses to defend oneself, including the use of force against an attacker.

''(G) Explosive device recognition.

''(H) Any other element of training that the Under Secretary considers appropriate.

''(3) PARTICIPATION NOT REQUIRED.—A crew member shall not be required to participate in the training program under this subsection.

''(4) COMPENSATION.—Neither the Federal Government nor an air carrier shall be required to compensate a crew member for participating in the training program under this subsection.

''(5) FEES.—A crew member shall not be required to pay a fee for the training program under this subsection.

''(6) CONSULTATION.—In developing the training program under this subsection, the Under Secretary shall consult with law enforcement personnel and security experts who have expertise in self-defense training, terrorism experts, representatives of air carriers, the director of self-defense training in the Federal Air Marshals Service, flight attendants, labor organizations representing flight attendants, and educational institutions offering law enforcement training programs.

''(7) DESIGNATION OF TSA OFFICIAL.—The Under Secretary shall designate an official in the Transportation Security Administration to be responsible for implementing the training program under this subsection. The official shall consult with air carriers and labor organizations representing crew members before implementing the program to ensure that it is appropriate for situations that may arise on board an aircraft during a flight.

''(c) LIMITATION.—Actions by crew members under this section shall be subject to the provisions of section 44903(k).''.

**SEC. 446. REVIEW OF COMPENSATION CRITERIA.**

Not later than 6 months after the date of enactment of this Act, the Comptroller General shall review the criteria used by the Air Transportation Stabilization Board to compensate air carriers following the terrorist attack of September 11, 2001, with a particular focus on whether it is appropriate to compensate air carriers for the decrease in value of their aircraft after September 11th.

**SEC. 447. REVIEW OF CERTAIN AIRCRAFT OPERATIONS IN ALASKA.**

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress on whether, in light of the demands of business within Alaska, it would be appropriate to permit an aircraft to be operated under part 91 of title 14, Code of Federal Regulations, where common carriage is not involved but (1) the operator of the aircraft organizes an entity where the only purpose of such entity is to provide transportation by air of persons and property to related business entities, individuals, and employees of such entities, and (2) the charge for such transportation does not to exceed the cost of owning, operating, and maintaining the aircraft.

Page 122, lines 21 and 22, strike ''or 47114(d)(3)(A)'' and insert '', 47114(d)(3)(A), or 47114(e)''.

Page 124, strike lines 6 through 14 and insert the following:

Section 47107(c)(2)(A)(iii) is amended by inserting before the semicolon at the end the following: '', including the purchase of nonresidential buildings or property in the vicinity of residential buildings or property previously purchased by the airport as part of a noise compatibility program''.

Page 127, line 24, after ''2002'' insert ''or 2003''.

Page 132, after line 8, insert the following (and redesignate subsequent subsections of section 513 of the bill accordingly):

(a) PERIOD OF AVAILABILITY.—Section 47117(b) is amended by striking ''primary airport'' and all that follows through ''calendar year'' and inserting ''nonhub airport or any airport that is not a commercial service airport''.

Page 133, line 13, insert ''(a) INCREASED FUNDING LEVELS.—'' before ''Subsections''.

Page 133, after line 15, insert the following:

(b) REIMBURSEMENT FOR CERTAIN CONSTRUCTION COSTS.—Section 47118(f) is amended—

(1) by striking ''Not more than'' and inserting the following:

''(1) CONSTRUCTION.—Not more than''; and

(2) by adding at the end the following:

''(2) REIMBURSEMENT.—Upon approval of the Secretary, the sponsor of a current or former military airport the Secretary designates under this section may use an amount apportioned under section 47114, or made available under section 47119(b), to the airport for reimbursement of costs incurred by the airport in fiscal years 2003 and 2004 for construction, improvement, or repair described in paragraph (1).''.

Page 138, line 21, strike ''10'' and insert ''12''.

Page 138, line 23, strike ''Such projects'' and all that follows through the first period on line 24 and insert the following:

A project using an innovative financing technique described in subsection (c)(2)(A) or (c)(2)(B) shall be located at an airport that is not a medium or large hub airport. A project using the innovative financing technique described in subsection (c)(2)(C) shall be located at an airport that is a medium or large hub airport.

Page 139, line 3, strike ''and'' the second place it appears.

Page 139, line 5, strike the period at the end and insert a semicolon.

Page 139, after line 5, insert the following:

(3) in subparagraph (A) (as so redesignated) by striking ''and'' at the end;

(4) in subparagraph (B) (as so redesignated) by striking the period at the end and inserting ''; and''; and

(5) by adding at the end the following:

''(C) payment of interest on indebtedness incurred to carry out a project for airport development.''.

At the end of title V of the bill on page 152, add the following (and conform the table of contents of the bill accordingly):

**SEC. 525. INTERMODAL PLANNING.**

Section 47106(c)(1)(A) is amended—

(1) by striking ''and'' at the end of clause (i);

(2) by adding ''and'' at the end of clause (ii); and

(3) by adding at the end the following:

''(iii) with respect to an airport development project involving the location of an airport or runway or major runway extension at a medium or large hub airport, the airport sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted;''.

**SEC. 526. STATUS REVIEW OF MARSHALL ISLANDS AIRPORT.**

Not later than 6 months after the date of enactment of this Act, the Secretary of Transportation shall review the status of the airport on the Marshall Islands and report to Congress on whether it is appropriate and necessary for that airport to receive grants under the airport improvement program.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Florida (Mr. MICA) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, this manager's amendment makes some relatively modest changes to the legislation before us. Most of the changes are technical in nature and address issues that were raised after the committee approved the legislation in May.

One significant change is the provision relating to crew training, and I want to elaborate a bit on that. Our current law provides and requires that airlines provide hands-on self-defense training to flight attendants to help them deal with a terrorist threat.

The amendment that we have makes clear that this training is voluntary and that flight attendants who choose to take it will do so on their own time. The airlines will not be required to pay

them while they are taking this training. The Transportation Security Administration, not the airlines, will be providing the training. Both the flight attendants and airlines have agreed to this particular provision.

The airlines will still have to provide other nonphysical security training for flight attendants. Airlines provide that training now, and under this bill they could continue to provide the same training.

The amendment requires TSA to set minimum standards for flight attendant training, but deletes the provision in current law requiring the Transportation Security Administration to set the minimum number of hours for this particular type of training. Rather, the Transportation Security Administration should set proficiency standards and leave it to the airlines as to how many hours of training it will take to reach that level of proficiency.

In addition to the crew training provision, this amendment makes a number of improvements to the bill. These improvements include the following:

First, allowing the Department of Transportation to request information from the Department of Homeland Security in preparing its monthly report on passenger complaints about screening.

Next, directing the FAA to publish its policy on the use of passenger facility charge revenue for ground access projects.

Allowing 76-seat regional jets to qualify for the commuter aircraft slots for Reagan National Airport.

Additionally, allowing DOT to increase the subsidy to a commuter serving a small community if that commuter is experiencing significantly increased costs.

Another provision is allowing an airline to begin service to a small community that previously had subsidized essential air service without being subject to the many regulatory requirements of the Essential Air Service program.

An additional provision is revising the provision requiring aircraft manufacturers to make maintenance manuals available to aircraft repair stations in order to accommodate concerns expressed by the manufacturers.

Also we have a provision directing GAO to study how airlines were compensated after 9–11, especially whether they should be compensated for the devaluation of their aircraft.

A further provision directs FAA to study whether certain aircraft operations in Alaska can be performed under part 91 of FAA rules.

An additional provision allows current or former military airports designated by FAA to use AIP money for the reimbursement of a hangar.

Another provision allows up to 12 large airports to use AIP money for interest payments on debts. Small airports can already do this.

Another provision requires large airports seeking to build a runway to make their master plan available to the metropolitan planning organization in the area where the airport is located.

Finally, we have a provision directing DOT to report on whether it is appropriate and necessary for the airport in the Marshall Islands to receive grants under the Airport Improvement Program.

Mr. Chairman, this is a good, bipartisan amendment. We have taken into consideration concerns and requests from many Members, and I believe that this manager's amendment improves on an already good piece of legislation. I urge my colleagues to support it.

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

The CHAIRMAN. Does any Member seek recognition in opposition to the amendment?

Mr. DEFAZIO. Mr. Chairman, I rise to claim the time in opposition, despite the fact I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Oregon is recognized.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Chair of the Subcommittee on Aviation has done good work with this. A number of Members have come forward since the bill was finalized in committee and raised concerns which have merit, as have other concerns been raised by outside groups, for instance, the flight attendants and others.

So we have here a clarification on the training of the flight attendants, which we mandated earlier, the security legislation. We have here language that would require at least some minimal cooperation and coordination with the metropolitan planning organizations, making certain that they are informed of plans and future plans of airports that might have impact on communities greater than that which currently exist.

To get some clarification, a number of concerns have been raised regarding passenger facility charges and the standards which are being applied by the FAA, and it certainly would be of great benefit to consolidate and publish those requirements so that meritorious projects across the United States can move forward to better enhance the utilization of our airports and their capacity.

Then there was the 76–C regional jet provision for National Airport, again something raised later on; fairly technical, but actually quite practical and meritorious.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I concur in the remarks of the ranking member of the subcommittee. I would add that the manager's amendment does include two very important provisions offered by the gentleman from Oregon (Mr. BLUMENAUER) to promote intermodalism.

The first requires airports that undertake major construction projects to share their planes with MPOs, and the second requires the FAA to clarify, consolidate, and publish its current policy for PFC for ground transportation projects that provide access to airports. These are long-standing issues that we attempted to deal with going back to the beginning of the PFC era in 1990, and this a very important clarification.

Just to expand on the point raised by the gentleman from Oregon (Mr. DEFAZIO), the flight attendants self-defense training provision will require carriers to provide all flight attendants with the basic security training program, and those who opt for more advanced training to do so under the auspices of the TSA.

There is a very interesting provision borrowed from our experience in the Federal Aid to Highway program that allows AIP funds to pay interest on debt incurred for AIP-eligible projects. We will expand under this manager's amendment that provision from select small airports to a very limited number of larger airports. I think that is indeed a very good measure that will accelerate development of airport capacity where we urgently need it.

Mr. Chairman, I appreciate the willingness of the gentleman to work with us to include those provisions.

Mr. DEFAZIO. Mr. Chairman, I enthusiastically support the manager's amendment, and I yield back the balance of my time.

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

Mr. Chairman, again I urge passage of the manager's amendment. I think we have attempted our level best to accommodate a number of requests from Members, particularly since the legislation was passed out of committee. I think the best amendments with the best possible language and compromises that could be worked out have been incorporated into this manager's amendment. We still will work with others as the legislation moves forward with conference.

Again, I urge the adoption of this comprehensive manager's amendment that is also a bipartisan piece of work.

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

Mr. DEFAZIO. Mr. Chairman, if I could, I ask unanimous consent to reclaim a portion of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman from Oregon and thank the chairman. I want to thank the gentleman from Florida (Mr. MICA), the

gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for a provision in this bill which I think is very important.

I represent three general aviation airports that are within the 15-mile radius of the White House. As a result, they were shut down. They were not shut down because they were not operating safely and fairly; they were shut down because it was the perception and the belief of those in charge of our national security that they posed a risk.

Obviously, they are all owned privately. They are not public airports. As a result, there was a very substantial adverse financial impact to many people, both who own the airports and who had concessions at the airports.

There is authorized in this bill $100 million for the purpose of, both at National and other surrounding airports, not only here but throughout the country, those who suffered damage as a result of 9–11 in a very real financial sense, for them to be not made whole, because that would be impossible at this point in time, but to be compensated for the losses they sustained.

I want to thank the gentleman from Oregon (Mr. DEFAZIO), the gentleman from Florida (Mr. MICA), and the gentleman from Minnesota (Mr. OBERSTAR) for their leadership, the gentleman from Oregon (Mr. DEFAZIO) in getting this authorization effected. I appreciate it. I know they appreciate it. It is the right thing to do.

I talked to Sean O'Keefe, of course, who now heads NASA, but was deputy director of OMB at the time of 9–11. He said he thought we ought to do this. It has taken us some time to get it done. I appreciate the leadership shown by the committee to effect this. I enthusiastically support the bill and this provision.

In the aftermath of the September 11 terrorist attacks, the Federal Aviation Administration issued temporary flight restrictions on the small aircraft of general aviation as part of its effort to make commercial air travel safer and to restore the public's confidence in the security of our Nation's airways and airports.

Unfortunately, while those restrictions were lifted for general aviation in the rest of the country, small airports in the Washington metropolitan area have continued to languish under binding restrictions on their operations. In fact, the only airports in the country that are closed to incoming and outgoing general aviation are Reagan National and the three D.C. area general aviation airports. As a result, these small airports, specifically College Park Airport, Potomac Airfield, and Washington Executive, are on the brink of financial ruin. These airports have been forced to nearly cease their operations, effectively, endangering the livelihood of their employees who have lost income and jobs and airport owners who have lost income and jobs and airport owners who have lost long-time customers and revenue. In speaking with airport managers at all three of these airports, I have heard their disturbing reports on loss of operations, reductions in fuel sales, and loss of revenue since these flight restrictions were put in place.

Lee Schiek, manager of the College Park Airport, reported earlier this year that flights in and out of College Park plummeted from about 1,800 per month before September 11 to 164 per month at the beginning of 2003, and 55 of the airport's 87 based aircraft have left for other airports.

There is no doubt that we must stem this tide of economic decline for general aviation. This industry is a proven, integral part of the nation's economy, providing vital services and economic stability to individuals, families, churches, hospitals, colleges, industry, small businesses, and communities. Aviation transportation in Maryland is a $1.3 billion industry, an industry too large and too important to be hobbled any further in an already weak economy.

Today, the House of Representatives passed the FAA reauthorization bill that will provide $100 million to general aviation to help alleviate the cost incurred in meeting security requirements and the revenue lost because of the interruption in operations.

The $100 million grant gives the Congress an opportunity to do for general aviation, small airports, and small business, and the independent pilot what we did for the airlines, large airports, and the insurance industry in the aftermath of the terrorist attacks. This shows that we recognize the sacrifice that general aviation has made in the effort to make us more secure. Let's not forget: the Federal Government imposed the restrictions on general aviation, and the Federal Government should do its part to help ease the financial burden those restrictions have caused. This is a fair restitution that will start the process of a return to financial health of general aviation.

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

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Florida (Mr. MICA).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in part B of House Report 108–146.

AMENDMENT NO. 2 OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer amendment No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. NORTON:

Page 73, after line 11, insert the following:

(g) REMOVAL OF CERTAIN LIMITATIONS ON METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 and the item relating to such section in the analysis of chapter 491 are repealed.

The CHAIRMAN. Pursuant to House Resolution 265, the gentlewoman from the District of Columbia (Ms. NORTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON).

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

Mr. Chairman, I think I have an amendment, and this is the way to start off, that I think the entire House can support. The entire region supports this amendment on a bipartisan basis. I think Members are going to be hearing from the gentlemen from Virginia, Mr. WOLF and Mr. DAVIS, who had wanted to speak to it.

It is noncontroversial because I think Members do not want to put any airport authority at a disadvantage. Section 49–108 requires only the Metropolitan Washington Airport Authority to come back to Congress before receiving airport improvement funds and facility fees. These are always guaranteed, once appropriated.

Many know that Dulles has a $2.4 billion construction project underway now as we go in and out. This provision to come back to Congress in September of 2004 puts at risk the funds to continue with that operation.

The airport authority has an excellent bond rating and saves millions of dollars because of its bond rating, but the bond markets could read the unique treatment of this region negatively to mean that there is a risk of interruption of construction in progress. In fact, there has been before, although not for this reason. For other reasons there has been such a risk.

The reason that risk would be seen is because Congress forces this airport authority in this region to return and have authorized what other airports get as a guaranteed matter.

All agree that the Washington airport authority has done an outstanding job of operating and improving our airports. There will be multiple opportunities for Congress to have oversight over the Metropolitan Washington Airport Authority because we own the land, and therefore, at will, Congress can call back the airport authority.

We are in this FAA reauthorization bill, and we will be here, therefore, every few years. This is a win-win. By voting for my amendment Congress gets its oversight, and there is no interruption of work in progress at Dulles because of doubts planted by section 49–108 about congressional intention to release funds guaranteed to other jurisdictions.

I ask that my amendment be passed.

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

Mr. MICA. Mr. Chairman, I claim time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. MICA) is recognized in opposition.

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

Mr. Chairman, I do have some questions about this amendment. I think we are going to probably acquiesce to the amendment, but Ronald Reagan National Airport and Dulles International Airport are unique airports. They are the only federally owned commercial passenger airports in the country. They were federally chartered and

are not subject to the oversight, as I understand it, of the Governor of Virginia.

This amendment gives the Secretary of Transportation permanent authority to provide grants to the Washington Metropolitan Airport Authority. By doing so, it removes in some ways, Congress' responsibility and ability to make periodic reviews of the airport authority's operations.

This is a unique situation. We owe it to our Nation's taxpayers to fulfill our oversight responsibilities, and sometimes Congress needs to be reminded legislatively to do so. This amendment will change that dramatically.

I have great reservations about this amendment, and I urge my colleagues to look at this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. WOLF), who has an opposing opinion.

Mr. WOLF. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Norton amendment. I would ask all Members to support it.

This airport authority, I was involved, as was the gentleman from Minnesota (Mr. OBERSTAR), Mr. Mineta, and a number of us, the gentlemen from Virginia, Mr. MORAN and Mr. DAVIS, in putting this together. They have done an outstanding job. Those airports were in the 19th century when they took it over. Dulles has expanded and has first-class service. If we look at National Airport now with the parking and everything else, they have really done a great job.

I would urge the House to respect the local airports authority, which has proven I think, without doubt, it can successfully operate both of these airports. I would urge them to support the Norton amendment. I would say if Members bring this back to their own hometown, just as they would not want Congress dictating how to run Members' local airports, we really do not want the Congress to tell them how to run it because they have done an outstanding job.

With that, I would urge that Members support the Norton amendment. I strongly support it. I appreciate the efforts of the gentleman from Virginia (Mr. DAVIS) with regard to that.

Mr. Chairman, I rise today in strong support of the Norton amendment which would repeal the requirement that the Metropolitan Washington Airports Authority (MWAA) must come to Congress before September 30, 2004, to ensure that the local airports can continue to receive development project grants and impose a passenger facility fee.

I was part of the bipartisan coalition in 1987 which successfully secured the passage of legislation signed by President Reagan which transferred both Reagan National and Dulles International from Federal control to the local airports authority. Because of that change to local control, both airports today are success stories.

Passenger activity at National and Dulles Airports has nearly doubled to 31 million passengers in 2002. A massive capital development program at both airports has totaled well over $3 billion. Reagan National Airport was modernized in 1997 with a new terminal building including major improvements to airport traffic management and Metro system connections.

At Dulles, there are new concourses and the airport's first parking garages, and under way is a $3.2 billion capital improvement project. In tandem with the airport's growth, the Smithsonian Institution will open its new Air and Space Museum annex later this year located at Dulles Airport.

These airports have proven they are quality facilities serving not only the people in the Washington area, but air travelers across the Nation and around the world.

There is simply no reason for the airports to be called to Congress to prove their worthiness. What other airports in the country have to make such a command performance? None. Zero.

Congress got out of the airports business in 1987. It's time to stop micro-managing Reagan National and Dulles.

I also want to say how disappointed I am that Mr. MORAN was foreclosed by the rule from offering his amendment on the slots issue at Reagan National.

A delicate balance exists between flight operations at Dulles and Reagan. Increased take offs and landings at Reagan National and more flights beyond the 1,250-mile perimeter hurt Dulles, where longer haul flights originate. Those flight changes also mean coping with more noise for citizens living in the Washington area.

I would urge my colleagues to respect the local airports authority, which has proven it can successfully operate the Washington area airports, and support the Norton amendment.

Just as you would not want Congress dictating how to run your local airport, I would ask you to let the Metropolitan Washington Airports Authority do its job in operating Reagan National and Dulles without congressional interference.

Mr. MICA. Mr. Chairman, I reserve the balance of my time.

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

I particularly appreciate the support of the gentleman from Virginia (Mr. WOLF). He is the transportation expert in this region, and he is, I think, the acknowledged transportation expert in this House.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from the District of Columbia, Ms. ELEANOR HOLMES NORTON, which would repeal a section of the law that requires the Metropolitan Washington Airports Authority (MWAA) to obtain special legislation to be eligible to receive airport project grants and to impose passenger facility fees. No other airport is required to seek such congressional approval. While this procedure may have been justified in the early days of MWAA, it has outlived its usefulness.

Until 1986, the National and Dulles airports were run by the Federal Aviation Administration (FAA). When the airports were transferred to a regional authority in 1986, there were concerns that the regional authority would be unduly influenced by local interests, and not carry out federal objectives for the airports serving our Nation's Capital. To ensure that Federal concerns were considered, the 1986 legislation established Federal oversight over MWAA's activities, including Federal representation on its Board of Directors, special requirements in MWAA's lease agreement with the Department of Transportation, and requirements for audits of MWAA by the General Accounting Office (GAO).

In 1996, Congress further strengthened its oversight by requiring that new legislation would have to be passed for MWAA to be elible for AIP grants or PFCs, after October 1, 2001. The FAA reauthorization act of 2000, known as AIR–21, continued MWAA's eligibility, but required new legislation for eligibility after October 1, 2004. These provisions are unique to MWAA; no other airports operator has such restrictions on its eligibility for funding.

It is my understanding that although MWAA enjoys an excellent bond rating, the fact that they must continually come to Congress to receive grant monies or charge a PFC has caused concerns in the bond community. Continuing to place MWAA's funds in a different status from those of other airports could negatively affect its current high bond rating, resulting in higher interest charges, and possibly higher rents and fees at the airports.

I believe that MWAA has done an outstanding job in developing National and Dulles Airports, carrying out the objectives of the 1986 legislation. We no longer need to treat MWAA differently than all other airport authorities. The Federal directors on MWAA's Board, this Committee's continuing oversight, and GAO audits will ensure that Federal interest in the airports continue to be respected.

I urge my colleagues to support this amendment.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for supporting this amendment.

The reason why the gentlewoman and I offered this amendment is that we really have an unfair provision here that, as the gentlewoman from the District of Columbia (Ms. NORTON) said, does not apply to any other airport authority. It says that we cannot receive in the Washington area any new airport improvement grants or new passenger facility charges until we come back to the Congress.

This is in violation, really, of a 1986 agreement that then Mrs. DOLE, ELIZABETH DOLE, who was Secretary of Transportation, made with the Washington region. The words said that the airport authority, the Metropolitan Washington Airport Authority, will have ''full power and dominion over, and complete discretion in, operation and development of the Airports.''

In return, Virginia, D.C., and Maryland agreed to accept operational control of the airports and raise the money necessary to modernize them. We fulfilled our part of the bargain. We have two terrific airports. We funded them and we operate them. All we are asking is that we be treated like every other airport, and that we not have to come back and get this special authority to be able to continue doing what we, under law, are doing and doing very well.

The expansion of slots is micromanaging an airport by the Federal Government that really is in contradiction to the agreement. Likewise, it is designating some of those slots to go beyond the 1,250-mile perimeter rule.

National Airport was not built to accommodate transcontinental flights. It was built for short-haul flights to serve midsized cities. Ultimately, this is going to harm those midsized cities up and down the east coast, basically east of the Mississippi River. It is going to hurt their economy. It also jeopardizes the economy, the economic viability, of Dulles Airport, which was built to handle transcontinental flights.

If we start sending those flights to National, even though it is more convenient to get to National, it really hurts Dulles. It is going to hurt the economy, not just for this region, but of the Nation.

Ms. NORTON. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. DAVIS).

Mr. MICA. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

The CHAIRMAN. The gentleman from Virginia (Mr. DAVIS) is recognized for 1½ minutes.

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friends for yielding time to me.

As my friends know, this is a very important economic issue to those in Washington, Virginia, and the entire metropolitan area as well. We are the only airport in the country that faces these restrictions over their money.

If we want to continue the multibillion-dollar redevelopment efforts at Dulles Airport, these are the kinds of restrictions that can knock that out the window. That hurts flights coming into the Washington area. It does not help them at all. However well-intentioned this is with trying to keep congressional oversight, it can actually have a detrimental effect on this.

Congress has been reluctant to exercise that oversight. We would not have had the new terminal at Reagan National or at Dulles, had the Federal Government remained in charge of this. We have done this through some grants from the government, but through a lot of local taxes as well. That has improved air service to this region.

We also play a very dangerous game with the economic balance between the different airlines that have paid for slots when we start holding this up to have Federal approval of these. I think this is not warranted in any way, shape, or form.

I think the gentlewoman's aim is absolutely correct. I support it wholeheartedly. The 2.4 billion expansion that is currently underway is jeopardized should this amendment go down, or should we somehow kick in the authority that is sought that is now, under the manager's amendment, postponed to 2007; but should that kick in, that money would be at risk should there be any kind of congressional deadlock on Federal grants. That would be unusually detrimental.

Let us lift this restriction entirely. Congress can always step back in should there be a reason, but I think the gentlewoman's amendment is required at this point. I urge its adoption.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard from some outstanding Members of Congress who represent the greater Washington area and the Northern Virginia area. They have been strong advocates for Ronald Reagan National Airport. They have done a great job in looking after that national asset.

It truly is unique. It is the only airport, that and Dulles, that are owned by the Federal Government. This is a protection for the taxpayers, and it is good to have required periodic review and oversight.

I do have questions about the amendment, but I do believe that they have the support to pass the amendment, so I express that concern.

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

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia (Ms. NORTON).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in part B of House Report 108–146.

AMENDMENT NO. 3 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PETERSON of Pennsylvania:

Page 75, strike line 12 and all that follows through line 18 on page 76.

Page 76, line 19, strike ''(3)'' and insert ''(2)''.

Page 81, line 13, strike the following:

''(1) ELIGIBLE PLACES.—

Page 81, strike lines 18 through 22.

The CHAIRMAN. Pursuant to House Resolution 265, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would first like to compliment the chairman and the ranking member for, I think, putting together an exceptional bill. I want to thank them for working with us on this amendment that we think will improve the bill.

I am glad to be joined by the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. SHUSTER) to offer an amendment that will remove the copayment for a number of the smallest airports who will be receiving essential air service, saving them from making a copayment.

We understand the logic, but at the present time we all know that our airlines are in trouble. We have bailed them out with $18 billion trying to keep them solvent. We know airports are struggling. We know the commuter services are struggling even more because a lot of the commuter services got no portion of that bailout. We know that small commuter airports are fighting for their economic lives, and often in communities that are fighting for their economic lives.

Just for example, the Venango Regional Airport is trying to raise $6,000 to market the services there and improve emplanements. If this amendment was not accepted, they would be paying $22,000 the first year, which I think would be much better used marketing, and on the fourth year would be paying $87,000.

It is important that we pass this amendment that allows these small regional airports to rebuild the services.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER), who wants to help support this bill.

□ 1530

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding me time.

I also want to congratulate the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA) and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), and the gentleman from Oregon (Mr. DEFAZIO) for what I consider an excellent bill.

As my colleagues said, I think this amendment will improve the bill. The intent of our amendment is to strike the language that imposes cost sharing of EAS funds on a select few small communities, rural community airports.

These communities today are struggling to meet their current financial situations brought about by a sluggish economy and an increased cost on homeland security. These air links for these communities are vital, vital for economic development, especially in rural America from which I hail.

Some would say that there are significant costs savings; but if you look at this relative to the overall bill, we have a $59 billion bill over 4 years, and this language would only save $7.5 million. Here in Washington that is small

change; but in rural America that is significant, significant to these small and rural communities.

So I would like to thank the gentleman from Alaska (Mr. YOUNG); the gentleman from Florida (Mr. MICA); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); and the gentleman from Oregon (Mr. DEFAZIO) for accepting this amendment and supporting it. Once again, I congratulate them on a tremendous bill, a strong bill that is going to help all of America.

Mr. MICA. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes in opposition to the amendment.

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

Mr. Chairman, again, I have some reservations and I think I have the responsibility as Chair of the subcommittee to raise those reservations about the amendment.

It is being put forth by three outstanding Members with very good intentions. They represent rural airports and are concerned about service and the contribution. Let me say, though, that this program goes back to 1970, late 1970s when we deregulated the airlines; and each year subsequently some of these communities have gotten this subsidization of service and some should use it, maybe some should not.

The nature of the aviation industry has changed dramatically, and service has changed dramatically around the country. And we are looking for ways to enhance that service, particularly to the small community. And you can find no stronger advocate than me in that regard.

The administration had proposed a 25 percent match; and as a compromise, we lowered that to some 10 percent. We also have a provision in here for a waiver for hardship cases. We do believe that some review is necessary and that there should not be an automatic disbursement from Washington without some equal match. And also I might add for the record that we have increased the authorization from some $65 million to $115 million. So I have concern about this.

My concern also is that in the long run we will have less money. We may have appropriators who may just take a pen and slash through the program, and we can possibly see harm done to a program that we all want to assist. So it is a good program.

I have concern about the amendment. I think that we are going to let this amendment pass and then hopefully it will be considered in conference. But I wanted to raise those points that I think are in the best interest of the essential air service for all of our smaller communities.

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

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MCHUGH).

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

Mr. MCHUGH. Mr. Chairman, I thank the gentleman for yielding me time.

I want to thank my two colleagues and neighbors from the great State of Pennsylvania to the south for their hard work and leadership. It has been a pleasure to work with them.

I want to echo their statements in support of the subcommittee chairman, the gentleman from Florida (Mr. MICA), and the gentleman from Alaska (Mr. YOUNG) and the ranking member and other distinguished members. I think they have made this particular provision far better than the administration's original proposal.

I am very sensitive and cognizant of the concerns that we just heard the subcommittee chairman voice. And clearly before we take the next step, we want to make sure we understand the full ramifications of what we are doing.

Let me state a couple of things. First of all, I think there are few times in this Nation's history when this kind of initiative would be more inappropriate. Following September 11 the airline transportation industry was particularly challenged, and those in rural communities are especially under fiscal duress, 20 to 30 percent property tax increases in the making as we speak. Any added burden at this time, I think, would be particularly difficult to accommodate.

The second is the question that the subcommittee chairman raised with respect to accrued savings. In my district I think we have a perfect example of where we have three communities that are partnered together in a single package. If this 10 percent cost share were to prevail, the one community that is the most efficient, the most effective, and has most to it would be affected by that 10 percent and would likely withdraw and the end percent, I would respectfully suggest, would actually be a greater outlay in subsidy by the Federal Government rather than savings.

So I think the subcommittee chairman is right. We wanted to understand the full ramifications of this; and as we attempt to do that to conference and beyond, certainly, this is a very appropriate amendment. I thank the chairman and the subcommittee chairman and the ranking member for agreeing to it.

Mr. CHAIRMAN, It is imperative that the House approve the amendment we offer here today. The cost-sharing provisions in the bill put at risk the very foundation of the Essential Air Service program.

For those of us who have served in Congress for some time, it will be recalled that we have fought this battle to preserve air service to our rural communities many times. Each year, I join the fight to identify and enact funding to help maintain the program and, consequently, maintain air service to four—soon to be five—subsidized communities in Northern New York.

As many of you are experiencing in your own States, budget deficits are running rampant and New York is no different; our counties and localities are suffering no less. I fear it will be an insurmountable burden for cash-strapped local governments already coping with property tax hikes in the 20–30 percent range. It is simply asking too much. This program is vitally important to our economy in rural America and I believe it is particularly important to continue fighting to see that it is fully funded.

I have at least one community in the District I represent that is impacted by the cost-sharing provisions of this bill. Relying solely on mileage figures can be greatly misleading in determining the true distance and actual time when speaking about an area like Northern New York. Oftentimes snow can be found on the ground 8 months out of the year and the interstate highway that connects this EAS community and the small hub is all too frequently closed on a moment's notice due to service weather.

While the suggested purpose of the cost-sharing provisions is to reduce the cost of the overall program, I question whether that will truly be the ultimate result. In my State, three of my EAS communities are served by one contract with one airline—a triple hit, if you will. The airline is paid on sum of money for serving three communities. If one of these communities is required to cost share, and is unable to do so, it will be knocked out of the program. What, then, happens to the subsidy determination of the other communities. The community no longer eligible has the highest enplanements of the three and, theoretically, the lower costs. Will the airline then require higher subsidies from the Federal Government to serve the two remaining communities? If so, the objective of saving Federal money won't be realized.

I understand some believe that communities need to have this type of vested financial interest in the program so they will encourage usage of the service. I believe this, too, is an inaccurate representation. Rural EAS communities all across America already have a significant vested financial interest—through subsidization of their airport operations, capital investments, etc.

It is true the cost-sharing provisions are not a requirement and there is a waiver provision. But be assured the Department of Transportation will make every effort to implement it. Otherwise, why make it an option?

In closing, Mr. Chairman, let me say that I appreciate the Transportation Committee's commitment to the increase in the authorized funding level contained and to provide for an optional program that would allow interested communities to devise alternative transportation service for their residents, if they willingly choose to do so.

That having been said, we must not cut off communities like those in Northern New York that have come to depend on this service. But that is exactly what will happen if cost-sharing is implemented. It is a slippery slope that I respectively suggest we do not want to go down.

I strongly urge your support for, and passage of, the Peterson-McHugh-Shuster amendment to save the Essential Air Service program. The program is perhaps the singular most important asset to the economy recovery of our rural communities.

Mr. MICA. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Florida (Mr. MICA) has 2½ minutes remaining. The gentleman from Pennsylvania (Mr. PETERSON) has 1 minute remaining.

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

Mr. Chairman, I do have some concerns. We are willing to work with those who have offered this amendment today. We do not want to do harm when we want to do good, particularly in providing essential air service to our smaller communities. So with those concerns raised, this probably will pass, but I did want to state my concern for the record.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me time.

We have worked with the chairman and the chairman of the full committee on this EAS program, and I talked about it in my remarks during general debate about how important it is for small communities, but I just want to make it clear that the committee really made significant effort here to protect EAS cities. And it should be noted that we expanded the program, a 10 percent local share for cities that are less than 170 miles from a large or medium-hub airport or less than 75 miles from a small-hub airport. And out of concern that small communities might not be able to pay that share, the chairman and the chairman of the full committee worked with us and the ranking member, the gentleman from Oregon (Mr. DEFAZIO), to include a hardship provision, to allow the Secretary to waive that local share if the community is unable to pay and can demonstrate that inability to pay. So we did not ignore these needs.

We addressed them I think in a very appropriate and thoughtful fashion. I want that to be stated in concert with the chairman who expressed those concerns. And I think by increasing the funds we have made it a lot easier to get service to EAS airports.

The CHAIRMAN pro tempore. Both Members have 1 minute remaining.

The gentleman from Pennsylvania (Mr. PETERSON) is recognized.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I again want to thank the chairman and ranking member for their support. I understand how they were trying to protect this program. As an appropriator, I can assure the gentleman that I will be working to solve that problem on the appropriations side. We have had our opponents.

I have never understood when we can spend $7.5 billion for mass transit and not ask a question. We spend merely $100 million to provide rural air service, it is the one rural program, it has been continued under attack since I have been here. And I understand, but I do not think there has ever been a time that we need to give the rural airports a chance to pull themselves up by their bootstraps, to reinvigorate the use of these airports, when the airports were shut down literally because of the parking requirements, they all lost their parking lots because it had to be so many hundred feet before you could park a car from an airport; these rural airports were all shut down unless they were parking in plowed fields. It caused damage that has not recovered yet.

We are hoping to get some marketing money so we can get the service back there to these rural communities because it is a vital part of economic development and growth. And we know that most of the money went to the big airlines and did not trickle down to the privates that served them.

So we just are thankful that the gentleman is willing to work with us. We might be willing to look at a partnership with the States if we can get the States to buy in to help a little bit with this program, but to put it on the individual communities will not work.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. MICA) has 1 minute remaining.

Mr. MICA. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member.

Mr. OBERSTAR. Mr. Chairman, I would just take a moment to express my appreciation for the recognition by the gentleman from Pennsylvania (Mr. PETERSON) that it has been the Committee on Appropriations that has been the obstacle on EAS. It has been the Committee on Appropriations that has time and again put legislative limitations on the use of EAS funds.

Now, if we have an advocate over there in the Committee on Appropriations in the form of the gentleman from Pennsylvania (Mr. PETERSON), maybe we can get all of this straightened out and make sure that those dollars do flow. Because we can write the authorizations; but if the appropriations do not flow or if there are further limitations on it, then all this good work we do in our committee is undercut.

Mr. MICA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 4 printed in part B of House Report 108–146.

AMENDMENT NO. 4 OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. PITTS:

Page 82, before line 11, insert the following:

(g) MEASUREMENT OF HIGHWAY MILEAGE FOR PURPOSES OF DETERMINING ELIGIBILITY FOR ESSENTIAL AIR SERVICE SUBSIDIES.—

(1) DETERMINATION OF ELIGIBILITY.—Subchapter II of Chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by adding at the end the following new section:

**"§ 41746. Distance requirement applicable to eligibility for essential air service subsidies**

"(a) IN GENERAL.—The Secretary shall not provide assistance under this subchapter with respect to a place in the 48 contiguous States that—

"(1) is less than 70 highway miles from the nearest hub airport; or

"(2) requires a rate of subsidy per passenger in excess of $200, unless such place is greater than 210 highway miles from the nearest hub airport.

"(b) DETERMINATION OF MILEAGE.—For purposes of this section, the highway mileage between a place and the nearest hub airport is the highway mileage of the most commonly used route between the place and the hub airport. In identifying such route, the Secretary shall—

"(1) promulgate by regulation a standard for calculating the mileage between an eligible place and a hub airport; and

"(2) identify the most commonly used route for a community by—

"(A) consulting with the Governor of a State or the Governor's designee; and

"(B) considering the certification of the Governor of a State or the Governor's designee as to the most commonly used route.".

(b) CONFORMING AMENDMENT.—The analysis for subchapter II of chapter 417 of title 49, United States Code, (as amended by subsection (f) of this bill) is further amended by inserting after the item relating to section 41745 the following new item:

"41746. Distance requirement applicable to eligibility for essential air service subsidies.".

(h) REPEAL.—The following provisions of law are repealed:

(1) Section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note).

(2) Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note).

(3) Section 334 of the Department of Transportation and Related Agencies Appropriations Act, 1999 (section 101(g) of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999) (Public Law 105–277; 112 Stat. 2681–471).

(i) SECRETARIAL REVIEW.—

(1) REQUEST FOR REVIEW.—Any community with respect to which the Secretary has, between September 30, 1993, and the date of the enactment of this Act, eliminated subsidies or terminated subsidy eligibility under section 332 of the Department of Transportation and Related Agencies Appropriations Act, 2000 (49 U.S.C. 41731 note), Section 205 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (49 U.S.C. 41731 note), or any prior law of similar effect, may request the Secretary to review such action.

(2) ELIGIBILITY DETERMINATION.—Not later than 60 days after receiving a request under subsection (i), the Secretary shall—

(A) determine whether the community would have been subject to such elimination of subsidies or termination of eligibility under the distance requirement enacted by the amendment made by subsection (g) of this bill to subchapter II of chapter 417 of title 49, United States Code; and

(B) issue a final order with respect to the eligibility of such community for essential

air service subsidies under subchapter II of chapter 417 of title 49, United States Code, as amended by this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 265, the gentleman from Pennsylvania (Mr. PITTS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the essential air service program is important for many small airports throughout the country. It helps smaller communities to connect with larger cities and their airports and facilitates travel, tourism, and economic development.

To be eligible to receive such assistance, the community where the airport is located must be greater than 70 miles from the nearest large or medium-hub airport according to the most commonly used highway route. However, the Department of Transportation does not always use a consistent standard in determining the most commonly used highway route, nor do they actually determine the most commonly used route. Sometimes they have use the most direct route, even if it means taking back roads.

In my congressional district, this has led to the Lancaster Airport to lose its eligibility for the EAS program. The Department, using the most direct route, determined Lancaster Airport to be 68.5 miles from the Philadelphia International Airport. However, the route they chose would take the average driver more than 3 to 4 hours to drive. It winds along the old Lincoln Highway through dozens of small towns. In fact, anybody from my district knows that this is probably the worst way to get to Philadelphia.

The most commonly used highway route, the one that locals know as the fastest, uses the Pennsylvania Turnpike or other highways; and this route may be 12 miles longer, but you can get to Philadelphia in half the time. Because the Department is using the wrong route, Lancaster Airport's only commercial air carrier ceased operations at the airport on March 23 of this year.

The air carrier maintained that current market condition, fewer passengers and high costs made it impossible to continue without investment from the EAS program. This issue affects other small airports throughout the country and could affect more if this issue is not addressed.

My amendment addresses this problem by requiring the Secretary of Transportation to define a consistent standard for determining the most commonly used route. It also requires the Secretary to consult with the Governor of the State in which the airport in question is located or the Governor's designee as to the most commonly used highway route between that airport and the nearest large or medium-hub airport. Essentially, my amendment seeks to inject predictability and common sense into the process for determining EAS eligibility. It is narrowly tailored to improve the EAS eligibility process without impeding on the Secretary's authority to determine eligibility. I urge my colleagues to support this amendment.

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

□ 1545

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

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me the time.

I think his amendment has merit, but I am going to talk about just the bill itself for a few moments. I want to thank again the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Minnesota (Mr. OBERSTAR), especially my good chairman the gentleman from Florida (Mr. MICA) for doing the work on what I think of as a very good bill.

Air travel is coming back, as the gentleman from Minnesota (Mr. OBERSTAR) has mentioned before. It is important that we look at where we were before 9/11 and recognize that those challenges are raising their heads again: the on-time provisions, the utilization of our airstrips, technology which is now available which was not available before, before AIR 21 was there, and I think we can use our airports more effectively.

It is our goal through this legislation and as the authorization for 4 years that we will see the time when we go beyond those numbers that we had prior to 9/11. But nothing happens in this body without the cooperation from one another. I think this is an example of how committees should work together in a bipartisan effort to achieve what is best for the Nation as a whole.

This bill does that and I want to compliment again both sides, and I am very, very confident this bill will pass overwhelmingly, and I thank everybody that has been involved.

The CHAIRMAN pro tempore (Mr. SWEENEY). Does anyone rise to claim time in opposition?

Mr. DEFAZIO. Mr. Chairman, I rise to claim the time in opposition, although, I do not intend to speak in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I actually rise in strong support of the gentleman's amendment. I represent a State that has topography which is foreign to many of the bureaucrats inside the Washington, D.C. Beltway, as do other Members from even more challenging terrain in Alaska and elsewhere, and it is hard for them to conceive that what looks on a map as a pretty straightforward route might happen to be a route that is not open in the wintertime or, even if it is open some of the time in the wintertime, it is often impassable; that even in the best of times it is over a mountain range, even though it is the shortest distance.

So I think common sense certainly being applied as an antidote to bureaucratic intransigence in this case is very well merited, and I congratulate the gentleman on his amendment. It is something I had missed in my perusal of the bill, and many others I know would be concerned for this. We thank him for his vigilance and the amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Pennsylvania, Mr. PITTS, which would clarify the measurement of highway mileage for purposes of determining essential air service (EAS) eligibility.

Under current law, communities are not eligible for the EAS subsidy if they are less than ''70 highway miles'' from the nearest large or medium hub airport. Congress first imposed this 70-mile standard in the FY1992 Transportation Appropriations Act, and renewed it every fiscal year until the FY2000 Appropriations Act, which made it a permanent restriction.

In AIR 21, Congress gave the Department discretionary authority ''to provide assistance with respect to a place that is located within 70 highway miles of a hub airport if the most commonly used highway route between the place and the hub airport exceeds 70 miles.'' Nevertheless, despite its discretionary authority, the Department generally employs the ''most direct route'' standard. This issue has created controversy and even litigation between local communities and the Department, including litigation that involves Lancaster Airport in the gentleman's district.

The gentleman's amendment would require the Department to use the ''most commonly used route standard'' in measuring mileage for EAS eligibility. Additionally, the amendment would require local input in determining the ''most commonly used highway route.'' Specifically, the amendment would require the Secretary of Transportation to consult with the Governor of the State in which the airport is located as to the most commonly used highway route between that airport and the nearest hub airport. Further, the amendment requires the Secretary to promulgate by regulation a consistent standard for calculating the most commonly used route.

It will bring into the EAS program deserving eligible communities that have otherwise been cut off arbitrarily by current law. This is a common sense change. If we are to have a mileage standard for EAS it should be based on the miles people will actually drive, not a theoretical route, which probably takes longer than the actual route. The gentleman's amendment will make the law reflect reality.

For these reasons, I support the gentleman's amendment.

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

Ms. CORRINE BROWN of Florida. Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Florida (Mr. MICA), the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Oregon (Mr. DEFAZIO), for their hard work in bringing this bill to the floor today and for working with Members on and off the committee to ensure a fair process that includes Members' ideas.

It is very fitting that we pass this legislation in the same year that we are celebrating 100 years of providing power flights. We had a good debate in both the subcommittee and full committee, and I expect it to continue today and throughout the conference.

Since 9/11 the Committee on Transportation and Infrastructure has been focusing on improving the security of our transportation infrastructure and ensuring the safety of the traveling public. This reauthorization bill goes a long way in accomplishing this goal and fits well into the overall homeland security plan we are developing.

The FAA has a very important job to do, and this bill provides additional funding and the direction that would allow the FAA to improve the air transportation system for passengers, airports, airlines and many businesses that rely on the aviation industry.

I encourage my colleagues to support the bill and this amendment as we continue on the road to improved safety and security for the traveling public.

The CHAIRMAN pro tempore. The Chair would advise Members that the gentleman from Pennsylvania (Mr. PITTS) has 1½ minutes remaining and the gentleman from Oregon (Mr. DEFAZIO) has 1½ minutes remaining.

Mr. PITTS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding me the time.

I want to thank him for bringing this amendment. It is a very thoughtful amendment. It is a very small amendment. On the other hand, it relates to few airports in the country, and it relates to techniques to bring rationale indeed to how one devises standards.

It happens to affect one airport in my district in the town of Ottumwa; and Ottumwa is a wonderful, small American community, and there are those of us that truly love this community and its airport which can be knocked out of service with great ease. In fact, it largely is today, based upon certain definitional issues.

This helps to address those definitional issues. It helps to bring rationality to government programming, and it helps people in a very real way, and so I want to thank the gentleman from Pennsylvania (Mr. PITTS) for his thoughtful leadership, and I would hope the committee would sympathetically concur in the gentleman's amendment.

Mr. DEFAZIO. Mr. Chairman, I yield back the balance of my time.

Mr. PITTS. Mr. Chairman, I want to thank the gentleman from Iowa, the gentleman from Oregon (Mr. DEFAZIO), the ranking member and the chairman of the committee and the subcommittee for their support; and I yield the balance of the time to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I just wanted to conclude both the debate on the amendment and more than likely the debate on this legislation. I thank everyone for their cooperation. This truly does show how legislation can be drafted in a bipartisan manner, and it shows too with the gentleman from Pennsylvania's (Mr. PITTS) amendment, which I rise in support of, that all the good ideas just do not come from the committee.

He has a good idea. It will improve this bill. It shows the majesty of the system our Founding Fathers created, and this working today does demonstrate good legislation.

I rise in support again of the Pitts amendment and the bill, the underlying measure.

Mr. PITTS. Mr. Chairman, I yield back my time.

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

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

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

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

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 5 printed in part B offered by the gentleman from Illinois (Mr. MANZULLO), amendment No. 4 printed in part B offered by the gentleman from Pennsylvania (Mr. PITTS).

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

AMENDMENT NO. 5 OFFERED BY MR. MANZULLO

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

[Roll No. 262]

AYES—426

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

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

NOT VOTING—8

Brown-Waite, Ginny
Cubin
Eshoo
Fossella
Gephardt
Matsui
Smith (WA)
Spratt

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1613

Messrs. INSLEE, CARSON of Oklahoma and NADLER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GINNY BROWN-WAITE. Mr. Chairman, on rollcall No. 262 I was inadvertently detained. Had I been present, I would have voted ''aye''.

AMENDMENT NO. 4 OFFERED BY MR. PITTS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 12, as follows:

[Roll No. 263]

AYES—422

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

NOT VOTING—12

Boehner
Case
Cubin
Edwards
Eshoo
Fossella
Gephardt
Issa
Matsui
Smith (NJ)
Smith (WA)
Spratt

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1621

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. SWEENEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2115) to amend title

49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, pursuant to House Resolution 265, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 8, not voting 8, as follows:

[Roll No. 264]

YEAS—418

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

NAYS—8

Crane
Davis, Tom
Flake
Moran (VA)
Obey
Paul
Sensenbrenner
Wolf

NOT VOTING—8

Cubin
Eshoo
Fossella
Gephardt
Lynch
Matsui
Smith (WA)
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). The Chair would advise Members that there are 2 minutes remaining in this vote.

□ 1639

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. MICA. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2115, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other necessary technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## NATIONAL GREAT BLACK AMERICANS COMMENDATION ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise to announce the introduction of the National Great Black Americans Commendation Act of 2003, legislation that will help to bring long overdue recognition to African Americans who have served our Nation with distinction but whose names, faces and records of achievements may not be well known by the public.

This recognition primarily will be accomplished through an expansion of national designation of a national treasure, the Great Blacks in Wax Museum, located in my district in Baltimore, Maryland. The legislation also authorizes assistance in establishing a Justice Learning Center as a component of the expanded museum complex.

□ 1645

The Justice Learning Center will include state-of-the-art facilities and resources to educate the public, and especially youth, about the role of African Americans in our Nation's justice system. It will include a special focus on the civil rights movement, on the role of African Americans as lawmakers and as attorneys, and on the role of blacks in the judiciary.

I am introducing this legislation with the bipartisan support and cosponsor of 47 of our colleagues. This legislation will help to present the faces and stories of black Americans who have reached some of the highest levels of national service but who are generally unknown.

A priority will be exhibits presenting black Americans who served in Congress during the 1800s, some born in slavery and others born free. These Americans proudly served their constituencies and this great Nation.

I am pleased to inform my colleagues that the museum will showcase the 22 outstanding blacks who served in the United States Senate and House of Representatives in the 1800s, and those from the 1900s such as Senator Edward Brooke and Representatives Julian Dixon, Oscar Stanton DePriest, Lewis Stokes, and many others.

The legislation will also help to showcase black Americans who served in senior civilian executive branch positions, such as Ralph Bunche, Frederic Morrow, Robert Weaver, William Coleman, Patricia Harris, Lewis Sullivan, and many others who did not receive the appropriate recognition in the past.

The expanded museum will focus on black military veterans, including the Buffalo Soldiers and the Tuskegee Airmen, black judges, lawmen and prominent attorneys, and the role of blacks in discovery and settlement.

The Great Blacks in Wax Museum, America's first wax museum of black history, was founded in the early 1980s. The museum occupies part of a city block in east Baltimore and currently includes approximately 200 exhibits. Existing figures depict great black Americans such as Colin Powell, Harriet Tubman, Dr. Martin Luther King, Mary McLeod Bethune, and former Representatives Mickey Leland of Texas, Kweisi Mfume of Maryland, Shirley Chisolm and Adam Clayton Powell of New York.

The State of Maryland and the city of Baltimore have contributed over $5 million toward this expansion project, which will occupy an entire city block in the empowerment zone area. The museum is conducting extensive outreach to major corporations and other private donors. This legislation authorizes a Federal share not to exceed 25 percent or $15 million, whichever is less, of the expansion project.

Mr. Speaker, I urge all Members to support and cosponsor this important legislation, which will help to educate our Nation and the world about the critical contributions of African Americans in defending freedom and guaranteeing equal rights under the law, in protecting our Nation's interests in times of military conflict, in exploration and settlement of our Nation, and in providing leadership at the Federal level through service in Congress and the executive branch.

This museum will ensure that history never forgets the contributions of these great Americans.

THE GREAT BLACKS IN WAX MUSEUM: A BRIEF HISTORY

The Great Blacks In Wax Museum, America's first wax museum of African American history, was founded in 1983 by Drs. Elmer and Joanne Martin, two Baltimore educators. However, the Martins' story begins in 1980 when with money they were saving for a down payment on a house, they purchased four wax figures. These they carted to schools, churches, shopping malls, and festivals throughout the mid-Atlantic area. Their goal was to test public reaction to the idea of a black history wax museum. So positive was the response that in 1983, with personal loans, they opened the Museum in a small storefront in downtown Baltimore. The success of the Museum, especially among students on field trips, made it imperative that the Martins find larger space. In 1985, the Martins closed the museum and organized an all-out fundraising effort to secure new and expanded space and to purchase more wax figures. Their efforts allowed them to purchase an abandoned fire station on East North Avenue. After extensive renovations, the Martins re-opened the museum in October of 1988.

When the Museum moved to its East Baltimore location, away from the lucrative Inner Harbor tourist market and decidedly off the beaten track, the naysayers declared that few people would venture into a deteriorating community to see a little wax museum. Yet in 1989, the first full year of operation in its new location, 44,000 visitors ventured into the neighborhood to see America's first black history wax museum. The visitorship held at annual average of 44,000 for the next three years and then increased in 1992 to 52,000, 61,000 in 1993, and 81,000 in 1994. In 2002, more than 300,000 people from across the nation visited the unique cultural institution.

A September 1994 article in the Afro American newspaper declared the Great Blacks In Wax Museum a ''National Treasure.'' In fact, the Museum serves the entire nation. International visitors have come from France, Africa, Israel, Japan, and many other continents and nations. The Great Blacks In Wax Museum story has been heralded by news media around the world, including CNN, The Wall Street Journal, The Washington Post, The New York Times, The Chicago Sun Times, the Dallas Morning News, Kulturwelt, USA/Africa, The Los Angeles Times, USA Today, Crisis, and Essence Magazine.

Approximately 200 wax figures and scenes, a 19th century slave ship re-creation, a special permanent exhibition on the role of youth in the making and shaping of history, a Maryland room highlighting the contributions of outstanding Marylanders to African-American history, gift shop, a mini auditorium for lectures and films are some of the major cultural features of one of America's most dynamic and unique cultural and educational institutions.

PLANNED EXHIBITS OF THE NATIONAL GREAT BLACKS IN WAX MUSEUM AND JUSTICE LEARNING CENTER

The following provides additional information about the planned exhibits of the National Great Blacks in Wax Museum and Justice Learning Center.

AFRICAN AMERICANS IN POLITICS, LAW AND GOVERNMENT

HISTORICAL PERSPECTIVE

At the end of the Revolutionary War, more than one-third of the three million people living in the U.S. were not free. Among this group were 600,000 slaves, 300,000 indentured servants, 50,000 convicts, and of course, Native Americans. Of the more than two million free Americans, only 120,000 could meet the requirements set up by individual states at that time for a person to be allowed to vote. These requirements centered around such factors as sex, age, residence, moral character, property, religion, slave versus free status, and race. By the end of the 1800's, most states had also added property and tax paying requirements to the list and many individuals who had been eligible to vote lost their privilege.

As more and more Blacks gained their freedom (either by purchasing it themselves or by being emancipated upon the death of their masters), states began to change their constitutions so as to exclude Blacks. Moreover, Blacks were denied the right to vote in every state (except Maine) that entered the union between 1800 and 1861.

The Civil War brought about a drastic change in the pattern of taking away the vote from Blacks because suddenly four million slaves were transformed into citizens possessing the right to vote. Within three years, the 15th amendment to the U.S. Constitution had given the right to vote to all male citizens regardless of race. Women, however, would not gain voting rights until decades later with the passage of the 19th amendment.

Following the Civil War, Blacks in the South voted in large numbers and elected many Blacks to office. Indeed, between 1870 and 1901, 22 African Americans (two Senators and 20 Representatives) were elected to the U.S. Congress. However, two factors were about to have a dramatic effect on Black voting rights: (1) the fear among many white people that Blacks would now gain political power, and (2) the effort of many government officials to impose punitive measures on the South, which succeeded in undermining the 15th Amendment and depriving Blacks of the vote.

Southern state after state began to enact laws that stripped away the right to vote of Blacks outright or that introduced such restrictions as the poll tax and the literacy test. And what these restrictions failed to accomplish were more than made up for by the Ku Klux Klan and other hate groups. By 1910, every Southern state had such controls. By 1902 not a single Black sat in either a state or federal legislature. Moreover, every state university and public facility that had once been desegregated was now segregated again.

Hope was reborn in the early part of the 1900's as leaders like W.E.B. Dubois began to exert pressure on the government to reinstate voting rights for Blacks. The effort of this more aggressive Black electorate and the success of Franklin Roosevelt in convincing Black voters that as President he would be committed to principles of equality would transform a traditionally Republican Black voter into a staunch supporter of the Democratic Party, a tendency which continues up to the present.

During the later decades African American participation in the political process has been influenced by the forces operating at the time. During the 1930's it was the migration of Blacks from the South to the North and from the country to the city. The 1960's created a sharp rise in the political consciousness of Blacks due in part to the enthusiasm generated by the Civil Rights

Movement. Throughout the past several decades, African Americans have been selected for political offices in ever-increasing numbers. Many of them have made their imprint on history.

In a 3,000 square foot gallery within the future National Great Blacks in Wax Museum and Justice Center consisting of the latest in interactive, multimedia technology, visitors will learn about:

The Civil Rights Struggle—Early Rights Movements; Civil Rights at the End of the Civil War; Civil Rights in the 20th Century; Civil Rights Activists.

The Legal Battleground—The Legal Status of African Americans: 1790–1883; African Americans and the Criminal Justice System; African Americans in the Federal Courts; African American on the U.S. Supreme Court; Major Federal Legislation; Major U.S. Supreme Court Decisions; Pioneering Jurists, Attorneys, Judges.

The Political Race—The role of African Americans in Politics from the Colonial Era to Today; African American Elected Officials and Political Appointees; Legalized Oppression; Women and Politics.

BLACK AMERICANS IN CONGRESS: 19TH CENTURY

The following great Black Americans will be featured in future exhibits in the National Great Blacks in Wax Museum and Justice Learning Center:

Blance Kelso Bruce—U.S. Senator (R–MS), 1872–1881. Blance Kelso Bruce was born in slavery near Farmville, Prince Edward County, Virginia on March 1, 1841. Having been tutored by his owner's son, Bruce escaped slavery at the beginning of the Civil War, taught school in Hannibal, Missouri, and later attended Oberlin College, in Ohio. After the war, he became a planter and local government official in Mississippi. Elected as a Republican, he was the first Black American to serve a full term in the United States Senate. Following his Senate service, Bruce was appointed Register of the Treasury and Recorder of Deeds for the District of Columbia.

Richard Harvey Cain—Member of Congress (R–SC), 1873–1875; 1877–1879. Richard Harvey Cain was born to free parents in Greenbrier County, Virginia, on April 12, 1825. Prior to his election to Congress, Cain was a minister and served as a delegate to the Constitutional Convention of South Carolina, and as a member of the State Senate. He was the first Black clergyman to serve in the U.S. House of Representatives. Following his Congressional service, he was appointed bishop of the African Methodist Episcopal Church in Washington, DC.

Henry Plummer Cheatham—Member of Congress (R–NC), 1880–1893. Henry Plummer Cheatham was born in slavery near Henderson, North Carolina on December 27, 1857. After graduating from Shaw University in Raleigh, he served as principal of the Plymouth Normal School and register of deeds for Vance County. He was the only Black member of the 52nd Congress (1891–1893). In addition to his Congressional service, Cheatham served as a delegate to two Republican National Conventions.

Robert Carlos DeLarge—Member of Congress (R–SC), 1871–1873. Robert Carlos DeLarge was born in slavery in Aiken, South Carolina on March 15, 1842. Prior to his Congressional service, he engaged in agricultural pursuits and served as a delegate to the State Constitutional Convention, as a member of the State House of Representatives, and as State Land Commissioner. DeLarge was an early organizer for the South Carolina Republican Party. He chaired the Platform Committee of the 1867 Republican State Convention.

Robert Brown Elliott—Member of Congress R–SC, 1871–1874. Robert Brown Elliott was born in Liverpool, England on August 11, 1842. He graduated from Eton College in England, studied law, and practiced law in Columbia, South Carolina. He served as a member of the State Constitutional Convention, of the State House of Representatives, and as Assistant Adjutant General of South Carolina. Following service in Congress, he served in the South Carolina House of Representatives, where he was elected Speaker, and subsequently was elected Attorney General of South Carolina.

Jeremiah Haralson—Member of Congress R–AL, 1875–1877. Jeremiah Haralson was born in slavery on a plantation in Georgia on April 1, 1846. He was taken to Alabama as a slave of John Haralson, and remained in bondage until 1865. Haralson engaged in agricultural pursuits, became a minister, and served in the Alabama State House of Representatives and Senate before his election to Congress. As a Member of Congress, he supported general amnesty for former Confederates.

John Adams Hyman—Member of Congress R–NC, 1875–1877. John Adams Hyman was born slave near Warrenton, North Carolina on July 23, 1840. He was sold and sent to Alabama, and then returned to North Carolina in 1865. Hyman became the first Black Member of Congress elected from North Carolina. In addition to his Congressional service, Hyman served as a delegate to the State Equal Rights Convention, the State Constitutional Convention, the 1867 Republican State Convention, and as a member of the State Senate.

John Mercer Langston—Member of Congress R–VA, 1890–1891. Johnson Mercer Langston was born in Louisa, Virginia on December 14, 1829, He graduated from Oberlin College, studied law and practiced as an attorney in Ohio. Langston was instrumental in recruiting Black troops during the Civil War. After the war, he moved to Washington, DC and served as Dean of the Law Department and as Acting President of Howard University. In addition to his Congressional service, he served as a delegate to the Republican National Convention. His descendant and namesake was the renowned poet Langston Hughes.

Jefferson Franklin Long—Member of Congress R–GA, 1870–1871. Jefferson Franklin Long was born in slavery near Knoxville, Georgia on March 3, 1836. He developed the trade of a merchant tailor in Macon, Georgia. Long was a statewide organizer for the Republican Party, and served on the state Republican Central Committee. Following his Congressional service, he was a delegate to the Republican National Convention in 1880.

John Roy Lynch—Member of Congress R–MS, 1873–1877, 1882–1883. John Roy Lynch was born in slavery near Vidalia, Louisiana on September 10, 1847. He was later taken to a plantation in Natchez, Mississippi. Following emancipation, he served as a justice of the peace and a member of the Mississippi House of Representatives, where he was elected Speaker. In addition to his Congressional service, Lynch was a delegate to five Republican National Conventions, chairman of the Republican State Executive Committee, a member of the Republican National Committee for the State of Mississippi, temporary Chairman of a Republican National Convention, Auditor of the Treasury for the Navy Department, and an officer in the Spanish-American War.

Thomas Ezekiel Miller—Member of Congress R–SC, 1890–1891. Thomas Ezekiel Miller was born to free parents in Ferrebeeville, South Carolina on June 17, 1849. He served as School Commissioner of Beaufort County, a member of the State House of Representatives, and of the State Senate. Following his Congressional service, Miller served as a member of the State Constitutional Convention in 1895, and as president of the State College in Orangeburg, South Carolina.

George Washington Murray—Member of Congress R–SC, 1893–1895, 1896–1897. George Washington Murray was born in slavery near Rembert, South Carolina on September 22, 1853. In addition to his Congressional service, he was a schoolteacher, inspector of customs at the port of Charleston, South Carolina, a realtor, writer and lecturer, and a delegate to several Republican National Conventions.

Charles Edmund Nash—Member of Congress (R–LA), 1875–1877. Charles Edmund Nash was born in Opelousas, Louisiana on May 23, 1844. A bricklayer by trade, Congressman Nash also served as Inspector of Customs and Postmaster.

James Edward O'Hara—Member of Congress (R–NC), 1883–1887. James Edward O'Hara, the son of an Irish merchant and a West Indian woman, was born in New York City on February 26, 1844. He studied law in North Carolina and served as clerk for the Constitutional Convention of North Carolina in 1868. In addition to his Congressional service, he served in the North Carolina House of Representatives, as chairman of the board of commissioners for Halifax County, and a member of the State Constitutional Convention in 1875.

Joseph Hayne Rainey—Member of Congress (R–SC), 1870–1879. Joseph Hayne Rainey was born in slavery in Georgetown, South Carolina on June 21, 1832. A barber by trade, he escaped to the West Indies and remained there until the close of the Civil War. He served as delegate to the State Constitutional Convention in 1868, a member of the State Senate, and Internal Revenue Agent of South Carolina. Rainey was the first Black American to be elected to the U.S. House of Representatives, and in 1874 became the first Black Member to preside over a session of the House.

Alonzo Jacob Ransier—Member of Congress (R–SC), 1873–1875. Alonzo Jacob Ransier was born to free parents in Charleston, South Carolina on January 3, 1834. In addition to his Congressional service, he served as a member of the State House of Representatives, as a member of the State Constitutional Conventions in 1868 and 1869, as Lieutenant Governor of South Carolina, as Chairman of the Republican State Central Committee, as delegate to the Republican National Convention in 1872, and as Internal Revenue Collector.

James Thomas Rapier—Member of Congress (R–AL), 1873–1875. James Thomas Rapier was born to free parents in Florence, Alabama on November 13, 1837. A cotton planter, he was appointed a notary public, was a member of the first Republican Convention held in Alabama, and member of the State Constitutional Convention at Montgomery in 1867. In addition to his Congressional service, Rapier served as Assessor of Internal Revenue, Alabama Commissioner to the Vienna Exposition in 1873, and U.S. Commissioner to the World's Fair in Paris.

Hiram Rhodes Revels—U.S. Senator (R–MS), 1870–1871. Hiram Rhodes Revels was born to free parents in Fayetteville, North Carolina on September 27, 1827. A barber and ordained minister, he assisted in recruiting two regiments of Black troops at the outbreak of the Civil War. Revels served as chaplain of a Black regiment in Vicksburg, Mississippi, organized Black churches in the State, and was a member of the State Senate. He was Secretary of State Ad Interim of Mississippi, and president of Alcorn University in Rodney, Mississippi. Hiram Revels was the first Black American elected to the United States Senate.

Robert Smalls—Member of Congress (R–SC), 1875–1879, 1882–1883, 1884–1887. Robert

Smalls was born in slavery in Beaufort, South Carolina on April 5, 1839. He became an expert pilot of boats along the coasts of South Carolina and Georgia and learned the Gullah dialect of Sea Islanders. In addition to his Congressional service, Smalls was a member of the State Constitutional Convention 1868, served in the State House of Representatives and in the State Senate, and was twice a delegate to Republican National Conventions. Representative Smalls is currently featured in the Great Blacks in Wax Museum.

Benjamin Sterling Turner—Member of Congress (R–AL), 1871–1873. Benjamin Sterling Turner was born near Weldon, North Carolina on March 17, 1825. Raised as a slave, he moved to Alabama and was elected Tax Collector of Dallas County and Selma City Councilman. He was the first Black Member of Congress from Alabama. Following his Congressional service, Turner was a delegate to the Republican National Convention in 1880.

Josiah Thomas Walls—Member of Congress (R–FL), 1871–1873, 1873–1875, 1875–1876. Josiah Thomas Walls was born in Winchester, Virginia on December 30, 1842. He moved to Florida and was a delegate to the State Constitutional Convention in 1868, and served in the State Senate prior to his election to Congress.

George Henry White—Member of Congress (R–NC), 1897–1901. George Henry White was born in Rosindale, North Carolina on December 18, 1852. He was the last former slave to serve in Congress. In addition to his Congressional service. White was Principal of the State Normal School of North Carolina, a member of the State House of Representatives and the State Senate, a solicitor and prosecutor, and was twice a delegate to Republican National Conventions.

DISCOVERY AND SETTLEMENT: BLACK AMERICAN PIONEERS

Current Exhibits—The following exhibits are currently on display in the Great Blacks in Wax Museum collection:

Matthew A. Henson (1866–1955) was an international explorer and the first person to reach the North Pole as a member of Commodore Robert E. Peary's 1909 expedition. He later chronicled his experiences in the book A Negro Explorer at the North Pole (1912). President William Howard Taft appointed Henson to the position of Clerk in the U.S. Customs House in New York City, a position Henson held until 1936, when he retired. In 2000, the National Geographic Society posthumously awarded Henson the coveted Hubbard Medal for Distinction in Exploration and Discovery.

James Weldon Johnson (1871–1938), renowned writer, poet and statesman, and NAACP executive director, observed: ''Your West is giving the Negro a better deal than any other section of the country. There is more opportunity for my race, and less prejudice against it in this section of the country than anywhere else in the United States.''

Bill Pickett (1870–1932), born to former slaves in Texas, was one of the greatest cowboys that ever lived. Known to tackle a steer and other beasts without a lariat, he is credited with originating the rodeo sport known as ''steer wrestling.'' Pickett was the first Black cowboy to appear in Western movies, and the first Black inductee into the National Cowboy and Rodeo Hall of Fame.

Future Exhibits—The following exhibits are planned for the National Great Blacks in Wax Museum and Justice Learning Center:

Henry Adams (1843–?), born into slavery, led the ''Black Exodus,'' a migration of 40,000 African Americans to the Free State of Kansas. ''Exodusters'' settled all-Black towns and were able to achieve a significant measure of economic and political freedom.

All-Black Towns. All-Black towns were established in Western states and territories during the late 1800s. In California, these include Kentucky Ridge (Placerville), Negro Bar (part of Folsom), Negro Slide (in Pumas County), Negro Tent (located between Comptonville and Goodyear), and Negro Hill (near Sacramento). In Oklahoma, they include Bernon, Boley, Brooksville, Clearview, Grayson, Langston, Lima, Redbird, Rentiesville, Summit, Taft, Tatums, and Tullahassee.

James Pierson Beckwourth (1798–1866), who escaped from slavery, played a major role in the exploration and settlement of Western states. Beckwourth fought in the California Revolution in 1846, and became chief scout for General John C. Fremont. The town of Beckwourth, California was named after him, as was Beckwourth Trail, an overland route he charted from Sparks, Nevada across the Sierra Nevada to Lake Oroville, California. He was the only Black frontiersman to record his life story.

George Bonga (1802–1880) was a renowned fur trader and trapper born in Minnesota. The grandson of Jean Bonga, the first Black settler in the Northwoods (1782), he could speak English, French and Ojibwa. In 1820, he served as interpreter for Minnesota Governor Lewis Cass at a council held in Fond du Lac territory. In 1837, Bonga successfully apprehended Che-Ga Wa Skung, a Chippewa Indian wanted for murder. The subsequent trial at Fort Snelling became the first trial for a criminal offense held in Minnesota.

Clara Brown (1800–1885), born into slavery, traveled to Denver, Colorado as a cook on a wagon train. Brown was the first Black woman to cross the plains during the Gold Rush. She settled in Central City, Colorado, established its first laundry, accumulated wealth, and brought freed slaves to Colorado. She was made an honorary member of the Society of Colorado Pioneers.

Buffalo Soldiers—In the late 1800s, the all-Black 9th and 10th U.S. Army Cavalry Regiments and 38th Infantry served in New Mexico, Arizona, Colorado, Utah, Nevada, Kansas, Oklahoma, Wyoming, Montana, Texas, and the Dakotas. They built forts and roads, strung telegraph lines, protected railroad crews, escorted stages and trains, protected settlers and cattle drives, and fought outlaws. Indians called them ''Buffalo Soldiers,'' and the soldiers wore the title proudly.

Jean Baptiste Pointe DuSable (1745–1818) established the first permanent settlement of Chicago, Illinois in 1790. He owned a highly profitable trading post which became the main point of supply for traders and trappers heading West. His granddaughter born in 1796 was the first child born in Chicago.

Estevanico (1503–1539), an African enslaved by the Spanish, led an expedition from Mexico into the territory of the American Southwest in 1538 and is credited with the discovery of the area that became the states of Arizona and New Mexico.

Mary Fields (1832–1914), born a slave, became a renowned figure on the American Western frontier known as pistol-packing ''Stagecoach Mary.'' In 1895, she was hired as a U.S. Mail coach driver for the Cascade County region of central Montana, becoming the first Black woman to drive a U.S. Mail route. She and her mule Moses never missed a day, and thus she earned her nickname ''Stagecoach'' for her unfailing reliability.

Henry O. Flipper (1856–1940) was the first Black graduate of the U.S. Military Academy at West Point, and the first Black Army commissioned officer. A Buffalo Soldier, Flipper was stationed at Fort Sill, Oklahoma and Forts Concho, Elliott, Quitman and Davis, Texas. He was a signal officer and quartermaster, installed telegraph lines, and supervised road building. Flipper directed construction of a drainage system at Fort Sill that prevented the spread of malaria. ''Flipper's Ditch'' is a National Historic Landmark.

Thomas ''O.T.'' Jackson (1846–1906), a barber from Watsonville, California, was a tenor in several internationally prominent Black minstrel groups in the late 1800s. He headlined numerous engagements, including performances before King Edward VII of England. His improvisational musical technique influenced various music styles in the West in the 20th century, as well as the development of Jazz and other African American music forms.

William A. Leidesdorff (1810–1848), the son of a Danish sailor and a Black woman from St. Croix, Virgin Islands, came to Yerba Buena (San Francisco) in 1841. Within three years he owned waterfront property and the largest house in San Francisco. Leidesdorff built San Francisco's first hotel, helped establish it first public school, launched the state's first steamship, and staged its first horse race. He also acquired a 35,000-acre parcel of land encompassing modern Folsom, California. Leidesdorff died just after his neighbor and trading partner John Sutter discovered gold.

Nat Love (1854–1921), better known as ''Deadwood Dick,'' was born into slavery in Tennessee and moved to Dodge City, Kansas. He became a rugged cowpuncher, champion rodeo rider and roper, and cattle driver. In 1907, Love wrote a highly romanticized autobiography portraying a life filled with Indian fights, famous outlaws, and amazing feats. In so doing, he sought to become accepted as the prototype of the dime novel ''Deadwood Dick'' series.

Bridget (''Biddy'') Mason (1818–1891), born a slave in Mississippi, trekked with her owner's family to San Bernardino County, California. Once in California, Mason petitioned the courts for freedom, which was granted in 1856. Business and real estate transactions enabled her to accumulate a substantial fortune, and she gave generously to charities, providing food and shelter for the poor of all races. In 1872, she founded and financed the first African American church in Los Angeles.

George Monroe delivered mail in the mid-1800s by Pony Express between Merced and Mariposa, California. He became a stage driver, and was chosen to drive President Ulysses Grant to Yosemite, where an area called Monroe Meadows is named after him.

Mary Ellen Pleasant (1814–1904), known as the ''Mother of Civil Rights'' in California, spent most of her life in San Francisco where she provided shelter for fugitive slaves. In 1866, she petitioned the California courts by suing to overturn the Mission and Northbeach Railway Company's policy segregating the races, and she later won a judgment of $600.

Bass Reeves (1824–1910), born to slave parents in Texas, became the first Black commissioned U.S. Deputy Marshal west of the Mississippi River. Reeves lawfully killed 14 notorious outlaws in the performance of his duty over 32 years. He was honored with the ''Great Westerner'' award by the National Cowboy and Rodeo Hall of Fame.

William Robinson delivered mail by Pony Express from Stockton, California to gold miners.

Jeremiah B. Sanderson (1846–?) opened the first Black schools in Oakland, Sacramento, San Francisco and Stockton, California.

Cathay Williams (1842–1924), born a slave, is believed to be the only woman to serve as a Buffalo Soldier. In 1866 she joined the 38th Infantry, one of four all-Black military units, pretending to be a man (William Cathay). She served at Forts Riley and Hacker

in Kansas, and Forts Bayard, Union and Cummings in New Mexico, until military medical personnel discovered that she was a woman. Her commander reported her to be a ''good soldier.''

''York,'' a slave, was a member of the 1804–1806 Lewis and Clark Expedition and served as William Clark's lifelong servant and companion.

GREAT BLACKS IN THE EXECUTIVE BRANCH

The following great Black Americans are planned for future exhibits in the National Great Blacks in Wax Museum and Justice Center:

Clifford L. Alexander, Jr., a native of New York City, was Foreign Affairs Officer in the National Security Council during President John F. Kennedy's administration and Secretary of the Army during President Jimmy Carter's administration. He was the first Black to lead a Branch of the United States Armed Services.

Mary Frances Berry, a native of Nashville, Tennessee, was Assistant Secretary for Education, U.S. Department of Health, Education and Welfare, during the Carter administration, and Chair, U.S. Commission on Civil Rights, during President William J. Clinton's administration.

Mary McLeod Bethune, a native of Mayesville, South Carolina, was a member of the Advisory Committee on National Youth Administration during President Franklin D. Roosevelt's administration; member of Roosevelt's ''Black Cabinet.'' She is currently featured in the Great Blacks in Wax Museum.

Ralph Bunche, a Detroit native, was Senior Social Science Analyst, Office of Secret Service, during the Franklin D. Roosevelt administration. He also served as Undersecretary in the United Nations Secretariat, and Undersecretary for Special Political Affairs during the Eisenhower administration. The recipient of the 1950 Nobel Peace Prize, Bunche's record of service and honors received is extensive.

William Coleman, Jr., a Philadelphia, Pennsylvania native, was Secretary of Transportation during President Gerald R. Ford's administration. He was the second Black cabinet member ever appointed.

John P. Davis, together with Ralph Bunche, founded the National Negro Congress during the 1930s. Davis was a member of Franklin D. Roosevelt's ''Black Cabinet.''

Drew S. Days III, a native of Atlanta, Georgia, was Solicitor General of the United States and Assistant Attorney General for Civil Rights during the Carter administration.

Patricia Roberts Harris, Secretary of Housing and Urban Development and Secretary of Health, Education and Welfare in the Carter administration, was born in Mattoon, Illinois. She was the first Black female cabinet member ever appointed, and the first Black person appointed to two cabinet positions.

William H. Hastie, a Knoxville, Tennessee native, served as Attorney, Office of the Solicitor, U.S. Department of the Interior, in the Franklin D. Roosevelt, and was a member of Roosevelt's ''Black Cabinet.''

Dr. Benjamin L. Hooks is a native of Memphis, Tennessee. In 1972 President Nixon named Hooks, a lawyer and Baptist minister, to the Federal Communications Commission, making him its first Black member. From 1977 to 1993 he was executive director of the NAACP. Dr. Hooks is currently featured in the Great Blacks in Wax Museum.

Kay Coles James, of Virginia, served as head of the National Commission on Children during the Reagan and Bush I administrations, and as Associate Director of the Office of National Drug Control Policy under the first Bush administration. She currently serves as director of the Office of Personnel Management under President George W. Bush.

Eugene Kinckle Jones, a native of Richmond, Virginia, was a member of Franklin D. Roosevelt's ''Black Cabinet.''

Gwendolyn S. King, a native of East Orange, New Jersey, was Commissioner of Social Security in the George H.W. Bush administration.

Thurgood Marshall, a native of Baltimore, Maryland, was Solicitor General of the United States in President Lyndon Johnson's administration. He subsequently served as Associate Justice of the United States Supreme Court.

Frederick D. McClure, a native of Fort Worth, Texas, was Assistant to the President for Legislative Affairs, the White House, during the George H.W. Bush administration, and Special Assistant to President Ronald Reagan for Legislative Affairs.

Wade H. McCree, Jr., a native of Des Moines, Iowa, was Solicitor General of the United States in the Carter administration.

E. Frederic Morrow was Speechwriter and Administrative Officer for Special Projects, the White House, during the Dwight D. Eisenhower administration. Morrow was the first Black person to serve in an executive position on a president's staff at the White House. He chronicles his experiences in the book, ''Black Man in the White House'' (1963).

Azie Taylor Morton, a native of Dale, Texas, was a member of the Committee on Equal Employment Opportunity in the Kennedy administration. Morton also served as National Director of the U.S. Savings Bonds Division and Treasurer of the United States, U.S. Department of the Treasury, in the Carter administration.

Constance Berry Newman, was Director, Office of Personnel Management, in the George H.W. Bush administration and Under Secretary of the Smithsonian Institution in the George H.W. Bush and Clinton administrations. Newman has also served as Assistant Secretary of the U.S. Department of Housing and Urban Development, Director of VISTA, and Commissioner and Vice-Chair of the Consumer Product Safety Commission. She is currently Assistant Administrator for Africa, U.S. Agency for International Development, in the George W. Bush administration.

Condoleezza Rice, a native of Birmingham, Alabama, served as Senior Director for Soviet and East European Affairs, National Security Council, and Special Assistant to the President for National Security Affairs, in the George H.W. Bush administration. She currently serves as National Security Advisor in the George W. Bush administration.

Samuel R. Pierce, Jr., a native of Glen Cove, New York, was Secretary of Housing and Urban Development under the Reagan administration.

Colin L. Powell (1937–), a native of New York City, served as National Security Advisor under the Reagan administration and Chairman, Joint Chiefs of Staff, under the George H.W. Bush administration. He currently serves as Secretary of State in the George W. Bush administration. Secretary Powell is currently featured in the Great Blacks in Wax Museum.

Louis F. Sullivan, M.D., an Atlanta, Georgia native, was Secretary of Health and Human Services under the George H.W. Bush administration.

Terence A. Todman, a native of St. Thomas, U.S. Virgin Islands, was Assistant Secretary of State for Inter-American Affairs under the Carter administration.

Robert Weaver, a Washington, DC native, was a member of Franklin D. Roosevelt's ''Black Cabinet''; Special Assistant for Negro Affairs, Office of the Administrator of the U.S. Housing Authority, in the Kennedy administration; and Secretary of Housing and Urban Development under the Johnson administration. Weaver was the first Black cabinet member ever appointed.

Clifford R. Wharton, Jr. was Deputy Secretary of State in the Clinton administration.

Walter White, a native of Atlanta, Georgia, was member of Franklin D. Roosevelt's ''Black Cabinet.''

J. Ernest Wilkins, Sr., a native of Chicago, Illinois, was Assistant Secretary of Labor for International Affairs under the Eisenhower administration.

Andrew Young (1932–), a native of New Orleans, Louisiana, was appointed U.S. Ambassador to the United Nations by President Jimmy Carter. He previously served three terms in Congress as a representative from Georgia.

## JUNE 13, 2003, RUBBER STAMP DAY ON PRESIDENT BUSH'S TAX LEGISLATION

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

Mr. MCDERMOTT. Mr. Speaker, I take the floor right now to remind Members to bring their rubber stamp tomorrow. The rubber-stamp Congress will be in session.

They are meeting right now up in the Committee on Rules, and they are dropping an $80 billion tax bill that never went to the Committee on Ways and Means I sit on. Nobody has ever seen it, but it is being dropped here all of a sudden because the majority leader finally quit resisting what the Senate wanted to do. We are going to run it out of here. The chairman did not even go upstairs to explain the bill, they just sent it up there, they greased it, and it is coming down here. Everybody should remember, bring this stamp.

This stamp said ''Official Rubber Stamp. I approve of everything George Bush does,'' signed: The Member. That is what we ought to have tomorrow, because we are going to run another $80 billion out, put people more in debt, and that is what we consider legislation in this one-party system.

Do not forget, Members should bring their rubber stamp tomorrow morning.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CULBERSON) is recognized for 5 minutes.

(Mr. CULBERSON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## OHIO IS THE BIRTHPLACE OF AVIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. HOBSON) is recognized for 5 minutes.

Mr. HOBSON. Mr. Speaker, I rise in reaction to my colleague and friend, the gentleman from North Carolina's

public objection to Dayton, Ohio being known as the birthplace of aviation.

No one disputes the fact that Kittyhawk in North Carolina was the site of the first successful controlled power flight in history. However, Dayton, Ohio's claim to be the birthplace of aviation is based upon much more than just the first limited flight.

As a new historical work on the lives of the Wright brothers states, ''The four short flights in North Carolina showed that their math was close enough; Heavier than air flight was possible. The practicality of the Wright Flyer was achieved in 1904 and 1905 in a little-known place of great consequence, Huffman Prairie, an 85-acre cow pasture 10 miles east of Dayton.

Huffman Prairie Flying Field, which is in the Seventh Congressional District, which just happens to be my district, is located on the grounds of Wright Patterson Air Force Base. The flying field, which is undergoing a restoration to its 1905 appearance, has recently been opened to the general public, complete with a new interpretive center so visitors can understand the importance of the early flight testing and aircraft development that occurred there.

Even the press at the time did not grasp the significance of what had occurred at Kitty Hawk. It took several years of additional flights, I might say at Huffman Prairie, before the public finally acknowledged that the Wright brothers had invented a workable aircraft. If the Wright Brothers had not continued their history-altering work in Ohio, it is quite possible that the North Carolina exploits would have been lost in history.

As I have said before, North Carolina can always claim the location of the first flight by the Wright brothers, but it is their hometown that saw the laborious construction and endless testing that was required to allow it to take to the sky and mature as a reliable form of transportation that we all now enjoy.

North Carolina has the sand dunes where the first flight occurred, but Dayton, Ohio has the Dayton Aviation Heritage National Historical Park, encompassing the Wright Cycle Shop, Huffman Prairie Flying Field, the John W. Berry, Sr. Wright Brothers Aviation Center, and the Paul Laurence Dunbar State Memorial.

Dayton also has the National Aviation Hall of Fame, Wright Patterson Air Force Base, the U.S. Air Force Museum, and the final resting place of the Wright brothers. It is based upon all of these important sites and the local life experiences of the Wright brothers that Dayton should be known as the ''birthplace of aviation.''

As an Ohioan, I am proud to reside in the same State as the two Wright brothers whose invention changed the world; and more importantly, the fact that they were also in Ohio's Seventh Congressional District, which I now represent.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## WHERE IS THE BALANCED BUDGET AMENDMENT CALLED FOR IN 1974 BY THE SPEAKER OF THE HOUSE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, on March 17, 1994, then a Member of the House, the gentleman from Illinois (Mr. HASTERT) came to the floor and said, ''Clearly, our Nation's monstrous $4.3 trillion Federal deficit, until it is eliminated, interest payments will continue to eat away the important incentives which the government must fund. I will not stand by and watch Congress recklessly squander the future of our children and grandchildren.''

Later in that same day he said, ''In light of Congress' exhibited inability to control spending and vote for real fiscal responsibility, it is imperative that we have a balanced budget amendment to compel Congress to end its siege on our financial future.'' That was on March 17, 1994.

As most of us are aware, the gentleman from Illinois (Mr. HASTERT) has been the Speaker now for about 1,613 days. In that 1,613 days, he who controls every single amendment that comes to this House floor, when we start, when we stop, every bill that comes to the floor, he who appoints the members of the Committee on Rules that decide which amendments are germane, those that can be offered, has not allowed a vote on a balanced budget amendment.

We would think there were a couple of things that would come to his mind, since in 1994 he spoke so strongly of the need for a balanced budget. I would like to ask Max, Trevor, Sarah, and Krystle-Joy to come to the floor.

See, in the time that the gentleman from Illinois (Speaker HASTERT) has been Speaker, and they can stand in front of me, it is their big moment in the sun, in the 1,613 days the gentleman from Illinois (Mr. HASTERT) has been Speaker, we would think the gentleman who cares that much about the national debt would maybe let the debt go up by, say, $914. But that is not the case.

Now I need Michael, Bryan, and Taylor to join us, because the Speaker has had 1,613 days. I guess I can take 5 minutes.

Now, in the time that the Speaker has been for a balanced budget, he says, we would think the debt might grow by $914,878. That is not the case.

I need Amanda, Mark, and Robin to join us.

PARLIAMENTARY INQUIRY

Mr. BUYER. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore (Mr. FEENEY). The gentleman will state it.

Mr. BUYER. Mr. Speaker, I would like to know whether or not this fits the proper decorum of the House and whether this is a proper utilization of a prop. My question is whether this meets the decorum of the House.

Mr. TAYLOR of Mississippi. Mr. Speaker, that is not a parliamentary inquiry.

The SPEAKER pro tempore. A question has been raised about decorum under the rules of the House.

The Chair would rule that it maybe appropriate to use the exhibits that are presented, but it is inappropriate to refer to individual House pages by name. As long as otherwise that the exhibits are used in appropriate decorum and pages are not referenced by name, then the gentleman can proceed.

Mr. BUYER. Thank you, Mr. Speaker.

Mr. TAYLOR of Mississippi. Again, Mr. Speaker, in that 1,613 days since the gentleman from Illinois (Speaker HASTERT) way back when told us he was for a balanced budget, we would think that the debt would have grown by only 914,878.72, with a couple of commas thrown in, but it is not the case.

I regret to do this, but I have been told by the Chair that I cannot call the pages by their first names, so I am going to have to ask page 11, 12, and 13 to come forward, under the Rules of the House.

Again, since the Speaker told us way back when how adamantly he was for a balanced budget, we would have thought that by now, and since I am losing track with a couple of commas in there, that he would have said, enough, it is time for a balanced budget amendment. Time to let Members at least vote on it. Now, 1,613 days later, it still has not happened.

Now I have to ask pages 14, 15, and 16, and I practiced saying your names, so I apologize. Now, if the camera can get all of this, we can let some Members have some idea, not of the national debt, but of how much the debt has grown in 2 years and 1 week since the passage of the Bush tax cuts and the Bush budget.

The first $2 trillion spending bill passed by this Congress did not come from a Democratic President, it came from a Republican President. The tax cuts, they increased spending, decreased revenues, and this is the difference.

I think it is particularly appropriate that these fine young people from all parts of our country are holding the

sign. The lobbyists who benefited from this and the fat cats who are having big dinners tonight who benefited from this, they are not going to pay this bill. These kids are. These kids and their kids and their kids.

PARLIAMENTARY INQUIRY

Mr. KINGSTON. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia is recognized.

Mr. KINGSTON. Mr. Speaker, the gentleman cannot use pages as props for his speech. They can be of assistance in holding the sign, but they cannot be referred to as props in the manner in which my friend, the gentleman from Mississippi, has just done.

The SPEAKER pro tempore. The gentleman's inquiry of the Chair is appropriate. At this point the Chair would remind the gentleman not to refer to the pages by name or by their presence. The exhibits themselves may be an appropriate use at this time, but the gentleman whose time it is will decline to reference pages individually or collectively.

□ 1700

Mr. TAYLOR of Mississippi. To the gentleman from Georgia (Mr. KINGSTON), if I had voted to stick these children with that bill, I would be as ashamed to look at their faces as the gentleman is.

I did not vote to stick these kids with that bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FEENEY). The gentleman is out of order. He has referred to pages as props when the Chair has ruled that their presence on the floor cannot be mentioned.

PARLIAMENTARY INQUIRY

Mr. JACKSON of Illinois. Mr. Speaker, the gentleman is not referring to the pages themselves as pages. He is referring to the pages that the pages are holding, the 914, 878, 724. This is a parliamentary inquiry for clarification, Mr. Speaker. He was referring to the pages that the pages are holding.

Mr. KINGSTON. Mr. Speaker, the gentleman is right. He is using the pages in an incorrect manner.

Mr. JACKSON of Illinois. I have not yielded my time. Under the House rules, the pages are allowed to hold these pages, and as long as the gentleman does not refer to the pages by name, he can refer to the pages.

The SPEAKER pro tempore. The gentleman is correct, that the pages are permitted to facilitate the presentation of exhibits, but any reference in any speech to the pages or to visually suggest that they are part of the exhibits themselves or any suggestion that the debate should involve the pages individually or collectively, is not in order.

The exhibits themselves may be referred to. The pages may not be referred to.

The gentleman may proceed.

Mr. TAYLOR of Mississippi. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) has 30 seconds to not refer to the pages but to refer to the exhibits.

Mr. TAYLOR of Mississippi. Mr. Speaker, I know that most Americans are at work right now. Some of you are watching. If you care about your country, you have got to be upset that in almost a little over 2 years almost $1 trillion has been added to the national debt. To make a reference from that, we went all the way from 1775 to 1975 and did not borrow that much money.

The next time one of my Republican colleagues looks you in the eye and tells you he is a fiscal conservative, ask him about that trillion dollars and the $1 billion a day that we will pay in interest on that money and will pay for the rest of my lifetime, your lifetime, and, God bless them, Mr. Speaker, these kids' lifetime.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman is advised that in addition to the admonitions, that Members must decline to address the television audience. In addition, the Speaker is taking under advisement the future use and appropriateness of using pages.

## CONGRESS SHOULD DO WHAT IS RIGHT FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I appreciate our friend, the gentleman from Mississippi (Mr. TAYLOR), for advancing the cause of fiscal restraint, something that we do need to do in this House. And it is interesting, particularly since the Democrats are right now promoting an expansion of welfare in an unfunded way, and proposing to increase spending on welfare $3.5 billion, and that is to give a tax rebate to people who have not paid taxes.

It is an idea that is ironic since 197 of them voted against it originally in May 2001, but they all seem to want to spend more regardless of what our budgets are doing.

I have just come from an appropriations meeting. And what is interesting about that is that on the appropriations bills, we have 13 of them, I believe, Mr. Speaker, every bill, it is particularly interesting since every one of our 13 appropriations bills, no matter what we propose in the Republican Party, the Democrats make a counterproposal to spend more. And I realize that my friend, the gentleman of Mississippi (Mr. TAYLOR), is in the minority of the Democratic Party where they do wake up in the morning and worry about spending. And I am glad that he does because I share his concerns about it. But I just point out that the majority of his party, when it comes to spending bills, wants to spend more. And no matter what it is, we are not spending enough for this cause; we are not spending enough for that cause.

I want to also point out, sometimes it is easy when you are in the minority and you do not have to necessarily make the vote for war, but we are in a situation after 9–11 where America was under attack. Americans were hurt, injured, and killed in their workplace. And while some on the left sat around and said what did we do wrong or why do they hate us, others in the greater majority, not just the Republican Party but in America as a whole, said, look, we are going to defend our borders. We are going to defend our domestic areas. We are going to just defend our homeland. And to do that, unfortunately, you do have to spend money because it costs money to go to Afghanistan, to send helicopters and tanks over there. It costs money to send troops to the Middle East. And that does add up to some deficit spending.

It is something we do want to get under control. But I would certainly hope that the gentleman and others were not suggesting that the war for the liberation of Iraq was wrong, the war to find bin Laden was wrong, the war to liberate Afghanistan from Taliban rule was wrong. Because I believe most Americans support those actions and most Americans are glad that we are taking these steps.

When people say to you things like, how can you look the children in the eye, well, to me how could you not look the children in the eye and say, you know what, we are going to defend our homeland and we are going to secure our borders.

There is an international war on terrorism and America seems to be leading the way. America has also been the victim of it, but we are going to win that battle.

And if the gentleman and others would look at the budget, they can see that that is where the majority of our spending went and it is going to continue to go. But we want to work with the Democrats to get spending under control. My concern of it is not in just dollars and cents, but my concern is the encroachment of the government on the private sector. Every dollar we put in the government, that is more freedom we lose, particularly in the private sector.

So I hope as we begin the appropriations process this year that we can have a lot of amendments from our Democrat friends that actually reduce spending so that when we run the legislative branch bill out here, when we run military construction out here, when we run the education bill out here, if they have ideas for saving money, I want to do everything I can to make those amendments offered by my friend, the gentleman from Mississippi (Mr. TAYLOR), or anybody else over there, the so-called Blue Dog Caucus, I want their amendments to be in

order so we can work together in a bipartisan fashion and reduce spending. Because I think that the best of our party and the best of their party should do what is right for the best of America.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## CONGRESS NEEDS TO WORK IN A BIPARTISAN MANNER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman very much; and I appreciate my good friend, the gentleman from Georgia (Mr. KINGSTON), insisting that we have a balanced budget.

Might I remind him that as we speak, the Committee on Rules is meeting and having the opportunity to review the $82 billion tax proposal of the Republicans of this House, when all that we ask for and all that is necessary is that we take the Senate bill that has just been passed to fix the major error that occurred last week when this body, this Republican House and Republican Senate, refused to provide a child tax credit for working families making $10,000 to $26,000 a year.

The Senate fixed it last week. The bill from the Senate is right here at the desk. All this House needed to do was to adopt the Senate language. It would immediately go to the President's desk. It would be immediately signed by the President, and now 19 million children would be able to have the same child tax credit refund that the rich have been able to get by the President's tax bill. But lo and behold, the very same party that has stood up and indicated that they are willing to fight the deficit, they have now before us an $82 billion jump of a tax cut that has all of the kitchen sink in it, and they want to keep the children of America from getting their tax cut.

I hope we can work on this issue in a bipartisan manner, Mr. Speaker. I hope the Committee on Rules right now will reject the proposal by the Committee on Ways and Means, the Republican Committee on Ways and Means. This potpourri of taxes that eliminates the opportunity for us to move quickly to the President's desk with a clean, stand-alone tax cut that provides a refund to the children of America, a simple $154 that we can give to 19 million children and their families and those that make $10,000 to $26,000 a year. I hope we can do that.

Mr. Speaker, I want to finish on this very important concern that I have, and that is that over the weekend we heard a lot of scrambling on the Sunday morning talk shows about a call for congressional investigations about the question of the existence of weapons of mass destruction.

Mr. Speaker, I do not know if there are weapons of mass destruction. And I am not intending to be in an argument with my administration on the question of their veracity. But I do want to be in an argument on behalf of the American people. They need to know the truth. So I am calling for an independent investigation, a special prosecutor, or a special commission to investigate what was known by the administration and what level of intelligence was given when we made the decision to go to war with Iraq. What kind of intelligence and documentation of the intelligence that would have given the necessary impetus or basis of going to war, what was known by the intelligence community, what facts did they give about the weapons of mass destruction, why was a decision made to go to war with respect to the intelligence given when we know that the U.N. inspectors were doing the very same thing?

The argument that the administration made is that we know there are weapons of mass destruction, we know that they are there, and the U.N. inspectors are not doing their job and they are not doing it fast enough. Two months later after the official part of the war has ended, although we are still at war, we do not have the weapons of mass destruction.

Mr. Speaker, this is a constitutional question of war and peace. We were supposed to declare war under article I of the Constitution. We did not do that. Members of this House were moved to tears when they made the decision to vote on the question of going to war. What a tragedy if we did not have the sufficient intelligence or the accurate intelligence or the intelligence community did not truthfully give the facts necessary to make an intelligent decision that sent young men and women off to their deaths.

I believe we owe the American people the truth. The Congress is not going to do it. I understand there is a complete collapse in the other body with respect to bipartisan hearings on the question of what kind of intelligence was given to make the decision. Then forget about it. Give the American people the truth. We need to have an independent investigation, an outside commission, and/or a special prosecutor, which I am calling for and will make an official demand for it in the following days to come.

I hope that we realize that truth to the American people is our obligation as members of this government. The American people must depend upon our veracity, and as well they must depend upon the right decisions being made on their behalf and on behalf of the young men and women in the United States military. We salute them for their willingness to offer the ultimate sacrifice, but I believe truly it is important for us to have the truth on this issue, and an independent investigation is well needed.

## MEDICARE PROBLEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BUYER) is recognized for 5 minutes.

Mr. BUYER. Mr. Speaker, I come to the House currently to discuss the Medicare issue, and this is a tough issue that is facing us. It is one whereby Members can choose a political route, or they can choose a route of policy.

The numbers that are presently in front of us cannot lie. These numbers are cold. They will not go away, and that is that we have this: the demographics, the baby boomers when they become seniors, there is a smaller population behind them, and the present Medicare model as we know it cannot exist unless we go to a 20 percent payroll tax.

There is a desire here within Congress to deliver a prescription drug benefit to Medicare. Well, if we just add prescription drugs to Medicare without addressing the long-term solvency, we have only exasperated the insolvency of Medicare as we know it.

□ 1715

Therein lies our challenge. So I believe if we just added a prescription drug benefit to Medicare without making this long-term solution to the solvency of Medicare, that is a very faulty approach.

Right now within the Republican Caucus there is a discussion about two approaches on how to do this. These are two completely different approaches.

The country has had an opportunity to see the approach sponsored by the gentleman from California (Mr. THOMAS) as chairman of the Committee on Ways and Means, because Congress has passed this measure two other times, and that is an insurance-based product, a defined benefit. We provide a cash assistance to beneficiaries to help them manage their drug bill and to make that assistance then targeted to those who need it.

We create this insurance pool for the purchase of drugs-only insurance which the Federal Government would then underwrite. These are two different approaches.

The first approach that I mentioned, really, is there are five of us that have come together and have drafted this approach. This insurance-based approach, though, really begins to concern us. It concerns us because there

are not any willing carriers out there who are going to step forward and say, well, we believe that there is insurable risk here and we will offer this product. Really? They will offer the product if the government becomes the guarantor, and then the real question is, well, then does THE government have to become the guarantor in order for them to make a profit and deliver it?

We have a great concern about the viability of an insurance-based product, and that is the reason five Members of Congress have come together and we have drafted a completely different approach.

What I would like to do is share the principles of our approach. Our Medicare prescription drug package proposes, number one, a generous assistance to low-income seniors and the disabled, a defined contribution. We have a specifically defined assistance to all seniors that rely on income. We also have family-friendly participation through a tax benefit. We also encourage participation by employers through a tax benefit, and we also have a stop-loss coverage for high-risk drugs to all seniors. We also provide a bridge to comprehensive reform for long-term solvency that we call enhanced Medicare, and what we are tying to do is provide choices for seniors with lower prices in a private sector approach.

What does all this mean? All this means is that what we hope to accomplish is that we turn to those in the private sector to have what we call a value card, and these different groups, companies could be approved by CMS, and they then, by virtue of their membership and their purchasing power, they provide discounts. An individual would have a discount card. They are automatically enrolled. They can opt out, but they are automatically in. It costs $30, and then government, based on their income, adds dollars to their card, and then they are able to take this card and they can swipe it down at the drugstore and they keep track of the drugs for which they purchase.

Where we want to be family friendly is often we say, parents, get active in the lives of your children. Well, I also want to turn and say, children, get active in the lives of your parents. So if you have an elderly parent who also needs assistance to buy drugs, I do not know why children are not getting more involved in the lives of their parents. What they can do is they can get a $4,000 tax deduction, and they can add $4,000 then to their parents' drug card. We think this is being very family friendly.

We also have a catastrophic coverage and we think that is important. And tomorrow, hopefully, there will be a Republican conference to cover both these proposals.

## CHILD TAX CREDIT

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, it is stunning to me that whenever Democrats stand up on behalf of working families that our colleagues on the other side of the aisle start shaking their finger and saying, oh, the tax-and-spend Democrats. It is really amazing and takes an incredible amount of nerve for the Republicans to still want to wear that jacket of fiscal responsibility and to invoke it when we start talking about working families like this.

Let us remember that the President was handed a $5 trillion surplus, surpluses as far as the eye could see. That is gone, blew that; and now we are at about a, according to the former Secretary, they are charging about a $4 trillion projected deficit, a debt, on top of that, and in a very short time we are almost $1 trillion in deficit. That means more money spent than we have brought in.

They like to talk about the war: Oh, we had to spend all that money on homeland security. And indeed, we did, but let us remember that most of that deficit is caused because we are giving tax cuts to the wealthiest.

Now the excuse is, well, this family, the Johnstons who make only $19,000, they do not deserve a tax cut, they say, because they do not pay tax. Hello, these are people who are paying a payroll tax. They pay sales tax, they pay excise taxes, like taxes on the gasoline they buy to get to their jobs, and they pay a payroll tax.

Think for a minute. What are the only taxes that have not been reduced? We are not talking about dividend taxes, most of the people who clip coupons, the taxes that they pay. We are not talking about the taxes on high incomes. We are talking about the taxes that everyday working people pay. That is what we are trying to do with the child tax credit, for families like that, so that they can take it and buy formula or baby food for this baby, so that they can provide for her. And that is what we are trying to do.

My colleagues notice this family is not smiling, but I want to show them the face of some people who are, in fact, smiling. Why are they smiling? A report by the Committee on Government Reform minority staff on the tax bill found that Treasury Secretary Snow's estimated dividend and capital tax savings is between $331,000 and $842,000. That is a 1-year tax cut. No wonder he is smiling.

Secretary Evans could see between $68,000 and $595,000 in tax savings.

Vice President CHENEY, who is not in the picture but is probably smiling at some undisclosed location, will reap $116,000 a year from the dividend capital gains provisions in the tax cut. In fact, the total tax savings for President Bush, Vice President CHENEY, and the Cabinet could be up to $3.2 million. If I were a member of the Cabinet, I would probably be smiling, too.

In my State, 674,000 children and 378,000 families are not smiling. Nearly 1 in 4 families in Illinois were left behind. Now, of course, they say if we take care of them we are just tax-and-spend. Tell me that we do not have enough money when we are giving tax breaks like that to not only the wealthiest in the private sector but these individuals who are serving us now as members of the Cabinet.

Behind closed doors in final negotiations of the tax cut bill for millionaires, the White House and Republican leaders exterminated the child tax credit provision that would have helped families like the Johnstons and others making between $10,500 and $26,625. That is the people that we are talking about, people who in their lifetime it will take years and years and years to earn what these individuals will get in 1 year in a tax cut. By eliminating that provision, Republicans were guaranteeing that millionaires like Secretary Snow and Secretary Evans get their full tax cut.

It did not take long for the American people to find out that their neighbors and their friends got the short end of the Republican tax cut stick, and that is why the United States Senate was shamed into passing a Democratic proposal to provide those low-income families with their well-deserved child tax credit that was removed in a secret deal by Vice President CHENEY.

They passed a restoration of the tax cut for those lower-income families, working families by, 94–2. But what are we hearing on this side? Majority Leader DELAY said, ''It ain't going to happen.'' Well, I want to say that I think it ought to happen, I think it will happen, and we need to make it happen.

## PRESCRIPTION DRUG PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, we have heard the word ''outrage'' used several times on the House floor, and I rise tonight to talk about the outrageous prices that American consumers pay for prescription drugs. And I have behind me a chart, and I apologize for those here on the floor and Members who may be watching on their television sets, it is a little hard to read. But I want to go through this because what it compares is what Americans pay, on average, and this varies because we have a very complicated average wholesale price situation formula they use here in the United States, but these are the average prices, and these are prices that we actually checked ourselves.

People have questioned some of the credibility of the sources that I have used. So we did our own research and we went to Munich, Germany about a month ago, and we bought 10 of the most commonly prescribed drugs in the United States. And let us run through.

Cipro, drug made by Bayer. They make the aspirin. They are a German company. In the United States, the average price for 10 tablets, 250 milligrams, $55. We bought it at the Munich airport pharmacy for $35.12, American.

Coumadin. My 85-year-old father takes Coumadin. In the United States the average price, $89.95. The price in Munich, Germany, $21.

Glucophage, a very popular drug, has done wonderful things for people who suffer from diabetes. Glucophage, $21.95 in the United States, only $5 in Germany.

Pravachol, $62.96 in Munich; $149.95 here in the United States.

The list goes on, Prozac, Synthroid, Tamoxifen, $60 in Germany; $360 in the United States.

Zocor, $41.20 in Munich; $89.95. It is the same drugs.

My father takes this Coumadin every day. It is a wonderful drug. Many Americans take Glucophage, and the Congress has spoken on this. We have statutes on the books that would allow Americans access to these drugs at world market prices, but the FDA and the Department of Health and Human Services, under first a Democratic administration and now a Republican administration, has said, oh, no, no, we cannot do that, we cannot guarantee safety.

So we are introducing a new bill and we want to deal with that issue because we want Americans to have access to safe world-class drugs.

What I am holding in my hand is a counterfeit-proof package. There are companies right now that are helping people, like our own Treasury who helped develop the technology that goes into our new counterfeit-proof $20 bill. They now have packaging which they are making for the pharmaceutical industry. For a cost of somewhere between 2 and 5 cents, they can make a blister-pack, counterfeit-proof package.

It goes beyond that. They are coming out with new technologies that are not only counterfeit-proof, but it is tamper-proof. So we can bring these drugs in and the technology will get better to make these drugs safe. For example, I am holding in my hand a little vial, and in this vial my colleagues cannot see it, I can barely see it. Inside this little vial are 150 microcomputer chips. This is the next UPC code so that we actually embed it in packaging, so that we can know where this product is made, where it came from, everything we need to know about it. It can be counterfeit-proof. It can be tamper-proof, and now it can be virtually fail-safe.

People say, well, what about safety? Every day we import thousands of tons of food, and the FDA is responsible for the food and drug safety in the United States. We import tons and tons of food. Last year, we imported 318,000 tons of plantains, and somehow we eat those plantains every day, and we do not worry about the safety.

We can import world-class drugs. I am a Republican and I think that there is nothing wrong with the word ''profit,'' but there is something very wrong with the word ''profiteer.'' I think it is right that Americans pay their fair share of the cost for research in the world, but we should not have to subsidize the starving Swiss.

We have an opportunity in the next several weeks to do something about this. The greatest tragedy in America today is that roughly 29 percent of all seniors tell us that they have had prescriptions that went unfilled because they could not afford these outrageous prices.

Shame on us. Shame on us. We should do something about that. We have the power to change this, and I think this year we finally will.

□ 1730

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## ISRAEL SHOULD BE COMMENDED FOR GOING AFTER TERRORISTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, today another suicide bombing happened in Israel. Sixteen innocent people were murdered and more than 150 were injured. The terrorist group Hamas took credit for it and the cycle of violence continues.

Mr. Speaker, homicide bombers, suicide bombers cannot be tolerated. Israel, as any other nation, must do everything it can to go after terrorists, to root out terrorism. As President Bush said, there are no good terrorists, there are only bad; and every nation has an obligation to protect its citizens and go after the terrorists.

That is why it was so disheartening to hear President Bush say Israel's attempted attack on one of the biggest Hamas terrorists, Mr. Rantisi was not helpful. I do not know whether a nation ought to think about what is helpful or not when they are trying to protect their citizens.

We in the United States went halfway around the world to destroy the Taliban in Afghanistan not because the Taliban committed crimes against us, but because the Taliban harbored al Qaeda, which committed heinous acts against us. If we are justified, and we are, in going halfway around the world to destroy terrorists, surely Israel is justified to do the same in her own backyard. After all, it was President Bush who said Osama bin Laden wanted dead or alive, and it was President Bush who talked about Saddam Hussein and his connections with terrorists. We went into Iraq and overthrew Saddam Hussein. Certainly Israel should be encouraged to go after terrorists, not discouraged to go after terrorists; and we should not set a double standard for Israel, we should set the same standard as we would set for ourselves.

Last week there was an agreement to try to proceed on a so-called road map for peace in the Middle East, and all parties agreed that the Palestinian prime minister, the Israeli prime minister and President Bush all talked about going along the path to peace. During that time the prime minister of Israel has dismantled some of the settlements, has talked about having peace with the Palestinians. And what was the response on the Palestinian side? The three terrorist organizations, Hamas, the Palestinian Islamic Jihad, which is part of Arafat's Fattah network, and Hezbollah, all got together and took credit for the assassination of five Israeli soldiers. That was the Palestinian terrorists' answer to peace. The Palestinian prime minister, Machmoud Abbas, who said he would try to persuade the terrorists to have a cease-fire was not able to persuade them at all. In fact, they rejected his calls for a cease-fire. Machmoud Abbas, the Palestinian prime minister, then said he would not use force to try to get the terrorists to stop, he would only try to persuade them.

I would say if Mr. Abbas, the Palestinian prime minister, is not going to attempt to use force to stop terrorists from committing terrorist acts, then Israel has the right to take matters into her own hands and to use force to stop terrorists from committing these heinous acts. After all, since Mr. Rantisi is one of the leaders of Hamas which kills innocent men, women, and children civilians, why should Mr. Rantisi think he is somehow immune to some kind of attacks on his life?

It is very important that Israel, the United States, and all peace-loving countries in the world go after terrorism. And when nations go after terrorism, other nations should help them, not say that it is unhelpful for peace. Let us talk about the road map which everyone seems to be so ecstatic about. The road map will only work if and when the Palestinians decide if and when they are going to put an end to terror and not use terror as a negotiating tool, and the road map should be performance-based, not time-based. In other words, the Palestinians have to perform. They have to stop terrorism before they get their state. If they do not stop terrorism, they do not get their state. They should not merrily march along to statehood in 2004 and 2005 unless they end terrorism.

Mr. Speaker, I think Israel should be commended for going after terrorists. I think all nations should do the same.

## PATIENT SAFETY AND FOREIGN PRESCRIPTION DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I rise tonight to talk about patient safety and the trade policy of this country as it relates to foreign prescription drugs.

If I correctly recall, and do not trust my memory, we can all look it up, back in March of this year this House overwhelmingly approved a bill that would improve patient safety and improve the quality of care delivered in this country. Some of my colleagues have asked us to consider a plan of imported foreign prescription drugs into this country that would run counter to the vote cast by a majority in this House not 4 months ago.

Mr. Speaker, we must approach this problem with thoughtfulness and logic. If we want to address the cost of prescription drugs in this country, we can take several approaches to lower the cost, but any options should not come at the cost of patient safety. Some in this House believe that if Americans had the ability to purchase their drugs from Canada or Mexico or Belize or Europe or Mars, that the United States market would adjust and reflect the importation of cheaper medicines. But let us be clear, foreign countries place price controls on their prescription drugs.

This means that the drugs purchased by Canadian citizens may be priced lower than that which an American citizen will pay for the same compound because of that government's artificial market intervention; but by permitting the reimportation of drugs into this country, we effectively allow the importation of foreign price controls into the United States market as well. This could be shortsighted, and it does run counter to the free market system that is established in this country. If drug reimportation becomes the established policy in this country, the United States would in essence be allowing foreign governments to set the prices for American products.

If we truly believe in the power of the free market, we should remove the market distortion of foreign price controls which ensure that America's seniors and America's uninsured pay the highest price for their medications. And what happens in countries that have adopted price controls? Companies have left those countries. High-skilled jobs are not available, and governments have lost much-needed revenue.

Because of the stranglehold of regulation in European countries, including price controls on pharmaceuticals, Europe is lagging behind in its ability to generate, organize, sustain innovative processes that are increasingly expensive and organizationally complex. The United States biotech industry in the last decade has had a meteoric rise, but we would place a chill on the industry's development if we allowed foreign drug prices to stymie its growth.

More importantly, if we inject foreign drug prices and controls into the United States, we will see less innovation in this very promising new field of science. Most importantly, underlying all of the complex trade issues is one that ultimately impacts us all, and that is patient safety. We want to ensure that the drugs that our wives, children, mothers, and fathers take are free of dangerous substances and that they work as advertised. Only our FDA in this country can ensure the safety of drugs for American citizens.

I think this House would be shirking its duty if we created a system that relied upon the action of regulatory officials of Canada, Thailand, Belize, or Barbados to ensure the safety of American patients. Allowing drug reimportation from foreign countries would only be a signal to foreign drug counterfeiters that it is open season on the health and safety of American citizens.

Mr. Speaker, I could relate stories from my medical practice where patients had what may be politely termed as therapeutic misadventures by the ingestion of drugs which were imported illegally from Mexico. The House can approach the drug cost issues through far less shortsighted solutions than permitting drug importation from foreign countries.

Make no mistake, the pharmaceutical companies in this country have an obligation to control their costs and be certain that any profits they receive are reasonable. Without this, we will continue to hear the arguments for reimportation nightly on the House floor. The purchasing power of the Federal Government should bring down the cost of safe pharmaceuticals in this country.

Mr. Speaker, we should remember the admonition of a long-ago physician to first do no harm. In this House, that would be wise counsel to heed.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

(Mr. CROWLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## INFORMED CITIZENRY VERSUS NEED FOR SECRECY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, a critical problem that demands constant oversight in a democracy is the tension between an informed Congress and an informed citizenry because both are necessary for a democracy. That tension is against the need for secrecy in some instances and in the interest of national security. That is what I wish to draw Members' attention to today.

From Watergate to Iran contra, to the Gulf of Tonkin Resolution, we have seen and experienced and learned from the peril of the executive branch's use of secrecy in the name of national security to accomplish unlawful deception and illegal acts.

We face this issue again now in regard to Iraq's weapons of mass destruction and the flat assertions by the President of the United States that Saddam Hussein's weapons of mass destruction pose an imminent threat to the United States. After all, it was these assertions that led many of the Members of the legislature, both in the House of Representatives and in the other body, to support the war, and so did many Americans.

So it is a significant question whether the President's assurance was warranted by the evidence, whether he had something to back up these repeated assertions that the weapons of mass destruction held by the former ruler of Iraq were indeed an imminent threat to the United States.

So where are these weapons of mass destruction? One day the President assured us that they will be found. The next day we are told that he only meant to claim that Iraq had programs to develop weapons of mass destruction, and that program was under way. But then the day after that his spokesman said never mind, even if Saddam had no weapons imminently threatening us, he was a bad and evil person who deserved to be destroyed.

Now, these contradictions have begun to be noted by more and more people, and I want to report that some in the public are changing their view about this war and what brought us into it as American casualties mount in Iraq, as violence and civilian strife grow worse there, and disease and hunger spread in the aftermath of war.

Now, whatever the ultimate final assessment is that will be made about Iraq, the fundamental problem that I bring to Members' attention this evening is if the President deceives the Congress and the public on an issue as sensitive as war or peace, it raises the greatest constitutional issues about whether he is abusing his office, whether he is violating his oath, and whether he is misleading the American people.

□ 1745

It is particularly critical because this President's doctrine of preventive war, never before employed by any of the preceding Presidents of this great country, suggests that he may or will be trying to persuade America to support other preventive wars in the future. Will that campaign be based on misrepresentation?

MISSING WEAPONS OF MASS DESTRUCTION: IS LYING ABOUT THE REASON FOR WAR AN IMPEACHABLE OFFENSE?

(By John W. Dean)

President George W. Bush has got a very serious problem. Before asking Congress for a Joint Resolution authorizing the use of American military forces in Iraq, he made a

number of unequivocal statements about the reason the United States needed to pursue the most radical actions any nation can undertake—acts of war against another nation.

Now it is clear that many of his statements appear to be false. In the past, Bush's White House has been very good at sweeping ugly issues like this under the carpet, and out of sight. But it is not clear that they will be able to make the question of what happened to Saddam Hussein's weapons of mass destruction (WMDs) go away—unless, perhaps, they start another war.

That seems unlikely. Until the questions surrounding the Iraq war are answered, Congress and the public may strongly resist more of President Bush's warmaking.

Presidential statements, particularly on matters of national security, are held to an expectation of the highest standard of truthfulness. A president cannot stretch, twist or distort facts and get away with it. President Lyndon Johnson's distortions of the truth about Vietnam forced him to stand down from reelection. President Richard Nixon's false statements about Watergate forced his resignation.

Frankly, I hope the WMDs are found, for it will end the matter. Clearly, the story of the missing WMDs is far from over. And it is too early, of course, to draw conclusions. But is not too early to explore the relevant issues.

PRESIDENT BUSH'S STATEMENTS ON IRAQ'S WEAPONS OF MASS DESTRUCTION

Readers may not recall exactly what President Bush said about weapons of mass destruction; I certainly didn't. Thus, I have compiled these statements below. In reviewing them, I saw that he had, indeed, been as explicit and declarative as I had recalled.

Bush's statements, in chronological order, were:

''Right now, Iraq is expanding and improving facilities that were used for the production of biological weapons.''—Untied Nations Address, September 12, 2002.

''Iraq has stockpiled biological and chemical weapons, and is rebuilding the facilities used to make more of those weapons.

''We have sources that tell us that Saddam Hussein recently authorized Iraqi field commanders to use chemical weapons—the very weapons the dictator tells us he does not have.''—Radio Address, October 5, 2002.

''The Iraqi regime . . . possesses and produces chemical and biological weapons. It is seeking nuclear weapons.

''We know that the regime has produced thousands of tons of chemical agents, including mustard gas, sarin never gas, VX nerve gas.

''We've also discovered through intelligence that Iraq has a growing fleet of manned and unmanned aerial vehicles that could be used to disperse chemical or biological weapons across broad areas. We're concerned that Iraq is exploring ways of using these UAVS for missions targeting the United States.

''The evidence indicates that Iraq is reconstituting its nuclear weapons program. Saddam Hussein has held numerous meetings with Iraqi nuclear scientists, a group he calls his ''nuclear mejahideen''—his nuclear holy warriors. Satellite photographs reveal that Iraq is rebuilding facilities at sites that have been part of its nuclear program in the past. Iraq has attempted to purchase high-strength aluminum tubes and other equipment needed for gas centrifuges, which are used to enrich uranium for nuclear weapons.''—Cincinnati, Ohio Speech, October 7, 2002.

''Our intelligence officials estimate that Saddam Hussein had the materials to produce as much as 500 tons of sarin, mustard and VX nerve agent.''—State of the Union Address, January 28, 2003.

''Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised.''—Address to the Nation, March 17, 2003.

SHOULD THE PRESIDENT GET THE BENEFIT OF THE DOUBT?

When these statements were made, Bush's let-me-mince-no-words posture was convincing to many Americans. Yet much of the rest of the world, and many other Americans, doubted them.

As Bush's veracity was being debated at the united Nations, it was also being debated on campuses—including those where I happened to be lecturing at the time.

On several occasions, students asked me the following question: Should they believe the President of the United States? My answer was that they should give the President the benefit of the doubt, for several reason deriving from the usual procedures that have operated in every modern White House and that, I assumed, had to be operating in the Bush White House, too.

First, I assured the students that these statements had all been carefully considered and crafted. Presidential statements are the result of a process, not a moment's thought. White Hose speechwriters process raw information, and their statements are passed on to senior aides who have both substantive knowledge and political insights. And this all occurs before the statement ever reaches the President for his own review and possible revision.

Second, I explained that—at least in every White House and administration with which I was familiar, from Truman to Clinton—statements with national security implications were the most carefully considered of all. The White House is aware that, in making these statements, the President is speaking not only to the nation, but also to the world.

Third, I pointed out to the students, these statements are typically corrected rapidly if they are later found to be false. And in this case, far from backpedaling from the President's more extreme claims, Bush's press secretary, Ari Fleischer had actually, at times, been even more emphatic than the President had. For example, on January 9, 2003, Fleischer stated, during his press briefing, ''We know for a fact that there are weapons there.''

In addition, others in the Administration were similarly quick to back the President up, in some cases with even more unequivocal statements. Secretary of Defense Donald Rumsfeld repeatedly claimed that Saddam had WMDs—and even went so far as to claim he knew ''where they are; they're in the area around Tikrit and Baghdad.''

Finally, I explained to the students that the political risk was so great that, to me, it was inconceivable that Bush would make these statements if he didn't have damn solid intelligence to back him up. Presidents do not stick their necks out only to have them chopped off by political opponents on an issue as important as this, and if there was any doubt, I suggested, Bush's political advisers would be telling him to hedge. Rather than stating a matter as fact, he would say: ''I have been advised,'' or ''Our intelligence reports strongly suggest,'' or some such similar hedge. But Bush had not done so.

So what are we now to conclude if Bush's statements are found, indeed, to be as grossly inaccurate as they currently appear to have been?

After all, no weapons of mass destruction have been found, and given Bush's statements, they should not have been very hard to find—for they existed in large quantities, ''thousands of tons'' of chemical weapons alone. Moreover, according to the statements, telltale facilities, groups of scientists who could testify, and production equipment also existed.

So there is all that? And how can we reconcile the White House's unequivocal statements with the fact that they may not exist?

There are two main possibilities. One that something is seriously wrong within the Bush White House's national security operations. That seems difficult to believe. The other is that the President has deliberately misled the nation, and the world.

A DESPERATE SEARCH FOR WMDS HAS SO FAR YIELDED LITTLE, IF ANY, FRUIT

Even before formally declaring war against Saddam Hussein's Iraq, the President had dispatched American military special forces into Iraq to search for weapons of mass destruction, which he knew would provide the primary justification for Operation Freedom. None were found.

Throughout Operation Freedom's penetration of Iraq and drive toward Baghdad, the search for WMDs continued. None were found.

As the coalition forces gained control of Iraqi cities and countryside, special search teams were dispatched to look for WMDs. None were found

During the past two and a half months, according to reliable news reports, military patrols have visited over 300 suspected WMD sites throughout Iraq. None of the prohibited weapons were found there.

BRITISH AND AMERICAN PRESS REACTION TO THE MISSING WMDS

British Prime Minister Tony Blair is also under serious attack in England, which he dragged into the war unwillingly, based on the missing WMDs. In Britain, the missing WMDs are being treated as scandalous; so far, the reaction in the U.S. has been milder.

New York Times columnist Paul Krugman has taken Bush sharply to task, asserting that it is ''long past time for this administration to be held accountable.'' ''The public was told that Saddam posed an imminent threat,'' Krugman argued. ''If that claim was fraudulent,'' he continued, ''the selling of the war is arguably the worst scandal in American political history—worse than Watergate, worse than Iran-Contra.'' But most media outlets have reserved judgment as the search for WMDs in Iraq continues.

Still, signs do not look good. Last week, the Pentagon announced it was shifting its search from looking for WMD sites, to looking for people who can provide leads as to where the missing WMDs might be.

Under Secretary of State for Arms Control and International Security John Bolton, while offering no new evidence, assured Congress that WMDs will indeed be found. And he advised that a new unit called the Iraq Survey Group, composed of some 1,400 experts and technicians from around the world, is being deployed to assist in the searching.

But, as Time magazine reported, the leads are running out. According to Time, the Marine general in charge explained that ''[w]e've been to virtually every ammunition supply point between the Kuwaiti border and Baghdad,'' and remarked flatly, ''They're simply not there.''

Perhaps most troubling, the President has failed to provide any explanation of how he could have made his very specific statements, yet now be unable to back them up with supporting evidence. Was there an Iraqi informant thought to be reliable, who turned out not to be? Were satellite photos innocently, if negligently, misinterpreted? Or was his evidence not as solid as he led the world to believe?

The absence of any explanation for the gap between the statements and reality only increases the sense that the President's

misstatements may actually have been intentional lies.

INVESTIGATING THE IRAQI WAR INTELLIGENCE REPORTS

Even now, while the jury is still out as to whether intentional misconduct occurred, the President has a serious credibility problem. Newsweek magazine posed the key questions: ''If America has entered a new age of pre-emption—when it must strike first because it cannot afford to find out later if terrorists possess nuclear or biological weapons—exact intelligence is critical. How will the United States take out a mad despot or a nuclear bomb hidden in a cave if the CIA can't say for sure where they are? And how will Bush be able to maintain support at home and abroad?''

In an apparent attempt to bolster the President's credibility, and his own, Secretary Rumsfeld himself has now called for a Defense Department investigation into what went wrong with the pre-war intelligence. New York Times columnist Maureen Dowd finds this effort about on par with O.J.'s looking for his wife's killer. But there may be a difference: Unless the members of the Administration can find someone else to blame—informants, surveillance technology, lower-level personnel, you name it—they may not escape fault themselves.

Congressional committees are also looking into the pre-war intelligence collection and evaluation. Senator John Warner (R–VA), chairman of the Senate Armed Services Committee, said his committee and the Senate Intelligence Committee would jointly investigate the situation. And the House Permanent Select Committee on Intelligence plans an investigation.

These investigations are certainly appropriate, for there is potent evidence of either a colossal intelligence failure or misconduct—and either would be a serious problem. When the best case scenario seems to be mere incompetence, investigations certainly need to be made.

Senator Bob Graham—a former chairman of the Senate Intelligence Committee—told CNN's Aaron Brown, that while he still hopes they find WMDs or at least evidence thereof, he has also contemplated three other possible alternative scenarios: ''One is that [the WMDs] were spirited out of Iraq, which maybe is the worst of all possibilities, because now the very thing that we were trying to avoid, proliferation of weapons of mass destruction, could be in the hands of dozens of groups. Second, that we had bad intelligence. Or third, that the intelligence was satisfactory but that it was manipulated, so as just to present to the American people and to the world those things that made the case for the necessity of war against Iraq.''

Senator Graham seems to believe there is a serious chance that it is the final scenario that reflects reality. Indeed, Graham told CNN ''there's been a pattern of manipulation by this administration.''

Graham has good reason to complain. According to the New York Times, he was one of the few members of the Senate who saw the national intelligence estimate that was the basis for Bush's decisions. After reviewing it, Senator Graham requested that the Bush Administration declassify the information before the Senate voted on the Administration's resolution requesting use of the military in Iraq.

But rather than do so, CIA Director Tenet merely sent Graham a letter discussing the findings. Graham then complained that Tenet's letter only addressed ''findings that supported the administration's position on Iraq,'' and ignored information that raised questions about intelligence. In short, Graham suggested that the Administration, by cherrypicking only evidence to its own liking, had manipulated the information to support its conclusion.

Recent statements by one of the high-level officials privy to the decisionmaking process that lead to the Iraqi war also strongly suggests manipulation, if not misuse of the intelligence agencies. Deputy Secretary of Defense Paul Wolfowitz, during an interview with Sam Tannenhaus of Vanity Fair magazine, said: ''The truth is that for reasons that have a lot to do with the U.S. government bureaucracy we settled on the one issue that everyone could agree on which was weapons of mass destruction as the core reason.'' More recently, Wolfowitz added what most have believed all along, that the reason we went after Iraq is that ''[t]he country swims on a sea of oil.''

WORSE THAN WATERGATE? A POTENTIAL HUGE SCANDAL IF WMDS ARE STILL MISSING

Krugman is right to suggest a possible comparison to Watergate. In the three decades since Watergate, this is the first potential scandal I have seen that could make Watergate pale by comparison. If the Bush Administration intentionally manipulated or misrepresented intelligence to get Congress to authorize, and the public to support, military action to take control of Iraq, then that would be a monstrous misdeed.

As I remarked in an earlier column, this Administration may be due for a scandal. While Bush narrowly escaped being dragged into Enron, it was not, in any event, his doing. But the war in Iraq is all Bush's doing, and it is appropriate that he be held accountable.

To put it bluntly, if Bush has taken Congress and the nation into war based on bogus information, he is cooked. Manipulation or deliberate misuse of national security intelligence data, if proven, could be ''a high crime'' under the Constitution's impeachment clause. It would also be a violation of federal criminal law, including the broad federal anti-conspiracy statute, which renders it a felony ''to defraud the United States, or any agency thereof in any manner or for any purpose.''

It's important to recall that when Richard Nixon resigned, he was about to be impeached by the House of Representatives for misusing the CIA and FBI. After Watergate, all presidents are on notice that manipulating or misusing any agency of the executive branch improperly is a serious abuse of presidential power.

Nixon claimed that his misuses of the federal agencies for his political purposes were in the interest of national security. The same kind of thinking might lead a President to manipulate and misuse national security agencies or their intelligence to create a phony reason to lead the national into a politically desirable war. Let us hope that is not the case.

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The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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## CONTROVERSY INVOLVING TEXAS LEGISLATURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I find it a little astounding that I come here to ask the question of what is happening to our government. Why are our fellow citizens withholding information from us, even from Members of Congress? Why are some of the agencies that are designed to help us seemingly working against us? It is all our government.

I am a little bit astounded at having to come here and again tell the story about what happened when the Texas legislature ran amuck, when members of that legislative body began to respond to actions there that have been reflective of what the United States House of Representatives has been, very divisive, very unfortunate, where people get to the point where they feel like they are not allowed to be a part of the process and they have to rebel against the system by looking for parliamentary procedure to try to send their point or make their point or get their message out. Fifty-five brave men and women allowed their backs to be pushed up against the wall for months and finally could take it no more and broke the quorum of the Texas legislature to stop that from happening there. And then, lo and behold, what happened following it started all sorts of things to happen that include Federal agencies becoming involved in investigations to look for missing Texas legislators.

The people of this country ought to be outraged that Federal agencies designed to protect us, designed to do good for us, were called into a political fray in the State of Texas, and since that time Members of Congress have asked repeatedly of the Department of Homeland Security, the Justice Department, and the transportation agency for information that would give us a better understanding of who played what role in this Federal Government being involved in an issue that was a political one in the State of Texas and finding funds that we know are already very short for us. We do not know how we are going to be paying for all of the many, many needs that our homeland security faces. We are very short-funded as it is.

Yet we could find the money, the time, the effort, the personnel, the equipment to track an airplane across the country of a member, a little cotton farmer out in west Texas who was going off to Ardmore, Oklahoma, and stopped off to see his mother. If he had not done that, they would have probably found him. To have agencies respond in the way that they have, there is something wrong with this picture. The people of this country truly ought to be outraged.

It has been over 3 weeks now since we began to ask formally of these agencies, give us the information that you have, show us surveillance tapes, give us tapes of phone messages. Even the Director of Homeland Security indicated that it was a potential criminal investigation that is going on and that was the excuse for not turning over some of this information at the time.

Ladies and gentlemen, it is time for us as a body, as a Congress, to stop this

kind of action in the United States of America, whether it happens to Texas or Louisiana or Michigan or any other State in this Nation, and we truly ought to be outraged and stand up and say we are not going to stand for that secrecy anymore. Let the agencies that exist as a part of our government give us the information that we need to know that our government is working in our behalf and not working against us; that we are not having some kind of a political soiree in this country that is going to allow power to be held by a few at the expense of so very, very many.

We even had destroyed documents over time. What is there to hide? If there is nothing on the tapes that is incriminating to anyone, then make it public and let us see them. If there is something there, as certainly the indication is starting to be—why else is there a cover-up—then perhaps there may be criminal activity. Something is wrong with this picture and something is going wrong with our government. It is time for us to begin to ask the questions and demand the answers from all of the agencies that can tell the citizens of this country that we are not going to be living in a police state, that we are going to be able to all participate in making the policy of this Nation and the policy of our States, and that we are not going to have to fight our way through the darkness of night in order to play the role that we so rightly deserve.

## TEXAS LEGISLATIVE CONTROVERSY AND POSSIBLE FEDERAL INVOLVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes.

Mr. SANDLIN. Mr. Speaker, we are calling today on Secretary Ridge to uncover the cover-up. What have you got to hide?

On May 11, 2003, Mr. Speaker, a number of Democratic members of the Texas House of Representatives absented themselves from the floor of the State House in Austin, Texas, in a proper procedural move to defeat a quorum in that body. Subsequently, on that same date, the Speaker of the Texas House of Representatives, Tom Craddick, ordered the Texas Department of Public Safety, the troopers, to locate the absent legislators and return them to the capitol. The DPS thereupon took steps to locate the lawmakers and contacted the U.S. Department of Homeland Security, charged with defeating terrorism, and asked for Federal assistance. They have now had to admit and acknowledge that they contacted the Air and Marine Interdiction Coordination Center, a department within DHS, seeking information; and they acknowledge they used Federal resources to respond to this request in spite of the fact that it is a State political matter. In fact, in violation of the law, a criminal tracking system was used. The Department of Homeland Security has now admitted that the department has in its possession certain audiotapes, transcripts, and other documents concerning its contacts with Texas DPS officials. In spite of this admission, the department has failed and refused and still fails and refuses to release this information.

Disturbingly, Mr. Speaker, now the Secretary of Homeland Defense has admitted that there is an ongoing criminal investigation into this matter. But it only gets worse. Now we learn the FBI has been involved. Initially the FBI denied involvement. Now they have admitted otherwise. On May 13, the Houston Chronicle reported, ''Spokesmen for the Justice Department and the FBI indicated those agencies likely would have no reason to assist the State officers in apprehending the Democrats.'' On that same date, ''A Justice spokesman said Tuesday he knew of no role for the department.'' Later on that date, ''FBI spokesman Bill Carter said he was unaware of any request for that agency to assist. 'I don't know of any authority that would allow us to even contemplate getting involved.'''

But, Mr. Speaker, the story begins to change. A couple of days later, on June 5, the FBI denied participation but they did not know what was about to come out, because State Representative Juan Manuel Escobar reported he got a cellular phone call from Corpus Christi-based FBI Special Agent David Troutman asking whether State Representative Gabi Canales was with him.

''The FBI was conducting no surveillance at all,'' said Special Agent Bob Doguim. But listen. He said, ''I'm not saying no call took place.'' Later they said, ''An FBI spokesman said agency action was nothing really uncommon.'' Dallas Morning News, June 6.

Yesterday, Mr. Speaker, we learned that phone records for Deputy Attorney General Jay Kimbrough show a 5 minute 16 second phone call at 4:24 p.m. May 12 to an Ardmore, Oklahoma, FBI office. That is after State officials learned that the Federal Aviation Administration had tracked the plane of one of the missing lawmakers. A half hour later the records show a return phone call, 2 minutes 16 seconds, from the FBI office to Mr. Kimbrough. Mr. Kimbrough is head of Homeland Security in Texas. After the FBI saying they had nothing to do with it, now we have got the phone records. Now we are getting to the truth.

Additionally, at the State level, on May 14, the Texas DPS ordered the destruction of all notes, photos, correspondence and other records relating to the members of the House of Representatives and the order specifically contained the words ''retain no copies.''

In brief, it is our position that any effort to use Federal law enforcement or Homeland Security resources to participate in a State political matter is improper and illegal. Further, the destruction of records by DPS, which limits the ability to determine the extent of Federal involvement, coupled with the refusal by the Department of Homeland Security and Tom Ridge to produce its records, are matters of great concern.

Mr. Ridge, stop the cover-up. Release the information. We want full and complete audiotapes of all conversation, full and complete copies of all communications, tapes, videotapes, recordings, letters, notes, documents, schedules, summaries, indices, written records of every sort, full and complete copies of all communications, full and complete original files, full and complete records of telephone calls and contacts, full and complete records of any and all persons, Federal officials, State officials, law enforcement personnel, agencies or entities that have contacted or been contacted by Homeland Security.

Mr. Ridge should be advised further that the U.S. Congress may request the production of additional information as a result of his testimony. We will expect him to acknowledge under oath that no records have been altered, deleted, destroyed, redacted or otherwise withheld in whole or in part. It is critical that we request a subpoena and a subpoena duces tecum be issued forthwith and this information be brought before the United States Congress.

The Department of Public Safety destroyed records. Homeland Security has admitted to possessing and withholding audiotapes and other information. They have now admitted that a criminal investigation is ongoing. The FBI claimed to be not involved in any way. Now we learn of telephone calls to and from the FBI.

Mr. Speaker, is this just what we might call another third-rate burglary? Mr. Ridge, stop the cover-up. Release the information. Come clean with the United States Congress and the American public.

## ANOTHER TERRORIST ATTACK IN JERUSALEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, the news from Jerusalem today is horrifying. Another terrorist attack on a civilian bus. So many dead. Many more are injured and even more are bereaved. Today's atrocity follows and may have been in response to an attack yesterday on a Hamas leader in Gaza which injured its target but killed innocent victims. When will this cycle of violence end? Not even a week has passed since the President received the commitment of Ariel Sharon and Abu Mazen to do everything in their power to stop the killing and pursue the path of negotiations. Instead, we have terrorist attacks, attempted assassinations, horrific retaliations and more

bloody reprisals. Last week's optimism has yielded to this week's despair.

I urge President Bush to make it clear to both sides that the United States will continue to insist on the terms agreed to at the Aqaba summit, an end to the violence, the dismantling of the illegal outposts and the resumption of security cooperation. Clearly, Abu Mazen must do much more to stop terrorism. But it is obvious that he cannot stop the murderous Palestinian extremists without help from Israel. And Israel will never succeed in vanquishing terrorism through military force and continued occupation. A political solution is the only answer.

The road map to peace has hit a tremendous obstacle. But we have no choice but to persevere. If this initiative is destroyed, Israelis and Palestinians may be doomed to a life of violence and suffering forever. Such a fate is not what these two peoples deserve, and it is surely not what America can afford.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 1800

## RUBBER-STAMPING TAX LEGISLATION

The SPEAKER pro tempore (Mr. FEENEY). Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, tomorrow we are going to have another session of the rubber stamp Congress. There is an old song by Tennessee Ernie Ford that goes, ''You load 16 tons, and what do you get? Another day older and deeper in debt.''

This Congress at a Committee on Rules meeting tonight, the Committee on Ways and Means chairman did not even show up. The bill was all greased. We are going to pass $80 billion more of debt out of here tomorrow.

Now, the Democrats offered a bill that would have cost $3.5 billion to take care of those people earning between $10,500 and $26,500.

When the Republicans got this bill, they said, Oh, boy: Let's go, and so they have crammed everything in it that President Bush wants. They are going to come down here, and we will have about an hour's debate, half an hour on the Democratic side, half an hour on the Republican side; and they will stamp that baby and out she goes. That is how this Congress is operating. Not one single hearing will have occurred on this bill, not one single hearing. $80 billion in a half-hour.

Think about it. That is why my colleague, the gentleman from Mississippi (Mr. TAYLOR), came out here, to show the almost—$1 trillion in debt that has been accumulated over the last 2 years under this administration. Well, tomorrow we are going to add another layer of frosting on the cake, and everybody will come with their stamp in their hand and do it.

Now, we also had a discussion here with one of the gentlemen from Georgia who said next week we are going to deal with the issue of Medicare. There has been no bill put in the Congress for the single largest program in the Congress that the government runs, and that is the Medicare program. The Committee on Ways and Means that I sit on has had not a single hearing on the proposal that is being brought in here. It is being greased somewhere to take up to the Committee on Rules and run down here on the floor, and, in a couple of hours, everybody will bring their stamp out and go, Boom, I approve of everything George Bush does.

That is what this Congress is about, approving whatever George Bush does. Nothing else. There is no thinking going on in here. They just wait for their orders from the White House, go up to the Committee on Rules, slap the bill together, bring it to the floor, and stamp it ''approved.''

Now, that is no way for the United States Congress to operate. We were made in the first section of the Constitution because the founders of this country believed that the Congress was where the basis of our government should derive, that there should be discussion among the 535 Members of both bodies as to what is going to happen in this country.

But this time we are in a one-party government. It is a parliament with a fixed-end, and this party is President Bush, the Senate and the House; and they run them down here and run them through and stamp them, and that is the end of it.

Now, there is a serious problem in that kind of government, because it makes it very partisan. I was told that the Medicare bill is written, but that you have to ask the chairman to go up to a room and sit there and read it in the room. You cannot take it out; you cannot take it to your office. I am a Member of Congress. I was elected by 690,000 people, and so was every other Member. But I am not allowed to read the bill until the day they drop it up here in the committee and ram it through the House in 24 hours.

People I go home to, they say, What is in the bill, Jim? What does this do, what does that do?

I do not know. And it is not because I will not read or I am not smart or I will not work or I will not do what has to be done, but this is the way this place is being run. People are not being given a chance to discuss this.

We have got an even bigger issue, and that is the whole issue of how we got into war. Everywhere in Great Britain right now the belief is that Tony Blair is toast. The liberals are calling for an inquiry. And this House will not do it, because the Republicans have rubberstamped what we did, ''I approve of Mr. Bush.''

## SHORTCHANGING VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. RYAN) is recognized for 5 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I am a new Member of this body, I was just sworn in in January, and as a new Member there is a certain awe to this Chamber, a certain awe to the legislative process and the idea of priorities. You come into this body with the notion of certain priorities that are not Democratic, they are not Republican but they are priorities of the American people.

Unfortunately, it did not take very long for me to recognize that we all do not share the same priorities. We can talk about tax cuts, and we can talk about deficits, and we can talk about our debt; but you just do not have tax cuts without some reaction somewhere down the line in the budget, and I wanted to speak tonight to share with the American people and share with my colleagues my own personal experience that I had over the last few weeks, really since Memorial Day, back in my district, which is northeastern Ohio, Youngstown and Akron, Ohio, and everywhere in between, the cities of Niles and Warren, where there is a strong concentration of veterans.

The reason I rise tonight is to share for the record the feelings, the emotions of the people back in my district. Let me just say, quite frankly, that they are tired of the public relations gimmicks, they are tired of the press conferences, they are tired of the salutations to the veterans. Meanwhile, back at the ranch, their budgets are being cut for the veterans, we are not able to service all the veterans that are beginning to move into the VA system, and we are spending our tax money, and borrowing more money, to give back, when we are cutting short what the veterans deserve.

About 3 months ago or so we passed a resolution out of this body saying that we have unequivocal support and appreciation for our troops. Unequivocal. But for the veterans, we are going to cut your budget.

We just had a Committee on Veterans Affairs meeting. I have been fortunate to serve on the Committee on Veterans Affairs. Here are the President's recommendations to save money at the VA: first, annual fees for some Category 7 veterans; annual fees for all Category 8 veterans; the co-pay went from just a couple of dollars to $7 for prescription drugs, and now it is going to go, I believe the proposal is, from $7 to $15.

Mr. Speaker, I think in this country we are beginning to recognize that the leadership down here is not addressing the problems of our veterans. We are not taking care of those people who we sent to hell, where they lost limbs, had their health damaged for the rest of their lives. And now one proposal is to say if your disability is service-related under 30 percent, that we are no longer going to cover you.

Where are the priorities in this Chamber, where are the priorities in this country, when we stop respecting our veterans? That is the question that we have, that is the question that the American people want answered, and that is what the veterans in the 17th Congressional District want answered. When did we stop respecting our soldiers?

We pass resolutions, we thank, we do press conferences, we turn the PR machines on; but meanwhile, we have veterans that we have not taken care of. The ones I can speak of in northeast Ohio are extremely upset. We talk about tax cuts; but as Tom Friedman talked about today in The New York Times, the reality is, it is service cuts, and, unfortunately, in America we have shown that the priorities are not the veterans.

I had an old law school professor that said follow the money and you will follow the priorities. The money is being cut from the veterans, and that shows us that the priorities here in this body and in this country are not for the veterans, but they are for those people who are going to be getting the big tax cuts. It is not a Democrat or Republican thing, and we are all for tax cuts, we all want to give money back, but not at the expense of the veterans who have fought to give us the freedoms that we enjoy today.

## BEING FAIR TO VETERANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Florida (Mr. MILLER) is recognized for 60 minutes as the designee of the majority leader.

Mr. MILLER of Florida. Mr. Speaker, I was hoping that my colleague would remain in the Chamber for the next hour while we talk a little bit about exactly what the Committee on Veterans Affairs has done and the discussion of the cuts that are being made to the veterans budget. We will get into that a little bit later. But tonight I want to talk about something called SBP, and we will discuss it in great length. But I want to introduce you to somebody first. Her name is Dottie Welch.

Dottie's story goes something like this: When Lt. Colonel Roger Welch of the United States Army retired and signed up for the military survivor benefit plan, better known now as SBP, years ago, he was told that in the event of his death, SBP would pay his wife, Dottie, 55 percent of his retirement pay for the rest of her life.

When he signed an irrevocable agreement to pay annually-increasing SBP premiums for the rest of his life, he did not know that his wife's future SBP benefit actually would be one-third less than what they were led to believe.

When Roger died in June of 2002, Dottie was dismayed to learn that there would be an offset, an offset based on her husband's Social Security-covered military earnings, that would reduce her benefits. With Social Security survivor benefits and the reduced SBP annuity, her total income is $384 a month less than she and Roger thought she would have to live on.

Dottie thinks the Social Security offset is just plain wrong. No one will tell her why it is there and why it is so large. Her husband, Roger, only had 5 years of military service covered by Social Security.

Dottie Welch's case highlights one significant inequity of the military SBP and the reason why so many retirees and survivors are upset about its current situation.

Unfortunately, this is only the first of several ways that Uniform Service Survivor Benefits relative to premiums being paid fall far short of what retirees and survivors were promised and what is afforded survivors of other Federal retirees.

There are three major SBP inequities. But before I go into those inequities tonight, I would like to pause for a moment and recognize my good friend from South Carolina (Mr. WILSON), who has been a stalwart supporter of the veterans of this country.

I yield to the gentleman.

Mr. WILSON of South Carolina. Mr. Speaker, it is an honor to be here tonight to join my friend, the gentleman from Florida (Mr. MILLER), who has authored H.R. 548, the Military Survivors Benefit Improvement Act of 2003. The gentleman is a champion of veterans and veterans' spouses because his Pensacola community has some of the highest concentrations of veterans in America. I am particularly happy to see his efforts, because I am a veteran myself.

Under the current plan, thousands of retirees and spouses who enrolled in the original survivors benefit plan have come to receive approximately 23 percent less coverage than they had initially anticipated. Since its inception, the government's cost share has steadily dwindled from 40 percent to 17 percent. It is our intention to revise the plan in order to reinstate the original coverage offered by the 1972 version of the survivor benefits plan.

□ 1815

I believe there is no better way to convey the importance of this legislative revision than to examine the hardships felt by a South Carolina family who put their trust and their money in the original version of the 1972 survivors benefit plan.

Donna Fleming of Mt. Pleasant in Charleston County, South Carolina, became a widow in 1998. Her husband had served in the United States Army and upon retirement had sought the benefits of SBP. Like many Americans enrolled in the plan, the couple was unaware of the age 62 offset benefit reduction provision, and were subsequently confronted with the news of the offset years later.

Donna's husband has since passed, and she has managed to meet her daily expenses through SBP, occasionally dipping into her savings for major bills. However, Donna will soon be 62, and still has not received notification as to the exact amount of the offset. She expects that it may be more than $6,000 a year, $500 a month. She then will be forced to draw from her savings more and more.

Mr. Speaker, this is not the intent of the original legislation. It is every family's fear that their loved ones may face financial hardship following their death, and in Donna's case, that fear has become reality. In her words, ''This country owes military families, for which they have dedicated their entire lives.''

Please join us in supporting H.R. 548, the Military Survivors Benefit Improvement Act of 2003. Join us in restoring justice for those enrolled in this plan for our Nation's military personnel, their devoted spouses, and their loving families.

Mr. MILLER of Florida. Mr. Speaker, I thank my good friend, the gentleman from South Carolina (Mr. WILSON), for his comments and his support of veterans' issues. I also wish to add my congratulations and best wishes to him as he very soon becomes one of those retirees after serving many years in the Army Guard in his home State.

Mr. Speaker, there are three major SBP inequities. One is that thousands of people who bought SBP coverage were not briefed that most survivors' SBP annuities would be reduced substantially after age 62; two, the 40 percent government subsidy envisioned by Congress and touted by the services to encourage retirees' participation has plunged to 17 percent; three, the government provides Federal civilian survivors a substantially higher share of retired pay for life with no benefit reduction at any age.

The impact of these inequities is, as Members can imagine, devastating to many survivors, because SBP is not exactly a king's ransom at 55 percent of retired pay. At 35 percent, SBP provides only a poverty level or lower annuity for most survivors, even those of relatively senior officers.

So I am here tonight to provide more specifics on how the military SBP program is not providing, is not providing the level of protection military survivors need and deserve and were expecting; and why my bill, H.R. 548, the Military Survivors Benefit Improvement Act of 2003, is what is needed now to fix the current problem.

The first issue that we need to discuss tonight is something that I call the benefit reduction shock. It is incredulous to many that such an important feature of SBP, the reduced age 62 annuity that applies to the vast majority of military survivors, was never explained to retirees being asked to sign up for the program in the seventies and in the early eighties, but it is true.

I have in my hand a copy of the actual SBP Election Form 5002 signed by a retired member in 1982 in two different places. It specifies that SBP will

pay the survivor 55 percent of the member's retired pay. Nowhere, even in the fine print, does it mention any lower figure. We can only speculate about how or why this key fact was omitted, but it hardly matters now to those who were misled by the forms and by the briefings.

Certainly, the offset was extremely complicated for retirement counselors to explain, and it was almost impossible to tell any particular retiree at that point what SBP amount his or her survivor would actually receive after attaining the age of 62.

For members who attained retirement eligibility before 1985, the offset represented the amount of the survivors' Social Security benefit that was attributable to the Member's Social Security-covered military earnings, because the military only came under the Social Security system in 1957, and that amount varied widely for different retirees, and the rules for the calculation of Social Security benefits due to military versus civilian employment are arcane at best.

When they first learned of the age 62 benefit reduction, years, sometimes decades, after they purchased SBP, many older retirees and survivors expressed outrage in the mistaken belief that Congress had changed the law on them after the fact.

Not so. The age 62 reduction was part of the initial SBP law enacted in 1972, but this critical piece of information did not find its way into most military retirement briefings and SBP election forms until many years later after complaints, years after complaints started to roll in.

Large numbers of retirees and survivors feel betrayed by what they perceive as a bait-and-switch under which they were asked to sign irrevocable contracts to pay lifetime SBP premiums without being told what the annuity level they were actually buying was.

Dottie Welch is far from the only spouse who is very much aware of the impact of the Social Security offset. One survivor's husband was a Navy hard-hat diver during World War II, then an electronics technician on a nuclear submarine until his retirement in 1966. When he died in May of 2002, his widow had no idea she would be hit by the offset. ''I was shocked. I almost fell out of the chair, and wondered why God hadn't taken me too,'' she says today.

In the grief that followed her husband's death, this 78-year-old widow also faced numerous family bills and health problems. When her SBP annuity started, she was stunned to find out that it was one-third, one-third less than what she had expected. Now faced with $21,000 in bills, she was advised to declare bankruptcy, and feared she would lose her home trying to pay her debts. Her financial struggles eventually led her to the Navy-Marine Corps Relief Society for a grant to help her get back on her feet financially.

Not one member of our greatest American generation should find themselves under this kind of stress while getting over the death of their spouse and trying to do something with the large bills that were facing them.

In an attempt to reduce this kind of confusion, in 1985 Congress established a two-tier system, not linked to Social Security, that actually provides an SBP survivor 55 percent of retired pay until age 62, and 35 percent after that age. But making the age 62 reduction clear for the post-1985 retirees did not make it any fairer, and it did not change the fact that thousands upon thousands of earlier participants had not been told of the age 62 annuity reduction.

Also in 1985, Congress shocked the survivor community by repealing the 1984 legislation that would have barred any SBP Social Security offset for survivors who earned their Social Security benefits from their own work history rather than the military retiree's, as assumed under the original offset law. This only further highlighted the unfairness of the offset to thousands of widows who had pursued their own military or civilian careers.

Now, the second issue, another broken promise. When SBP was enacted in 1972, Congress set the premium formula in law with the intent that retirees' monthly premium payments would cover 60 percent, 60 percent of the long-term costs of the survivor benefits, with the government paying the remaining 40 percent. The formula was based on the program cost assumptions prepared by the Department of Defense actuaries concerning future inflation rates, pay raises, longevity of retirees, and survivors' longevity, et cetera.

But actual experience in later years proved the actuaries' original estimates had been far too conservative, as inflation was lower than predicted and retirees lived and paid premiums longer than anticipated. Because retiree premiums were locked into law and covered a greater portion of the program costs than had been projected, the government reaped an economic windfall, and found its share of the cost for the SBP program was much lower than anticipated. By 1988, retiree premiums covered 77 percent of the SBP costs, and DOD's share had dropped to 23 percent.

To its credit, Congress acted in 1990 to restore the intended 60/40 balance by reducing retiree premiums to 6.5 percent of retired pay, but the over-conservative actuarial assumptions have continued to work against, work against retirees for the last decade, with the result that the Federal subsidy for SBP has continued to decline. As of 2003, the government's share has dropped from 40 percent to 17 percent, leaving retirees once more paying a higher-than-intended share of the benefit.

The only fair way to restore the proper cost balance between the retirees and the government is to reduce the premium, or increase the SBP benefit. The former benefits primarily retirees, while the latter benefits the survivors. Since retiree premiums were reduced to restore the 60/40 balance in 1990, Congress should restore the government's intended 40 percent cost share by raising the benefit for survivors. My bill does exactly that.

Now, the third issue. It is the military-civilian inequity. No less compelling than the misleading of enrollees and the decline of the intended subsidy is the stunning disparity that exists between benefits and subsidy levels the government offers military versus Federal civilian survivors.

In contrast to the military SBP subsidy of, remember, 17 percent, currently, the SBP for Federal civilian employees under the post-1984 Federal Employee Retirement System provides a 33 percent subsidy. For those under the pre-1984 Civil Service Retirement System the subsidy is 48 percent, and at 48 percent, it is nearly three times as high as the military's.

Even more important, the Federal Employment Retirement System survivors receive 50 percent of retired pay, and the other survivors under the old Civil Service Retirement System receive 55 percent for life, with no benefit reduction, no benefit reduction, at age 62.

□ 1830

Although Federal civilian premiums are higher, military retirees pay SBP premiums for a far longer period of time than do most civilians because they are required to retire at a younger age. Because their mortality rates are not much different, this means that Federal civilian retirees have a far more advantageous benefit-to-premium ratio, as indicated on these charts.

Now, military retirees particularly pay SBP premiums about twice as long, twice as long as Federal civilians because they retire at younger ages, but their spouses' longevity is about the same. So military SBP enrollees see a lower return and a much lower government subsidy.

Remember Dottie? My bill is the needed fix for the three major inequities of the Survivor Benefit Plan. We must keep faith with the older retirees and with the survivors. We must restore the intended 40 percent Federal subsidy, and we must put SBP on an equal footing with its Federal civilian equivalent.

The Military Survivors Benefit Improvement Act of 2003, my bill, accomplishes these three things. For these reasons, the 33 military and veterans associations of the military coalition have endorsed my bill and have made its passage one of their top priorities in the 108th Congress.

H.R. 548 will balance equity and will balance cost considerations by phasing out the SBP age 62 benefit reduction over the next 5 years. And upon enactment, the age 62 benefit increase phase-in will begin at 40 percent on October 1 of 2004 and continually annually each year after through the year of 2007

until the benefits are restored to a full 55 percent as was the desire of Congress.

In order to offset part of the costs of the benefit increase, H.R. 548 authorizes an open season provision in the legislation that would allow more retirees to participate, generating SBP program savings, and significantly reducing the outlays.

Now, Congress has already acknowledged the need for this particular piece of legislation. The fiscal year 2001 Defense Authorization Act included a provision asserting the sense of Congress that there should be enacted legislation to reduce and eventually eliminate the different levels of SBP annuity for surviving spouses who are under age 62 and those who are 62 and older. But we have failed to follow through on that commitment for the last 2 years. It is time for us to fix this problem. Military widows and widowers have waited long enough in their fight for fairness. Now is the time for Congress to step up and enact relief for the aging survivors of our greatest generation. World War II and Korean War retirees, and the following generations of retirees and survivors, deserve no less than the SBP deal they were promised and the one the government already provides for other Federal survivors.

Now, a quick time line of H.R. 548. It was introduced on February 5 of 2003. And upon introduction, we had 118 bipartisan co-sponsors. That is 27 percent of the entire House of Representatives. On that day it was referred to the Committee on Armed Services. On February 28 of 2003, it was referred to the Total Force subcommittee, and on the same date executive comment was requested from DOD. Now, over 3 months later I urged DOD to act on this request.

On March 7 of 2003, a letter was sent to the gentleman from Iowa (Chairman Nussle) and the ranking member, the gentleman from South Carolina (Mr. SPRATT), of the House Committee on the Budget urging support to include budget authority in fiscal year 2004 in our budget resolution. On the letter there were 36 bipartisan co-signers, including numerous members of the Committee on the Budget, the Committee on Armed Services, and the Committee on Veterans Affairs. Today this bill has 268 bipartisan co-sponsors. That equates to 62 percent of this House.

All Americans should urge their Representatives to co-sponsor H.R. 548 and their Senators to co-sponsor Senate bill 451, introduced by Senator OLYMPIA SNOWE of Maine.

Again, who supports H.R. 548? The number one legislative priority of the Military Officers Association of America and the 108th Congress. Additionally, the bill is strongly endorsed by the Military Coalition, a consortium of 33 nationally prominent military and veterans organizations representing more than 5.5 million members of uniformed services, active, reserved, retired, survivors, veterans and their families; and there are many, many others that have sent letters of support for this bill.

There are others that are tracking similar legislation in this body. I would note tonight that H.R. 1726, the Military Surviving Spouses Equity Act, sponsored by the gentleman from South Carolina (Mr. BROWN), repeals the offset from surviving spouse annuities under the military Survivor Benefit Plan for amounts paid by the Secretary of Veterans Affair as dependency and indemnity compensation, or DIC. It provides for the recoupment of certain amounts previously paid SBP recipients in the form of retired pay refund. It was filed on April 10 of 2003. It has been referred to the Committee on Armed Services. It has 24 co-sponsors. And I want to commend my colleague, the gentleman from South Carolina (Mr. BROWN), for his efforts to restore equity to this aspect of SBP; and I am proud to be an original co-sponsor of this legislation.

H.R. 1653, sponsored by the gentleman from New Jersey (Mr. SAXTON), would change the effective date for the paid-up coverage under the military Survivor Benefit Plan from October 1 of 2008 to October 1 of 2003. It has 25 co-sponsors, and I am an original co-sponsor of this particular bill. It was filed on April 7, and it too has been referred to the House Committee on Armed Services.

A third piece of legislation, H.R. 1592, the Military Survivors Equity Act. It has been sponsored by my colleague, the gentleman from California (Mr. FILNER), and it would repeal the two-tier annuity computation system applicable to annuities under the SBP plan for retired members of the Armed Forces so that there would be no reduction in such an annuity when the beneficiary becomes 62 years of age. It was filed on April 3 of this year, referred to the Committee on Armed Services; and it has 5 co-sponsors as this time. Both the Filner bill and my bill fulfill the 2001 sense of Congress resolution to reduce and eventually eliminate this SBP reduction. Again, both these bills go a long way to fulfilling the sense of Congress and that resolution to reduce and eventually eliminate this SBP reduction.

Let me talk a little bit about the VA budget for 2004. Our service men and women who continue to fight for our freedom and security around the world must know that Americans are united in their support for them and for their safe return. We in Congress, along with President Bush, support not only the troops in the field but also the scores of veterans who have already given so much to this country.

Unfortunately, there have been false reports, false reports circulating that Congress is actually cutting veterans benefits. Here are the facts of the congressional budget for fiscal year 2004 relating to veterans spending. This budget will allow us to fully meet our commitments to more than 2.6 million disabled veterans and widows who rely on VA benefit checks every month. It calls for $33.8 billion in mandatory spending. This is the highest spending ever in this area. It also calls for $30 billion, a 12.9 percent increase in discretionary spending. Nearly 90 percent of this funding is for veterans' medical care. These are the indisputable facts of this year's Federal budget for veterans.

House Members, particularly the Republicans, along with President Bush, are committed to ensuring that those who have served their country with pride, with valor and dignity receive the best of America's appreciation. Any suggestion otherwise is simply untrue, is not supported by the facts.

During January, I had the opportunity to visit with some of our men and women in uniform stationed in Germany, Italy, and France. And I was struck by their professionalism and commitment to their assigned duties. They were proud to serve. It is just as simple as that.

Two weeks ago, I visited North Korea where freedom is nowhere to be found and democratic thought is oppressed. We are truly blessed to live in a world of freedom and democracy and where life, liberty, and the pursuit of happiness are abundant and, I would submit, many times taken for granted.

Defense of the principles and values that we hold so dearly as a Nation leads our men and women into conflicts around the globe. Many return home after giving the ultimate sacrifice in defense of such values. But to those who do return, we can never say thanks enough.

Today, as we continue to rely on our Armed Forces in the war against terrorism, we look to our veterans for their example of courage and sacrifice. It is their selfless service that has made our Nation strong and our world a better place. America's veterans deserve our respect, our deepest respect, and enduring appreciation, as do their spouses who choose to marry members of our armed services and to share with them all the joys and sacrifices of their active duty careers.

The Survivor Benefit Plan is not to military spouses what Congress had intended or what enrollees were promised. The program is not providing the level of protection military survivors need and deserve.

Retirees and survivors deserve no less in the SBP deal than they were promised. This Congress needs to step up and deliver what the aging survivors of our greatest generation retirees were promised. And we need to provide at the proper level the protection necessary for future generations of retirees. Congress must act to fix this problem now.

Mr. FILNER. Mr. Speaker and colleagues, I rise today to speak about a military widow in my Congressional District who has written to me about her Military Survivor Benefits Plan, known as SBP.

She writes: ''My husband, who served in the Army for 20 years, died in July, 1995. I was then 61 years old. I was doing okay, paying my monthly bills and having enough left for groceries, but when I turned 62, I was notified my SBP was reduced from $476 to $302. What a shock! This was my grocery money they took from me. I hope that nobody else has to go through what I have. I cry every day and night. Not only have I lost my husband, I lost my money, my pride, my dignity.'' These words from the widow of one of our nation's veterans should be seared into the mind of every member of Congress.

Tomorrow, along with a number of my colleagues, I will be signing a discharge petition for H.R. 303, a bill to provide what is known as concurrent receipt to our disabled military retirees. If this law is passed, these retirees would be able to receive both their military retired pay, which they earned, and their VA disability compensation, which they deserve! As you know, both the House and the Senate passed concurrent receipt during the last session of Congress—and only in the Conference, was it diluted to almost nothing. We are again fighting to correct this grave injustice.

I am here today to state that there is another equally deserving group that we must include in this fight—the widows of our military retirees! Not only are many of our military retirees being denied their rightful benefits while they are alive, their spouses are being denied their rightful benefits upon their death.

The law to reduce the benefits received by military retired widows when they turn 65 is misleading and unfair. It is time to change this law! Most of these military widows are living on small incomes, but even people with substantial incomes would have a tough time coping with a reduction from 55 percent of their retirement benefits to 35 percent.

My bill, H.R. 1592, the Military Survivors Equity Act, would immediately eliminate this callous and absurd reduction in benefits that now burdens our military widows. My colleague form Florida, Mr. MILLER, has introduced H.R. 548, a bill that would increase the post-62 SBP annuity so that it reaches 55 percent of the military retired pay by 2007. Both bills fulfill the 2001 ''sense of Congress'' resolution to reduce and eventually eliminate this SBP reduction. The passage of this legislation is a top priority for the Military Officers Association of America, and the Veterans of Foreign Wars has also voiced their support for these bills. The Democratic Salute to Veterans and the Armed Forces legislative package, recently released, also calls for an end to this unfair reduction of benefits.

I encourage members from both sides of the aisle to work with Congressman MILLER and me to stop the pain and anguish we are causing our military widows and to show respect for the tremendous sacrifices made by our veterans and their families. We must pass this legislation to make this the compassionate and effective Survivors Benefits Plan it should be.

## GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order.

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

There was no objection.

## SUPPORTING HEAD START

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentlewoman from California (Ms. WATERS) is recognized for 60 minutes as the designee of the minority leader.

Ms. WATERS. Mr. Speaker, I rise this evening to talk about a most important successful program that young children have been able to participate in from very needy communities for a long time now. But first I would like to thank the chairman of the Congressional Black Caucus for organizing this Special Order this evening.

Mr. Speaker, I rise in strong support of the Head Start programs, and I would urge all of my colleagues to oppose the radical changes that are being proposed by the Bush administration.

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I have taken time out this evening to be here with whatever colleagues will join me to talk about this program because it is a program that I love. I love the Head Start program. I love this program because I got involved with the Head Start program early on. I got involved at the inception of the Head Start program under the war on poverty. The country was very excited about the fact that under the war on poverty there was going to be this program, an early childhood education program, for people in poor communities and working communities that had not been able to send their young children to preschool programs.

At one time in this country, preschool programs were only available to people with money, to the wealthy, to people who were earning good incomes, but Head Start was envisioned under the war on poverty as a program that could help children in poor communities and working communities get a jump, get a head start so that they would be prepared for kindergarten. They would be prepared for school and education.

The researchers and the educators that came up with this idea understood that for young people to be successful or more successful in school, if they had this preschool experience, it would not only prepare them for reading and learning, but it would also build other kinds of qualities. Building self-esteem was an important idea of the Head Start program.

I went to work for Head Start as an assistant teacher. I went into the Head Start program, and little did I know that Head Start was not simply to be a place of employment for me, it changed my life. In Head Start, not only did I learn how to work with young people, to build self-esteem, I later became the supervisor of parent involvement and volunteer services where I worked with families, with mothers and fathers and grandparents, bringing them into the Head Start program and helping them to understand that they certainly could be in control of their children's destiny.

Head Start was a program that not only dealt with early childhood education, a preschool experience for young people, but it was a program that helped to deal with parenting and helping parents to understand how they could, in fact, get more involved and give more support to their children.

Also, this program spread out into the community, and it helped parents to understand how not only they could be involved with their children's early childhood education, but they could be involved in the community and helping the community to understand how to be supportive of education, interacting with the school boards and with other educators, talking about their children's experiences and what was going on in the homes and helping educators to be more in tune with how they could better give young people a head start.

Head Start is very special because it takes into consideration the whole child. This program understood early on that if we are to be successful with our young people in education, we must give them every advantage and every opportunity to learn. Before Head Start, children were going to school. They could not hear well, could not see well, had learning disabilities, had never had a physical examination, had never had an examination to determine some of the problems that were so obvious when one interacted with these young people.

When we opened Head Start, we brought in the families and the children, and they had full physical examinations. They had an opportunity to talk with counselors. If psychiatrists were needed, they had that, also. So we discovered that there certainly were learning disabilities; dyslexia, and other kinds of problems were discovered and they were worked on.

Health care opportunities and preventive care was available to these parents for the first time. So we were able to attend to these health needs so that the children could certainly be prepared for learning, and that is what happened in the Head Start program.

The Head Start program not only dealt with the health care needs and preventive health care for families, it helped families to understand how they could build self-esteem. We learned a lot about self-esteem and how parents and families could be involved in building that self-esteem. We talked to parents how to place the work of their children on their walls at home, the paintings and the drawings and all of those things that children felt proud about, but oftentimes parents and families did not know how important it was. We taught them how to display the work of their children, but we also taught them how to take materials in

their homes and materials from in the environment, in the neighborhood, from the trees and from the shrubbery, and use them as art tools and how there could be art projects and children could learn to use the various skills that they had that they had not discovered.

Head Start not only took care of the health care needs, expanded the learning for parents to help them to build self-esteem with their children, Head Start went further than that. The Head Start program opened up opportunities in the classroom where children were introduced to books for the first time. Children in Head Start are taught to love books. They are taught that you never tear up a book; that you never throw a book around; that you take care of the books, that they are very important; and that one of the first steps in learning is to introduce kids to books and tell them how important it is, get them to respect the books and want to know what is in the books. Head Start opened up all of these opportunities to prepare children in that classroom for going into the public schools.

Mr. Speaker, Head Start has proven to be successful. When Head Start children first went to kindergarten, the teachers wanted to know who are these children and why are they so prepared. Head Start children went into the classrooms for the first time asking questions and participating. This program has worked. Someone has said, it was not me, if it is not broken, what are you doing trying to fix it?

Head Start does not need to be fixed. Head Start is a good, solid, sound program of early childhood education that brings in the parents and the community, and this idea of this administration to block grant the Head Start, throw it into the States, is an idea that we have to resist. We resisted the part of the first idea of this administration that wanted to take it out of Health and Human Services and place it into the Education Department.

We fought them back on that, but now they are intent on block granting the program to the States. I do not know about other States, but I know the State of California has a $38 billion deficit. We do not want to throw this program into a State that could easily take funds from Head Start to help make up for the lack of funds in other areas. We know what happens when we block grant programs. We give the States the opportunity to do what they want to do with the money, and so we are opposing that. We are strenuously opposing block granting this program.

For those of us who have had the experience of working in the Head Start program, of working with parents in the Head Start program, for visiting the Head Start programs, interacting with the children, the families and the teachers, we say no to the Bush administration, you cannot have Head Start. We will not let you undermine this program with these ideas that you have about throwing it into the States and giving it to the States under a block grant.

With that, I am going to yield to the gentleman from New Jersey (Mr. PAYNE) to share his thoughts on Head Start.

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

Mr. PAYNE. Mr. Speaker, let me thank the gentlewoman from California for framing the argument. I think she did an excellent job, the gentlewoman from California (Ms. WATERS), a person who helped organize Head Start parents and who for many years has held the importance of children as our most valuable possessions and has seen the success of this program, as have all of us, and that is why we stand here this evening, the Congressional Black Caucus, with our chairman the gentleman from Maryland (Mr. CUMMINGS), to discuss this question of Head Start.

I commend our chairman for organizing these Special Orders on issues that impact on the poorest of our people, the people with no voice, people in Appalachia and delta regions and in urban centers that are not represented by lobbyists, and so we are their voice. We are their spokesperson. We speak for those who have no voice, and so I am proud to say that Head Start should not be tampered with.

In 1964, President Lyndon Johnson gave his State of the Union address before Congress and our Nation with an announcement to declare war on poverty. This was a great declaration which caught the imagination of our Nation. In his declaration, he believed for the first time in history that poverty could be eradicated and offered his proposal, the Economic Opportunity Act, EOA, of 1964. Despite opposition that believed poverty was on the decline from the highs of the Great Depression, Johnson was undaunted.

He declared, ''The Act does not merely expand old programs or improve what is already being done. It charts a new course. It strikes at the causes, not just at the consequences of poverty,'' and that is where the Head Start program is so important. It strikes at the causes of poverty to deal with poverty elimination in this country. ''It can be a milestone in our 180-year search for a better life for our people,'' said Lyndon Baines Johnson.

After the bill was signed into law that very year, the Office of Economic Opportunity was created to fulfill its mission. At the same time, a pediatrician by the name of Dr. Robert Cooke was asked to head a new office to lead a steering committee of specialists in all fields to discuss what should be done for young people to bring them out of poverty and to assist them in their early lives. Their recommendations, known as the Cooke Memorandum, outlined what we now know today as the Head Start program.

Launched as an 8-week summer program, Head Start was designed to help break the cycle of poverty by providing preschool children of low-income families with a comprehensive program to meet their emotional, social, health, nutritional and psychological needs. That is why this program is so important. Head Start is to break the cycle of poverty because it deals with emotional, social, health, nutrition and psychological needs.

Since its inception, Head Start has served over 20 million children. Today, it is a full-day, full-year program providing preschool children of low-income families, working families, with a comprehensive program to meet their emotional, social, health, nutritional and parental support. Head Start focuses on the whole child, extends to recognizing the importance of strengthening the family, not necessarily the institution but the family.

Throughout its inception, Head Start has included parents. Parents sit on committees to select teachers. They help with the curriculum, this is the participation, and parents learn through this program. Head Start has included parents in both their child's education and in their membership to the Head Start Policy Council, which serves as a vital link between the community and public and private agencies.

Parental involvement is a critical and integral part of this program. Economically disadvantaged families are no longer seen as passive recipients of service but, rather, as active, respected participants and decision-makers, and many of them have moved on to complete their education, and they have become leaders, and they have become elected officials, and they have become stalwarts in their community. That is why Head Start is so good because it takes the total family.

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Today we stand here to support our Head Start program, and oppose H.R. 2210, a bill which will dismantle the program as we know, hurting the very ones we should be helping, our Nation's children. If the bill were enacted today, it would mean changing the current Federal to local partnerships to a State optional plan. As indicated by the gentlewoman from California (Ms. WATERS), a State optional plan is another way of saying block grants.

The Federal Government would give States the authority to create their own preschool programs without the same performance standards as Head Start and without additional funding. Nationwide, States' commitment to preschool is $2 billion. It is much less than the Federal contribution of over $6 billion. In light of the $38 billion shortfall in the State budget in California, $5 billion in New Jersey, in excess of $70 billion in shortfalls in State budgets across the Nation, we cannot leave the fate of our children in the hands of States struggling to meet their other needs.

The impetus of this bill, the administration's Head Start proposal, states a

need to better coordinate preschool programs in the States. But Head Start already coordinates with child care and prekindergarten programs. According to research done by the Center for Law and Social Policy, many Head Start agencies have formal agreements with school districts around the country to coordinate transitional services for children and families. Coordinating will not help the fact that Head Start is severely underfunded. You can coordinate all you want; you cannot get more with a limited amount of funds. So the problem is not coordination; it is the lack of funding.

There are a half million children in the country that are eligible to attend Head Start today. That is three out of five children, and they are not all being covered today.

In conclusion, I have offered a resolution, H. Res. 238, a resolution expressing support for the Head Start program which has had a positive impact on the lives of millions of children nationwide. The resolution not only recognizes the contribution of Head Start; it also supports maintaining its current designation at the Department of Health and Human Services. With the average child care cost in New Jersey at over $5,000 a year, thousands of children across my State and others would not have access to an exceptional program that has them ready to learn by the time they enter kindergarten if Head Start were not there to serve them. Terms of such State options and coordination will mean a shortfall and this 38-year program does not need to have this fate. We need to move towards full funding of Head Start, furthering the quality of this program, preserving the focus of comprehensive services to children and their families. We need to support Head Start as it is today.

Ms. WATERS. Mr. Speaker, I thank the gentleman from New Jersey for that brilliant presentation on Head Start, and I yield to the gentleman from Maryland (Mr. CUMMINGS) for this important discussion on the floor, the esteemed chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman from California (Ms. WATERS) for her passion on this issue and so many other issues.

Just the other day, the gentlewoman stood in the meeting of the Congressional Black Caucus and poured her heart out with regard to her concerns for our children. I think everybody in the room could feel that passion.

One of the things that I think hit us real hard was we all realize, and I know the gentlewoman from California (Ms. WATERS), who has been standing up for these kinds of issues over and over again, time after time, we all realize that our children are the living messages we send to a future we will never see. So tonight the Congressional Black Caucus joins together, and I want to thank all members of the caucus. We come to stand up for our children. As the gentleman from New Jersey (Mr. PAYNE) said, they are not just children that may be found in South Baltimore or West Baltimore, but they are the children that will be found in Appalachia and poor regions throughout our country; and when I say poor, I mean economically poor.

Since 1964, Head Start has given nearly 19 million American children the educational, nutritional health, and related services that are essential to early childhood development. The ongoing Family and Child Experiences Survey has consistently documented the success of this national partnership for America's future. If Head Start did not exist, we would have to invent it. This year the survey again reported that teachers in Head Start centers are effectively preparing our children for school.

I note this fact because some critics would have us believe otherwise. Throughout this country, Head Start is a bridge to the future being constructed by local communities with help from their national government; and that is what we should be all about, communities coming to the aid of their children, those children that come from their womb and whose blood is running through those children's veins, trying to lift them up so they can be all that God meant for them to be. That is what the national Family and Child Experiences Survey tells us. I can validate the survey's conclusion because Head Start funding is making an important and positive difference in the lives of more than 10,000 Maryland children this year.

Many of these children live in my hometown of Baltimore. Some attend a wonderful Head Start program at Union Baptist Church just down the street from my home. Every time I pass that Head Start center, I feel a warmth and I see a beacon of light in a very, very depressed area. When I visit these children and their teachers and parents in Head Start programs throughout the Baltimore area, I am reminded of the fact that they are looking at our children and seeing all of the wonderful things that are within. And these teachers are just like a sculptor who looks into a piece of wood and sees a wonderful, wonderful piece of art and understands that he has to use his tools to carve and bring out that piece of art. It is the same thing with our wonderful and very dedicated Head Start teachers.

I am deeply gratified that this year more than $76 million in Head Start funding will give Maryland children a head start in life. It is a moral and practical investment in our future.

Nationally, we know that every dollar we spend on Head Start saves taxpayers between $4 and $7 down the road. For all the good that Head Start is doing, however, we must not lose sight of the fact that Head Start could be doing so much more if the program were adequately funded.

This is what the gentlewoman from California (Ms. WATERS) has been talking about over and over again. Today Head Start only serves approximately 60 percent of the children who are eligible. Funding was raised to almost $6.7 billion for fiscal year 2003; and for fiscal year 2004, the administration has proposed another small increase to just under $6.8 billion.

These small increases in funding that we have achieved in recent years represent positive and important steps forward. Nevertheless, as we consider reauthorization this year, we should step up to the plate and finally give Head Start the funding that would allow every eligible child to participate. We should guarantee a head start in life to every American child who needs our help.

The Nation's teachers, through their National Education Association, stand full square behind this vision. I realize that extending a head start to every deserving child would be very expensive. But I say to Members that when I visit the jails in Baltimore and I see our children in shackles and handcuffs and I look at their reading levels and the average reading level is less than a fifth-grade reading level, that tells me something.

So we must ask the question is it better to pay later when our children are locked up and not achieving the things that they should be achieving, or is it better to invest in them when they are growing up in their formative years? The estimated cost would be an additional $29 billion over the next 5 years. Think about all this Nation would receive in return for additional investment in our future. We would be living in a country that made a meaningful commitment to truly leaving no child behind. We would be saving money in the long run because of reduced costs for special education, social services, teen pregnancy, juvenile crime, and other problems down the road, a true head start for every American child. This is a vision that all Americans can support.

We have been working hard during my years of service in the House to make Head Start even better. We have set strong national standards for Head Start that complement the power of Head Start's local Federal partnerships. We have maintained our traditional emphasis on substantial parent involvement. We are succeeding.

That is why we should resist Republican efforts to transfer management of Head Start to the States. The bill proposed by my Republican colleagues with the supposed purpose of enhancing the schools' readiness of low-income and disadvantaged students is grossly misleading. The supposed demonstration project being proposed will block grant funding of Head Start to certain States. I maintain this will not enhance the school readiness of students, but is instead a thinly veiled attempt to weaken and dismantle this very powerful and significant Federal program.

When I think of the Republican proposal, a certain quote by Reverend Joseph Lowery comes to mind. Reverend Lowery once asked, ''Will America lose her soul for political chicanery? Would you give a balanced budget on the backs of the poor? Would you have welfare reform for the poor while the rich corporations continue to enjoy tax exemptions and subsidies? America, what would you give in exchange for your soul? Would you reduce school lunches for poor children in exchange for your soul?''

Well, Mr. Speaker, I would ask one more question in addition to those posed by my friend, Reverend Lowery. Tonight I ask America if she would dismantle one of a few Federal programs that gives poor children a hand-up in exchange for her soul. Facing crippling budgetary crises, the States should be concentrating on their traditional K–12 education role. Let us help the States succeed in K–12 education first before we consider turning early childhood education, nutrition, and all of the other services Head Start provides over to State governments.

Local leadership has always been the foundation of Head Start's success. Local leadership, high standards, and increased Federal support can assure every American child a head start in life. Our children are indeed our living message that we send to a future we will never see, and it is our duty in this Congress to assure that the living messages this generation sends to America's future are filled with competence, confidence, and hope.

Mr. Speaker, I thank the gentlewoman for her leadership.

Ms. WATERS. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for his passionate plea to our colleagues not to allow this program to be dismantled, and I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, first, I want to thank the gentlewoman from California (Ms. WATERS) for her leadership and really for her guidance based upon her remarkable experience with Head Start and for her passion and for her commitment to children who really otherwise would have very few opportunities to succeed.

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I also want to thank the gentleman from Maryland, chairman of the Congressional Black Caucus, who once again is demonstrating his enormous leadership by sounding the alarm in terms of this administration's assault on children.

We have come together tonight to talk about an issue really that is about our future. It is about the future of our children. So what else could really be more important? Head Start has been an enormously successful program since its inception in 1965 because it continues to offer comprehensive programs for children and families. Head Start has enabled these children to enter kindergarten on an equal footing with students who were really born into wealthier socioeconomic circumstances. Over the last four decades, Head Start nationwide has reached an unbelievable number of students. Since 1965, over 20 million children across the country have participated in Head Start programs. Last year alone, Head Start and Early Head Start programs worked with more than 900,000 children in 2,590 local programs. In my own hometown of Oakland, California, over 1,600 children are part of our area Head Start programs. But we are still not really reaching enough kids. On any particular day, 300 to 400 children are on a waiting list for the Oakland Head Start centers. In fact, all 30 centers have children on a waiting list, meaning that all areas are being affected; 300 to 400 children, as I said, are far too many to have to begin school already behind. In fact, one child on a waiting list is really one too many, one too many in terms of a young person not afforded access to early participation in such an enormously successful program.

Yet again the Bush administration is dismantling another excellent domestic program by trying to reduce the effectiveness, and that is what this is going to do, reduce the effectiveness of Head Start. They are trying to radically change what has really been a radically effective program. President Bush's plan to reform Head Start would systematically, basically, and probably will really gut Head Start. For instance, the President has called for moving Head Start from the Department of Health and Human Services to the Department of Education. The administration wants to move Head Start from HHS because they believe preschoolers should be judged solely by academic standards. President Bush wants to begin a national reporting system of literacy testing, mind you, literacy testing for our 4-year-olds. How ridiculous and how sinister this is.

Administrators in the city of Oakland's Head Start program tell me that moving Head Start to the Department of Education will mean the end of all of the support services and the component services that make Head Start so successful. When parents and children in Oakland and throughout my own congressional district heard of this proposal a couple of months ago, several hundred people participated. These were men, women and children, families, participated in a rally, all of them saying in no uncertain terms, ''If it ain't broke, don't fix it.'' This will be, and I heard this over and over again, the end of health services; and in a country where our health care system is totally broken, to eliminate health services for young people which they receive through the Head Start program is really, really wrong. It is wrong because, again, the President and the administration's view is that it should be only a literacy program.

By turning Head Start into a block grant program, the President claims that Head Start will be more flexible while ignoring the fact that one of Head Start's virtues is that it already has a great deal of flexibility on a local level. Yet Head Start is, and should continue to be, a national program. We really do not need 50 different administrations in 50 different States. We do not need these bureaucracies that will take money from children to go to State budgets and overhead costs. Block granting Head Start funds is really a particularly bad idea this year because our States are experiencing such huge budget deficits. It will be especially tempting for Governors and State governments to really try to tap into this money. That is not to say that State governments will misappropriate money, it is just a real acknowledgment that State officials will be tempted to use this money to offset their deficits. How do we know that this money would be used for Head Start? This really puts our children's future at risk at the whim of State budgets. This is just downright wrong.

With these proposals, the Bush administration is demonstrating once again their disregard for our children and our families, those that do not have a lot of money. They are demonstrating their real contempt for working families struggling just to make it on wages that are not enough to raise them up above the poverty level. While the administration devastates Head Start, they simultaneously sign a tax cut primarily for the wealthiest in this country. They spend billions of dollars on war, at the same time not fully funding education, cutting child care, health care, job training programs and housing. We cannot let the President and this administration dilute what has been one of the most successful programs over the last four decades. We must stop the President's assault on Head Start. We must stop this Congress' assault on Head Start.

I encourage our colleagues to join all of us, the gentlewoman from California (Ms. WATERS), the Congressional Black Caucus, all of us in this resistance. Our children deserve us to stand up for them at least this one time.

Ms. WATERS. I thank the gentlewoman from California for her longtime concern and actions on behalf of children. I thank her for taking time out of her schedule to be here this evening.

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

Ms. CORRINE BROWN of Florida. I thank the gentlewoman for yielding and to the members of the Congressional Black Caucus, I thank them for hosting these educational hours to educate the American public as to what is going on in the people's House.

To me, the cold-hearted attitude of the House Republicans can be summed up in a statement made last week by

the House majority leader. When asked about bringing up the child tax credit bill, he said, and I quote, ''There are a lot of other things that are more important than that.''

I humbly ask my colleague on the other side of the aisle, what exactly on your agenda is more important than the protection of the children in this Nation? In my State of Florida alone, the child tax credit package benefits over a million children. Once again, the Republican leadership is catering its agenda to the rich, after deciding just today that the only way they would agree to take up the child tax credit bill is by adding on an $80 billion tax credit for the rich in the bill. Even though their selected leader, George W. Bush, is urging them to take up a clean bill and even though they follow his leadership in everything from tax cuts for the rich to foreign policy, when it comes to funding children's programs, they ignore even the plea of the White House. In addition, the House Republican leadership is planning to dismantle Head Start, one of the best educational programs for children of working-class families, by block granting program funding.

There was $900 million sent down to Florida Governor Jeb Bush. Yet he put the money in the bank as opposed to helping the people of Florida. Block grant money is not the way to go. In the past, everyone was telling me, just send the money to the State. In the area of transportation, just send the money to the State. Education, just send the money to the State. They will know best what to do with it. I can tell you, they are singing a different tune now. When I talk to the mayors or the county commissioners, they tell me, Whatever you do, don't send that money to Tallahassee, because we will never see a dime of it. Whatever you do, don't block grant the money and send it to Tallahassee. It is a deep hole and they never see a dime of the dollars that come from the Federal Government down to the State.

The Republican Head Start block grant plan will end Head Start as we know it, one of the most successful programs in the history of this country. Even the new limited eight-State block grant is a risky deal. Why risk turning a successful program over to States with unproven expertise and without the Federal program quality standard requirements and oversight that are demonstrated to increase school readiness?

My colleagues, there is an old expression which really applies to this issue: If it ain't broke, don't fix it. Head Start kids are very prepared to do better in school than low-income children who do not receive Head Start. In addition, it has been proven that Head Start narrows the readiness gap between Head Start kids and kids from the more affluent side of the tracks. Head Start should help children arrive at school more ready to learn, and it does. But for the administration to expect Head Start to completely protect children against the effects of poverty is just plain stupid. Moreover, block grants do not work. Block grants gut the quality of comprehensive services. And this block grant plan is particularly bad and requires States to provide a bunch of services but does not require the same nature, extent or quality of them. None of the 13 areas of Head Start performance standards that lay out the comprehensive services and high level of quality that have made Head Start successful are even mentioned in the block grant. In fact, the block grant emphasizes comprehensive services being met through referrals of families to outside service for assistance, which would end up encouraging States to provide a much lower level of service.

In addition, the block grant does not specify any minimum requirements for teacher education levels, for child-staff ratios or for curriculum content. It simply calls on each State to come up with their own school standards and their own ways of measuring progress against those standards. I can go on and on and on as far as Head Start is concerned. I will submit my statement for the RECORD. But I do have a question for the gentlewoman from California.

When we passed, when the House passed—I did not vote for it—the $350 billion, $20 billion was earmarked to the States. Can you explain what was the purpose of the $20 billion that went to the States? Was it to put in the bank and use for a slush fund next year to, I guess, enhance the chances of the Republicans to continue to practice reverse Robin Hood, stealing from the working people to give tax breaks for the rich? What was the purpose of that $20 billion?

Ms. WATERS. I thank the gentlewoman for her presentation this evening, not only on Head Start but the discussion about the child tax credit and helping to unveil what is really going on in this administration. The question that you raise is one that I am sure many of our colleagues would like to respond to this evening, and if they were here, they would tell you that many folks worked very hard to get some assistance to the States because many of the States are in deficit positions. They are cutting programs. They are cutting health and education. They are cutting the school week in some States. In 2003 in the United States of America, the school week has been cut down from 5 days to 4 days.

Members of this Congress are shocked on both sides of the aisle about the kind of cutbacks and the deficits that we have in the States. That money is not meant to be banked. It is meant to offset the debt and the cuts that are being experienced by these States, and certainly though we did not support that tax bill for good reasons, that part of that bill that sends the money to the States is a part that many of us do support because we want to make sure that we do not have these hardships experienced by our constituents because of cutbacks.

Ms. CORRINE BROWN of Florida. That is an example of what is wrong when you send a block grant to the State and you do not specify.

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nderstanding in talking to the different committees, it was specified that this money would be used to help the States in their struggle.

I do not know whether the gentlewoman saw it, but last week on the national news, on ''Dateline,'' they discussed the number of students, hundreds of thousands of students that are failing the tests in Florida, third graders who were being held back, thousands of students not graduating, because we came up with additional educational standards. And I must quickly say that many of the schools, the ''F schools'' or the failing schools, have been the schools on the other side of the railroad tracks, the schools on the other side of the bridge, that have never gotten adequate funding.

So when we set standards, and the support was not there to work with the schools, many of the children do not do well. We look at the State of Florida as we speak. We do not have summer school programs in place. Could some of that money be used for summer schools, for some of the cuts that have occurred in the school system to augment the cuts in the programs for educational support for the school system?

Ms. WATERS. I would certainly think so. Again, we talk a lot about education being our number one priority, about children being our number one priority. But there are some States that are not putting the money where their mouths are, and we are not giving the children of this Nation the kind of support that certainly a rich Nation such as ours should be giving.

I think this is a prime example of what we are talking about this evening, the Head Start Program. It is underfunded, children on waiting list, only a 2 percent increase; and it is a proven program of success that not only helps to prepare our kids for kindergarten and for school, but it also helps to make parents stronger in their support for their children. The gentlewoman is absolutely correct; that money could be used for educational purposes.

Ms. CORRINE BROWN of Florida. I thank the gentlewoman once again for bringing this subject area to the American public.

Wake up, America.

To me, the cold hearted attitude of House Republicans can be summed up in a statement made just last week by the House majority leader. When asked about bringing up the Child Tax Credit bill, he said, and I quote: ''There are a lot of other things that are more important than that . . .''

Now, I humbly ask my colleagues on the other side of the aisle, ''what exactly, on your agenda, is more important than the protection

of the children of this nation?'' In my state of Florida alone, the Child Tax Credit package benefits over a million children.

And once again, the Republican leadership is catering its agenda to the rich. And after deciding just today that the only way they will agree to take up the Child Tax Credit bill is by adding on an $80 billion tax credit for the rich to the bill. And even though their selected leader, George W. Bush, is urging them to take up a clean bill, and even though they have followed his lead on everything from tax cuts for the rich to foreign policy, when it comes to funding children, they ignore even the plea of the White House.

In addition, the House Republican leadership is planning to dismantle Head Start, one of the best education programs for children of working class families, by block granting program funding.

You know, there was $900 million sent down to the Florida governor Jeb Bush, yet he put the money into the bank, as opposed to helping the people of Florida. Block grants is just not the way to go. In the past, everyone was telling me, send transportation dollars to the states, send the education dollars to the states, the states can best figure out how to use it. They're not telling me that now, when I talk to the Mayors in Florida, or to the County Commissioner, they tell me that, ''whatever you do, whatever you do, don't send the money to Tallahassee, because we will never see a dime of it.'' That is what they tell me, they say it gets lost in Tallahassee, and it never trickles down to the areas, to the first responders, to the Head Start programs, it is just an empty hole.

The Republican Head Start block grant plan will end Head Start as we know it. Even the new limited 8-state block grant is risky. Why risk turning a successful program over to states with unproven expertise and without the federal program quality standard requirements and oversight that are demonstrated to increase school readiness.

My colleagues, there is an old expression which really applies to this issue here: if it ain't broken, don't fix it. You know, Head Start kids are very prepared and do better in school than low-income children who don't receive Head Start. In addition, it's been proven that Head Start narrows the readiness gap between Head Start kids and children from the more affluent side of the tracks. Head Start should help children arrive at school more ready to learn—and it does; but for the administration to expect Head Start to completely protect children against the effects of poverty is just ridiculous.

Moreover, block grants don't work. Block grants gut the quality of comprehensive services. And this block grant plan is particularly bad, and requires States to provide a bunch of services, but doesn't require the same nature, extent or quality of them. None of the thirteen areas of Head Start performance standards that lay out the comperhensive services and high level of quality that have made Head Start successful are required or even mentioned in the block grant. In fact, the block grant emphasizes comprehensive services being met through referral of families to outside services for assistance, which would end up encouraging States to provide a much lower level of services.

In addition, the block grant does not specify any minimum requirements for teacher education levels, for child-staff ratios or for curriculum content. It simply calls on each State to come up with their own school standards and their own ways of measuring progress against those standards. But the problem is that those standards are not clearly defined in the block grant and vary greatly in content and quality among the States. As it is now, Head Start education standards are thorough and strongly based in standards of education, and having States come up with their own standards with no direction and no requirements will only serve to weaken education standards.

Lastly, block grants weaken oversight and evaluation. States that meet the eligibility criteria have their applications deemed approved by the Secretary by default—which means that there won't be any oversight or evaluation of the quality of the State plan. In addition, there is no minimum threshold required by States' internal evaluations of their programs—they can just go ahead and define it on their own. No States monitor their programs as closely as Head Start is monitored. And under the block grant, outside evaluations of the State programs will likely not happen very often. Under the Republican plan, there will be no more compliance reviews with regard to national performance standards. Gone will be meaningful Federal oversight and monitoring.

Why, why, why, the Republicans are changing something that works, just does not make sense. Once again I repeat: if something isn't broken, don't bother fixing it.

Ms. WATERS. Mr. Speaker, I would now like to yield to the gentlewoman from California (Ms. WATSON), an educator with a background in education, to make her presentation.

Ms. WATSON. Mr. Speaker, I want to thank the gentlewoman from California for allowing me time in this hour to raise my concerns about the current dismantling of Head Start.

The plan to block grant Head Start will damage the integrity and the efficiency of the program. This recent tax cut does little to safeguard our children's well-being. We must make better investments in our children and our future instead of stuffing the pockets of millionaires.

An investment in our children equals an investment in our Nation's strength, security, and future. The economic plans and focus of the administration must be balanced between future consequences and immediate gain. We must also continue to keep the facts at the forefront of the debate so that the administration and Congress can make policy decisions based on the facts, rather than on misguided interpretations and subjective judgments.

Head Start is one of the most successful anti-poverty programs ever created. It has helped millions of children prepare for school, become productive students, and improve their lives. However, drastic changes proposed by the Bush administration will erode the effectiveness of this program.

One proposal, to provide funding in block grants, will actually result in less money for Head Start. Changing the funding formula to block grants creates a daunting scenario for Head Start. Faced with the unceasing pressure of balancing their State budgets, some Governors already have indicated that they are willing to accept the administration's offer to opt in the block grant proposal. Governors may be able to use this money to cover budget deficits in their States; but overall, it will do serious damage to the program.

My home State of California receives over $800 million for Head Start. There is a $38 billion budget deficit. With the block grant proposal, California has the option to use that $800 million to close this gap.

There are other scenarios. Assume that six to eight States, representing 10 to 15 percent of Head Start dollars, elect to opt in and set up their own programs. That puts 148,931 current Head Start children at risk. If an additional eight to 10 States follow this lead, another 394,150 children will be placed at risk. It goes on and on, until all of the children are left behind without the Head Start program.

At present, only three States provide all the services needed to get at-risk children ready to learn. These States provide the same set of eight comprehensive services required of Head Start through state-run, prekindergarten programs.

Mr. Speaker, 30 States have such programs, yet only three are able to meet the standards that they created in order to prepare our children for school. Now it appears we want to give all 50 States this responsibility, knowing full well that these States have not proven that they are able to do so.

States will be able to lower teachers' standards; they will not be required to involve Head Start's 800,000 parent volunteers; and, above all, States will be forced to reduce the overall number of Head Start children served. States have already been forced to cut early childhood programs outside of Head Start due to the budget crunch. This will be a great disaster and disservice to our Nation's youth.

Another proposal, to remove Head Start from the jurisdiction of the Department of Health and Human Services and place it under the Department of Education, will undermine the core philosophy of Head Start. Since its inception, Head Start was designed to help the whole child. Current services offered through DHHS cannot be carried out as effectively as under the Department of Education.

There is no need to change a program that has proven to be so successful. In 1998, Head Start supporters sought to ensure that at least 50 percent of all Head Start teachers have an associate's degree or better by 2003. The program has met this goal. The Heads Up Reading Network was established to train Head Start and other early childhood teachers across the Nation. These are improvements that we hope to establish through the No Child Left Behind Act. We have not yet met these goals, but Head Start has met its goals internally.

Mr. Speaker, I encourage my colleagues to maintain Head Start as it is.

It is a success story. It is the duty of Congress to protect the current and future security of our Nation, and we must start with our children. And we must help the children of our migrant workers that are at risk, our youth and their parents. By supporting Head Start in its present form, we will be doing just that, securing our Nation by securing our children as they start their educational program.

I thank the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I thank the gentlewoman from California.

In closing, Mr. Speaker, you have heard brilliant presentations, comprehensive presentations from the members of the Congressional Black Caucus here this evening who have identified the value of Head Start: the fact that Head Start provides nutrition, the fact that it provides physical examinations, the fact that it prepares young people for education, the fact that it involves parents and gets them involved in helping to determine the educational destiny of their children, the fact that Head Start gets communities involved.

Mr. Speaker, this cannot be taken lightly. Head Start is indeed a successful program that has been in this country now for 38 years. Many children and families have benefited from this program, children from all over America, from communities all over this country. We value Head Start, and we appreciate all of those who had the vision to bring this valuable program to this Nation.

Again, we think that this program should not be tampered with. There is no reason to want to block grant this program. We would like to think that it is just a misunderstanding, that this administration really does not understand the risk that they are creating by tampering with this program and block granting it to the States.

Let me just tell you, Mr. Speaker, in addition to not having the requirements to go along with block grants, the one thing that strikes me as extremely detrimental to this program is the fact that nowhere in this block granting does it require that the parental involvement component remain with Head Start.

Many of us wax eloquently about parent involvement and family values and what it means for parents to be involved with their children and their education, but yet we see an attempt to change a program that has a strong component of parental involvement, an attempt to dismantle a program that has worked.

Mr. Speaker, Head Start will be reauthorized this year. It will not have all of the money that it needs. It will only have a small increase. There will still be children waiting to get into Head Start. But one way or the other, I know that this program is going to be reauthorized. I hope that it is done in the traditional, bipartisan fashion in which our children are not left behind.

However, H.R. 2210 suggests that we are off to a very bad start. It would be a tragedy if the Republican leadership chooses to try and force this bad bill through for partisan political purposes. We can and must do better than H.R. 2210. I urge the Republican leadership to heed the will of the American people and produce a bipartisan bill that both sides of the aisle can support. Millions of lives depend on Head Start, and we cannot afford to let them down.

This Congress has been criticized, Members on the opposite side of the aisle, who somehow cut out the poorest and most vulnerable families from the tax bill. We cannot afford to continue to have the kind of criticism and distrust that is mounting of this Congress over what appears to be an assault on families and children.

We have the issue of the child tax credit before us. It is shameful what has been done. I do not think that all of the Republicans on the other side of the aisle support what has been done. I do not think that they believe in what some of the leadership is saying about poor people not deserving to have this tax break.

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I believe that there are those on the other side of the aisle that will join with us on this side of the aisle and put an end to this attempt to undermine our Head Start program.

Mr. Speaker, I am so blessed, and I feel so blessed, to be able to be here tonight to speak on behalf of the children and to stand up for Head Start. I feel so blessed to have been a part of Head Start and to have learned what it means to invest in our children. I feel so blessed to have learned that we can indeed make our children successful in their education experience.

Many of those children who are being left behind are being left behind because they do not have the value of an early childhood education. I am delighted to have been a part of this evening.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have come to the floor this evening to express my concern about the lack of funding by this administration's to our nation's education programs and I wanted to share with my colleagues how this budget matches up with the priorities of the people I represent.

On yesterday, in a beautiful ceremony in the Rose Garden, President Bush hosted an event marking the progress, significant progress toward making sure every child in public schools gets a quality education.

Now, I am sure that made a great story on last evening's news, but Head Start is more than just news for the nearly 20 million families who have benefited from the program. It is real life. Head Start provides the most comprehensive program for children of low income, working families. In a recent study by the Family and Child Experiences Survey, the findings concluded that children are ready to learn. Another study concluded that Head Start narrowed the gap between disadvantaged children and their peers in vocabulary and writing skills during the program year.

I am here today because of this Administration's plans to dismantle this vital program by turning it over to struggling states. It baffles me why such a move would be necessary. Currently, the program provides federal grants directly to community organizations, allowing for local flexibility and strong federal oversight of Head Start's quality. If Head Start is turned over to states' during this time of economic uncertainty, it is very likely they will use Head Start funding to fill gaps in their own programs.

Mr. Speaker, the Head Start program not only involves the child but also recognizes the importance of the family. Head Start has included parents in both the child's education and their membership in the Head Start Policy Council. I have received numerous letters from teachers, parents, and other employees of the Sunnyview and Greater Head Start locations in my district of Dallas, Texas. Each one pleading for additional funding and urging the program to be kept in its current structure. One parent writes, ''they teach them how to write, count, their ABC's, to draw, to be responsible . . . . . Many families feel comfortable with this program because they can come in and volunteer in the classes and see what the children are learning.''

Mr. Speaker, in closing I would hope my colleagues on the other side of the aisle would consider listening to the countless voices of children that Head Start prepares for the foundation of their critical learning years. How can we deny them a chance at a decent future? I submit to you, that we cannot. It is our duty as federal lawmakers, that every child is prepared with a quality education so they can be productive citizens of this nation.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1115, CLASS ACTION FAIRNESS ACT OF 2003

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 108–148) on the resolution (H. Res. 269) providing for consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION RELATING TO CONSIDERATION OF SENATE AMENDMENTS TO H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 108–149) on the

resolution (H. Res. 270) relating to consideration of the Senate amendments to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EMANUEL (at the request of Ms. PELOSI) for today until 3:15 p.m. on account of official business in the district.

Mrs. BIGGERT (at the request of Mr. DELAY) for today until 3:00 p.m. on account of traveling to Chicago, Illinois, with the President.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. ENGEL) to revise and extend their remarks and include extraneous material:

Mr. CUMMINGS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

Mr. SANDLIN, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. RYAN of Ohio, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

The following Members (at the request of Mr. BARTLETT of Maryland) to revise and extend their remarks and include extraneous material:

Mr. BURTON of Indiana, for 5 minutes, June 18.

Mr. HOBSON, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, June 12.

Mr. GUTKNECHT, for 5 minutes, June 17 and 18.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. BURGESS, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BARTLETT of Maryland and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,170.

## ADJOURNMENT

Ms. PRYCE of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 48 minutes p.m.), the House adjourned until tomorrow, Thursday, June 12, 2003, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2622. A letter from the Under Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Leslie F. Kenne, United States Air Force, and her advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2623. A letter from the Secretary of the Navy, Department of Defense, transmitting notification concerning the Department of the Navy's proposed transfers, pursuant to 10 U.S.C. 7306; to the Committee on Armed Services.

2624. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Food Additive Permitted in Feed and Drinking Water of Animals; Feed-Grade Biuret [Docket No. 02F-0327] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2625. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Emergency Reconstruction of Interstate Natural Gas Facilities Under the Natural Gas Act [Docket Nos. RM03-4-000 and AD02-14-000; Order No. 633] received June 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2626. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification regarding an explosion in the Vinnell Housing Compound in Riyadh, Saudi Arabia; to the Committee on International Relations.

2627. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the texts of the Protocol of 2002 to the Occupational Safety and Health Convention, 1981, Recommendation No. 193 Concerning the promotion of Cooperatives and Recommendation No. 194 Concerning the List of Occupational Diseases and the Recording and Notification of Occupational Accidents and Diseases; to the Committee on International Relations.

2628. A letter from the Secretary, Department of the Interior, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2002, through March 31, 2003, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

2629. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—NARA Facilities; Phone Numbers (RIN: 3095-AB20) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2630. A letter from the Director, OGE, Office of Government Ethics, transmitting the Office's final rule—Privacy Act Rules (RIN: 3209-AA18) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

2631. A letter from the Assistant Secretary of the Interior, Office of Hearings and Appeals, Department of the Interior, transmitting the Department's final rule—Special Rules Applicable to Public Land Hearings and Appeals; Grazing Administration—Exclusive of Alaska, Administrative Remedies; Grazing Administration—Effect of Wildfire Management Decisions; Administration of Forest Management Decisions (RIN: 1090-AA83) received June 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2632. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Blackburn's Sphinx Moth (RIN: 1018-AH94) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2633. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Preble's Meadow Jumping Mouse (Zapus hudsonius preblei) (RIN: 1018-AI46) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2634. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation and Nondesignation of Critical Habitat for 46 Plant Species From the Island of Hawaii, Hawaii (RIN:1018-AH02) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2635. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Regulations Governing the Taking and Importing of Marine Mammals; Eastern North Pacific Southern Resident Killer Whales [Docket No. 020603140-3129-03, I.D. 050102G] (RIN: 0648-AQ00) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2636. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 051403B] received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2637. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species; Commercial Shark Management Measures [Docket No. 021219321-2321-01; I.D. 120901A] (RIN: 0648-AQ39) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2638. A letter from the Deputy Assistant Administrator for Regulatory Programs,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Antarctic Marine Living Resources; CCAMLR Ecosystem Monitoring Permits; Vessel Monitoring System; Catch Documentation Scheme; Fishing Season; Registered Agent; and Disposition of Seized AMLR [Docket No. 021016236-3089-02; I.D. 082002A] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2639. A letter from the Associate Counsel, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule—Elimination of Continued Prosecution Application Practice as to Utility and Plant Patent Applications (RIN: 0651-AB37) received June 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2640. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Report on Denial of Visas to Confiscators of American Property; to the Committee on the Judiciary.

2641. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Security Zone; St. Thomas, U.S. Virgin Islands [COTP San Juan-03-024] (RIN: 1625-AA00) received June 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2642. A letter from the Regulations Officer 238, FMCSA, Department of Transportation, transmitting the Department's final rule—Transportation of Household Goods; Consumer Protection Regulations [Docket No. FMCSA-97-2679](RIN: 2126-AA32; formerly RIN: 2125-AE30) received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2643. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30370; Amdt. No. 3060] received June 9, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2644. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation and Pension Provisions of the Veterans Education and Benefits Expansion Act of 2001 (RIN: 2900-AL29) June 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 269. Resolution providing for consideration of the bill (H.R. 1115) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposed (Rept. 108–148) Referred to the House Calendar.

Mr. REYNOLDS: Committee on Rules. House Resolution 270. Resolution relating to consideration of the Senate amendments to the bill (H.R. 1308) to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification, and for other purposes (Rept. 108–149). Referred to to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. MCGOVERN (for himself, Mr. MCINNIS, Mr. GILCHREST, Mr. GEORGE MILLER of California, Ms. LEE, Mr. BEREUTER, Ms. MCCOLLUM, Mr. MORAN of Virginia, Mr. ENGLISH, Mr. REHBERG, and Mr. UDALL of Colorado):

H.R. 2416. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H.R. 2417. A bill to authorize appropriations for fiscal year 2004 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; to the Committee on Intelligence (Permanent Select).

By Mrs. MALONEY (for herself, Mr. SHERMAN, Ms. SLAUGHTER, Mr. JACKSON of Illinois, Ms. LOFGREN, Ms. JACKSON-LEE of Texas, Mr. OWENS, Ms. BORDALLO, and Mr. PAYNE):

H.R. 2418. A bill to amend the Internal Revenue Code of 1986 to deny all deductions for business expenses associated with the use of a club that discriminates on the basis of sex, race, or color; to the Committee on Ways and Means.

By Mr. RAHALL (for himself, Mr. LARSEN of Washington, Mr. KILDEE, Mr. PALLONE, Mr. GEORGE MILLER of California, Mr. FILNER, Ms. LEE, Mr. FROST, Mr. ACEVEDO-VILA, Mr. MCNULTY, Mr. HOLT, Ms. MCCOLLUM, Mr. UDALL of New Mexico, Mr. HONDA, Mr. CARSON of Oklahoma, Mr. CASE, and Mr. GRIJALVA):

H.R. 2419. A bill to protect sacred Native American Federal land from significant damage; to the Committee on Resources.

By Mr. BAKER (for himself, Mr. GILLMOR, Mr. OSE, Mr. SHAYS, Mr. TIBERI, and Ms. GINNY BROWN-WAITE of Florida):

H.R. 2420. A bill to improve transparency relating to the fees and costs that mutual fund investors incur and to improve corporate governance of mutual funds; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 2421. A bill to ensure that State and local law enforcement agencies execute warrants for the arrest of nonviolent offenders only during daylight hours and when children are not present, unless overriding circumstances exist; to the Committee on the Judiciary.

By Ms. BORDALLO (for herself, Mr. FALEOMAVAEGA, and Mrs. CHRISTENSEN):

H.R. 2422. A bill to authorize the Secretary of Housing and Urban Development to guarantee community development loans to the insular areas; to the Committee on Financial Services.

By Mr. CARDIN (for himself, Mr. WAXMAN, Mr. BROWN of Ohio, Mr. STARK, and Mr. KLECZKA):

H.R. 2423. A bill to amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a Medicare beneficiary; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUMMINGS (for himself, Mr. BALLANCE, Mr. BOYD, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mr. CARDIN, Mr. COLE, Mr. CONYERS, Mr. DEUTSCH, Mr. ENGEL, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOUGHTON, Mr. HOYER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LARSON of Connecticut, Ms. LEE, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. MEEKS of New York, Mr. MCNULTY, Mr. MORAN of Virginia, Ms. NORTON, Mr. OWENS, Mr. PAYNE, Mr. RANGEL, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SCOTT of Georgia, Mr. SHIMKUS, Mr. STEARNS, Mr. THOMPSON of Mississippi, Mrs. JONES of Ohio, Mr. VAN HOLLEN, Ms. WATERS, Mr. WYNN, Mr. TOWNS, Ms. CARSON of Indiana, Mr. WATT, Ms. WATSON, Mr. KUCINICH, and Mr. CLYBURN):

H.R. 2424. A bill to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS:

H.R. 2425. A bill to provide for the use and distribution of the funds awarded to the Quinault Indian Nation under United States Claims Court Dockets 772-71, 773-71, 774-71, and 775-71, and for other purposes; to the Committee on Resources.

By Mr. FRANK of Massachusetts (for himself, Mr. ABERCROMBIE, Mr. ANDREWS, Ms. BALDWIN, Mr. BERMAN, Mr. BROWN of Ohio, Mr. CONYERS, Ms. DEGETTE, Mr. DELAHUNT, Mr. DINGELL, Mr. ENGEL, Mr. EVANS, Mr. FARR, Mr. FILNER, Mr. GEPHARDT, Mr. GUTIERREZ, Ms. HARMAN, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Mr. HOYER, Ms. KILPATRICK, Mr. LANGEVIN, Mr. LARSON of Connecticut, Ms. LEE, Ms. LOFGREN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mr. MATSUI, Mr. MEEHAN, Mr. MOORE, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Mrs. TAUSCHER, Ms. VELAZQUEZ, Mr. WAXMAN, Mr. WEXLER, Mr. WEINER, Ms. WOOLSEY, and Mr. WU):

H.R. 2426. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTKNECHT (for himself, Mr. JONES of North Carolina, Mr. SHAYS, Mr. JANKLOW, Mr. PETRI, Mr. KINGSTON, Mrs. EMERSON, Mr. BEREUTER, Mr. OSBORNE, Mr. HOEKSTRA, Mr. BARTLETT of Maryland, Mr. SMITH of Michigan, Mr. PAUL, Mr. DUNCAN, Mrs. NORTHUP, Mr. GILCHREST, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. HENSARLING, Mr. EMANUEL, Mr. FRANK of Massachusetts, Mr. PETERSON of Minnesota, Mr. RAMSTAD, Mr. REHBERG, Mr. ISTOOK, Mr. BROWN of South Carolina, and Mr. TAYLOR of North Carolina):

H.R. 2427. A bill to authorize the Secretary of Health and Human Services to promulgate regulations for the reimportation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HOEFFEL (for himself, Mr. CAPUANO, Mr. FILNER, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. GRIJALVA, Mr. UDALL of Colorado, Ms. MCCOLLUM, Mr. SERRANO, Ms. CORRINE BROWN of Florida, Ms. KAPTUR, Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. STARK, and Mr. KUCINICH):

H.R. 2428. A bill to provide for congressional review of regulations relating to military tribunals; to the Committee on Armed Services, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEFFEL (for himself, Mr. CONYERS, Mr. FARR, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. MCDERMOTT, Mr. FROST, Mr. GRIJALVA, Mr. UDALL of Colorado, Mr. CASE, Mr. RYAN of Ohio, Ms. LEE, Ms. KAPTUR, Ms. WOOLSEY, Mr. DOGGETT, Mr. STARK, Mr. KUCINICH, and Mr. HONDA):

H.R. 2429. A bill to amend the Foreign Intelligence Surveillance Act of 1978 to improve the administration and oversight of foreign intelligence surveillance, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. UDALL of Colorado, Mr. TERRY, Mr. GILCHREST, Mr. GUTKNECHT, Mr. PALLONE, Mr. MANZULLO, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. REHBERG, Mr. STUPAK, Mr. THOMPSON of California, and Mr. FALEOMAVAEGA):

H.R. 2430. A bill to amend the Fish and Wildlife Coordination Act to coordinate and strengthen scientific research and monitoring, and to promote public outreach, education, and awareness, of Chronic Wasting Disease affecting free-ranging populations of deer and elk, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself, Mr. UDALL of Colorado, Mr. TERRY, Mr. GILCHREST, Mr. GUTKNECHT, Mr. PALLONE, Mr. MANZULLO, Mr. UDALL of New Mexico, Mr. PETERSON of Minnesota, Mr. KENNEDY of Minnesota, Mr. REHBERG, Mr. STUPAK, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, Ms. BALDWIN, and Mr. PETRI):

H.R. 2431. A bill to establish a National Chronic Wasting Disease Task Force, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself, Mr. TANNER, Mr. TOM DAVIS of Virginia, Mr. MOORE, Mr. JANKLOW, Mr. MATHESON, and Mr. RYAN of Wisconsin):

H.R. 2432. A bill to amend the Paperwork Reduction Act and titles 5 and 31, United States Code, to reform Federal paperwork and regulatory processes; to the Committee on Government Reform, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ (for himself and Mr. SIMMONS):

H.R. 2433. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to provide veterans who participated in certain Department of Defense chemical and biological warfare testing to be provided health care for illness without requirement for proof of service-connection; to the Committee on Veterans' Affairs.

By Mr. ROHRABACHER:

H.R. 2434. A bill for the relief of John Castellano; to the Committee on the Judiciary.

By Ms. LINDA T. SANCHEZ of California (for herself, Mr. BERMAN, Ms. LOFGREN, Mr. STARK, Mr. ROHRABACHER, Mr. FARR, Mr. REYES, Mr. HINOJOSA, Mr. ACEVEDO-VILA, Mr. CASE, Mr. DELAHUNT, Ms. MILLENDER-MCDONALD, Mrs. NAPOLITANO, Mr. PASTOR, Mr. OBERSTAR, Mr. PALLONE, Mr. UDALL of Colorado, Mr. SCHIFF, Mr. ORTIZ, Mr. DOOLEY of California, Ms. ESHOO, Mr. LANTOS, Ms. HARMAN, Mr. RODRIGUEZ, Mr. HONDA, Mr. HINCHEY, Mr. GRIJALVA, Mr. COOPER, Ms. WOOLSEY, Ms. WATSON, Mr. FILNER, Ms. BORDALLO, Ms. LEE, Mr. PRICE of North Carolina, Mrs. CAPPS, Mr. MATSUI, Ms. SOLIS, Mr. CONYERS, Mr. CAPUANO, Mr. GEORGE MILLER of California, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mr. WAXMAN, Mrs. DAVIS of California, Mr. BAIRD, Mr. CARDOZA, Mr. SHERMAN, and Ms. PELOSI):

H.R. 2435. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Mr. SCOTT of Virginia, and Mr. SCOTT of Georgia):

H.R. 2436. A bill to conduct a study on the effectiveness of ballistic imaging technology and evaluate its effectiveness as a law enforcement tool; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. RANGEL, Mr. CARDIN, Mr. MCDERMOTT, Mr. GEORGE MILLER of California, Mr. COOPER, Mr. FROST, Ms. LEE, Mr. LANTOS, Ms. MILLENDER-MCDONALD, Mr. SERRANO, and Mr. WEXLER):

H.R. 2437. A bill to provide for grants to State child welfare systems to improve quality standards and outcomes, to increase the match for private agencies receiving training funds under part E of title IV of the Social Security Act, and to authorize the forgiveness of loans made to certain students who become child welfare workers; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TAYLOR of Mississippi (for himself, Mr. THOMPSON of Mississippi, Mr. WICKER, and Mr. PICKERING):

H.R. 2438. A bill to designate the facility of the United States Postal Service located at 115 West Pine Street in Hattiesburg, Mississippi, as the ''Major Henry A. Commiskey, Sr. Post Office Building''; to the Committee on Government Reform.

By Mr. WELDON of Florida:

H.R. 2439. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits and to increase the age at which distributions must commence from certain retirement plans from 70½ to 80; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska (for himself, Mr. HAYWORTH, Mr. RENZI, Mr. COLE, Mr. HUNTER, Mr. MCKEON, Mr. PALLONE, Mr. RAHALL, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. DINGELL, Mr. WAXMAN, Mr. RANGEL, Mr. CONYERS, Mr. OBERSTAR, Mr. GRIJALVA, Ms. MILLENDER-MCDONALD, Mr. FROST, Mr. KENNEDY of Rhode Island, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. HONDA, Mr. CARSON of Oklahoma, Mr. ALLEN, Mr. ABERCROMBIE, Ms. LEE, Mrs. NAPOLITANO, Mr. FALEOMAVAEGA, Ms. MCCOLLUM, Mr. TOWNS, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. KIND, Mr. LANTOS, Mr. INSLEE, Mr. STUPAK, Mr. BACA, Ms. KILPATRICK, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Ms. NORTON):

H.R. 2440. A bill to improve the implementation of the Federal responsibility for the care and education of Indian people by improving the services and facilities of Federal health programs for Indians and encouraging maximum participation of Indians in such programs, and for other purposes; to the Committee on Resources, and in addition to the Committees on Energy and Commerce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER (for himself, Mr. ISSA, and Mr. FRANK of Massachusetts):

H.J. Res. 59. A joint resolution proposing an amendment to the Constitution of the United States to permit persons who are not natural-born citizens of the United States, but who have been citizens of the United States for at least 35 years, to be eligible to hold the offices of President and Vice President; to the Committee on the Judiciary.

By Mr. KNOLLENBERG (for himself and Mr. DINGELL):

H. Con. Res. 215. Concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; to the Committee on Energy and Commerce.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

81. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No.

36 memorializing the United States Congress to establish a quarantine for the emerald ash borer and provide assistance to help Michigan combat the infestation; to the Committee on Agriculture.

82. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 18 memorializing the United States Congress to take immediate and focused efforts to improve the enforcement of food import restrictions of seafood imports that contain the use of banned antibiotics, especially in foreign imported shrimp; to the Committee on Agriculture.

83. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 90 memorializing the United States Congress to urge the Secretary of Agriculture to expeditiously implement and expand cost of production insurance for cotton that is based on a producer's actual production cost history and to implement a cost of production insurance pilot program; to the Committee on Agriculture.

84. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Concurrent Resolution No. 1021 memorializing the United States Congress to declare support for a missle defense system; to the Committee on Armed Services.

85. Also, a memorial of the Legislature of the State of New Mexico, relative to House Joint Memorial 11 memorializing the United States Congress to fund forty percent of the average of the average per special needs pupil expenditure in public elementary and secondary schools in the U.S. as promised under the federal Individuals with Disabilities Education Act; to the Committee on Education and the Workforce.

86. Also, a memorial of the Legislature of the State of New Mexico, relative to House Memorial 35 memorializing the United States Congress that the federal energy regulatory commission be request to withdraw its current standard market design for the nation's wholesale electricity markets; to the Committee on Energy and Commerce.

87. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 2 memorializing the United States Congress to urge the Secretary of the Interior to expand the money authorized pursuant to the Southern Nevada Public Land Management Act of 1998, Pub. L. 105-263, 112 Stat. 2343; to the Committee on Resources.

88. Also, a memorial of the Legislature of the State of Nevada, relative to Senate Joint Resolution No. 1 memorializing the United States Congress to urge the Secretary of the Interior to amend the regulations set forth in 43 C.F.R. Section 4120.3-9 by deleting the second sentence of that regulation in its entirety; to the Committee on Resources.

89. Also, a memorial of the Legislature of the State of New Mexico, relative to House Joint Memorial 13 memorializing the United States Congress to endorse the western states education initiative to seek just compensation from the federal government on federally owned land and that it urge the federal government to provide an expedited land exchange process for land not in contention for wilderness designation; to the Committee on Resources.

90. Also, a memorial of the Legislature of the State of Arizona, relative to Senate Memorial No. 1002 memorializing the United States Congress to support the Tohono O'odham Nation's citizenship act; to the Committee on the Judiciary.

91. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 117 memorializing the United States Congress to provide an exemption to the Sherman Anti-Trust Act to allow small and medium sized United States based and owned lumber manufactures to sell their products through company-owned retail outlets; to the Committee on the Judiciary.

92. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial No. 2005 memorializing the United States Congress to include Native american governments in the state cemetery grants program; to the Committee on Veterans' Affairs.

93. Also, a memorial of the Legislature of the State of Michigan, relative to House Resolution No. 42 memorializing the United States Congress to enact the President's tax cut proposals; to the Committee on Ways and Means.

94. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 12 memorializing the United States Congress that the Idaho Legislature supports the Healthy Forests Initiative and its individual proposals and that we respectfully request the entire Congress to fully support the Healthy Forests Initiative and its individual proposals; jointly to the Committees on Agriculture and Resources.

95. Also, a memorial of the Legislature of the State of New Mexico, relative to House Memorial 12 memorializing the United States Congress to enact financially sustainable, voluntary and universal prescription drug coverage as part of the federal medicare program; jointly to the Committees on Ways and Means and Energy and Commerce.

96. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Resolution No. 10 memorializing the United States Congress to preserve access to backcountry airstrips by introducing into the current 108th Congress Senate Bill No. 681, the Backcountry Landing Strip Access Act from the 107th Congress and its companion legislation House Resolution No. 1363; jointly to the Committees on Resources, Agriculture, and Transportation and Infrastructure.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. GARY G. MILLER of California and Mr. DAVIS of Alabama.

H.R. 49: Mr. BOUCHER and Mr. GREEN of Wisconsin.

H.R. 141: Mr. COBLE.

H.R. 236: Mr. MENENDEZ, Mr. GONZALEZ, Mr. WEINER, Ms. LINDA T. SANCHEZ of California, Mr. EVAN, Mr. DOGGETT, Mr. EDWARDS, Mrs. CAPPS, Mrs. TAUSCHER, Mr. DOOLEY of California, Mr. GORDON, Mr. MCDERMOTT, Mr. SKELTON, Ms. MCCARTHY of Missouri and Mr. CARDIN.

H.R. 303: Mr. MILLER of North Carolina and Mr. MURPHY.

H.R. 331: Mr. ANDREWS.

H.R. 369: Mr. RYAN of Ohio, Mr. TURNER of Ohio, Mr. CAMP, Mrs. JONES of Ohio and Mr. BOEHNER.

H.R. 390: Mr. HONDA.

H.R. 401: Mr. SHERMAN.

H.R. 448: Mr. TAYLOR of Mississippi.

H.R. 502: Mrs. JO ANN DAVIS of Virginia.

H.R. 528: Mr. MCDERMOTT.

H.R. 565: Mr. STUPAK.

H.R. 570: Mr. HASTINGS of Washington.

H.R. 571: Mr. ROSS, Mr. LAHOOD, Mr. NCNULTY, and Mr. KELLER.

H.R. 583: Mr. KOLBE.

H.R. 584: Mr. BOEHLERT.

H.R. 586: Mr. TURNER of Ohio and Mr. WEINER.

H.R. 643: Mr. GONZALEZ and Mr. KUCINICH.

H.R. 655: Mr. KING of Iowa.

H.R. 687: Mr. BUYER, Mr. BILIRAKIS, Mr. SCHROCK, Mr. KLINE, Mr. GRAVES, and Mr. SESSIONS.

H.R. 713: Mr. WALDEN of Oregon.

H.R. 716: Mr. SNYDER, Mr. LATHAM, Mr. MICHAUD, Mr. MEEHAN, Mr. LARSON of ConnecticutMr. OTTER, and Mr. COOPER.

H.R. 728: , Mr. VITTER and Mr. DOOLITTLE.

H.R. 785: Mr. ALEXANDER.

H.R. 811: Mr. BELL.

H.R. 823: Mr. SHERMAN.

H.R. 871: Mr. TIAHRT.

H.R. 890: Mr. HOLDEN and Mr. WYNN.

H.R. 898: Mr. SCHROCK and Mr. WALDEN of Oregon.

H.R. 941: RYAN of Wisconsin.

H.R. 944: Mr. PLATTS.

H.R. 947: Mrs. LOWEY and Mr. FROST.

H.R. 953: Mr. MEEK of Florida.

H.R. 1052: Mr. FARR, Mr. ABERCROMBIE, Mr. CASE, Mr. MENENDEZ, and Mrs. TAUSCHER.

H.R. 1068: Mr. SAXTON, Mr. CRANE, Mr. COSTELLO, Ms. MCCOLLUM, and Ms. WOOLSEY.

H.R. 1078: Mr. ROGERS of Michigan, Mr. CAMP, Mr. SULLIVAN, Mr. MOLLOHAN, Mr. RENZI, Mr. BARRETT of South Carolina, Mr. FRANKS of Arizona, Mr. BRADLEY of New Hampshire, Mr. PICKERING, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. JOHN, Mr. HYDE, Mr. BONNER, Mr. ROGERS of Alabama, Mr. CRAMER, Mr. DAVIS of Tennessee, Mr. HONDA, Mr. MCINTYRE, Mr. ALEXANDER, Mr. TANNER, Mrs. EMERSON, Mr. KLECZKA, Mr. TURNER of Texas, Mr. THOMPSON of California, Mr. BOUCHER, Ms. MILLENDER-MCDONALD, Ms. LOFGREN, Mr. ROSS, Mr. BELL, Mr. FROST, Mr. GORDON, Mr. WAMP, Mr. PRICE of North Carolina, Mr. BAKER, Mr. HEFLEY, Mr. BLUMENAUER, Mr. DUNCAN, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mrs. BONO, Mr. PENCE, Mr. SHIMKUS, Mr. THOMAS, Mr. TIAHRT, Mr. KINGSTON, Mr. ROGERS of Kentucky, Mr. BOOZMAN, Mr. SHUSTER, Ms. HARRIS, Mr. TAYLOR of Mississippi, Mr. SENSENBRENNER, Mr. TERRY, Mr. MURTHA, Ms. HARMAN, Mr. PASTOR, Mr. NETHERCUTT, Mr. PUTNAM, Mr. HAYWORTH, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. PEARCE, Mrs. BLACKBURN, Mr. BROWN of South Carolina, Mr. JENKINS, Mrs. KELLY, Mr. COX, Ms. GINNY BROWN-WAITE of Florida, Mr. RYAN of Ohio, Mr. FORD, Mr. FEENEY, Mr. COOPER, Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Mr. SANDLIN, and Mr. TANCREDO.

H.R. 1087: Ms. BORDALLO.

H.R. 1110: Mr. GONZALEZ, Mr. LANTOS, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, Mr. CRAMER, and Ms. MILLENDER-MCDONALD.

H.R. 1157: Mr. EHLERS.

H.R. 1196: Mr. HOEFFEL.

H.R. 1225: Mr. HULSHOF, Mr. ETHERIDGE.

H.R. 1229: Mr. KLINE.

H.R. 1268: Mr. FROST, Ms. MILLENDER-MCDONALD.

H.R. 1288: Mr. SAXTON, Mr. WATT, Mr. BAKER, Mr. LYNCH, Mr. DAVIS of Florida, Mr. LATHAM, Mr. CLYBURN, and Mr. SHAYS.

H.R. 1310: Mr. TURNER of Texas, Mr. OBERSTAR, Mr. BOSWELL, Mr. BAKER, Mr. ABERCROMBIE, Mr. TAUZIN, Mr. SMITH of Washington, Mrs. CUBIN, Mr. WILSON of South Carolina, Mr. SHERWOOD, and Mr. ALEXANDER.

H.R. 1360: Mr. PAUL.

H.R. 1429: Mr. MCDERMOTT.

H.R. 1430: Mr. LYNCH, Mr. UDALL of Colorado.

H.R. 1442: Mr. GREEN of Wisconsin, Ms. CORRINE BROWN of Florida, Mr. EVANS, and Mr. MILLER of Florida.

H.R. 1472: Mr. ENGEL, Ms. PRYCE of Ohio, Mr. WEXLER, Mr. LYNCH, MS. KILPATRICK, Mr. BURNS, Mr. SCHIFF, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Ms. NORTON, Mrs. BONO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, Ms. CARSON of Indiana, Mr. OWENS, Ms. MCCOLLUM, Ms. MCCARTHY of Missouri, Ms. VELAZQUEZ, Mr.

CUMMINGS, MRS. MALONEY, Mr. CARDIN, Mr. VAN HOLLEN, Ms. SOLIS, Mr. RODRIGUEZ, Mr. DOOLEY of California, Mr. HINOJOSA, Mr. PAYNE, Mr. WATT, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, Ms. LINDA T. SANCHEZ of California, Mr. GONZALEZ, Mr. BISHOP of New York, Mr. BELL, Mr. FATTAH, Ms. MILLENDER-MCDONALD, and Mr. MATSUI.

H.R. 1479: Mr. ISRAEL.

H.R. 1482: Mr. WEXLER, Mr. MCNULTY, Ms. MILLENDER-MCDONALD, and Ms. CORRINE BROWN of Florida.

H.R. 1499: Mr. GRIJALVA.

H.R. 1515: Mr. KING of Iowa.

H.R. 1522: Mrs. MALONEY and Mr. PAUL.

H.R. 1539: Mr. ALEXANDER.

H.R. 1615: Ms. SLAUGHTER and Mr. WEXLER.

H.R. 1626: Mr. WELDON of Florida.

H.R. 1643: Mr. GREEN of Wisconsin, Mr. DOYLE, and Mr. ALEXANDER.

H.R. 1660: Mr. BRADY of Texas, Mr. KINGSTON, Mr. SHAW, and Mr. HEFLEY.

H.R. 1675: Ms. SLAUGHTER and Mr. NUSSLE.

H.R. 1710: Mr. WELLER.

H.R. 1722: Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, and Mr. CASE.

H.R. 1727: Mr. ENGLISH.

H.R. 1767: Mr. LINDER and Mr. TERRY.

H.R. 1771: Mr. GRIJALVA.

H.R. 1795: Mr. ALEXANDER.

H.R. 1819: Mr. RUSH.

H.R. 1828: Mr. INSLEE, Mr. JEFFERSON, Mr. JOHN, Mr. RODRIGUEZ, Mr. STRICKLAND, Mr. BACA, Mr. EVANS, Ms. HARMAN, Mr. KELLER, Mr. POMBO, Mr. SESSIONS, Mr. SIMMONS, Mr. BONNER, Mr. SULLIVAN, Mr. MCCRERY, Mr. PUTNAM, Mr. RAMSTAD, Mr. UPTON, Mr. FOSSELLA, Mr. CRENSHAW, Mr. STEARNS, Mr. TERRY, and Mr. SHIMKUS.

H.R. 1859: Mr. GREEN of Wisconsin.

H.R. 1868: Mr. HINOJOSA and Mr. GRIJALVA.

H.R. 1874: Mr. LYNCH, Mr. GREEN of Texas, and Mr. FROST.

H.R. 1889: Mrs. CAPPS and Mr. KUCINICH.

H.R. 1914: Mr. KLINE.

H.R. 1915: Mr. CROWLEY.

H.R. 1943: Ms. JACKSON-LEE of Texas, Mr. PETERSON of Pennsylvania, and Mr. KING of Iowa.

H.R. 1956: Mr. DEUTSCH.

H.R. 1981: Mr. NADLER.

H.R. 1991: Mr. FROST.

H.R. 1995: Mr. FRANK of Massachusetts.

H.R. 1999: Ms. WATSON.

H.R. 2022: Mr. SMITH of Michigan, Mr. HOEKSTRA, Mr. MILLER of Florida, and Mr. ETHERIDGE.

H.R. 2028: Mr. KOLBE, Mr. HENSARLING, and Mr. NETHERCUTT.

H.R. 2034: Mr. TOOMEY.

H.R. 2075: Mr. WEXLER, Mr. YOUNG of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 2085: Mr. FARR.

H.R. 2114: Mr. BARTON of Texas and Mr. BEAUPREZ.

H.R. 2130: Mr. MENENDEZ, and Mr. LOBIONDO.

H.R. 2134: Mr. HOYER and Ms. LOFGREN.

H.R. 2172: Mrs. MYRICK.

H.R. 2173: Mr. FROST, Mr. PAYNE, and Mr. CAPUANO.

H.R. 2180: Mr. BAIRD.

H.R. 2181: Ms. BALDWIN, Mr. BOEHNER, Mr. DUNCAN, Mr. HOSTETTLER, and Mr. SOUDER.

H.R. 2205: Mr. BURNS, Mr. TAUZIN, Mr. PITTS, and Mr. ETHERIDGE.

H.R. 2224: Mr. WILSON of South Carolina, Mr. MCNULTY, and Mr. TERRY.

H.R. 2232: Mr. BOOZMAN, Mr. JEFFERSON, Mr. DOOLITTLE, Mr. MOORE, Mr. GUTKNECHT, Ms. MCCARTHY of Missouri, Mr. SANDLIN, Mr. PITTS, and Mr. BACHUS.

H.R. 2242: Mr. ROGERS of Michigan.

H.R. 2249: Mr. ALLEN, Mr. PAUL, Mr. MICHAUD, Mr. EVANS, Mr. GREEN of Wisconsin, and Mr. HINCHEY.

H.R. 2264: Mr. ROGERS of Kentucky, Mr. GRIJALVA, Mr. HINCHEY, Mr. ABERCROMBIE, Ms. MCCOLLUM, Mr. TANNER, Mr. BAIRD, Mr. WELDON of Florida, Ms. MCCARTHY of Missouri, and Mr. CARDOZA.

H.R. 2265: Mrs. BLACKBURN, Mr. CAMP, and Mr. HULSHOF.

H.R. 2291: Mr. KUCINICH and Ms. BERKLEY.

H.R. 2325: Mr. SHERMAN.

H.R. 2330: Ms. WOOLSEY, Ms. BALDWIN, and Mr. STARK.

H.R. 2333: Mr. NUSSLE and Mr. NETHERCUTT.

H.R. 2351: Mr. UPTON, Mr. PORTMAN, and Mr. KENNEDY of Minnesota.

H.R. 2377: Mr. FROST.

H.R. 2379: Mr. PORTER.

H.R. 2404: Ms. JACKSON-LEE of Texas and Mr. BERMAN.

H. Con. Res. 37: Mr. HOLDEN.

H. Con. Res. 87: Mr. CROWLEY.

H. Con. Res. 134: Mr. GREEN of Wisconsin and Mr. MEEKS of New York.

H. Con. Res. 152: Mr. DAVIS of Florida.

H. Con. Res. 169: Mr. DELAHUNT.

H. Con. Res. 200: Mr. KUCINICH.

H. Con. Res. 209: Mr. LANTOS, Mrs. JO ANN DAVIS of Virginia, Mr. GALLEGLY, Ms. KAPTUR, Mr. OLVER, Mr. CROWLEY, Mr. JANKLOW, Mr. MCCOTTER, Mr. BERMAN, Mr. HINCHEY, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. WICKER, and Ms. ROS-LEHTINEN.

H. Con. Res. 213: Ms. WATSON and Mr. BELL.

H. Res. 38: Mr. KUCINICH.

H. Res. 49: Mr. BURGESS.

H. Res. 58: Mr. ACKERMAN, Mr. MENENDEZ, Mr. BLUMENAUER, Mr. BURTON of Indiana, Mr. FATTAH, Mr. CARDIN, Mr. PRICE of North Carolina, Ms. LOFGREN, Mr. THOMPSON of Mississippi, Mr. FRANK of Massachusetts, Mr. KILDEE, Mr. KUCINICH, Mr. BERRY, Mr. HOLT, Ms. BALDWIN, Ms. WATSON, and Mr. ENGEL.

H. Res. 194: Mr. EVANS, Mr. TANCREDO, and Mr. MCNULTY.

H. Res. 198: Mr. RYUN of Kansas, Mr. TERRY, and Mr. BALLENGER.

H. Res. 199: Mr. WAXMAN, Mr. EVANS, Mr. LARSEN of Washington, Mr. MORAN of Virginia, and Mr. ACKERMAN.

H. Res. 237: Mr. HASTINGS of Florida.

H. Res. 242: Mr. MARIO DIAZ-BALART of Florida and Mr. HAYWORTH.

H. Res. 246: Mr. GRIJALVA.

H. Res. 259: Ms. WOOLSEY and Mr. NADLER.

H. Res. 262: Mr. BELL, Mr. BAKER, Mr. MCNULTY, and Mrs. BIGGERT.

H. Res. 264: Mr. TANCREDO, Mr. TIAHRT, Ms. LEE, Mr. GALLEGLY, Ms. ROS-LEHTINEN, Mr. FALEOMAVAEGA, Ms. WATSON, Mr. SMITH of Washington, Mr. CROWLEY, Mr. SCHIFF, and Mr. BLUMENAUER.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 660: Ms. EDDIE BERNICE JOHNSON of Texas.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1308

OFFERED BY: MR. KING

At an appropriate place insert the following:

AMENDMENT NO. 1:

**SEC. ___. INCREASE IN HISTORIC REHABILITATION CREDIT FOR CERTAIN LOW-INCOME HOUSING FOR THE ELDERLY.**

(a) IN GENERAL.—Section 47 (relating to rehabilitation credit) is amended by adding at the end the following new subsection:

''(e) SPECIAL RULE REGARDING CERTAIN HISTORIC STRUCTURES.—In the case of any qualified rehabilitation expenditure with respect to any certified historic structure—

''(1) which is placed in service after the date of the enactment of this subsection,

''(2) which is part of a qualified low-income building with respect to which a credit under section 42 is allowed, and

''(3) substantially all of the residential rental units of which are used for tenants who have attained the age of 65, subsection (a)(2) shall be applied by substituting '25 percent' for '20 percent'.''.

(b) APPLICATION OF MACRS.—The Internal Revenue Code of 1986 shall be applied and administered as if paragraph (4)(X) of section 251(d) of the Tax Reform Act of 1986 as applied to the amendments made by section 201 of such Act had not been enacted with respect to any property described in such paragraph and placed in service after the date of the enactment of this Act.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to property placed in service after the date of the enactment of this Act.

United States
*of* America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE *108th* CONGRESS, FIRST SESSION

*Vol. 149* WASHINGTON, WEDNESDAY, JUNE 11, 2003 *No. 85*

# *Senate*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rabbi Dr. Bernhard H. Rosenberg, Edison, NJ.

## PRAYER

The guest Chaplain offered the following prayer:

Eternal God, grant us the ability to face this new day with faith and optimism. Empower the men and women of this respected Senate with strength to live and labor with sincerity of purpose. Enable them to be of good courage in moments of adversity and endow them with fortitude to fulfill their daily tasks. Bless our revered Senators with vigor of body and health of mind. Bless them with the power to face the challenge of leadership with valor.

Bless our country, the United States of America, and shield its inhabitants from every enemy and danger. Help our Senators guard the liberties we hold sacred. Grant that our country will serve as an inspiring light for liberty loving people throughout the world. Inspire our Senators to help create a world of freedom, equality, and justice for all.

Lord, teach us to walk along the path of life with faith in Thee and trust in Thy wisdom. In the words of the poet, grant me ''the courage to change the things I can change, the serenity to accept those I cannot change, and the wisdom to know the difference''. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

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

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, June 11, 2003.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
*President pro tempore.*

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. FRIST. Mr. President, this morning the Senate will be in a period of morning business until 10 a.m. At 10 o'clock, the Senate will resume consideration of S. 14, the Energy bill. Pending is the Reid second-degree amendment to the Feinstein first-degree amendment on the issue of derivatives.

There are a number of Members who are reviewing those amendments at this time. It is a complicated issue. I know that a number of people, including the chairman of the Agriculture Committee, will want to speak on the amendment.

In the interim, it is my hope that we will continue to make progress on the bill and work through other amendments that may be offered. Also, as we have discussed over the course of this week, we would like to be able to lock in a list of the remaining amendments to the Energy bill during today's session.

I remind my colleagues we will vote on the confirmation of the nomination of Richard Wesley to be a Circuit Court Judge for the Second Circuit at 11:15 this morning.

In addition, there are a number of other Executive Calendar nominations ready for votes, and we will attempt to set a time certain for votes on those as well.

Also, with respect to the schedule, Senator MCCONNELL has continued to work for a vote on the Burma sanctions bill. I am very hopeful that over the course of the morning we will be able to address this very important and timely issue and bring this to closure. As I indicated yesterday, I fully support his efforts and we will work for a resolution today. The Senate, I believe, should speak loudly and clearly on the recent actions in Burma.

We would also like to consider and complete the FAA reauthorization this week, and we will continue to look for a way to schedule that matter.

In addition, there are other issues I have mentioned each morning on which we are working. It is important for our colleagues to come together so we can address them in a straightforward and timely manner, including the issue surrounding the bioshield bill.

Mr. REID. Will the majority leader yield for a comment on the schedule?

Mr. FRIST. Yes.

Mr. REID. Mr. President, first of all, we will have for the leader sometime today a finite list of amendments from our side. Also, Senator FEINSTEIN, when she left last night, said she was not going to agree to have her amendment set aside. The reason for that is somewhat based on last year when she worked with Senator Gramm for more than a week trying to get something on that amendment and she never did. She kept setting it aside, but she said she would not do that this time.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. MCCONNELL. Will the majority leader yield?

Mr. FRIST. Yes.

Mr. MCCONNELL. I thank the majority leader for raising again the issue of the Burma sanctions bill. I say to him and our colleagues in the Senate that we have now been working for 2 days to try to get this matter cleared.

While we are involved in the minutia of the clearing process, Aung San Suu Kyi is still, in effect, in prison. We need to send a message to the military in Burma, and we need to send it this week.

I am not going to propound another unanimous consent request at the moment, but I want to put colleagues on notice that later in the day I will be doing that once again. In the meantime, the discussions continue. We hope we will be able to resolve this matter. I thank the majority leader very much for bringing that up.

Mr. FRIST. Mr. President, I yield the floor.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 10 a.m., with the time equally divided between the majority and minority leaders or their designees.

The Senator from New Jersey is recognized.

## RABBI BERNHARD ROSENBERG

Mr. CORZINE. Mr. President, I rise now to thank Rabbi Bernhard Rosenberg for his stirring innovation this morning. This is only the latest honor to be conferred on Rabbi Rosenberg for his lifetime of distinguished service. He is a pillar in New Jersey's vibrant religious community, serving as a spiritual leader and educator, and his accomplishments speak for themselves.

If I might be personal, Rabbi Rosenberg is a terrific human being, whom I know personally. I am very pleased he joined us.

As the son of Holocaust survivors, Rabbi Rosenberg has taught numerous youngsters the importance of reflecting on that awful period in world history, a period which led to the deaths of more than six million Jews, as well as countless others. He has written many books on that subject, including ''Contemplating the Holocaust'' and ''What the Holocaust Means to Me: Teenagers Speak Out.''

Rabbi Rosenberg has served New Jersey in many capacities, including as a member of the New Jersey State Holocaust Commission, an appointee to the New Jersey Parole Board, and as the chairman of the Edison Human Rights Commission. For his years of commitment to the Jewish community and his humanitarian spirit, he has received a number of awards, including the Rabbi Israel Moshowitz Award by the New York Board of Rabbis, the Dr. Martin Luther King Jr. Humanitarian Award, and the Chaplain of the Year Award for his work relating to the September 11 attacks.

I take this opportunity to thank Rabbi Rosenberg for his years of service to the State of New Jersey, to the Jewish Community, and to the Nation. He has earned the profound respect of the people of New Jersey and this Senator.

Mr. LAUTENBERG. Mr. President, since 1789, every session of the Senate has been opened with prayer. I am proud that the Senate's guest Chaplain today, Rabbi Dr. Bernhard H. Rosenberg, is from my home State of New Jersey. Rabbi Rosenberg is the spiritual leader of Congregation Beth-El in Edison, NJ.

As the only child of Holocaust survivors, the late Jacob and Rachel Rosenberg, Rabbi Rosenberg has spent his life teaching the history and effects of the Holocaust.

In 1933, there were over 9 million Jews living in Europe. Almost 6 million were killed in the next 12 years. ''Holocaust,'' translated from Greek, means ''sacrifice by fire.'' The systematic persecution and genocide of millions of innocent people in Europe was a ''sacrifice'' the civilized world must never forget. I have met with Holocaust survivors, and I have seen the concentration camps. It was a hideous time in our world's history. But it is vital to learn about it, and it is vital to talk about it.

Rabbi Rosenberg serves his community as a leader, teacher, writer, and spiritual adviser. He is an impressively educated man, with multiple degrees in communication and education, and his ordination and doctorate of education from Yeshiva University in New York.

Rabbi Rosenberg teaches Holocaust Studies at the Moshe Aaron Yeshiva High School of Central New Jersey, and has taught at Rutgers University and Yeshiva University. Rabbi Rosenberg has authored four books, with ''Theological and Halachic Reflections on the Holocaust'' now in its second printing.

He is the spiritual leader of Congregation Beth-El and a model citizen in New Jersey.

Rabbi Rosenberg has dedication and commitment that is unparalleled. He is the editor of a Holocaust publication distributed by the Rabbinical Assembly and editor of the New York Board of Rabbis Newsletter. As Interfaith Chairman of the New Jersey State Holocaust Commission, Rabbi Rosenberg is associate editor of the State-mandated curriculum on Holocaust and Genocide.

Rabbi Rosenberg is chairman of the Human Rights Commission and chaplain of the Department of Public Safety, police and fire, of Edison, NJ. He is president and founder of the New Jersey Second Generation Holocaust Survivors' Group.

The work of Rabbi Rosenberg has not gone unnoticed. He recently received the Dr. Martin Luther King Jr. Humanitarian Award. He also received the Chaplain of the Year Award from the New York Board of Rabbis for his efforts during and following 9/11.

On June 10, 2002, Rabbi Rosenberg was presented with the annual Rabbi Israel Mowshowitz Award by the New York Board of Rabbis.

We are privileged to have Rabbi Rosenberg of Edison, NJ, to lead the Senate in prayer today.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. CORZINE. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the time during the quorum call be charged equally to both sides during the morning business period.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## GLOBALIZATION AND BIOTERRORISM

Mr. FRIST. Mr. President, I wish to take this opportunity in morning business to comment on issues of current events but also tied to the events of the last several years. The issues relate to the natural and the unnatural emergence and use of biology and microbes that have resulted in a convergence of two issues. One is this natural occurrence and one is the use of microbes, bacteria, viruses potentially as bioterror agents, all of that coupled with another nexus, globalization, the realization and evolution of a much smaller world in which we all live.

Globalization is generally addressed in the context of economics, economies of countries, information technologies, coffee shop franchises, luxury hotels, luxury clothing—what labels are on the backs of those sweaters and shirts—Internet surfing, instant messages.

Globalization has helped democratize faraway countries. It has brought wealth and comfort to many of the world's peoples. But it has always exposed us to new vulnerabilities which we have read about in recent years and, indeed, we read about each day in the papers. Specifically, globalization has brought us much closer to the threat of

natural disease as well as disease used potentially as an instrument of terror.

We can take, for example, the outbreak of monkeypox about which we are reading and listening today. We know monkeypox causes fever, headache, cough, and an extremely painful rash with pus-filled sores that can spread across the body. We know in children and those individuals who have a suppressed immune system, whether it is because of cancer or treatment for cancer or other autoimmune diseases, it can cause death.

Monkeypox is suspected to have originated with the importation of an exotic pet, actually a rather popular exotic pet called the Gambian giant rat. Then the monkeypox virus apparently jumped to infect the pet prairie dogs, and then jumped to infect human beings. We know there are 37 suspected or confirmed cases of monkeypox that are currently being investigated by the Centers for Disease Control. Public health officials, we learn, fear the prairie dog owners will release their infected pets into the wild and, thus, spread the disease through communities, regions, and, indeed, throughout North America.

Some also believe that this outbreak of monkeypox is the tip of a growing problem of infectious diseases being brought into the country through the importation of exotic animals.

Not too long ago—and, in fact, even right now—we focused on SARS. As we have seen with SARS, international travel by humans is also proving to be a conduit of disease. As I speak, Toronto is struggling with yet another suspected outbreak of SARS and at any point could go back on the World Health Organization's travel advisory list.

The SARS epidemic continues to disrupt international travel, continues to affect and, indeed, depress national economies.

Monkeypox, SARS, West Nile virus, which we know is seasonal—it has been 4 years since it first arrived in New York, and it has claimed 284 deaths and 4,156 infections. Several years ago, people did not know what West Nile virus was. Several months ago we did not know what SARS was, and several days ago we did not know what monkeypox was. Last year, just in this region of Maryland, Virginia, and the District, the West Nile virus killed 11 people. After what has been a wet spring in this region, where mosquito breeding is facilitated, officials fear—again not to be an alarmist—there will be another explosion of infections this summer. West Nile has spread across the United States of America. It is now firmly established, entrenched as a North American disease. West Nile, SARS, and now monkeypox—we will see emerging infections continue to appear, at least at this rate. These are the natural health threats.

Equally alarming is this whole arena of bioterrorism, the use of microbes, viruses, bacteria, and other microbes as biological weapons to threaten others. This very body, the Senate, has been attacked with anthrax. We know there is an entity called the plague which, indeed, wiped out about a third of Europe in the 1300s.

We know the risk of smallpox. We know one gram of botulinum toxin, if aerosolized, has the potential for taking the lives of a million and a half people.

I mention all of this not to be an alarmist but to give some definition to what I think we all know today but we did not think very much about 3 or 5 years ago, and that is these threats, those of bioterrorism and the naturally occurring, are real.

With regard to bioterrorism, I do commend President Bush for successfully leading America and indeed the world to face these new realities of terrorists. We have disrupted terrorist networks. We have frozen terrorist assets. We have removed terrorist leaders and indeed have arrested more than 3,000 individual terrorists worldwide. We have toppled two of the world's most notorious terrorist regimes in Afghanistan and Iraq with decisive victories.

With regard to our domestic response, we are finally rebuilding our public health system after a long period of neglect. As a nation, this has enabled us to respond, in an appropriate way, to the potential spread of SARS much more effectively than other countries. We must continue to invest in and enhance our public health system to detect and respond to such emergencies, for, as I said earlier, we will see more.

We must actively lead the way to develop new treatments in vaccines, and that is why when I come to the floor each morning and mention the importance of vaccine research, vaccine development, and specifically bioshield legislation, which is sitting before this body perched and ready for us to act upon it, but there are certain problems we have had among ourselves in coming to an agreement, how best to bring that to the floor—but that bioshield legislation is in exact response to these issues I mention today.

I should also add that we, and our friends and allies across the world, must not allow other countries to pursue biological weapons programs. President Bush has set the United States, with the help of our allies, along a proper course to ultimately win the war on terror. I, for one, am grateful he and his national security team have answered the call to serve in this perilous time. We will defeat the forces of terror. We must take our enemies seriously, but because of globalization they are closer than ever. I am optimistic. We have an obligation in this body to respond and indeed prepare for and prevent, whether it is those naturally occurring infections or any attempt of others to use these biological agents as weapons of mass destruction.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. We are in morning business, is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

## REFORM OF OUR GOVERNMENT

Mr. THOMAS. Mr. President, I will make a couple of comments that are a little different than the subject we have been talking about. It is something that I do not have the recommendation as to how we resolve it particularly, but I am persuaded we need to spend a little more time on it, which I intend to, and that is government activities we are involved in. Of course, the many government activities we are involved in are probably the largest combined organizational thing we do in this country. It would be interesting to know, and I intend to see if there is not a way for all of us to do so, to get a look at all the kinds of programs and different activities the Federal Government is involved in. It is massive, of course.

We spend trillions of dollars on activities in the Federal Government. I do not suggest that is not legitimate. The Federal Government has a job to do and we need to do it. What I do believe is that because of the nature of it and because of the nature of this body, frankly, we do not really work very hard at ensuring that the delivery of these services is done as efficiently as it could be. We are a little different, of course, than the private sector in that there are some inherent barriers in the private sector. If one is not very efficient, they are not able to continue to compete with others and they are not able to go on. That is not true in the Government, of course. There is not that kind of limitation.

So it seems to me we ought to give a little more thought to how we do things. It is quite natural that when there is a need somewhere, through the political process we bring up some resolution to the need, some way to work on the need, and it usually creates a new agency or creates a new department within an agency or a new function, and there is no real way to ensure that that blends in to what is already being done in an efficient way.

There certainly must be lots of opportunities within this huge organization we have to be able to blend one thing in to another to do it more efficiently, to deliver it more efficiently. I think clearly there is reason to believe that activities that were begun 30 years ago may need to be reviewed to see if they still are needed, and if they are needed that they are done in a way that is most effective and efficient.

I am really not critical of the people who are doing these things. I am critical, I guess, or at least inquisitive about the system, because the system is set up in such a way that it does not have a way to even consider change

very often. As I say, in the private sector, people are forced to change from time to time in order to continue to be effective and to continue to modernize. I do not think it is reasonable to think that a program that started in the 1950s, and it is now 2003, that that program is being done as efficiently as it might be. I frankly sometimes think it would be a good idea if the various things we pass that go into some kind of services, some kind of activity, should expire and we should have to go through the process of reexamining what that operation is doing and if it is still needed—and it may or may not be—then see if it is being done in the most efficient way possible.

There are operations in the Government, of course, that are designed to do that, such as OMB, the Office of Management and Budget, but it is very difficult.

I am pleased that President Bush has a modernization program going, but there is all kinds of resistance. The resistance can be political: If it does not happen to suit one's particular community as a politician, why, they are opposed to that. I think it is fair to say clearly that the labor union leaders who are involved with Government unions are overreacting to the idea that some things ought to be made available to be done in the private sector, which I think is a very reasonable thing to do.

We now have sort of an overstatement of things that are trying to be done in the National Park Service. Well, there should be a few things that are competitive with the private sector, but the whole Park Service is not going to be turned over to the private sector. No one has suggested that, but that is the kind of thing we get.

I do think we ought to pay a little more attention to how we could make the delivery of services more efficient and how we could review the services that are being delivered to see if indeed they are in keeping with the times. That has to be done in a special way because it just does not happen automatically. Politics keeps it from happening. The complexity keeps it from happening. Sometimes labor unions are resistant to any change. I think it is our responsibility, and I intend to continue to look for opportunities, to examine, evaluate, and try to move forward in making the delivery of essential services more efficient whenever possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Mr. President, I understand we are to resume debate on S. 14 at 10?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. CRAIG. The chairman of the committee who is managing the bill is not yet on the floor. Until he comes, I ask unanimous consent to speak as in morning business for no more than 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, I wonder if the bill should be reported and then go into morning business.

Mr. CRAIG. I am going to talk on energy, anyway, so we could do that. I would withdraw my UC.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

## ENERGY POLICY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 14, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 14) to enhance the energy security of the United States, and for other purposes.

Pending:

Feinstein amendment No. 876, to tighten oversight of energy markets.

Reid amendment No. 877 (to amendment No. 876), to exclude metals from regulatory oversight by the Commodity Futures Trading Commission.

The ACTING PRESIDENT pro tempore. The Senator from the great State of Idaho.

Mr. CRAIG. Mr. President, we are now resuming debate on S. 14, the national energy policy for our country. I have been on the floor several times over the last number of weeks as we have debated different amendments. Yesterday, there were a couple of critical votes as it related to nuclear. We have a derivatives amendment at this time by the Senator from California, and I think the Senator from Nevada has a second degree on it.

A fundamental question again emerges, and emerged yesterday at a hearing on the Hill, with the statement of our Federal Reserve Chairman Alan Greenspan as to the importance of a national energy policy.

Why is the Chairman of the Federal Reserve, who is interested in the prime rate and the management of monetary supply of our country, concerned about energy? It is fundamental why he is concerned about energy. He is concerned about the economy of our country and its strength, stability, and ability to grow and provide jobs for the men and women who currently do not have them, and to strengthen and stabilize those jobs for the men and women who currently do have jobs.

What was he talking about yesterday? He was talking about one of the primary feed stocks for energy in our country, natural gas; the problems that we currently have with the supply of natural gas because this country has not effectively explored and developed, for a variety of reasons, our natural gas supply.

In the context of not providing supply, we have provided extraordinary demands on the current supply. Under the Clean Air Act, to meet those clean air standards, and out in the Western States and those air sheds specifically, the only way you can meet those standards and bring a new electrical generating plant on line is to choose to use gas to fire a turbine, to generate electricity. That is a tremendously inefficient way to use the valuable commodity of natural gas, but that is exactly what the Federal Government has told our utilities over the last two decades: If you are going to bring a new generation on line, it will be a gas-fired electrical turbine. Coal has problems; we are working on clean coal technology. This legislation embodies trying to get us to a cleaner technology to fire the coal electrical generation in our country.

As a result, what are we talking about? What has been said and what we believe to be true is that there is now rapidly occurring a major shortage in natural gas. As a result, that is not only going to drive up the cost to the consumer in his or her individual home—and I will read from an article: Another witness, Donald Mason, head of the Ohio Public Utilities Commission, predicted that the average residential heating bill next winter will be at least $220 higher per household than last winter.

That is a real shock to an economy and to a household and why Alan Greenspan is obviously worried that you spread that across a consuming nation, and we are talking about hundreds of millions of dollars pulled out of the economy to go to the cost of heating when it had not been the case before. That was one of the concerns.

The other concern is the tremendous price hike we are seeing at this time and the impact that will have. Gas prices have nearly doubled in the past year to about $6.31 per Btu, and there is a 25-percent change expected. We expect prices to peak and we have seen one instance, about 3 months ago, over a 200-percent increase in the price of natural gas as a spike in the market.

S. 14 is legislation to help facilitate the construction of a major delivery system out of Alaska. In Alaska at this moment we are pumping billions of Btu's of gas back into the ground because we simply cannot transport it to the lower 48 States, and we do not want to flare it into the atmosphere as has been the approach in the past in gasfields. It is too valuable a commodity, and we do not want to do that to the environment.

We have also looked at other opportunities for access. Part of the difficulty today is delivery systems and building gas pipelines across America. This legislation has provisions to help facilitate more of that as it relates to right of way and, of course, the recognition of the environmental need and the consequence and appropriate adjustment there.

What Alan Greenspan underlines in his comments, what Donald Mason

from the Ohio Public Utilities Commission underlines, was what Spence Abraham said last Friday when he called for a June 26 meeting of the National Petroleum Council to talk about this impending gas shortage crisis: Our country needs a national energy policy.

I hope all of my colleagues rally to that reality. Why should we force upon the American consumer a $200- or $300-increase in their energy costs next year simply because this Senate and this Congress will not do its work or can't do its work? We debated mightily a year ago an energy policy. We got it to a conference. The differences were too great. Ultimately, we could not arrive at a final product to go to our President's desk.

What Senator DOMENICI has done as chairman of the Energy and Natural Resources Committee is craft a broad-based national energy policy that is as much production as it is conservation. It is as much new technology as it is the advancement and the improving of existing technology. It is truly a broad-based national energy policy for our country. More gas? Yes. More coal usage? Yes. More wind usage? Yes. More photovoltaic or sunlight usage? You bet. The development of new, safe, clean, more effective utilization of nuclear? Absolutely. Why shy away from any energy source at this moment when we are forcing them on the American consumer and the economy of this country is increasing costs in the area of energy?

Lastly, when we do all of that and we drive up the costs of the job itself and the cost of the product produced by that job, we make ourselves increasingly less competitive around the world.

I was out in the Silicon Valley this weekend. I met with 50 CEOs of high-technology companies in San Jose. They are interested in a lot of issues, but their No. 1 issue is energy and the ability to know that when they build a plant in this country, whether it is in California or in any other State, they are going to be guaranteed a supply of high-quality constant energy. The reality is when they do not have it, they will shop elsewhere to build that plant. If they can't get quality sustainable energy in this country, then they will go elsewhere. That means U.S. jobs go to some other country.

Shame on us as a country for having failed for the last decade to produce a national energy policy, and in failing to do so, bringing Alan Greenspan to the Hill to talk about an impending energy crisis again in domestic supply of gas, and to have a utility commissioner talk about a $220-per-year increase in the cost of heating the average American home by natural gas.

Less food on the table, less money in the college trust fund for the children—all of those could be the consequence of a home that is unemployed, a home that has to choose between staying warm and doing other things. In a cold winter, ultimately, they will want to stay warm and they will have to pay their heating bill. We should not ask Americans to make that choice if it is our failure to produce a national energy policy and to produce energy that has caused them to have to make that choice. That is the issue.

I hope the Senate will expedite the passage of S. 14. We have been on it now nearly 4 weeks, 3 weeks to be exact. We are being told there are hundreds of amendments out there. There are not hundreds of amendments on this side of the aisle. There are a few. We ought to ask, and I hope we can get by the end of business this week, a finite list and a unanimous consent that will bring this issue together so we can say to our colleagues and to the American people: The Senate is ultimately going to vote on this legislation, help produce a national energy policy, get it into conference with the House, and get it on the President's desk as soon as we possibly can.

Not only does the absence of a national policy have a negative impact on our economy, the presence of one—this legislation—could have a tremendously positive impact. Many have said in the analysis of S. 14, there are 500,000 new jobs in this legislation alone. That could be more jobs that would be created over the next 10 years by this legislation than could be created by the economic stimulus package, although we believe that will have a tremendously positive impact.

That is why we are here in the Chamber debating it. I am frustrated by those who say: Oh, no, not now; we can't do this; we can't do that; or we have hundreds of amendments; or we are obstructing or dragging our feet.

Let's get a unanimous consent agreement. Let's get Senators to bring those amendments to the floor. I am certainly willing to debate them. I think we ought to vote on them. The American people ought to sort us out and see who is for energy production in this country, who is for driving down the projected costs to the average home when it comes to their heating bill, who is in favor of creating hundreds of thousands of new jobs in clean technology, environmentally sound technology, and making this Nation once again self-reliant in the area of energy.

S. 14 is critical legislation. We ought to be voting on it now. We ought not be dragging our feet or, in some instances, obstructing. The debate is critical. Senators, bring your amendments to the floor. The chairman has pleaded with us time and time again to craft a unanimous consent agreement. The Senator from Nevada, the whip for Democrats, has worked with us to try to get a unanimous consent agreement. If, on Friday, we cannot produce a unanimous consent agreement of the body of amendments that will finally be offered and debated on this bill, then it begins to look as if somebody is obstructing this process, somebody simply does not want it to go forward in an effective way to finalize and produce for this country a national energy policy.

I certainly hope we can get on with the business that the Senate does best—get to the floor, debate the issues, offer the amendments, vote on them, and ultimately get this legislation to our President's desk so our country can once again stand tall and strong in the field of energy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I say to the distinguished Senator from Idaho, we will, as I indicated to the majority leader today, have a list sometime today, a finite list of amendments on our side. I would also say the holdup, the slowdown on this bill in the last 24 hours is not anything that we on this side have done. Senator FEINSTEIN has offered an amendment. That amendment needs to be disposed of before we move forward. I hope the majority will make a decision in the near future as to what they want to do with that amendment.

As indicated, I filed an amendment—I am confident my friend from Idaho would agree with it—to exempt from her amendment minerals, which are such an important part of the American West. They have agreed to accept that amendment. Senator FEINSTEIN has agreed to accept the amendment—not, I am sure, because she likes the amendment a lot but because she realizes what happened when there was a vote on this last year.

I hope that amendment will be accepted, the majority will allow that amendment to be accepted, and we can move forward on the Feinstein amendment with an up-or-down vote or move to table, whatever they decide to do on it, but let's move on.

Senator FEINSTEIN, for example, has other amendments she wishes to offer. She has one dealing with CAFE standards. That was debated last time, but I am sure we will have to debate it this time. But we should move forward on this legislation.

I want the record simply to reflect we are not holding up this legislation. I have made public statements here, with the full knowledge of the Democratic leader, that we are cooperating on this Energy bill in the very best way we can. As we know, last year when we had this bill up, there were 8 weeks of debate, approximately 125 amendments, and we had 35 recorded votes. I hope we need not do that this time. I hope we can condense things and do it in fewer than 8 weeks.

I also said publicly I appreciate very much how Senator FRIST has handled the bills generally since he has taken the leadership of the Senate—not filing cloture immediately. As long as we are cooperating, which we are on this, offering substantive amendments, he has been very good about allowing debate to go forward.

We continue, on this measure, to cooperate with the majority. We will

move forward with this most important legislation. I agree with the Senator from Idaho, this country needs an energy policy. I underline, underscore this. I didn't hear all his remarks, I was called off the floor, but I did hear some of his statements regarding alternative energy. The State of Nevada is the Saudi Arabia of geothermal. We are waiting for that development. We need certain tax incentives included in the tax portion of this bill.

We would thrive on more solar energy production. That can be done with tax incentives that are in the underlying tax part of this bill. Of course, the Senator from Idaho and I know how much the wind blows in parts of Idaho and Nevada, and we should be using that wind to our own benefit. It is renewable energy.

Even though there are certain things in the bill the Senator from New Mexico produced that I was not wild about, that is what the process is about. Amendments are offered. The Senator from New Mexico had strong feelings about the nuclear portions of this legislation. We had a good debate on that yesterday and a very close vote. That is what the Senate is all about. There are other parts of the bill we are going to try to amend. No one at this stage is trying to stall—I should not say no one. I am sure some people would love this legislation never to come about, but the general belief of the people on this side of the aisle is we should have an Energy bill, and we are going to work toward that end.

Mr. CRAIG. Will the Senator yield?

Mr. REID. I am happy to yield.

Mr. CRAIG. I appreciate those comments. I think we are all frustrated, when we have an issue as mature as this issue is, not to be able to define an arena of amendments and get a unanimous consent agreement that sets a course of action for us. To me, that is what defines progress and ultimate conclusion of what we do on the floor.

As I said earlier, I welcome all amendments that Senators want to have come to the floor. Let's get at the business of debating them and voting on them. When I see an hour quorum call because we cannot get somebody to come to the floor to offer an amendment—and I know the manager of the bill, the chairman of the Energy Committee, has worked mightily to get that done—I have to begin to question what is our intent here.

I am extremely pleased that the Senator from Nevada has recognized the possibility of getting a unanimous consent with a group. I did mention in my remarks that I know the Senator worked to accomplish that, and I appreciate that. But in the absence of doing that, it appears we are wandering a bit in a wilderness of undefinable amendments and no determination as to when we can conclude this process.

It is extremely pleasing to hear we may ultimately get that done because this is a critical issue.

Mr. REID. I will respond to my friend from Idaho. No. 1, we hope to have a list of amendments today sometime before the close of business. No. 2, as the Senator from Idaho knows, as the Senator from New Mexico knows, the lull in the proceedings here is not any fault of the minority. We are waiting for the majority to make a decision as to what they are going to do on the derivatives amendment filed by the Senator from California and the Senator from Illinois.

We are here to do business. We are simply waiting, until a decision is made on derivatives, as to what is the next amendment before us. We have lots of people willing to offer amendments on this side.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first I thank the distinguished Senator from Idaho for his remarks this morning and for his assistance on this bill. I thank him very much.

This morning I want in particular to thank the distinguished minority whip, the Senator from Nevada, for his comments on the floor and his commitment. We are working on a list on our side. We will certainly be ready at the same time or sooner, which means whether we finish by this Friday or not, although we will try mightily once we have the list to wean them down and to move with dispatch. Obviously, we will be on a course to get an Energy bill this year, which is clearly what we want to do. From listening to the minority leader, I have no doubt whatsoever that is what the minority desires to do. I thank him very much for the comments here this morning.

As far as the pending amendment is concerned, it is in our hands at this point. The Senator from California has her prerogative of not wanting to set it aside. We have an obligation to decide what we are going to do with it. We ought to do that pretty soon. Our leadership will make that decision. It is not directly within the jurisdiction of this committee, or I would be making decisions with the leadership. It is more within the jurisdiction of the Agriculture Committee, and the leadership is taking a look.

I understand we have a vote this morning on a judge. Is that correct? That will give leadership a chance to be here in the Chamber, I say to my friend from Nevada, after which time we will make a decision on what we want to do with the pending amendment.

In the meantime, the Senator from New Mexico yields the floor knowing there are others who want to speak to this issue. The junior Senator from Idaho desires to speak. I will yield at this point so he may proceed.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 876

Mr. CRAPO. Mr. President, I rise to address the Feinstein amendment dealing with derivatives. I think it is a very bad idea. It is one we debated last year and one which is dangerous to our economy.

In order to understand, we have to go back 2 years. Several years ago, Congress wanted to know exactly how our country should approach the regulation of derivatives. As a result of that, and after a few years of study and debate in which a precise time was put together to evaluate the issue, that team came back with recommendations. Those recommendations were enacted by Congress in the Commodity Futures Modernization Act of 2000. This landmark legislation provided certainty with respect to the legal enforceability and regulatory status of swaps and other off-exchange derivatives—what we call over-the-counter derivatives—under the Commodity Exchange Act. The Feinstein amendment would undermine that certainty for OTC derivatives and would impose a new persuasive and unnecessary regulatory regime with respect to OTC derivatives based on energy or on other nonfinancial, nonagricultural commodities.

This act gets complicated, but these commodities are called ''exempt commodities.'' The term is a little bit confusing because it creates the impression sometimes that these commodities are not regulated at all. They are covered fully by the Commodity Futures Modernization Act and by the Commodity Exchange Act. The point is that they are not regulated in the same way that other securities are regulated.

OTC derivatives, including those based on energy, are critical risk management tools. Congress, key financial regulators and others recognize that OTC derivatives are critical tools that are used by businesses, government, and others to manage the financial, commodity, credit and other risks inherent in their core economic activities with a degree of efficiency that would not otherwise be possible.

It is important to state at the outset as we are discussing this issue that we are not talking about transactions that many people think of in securities where they think about investing in a stock in the stock market, a stock that may be regulated under our securities regulations system. These are not transactions that are engaged in by unsophisticated buyers or sellers. These are very sophisticated transactions. Those engaging in these transactions are sophisticated buyers and sellers. They are not the kinds of transactions most people think of when they think of investing in the stock market.

OTC derivatives based on energy products are an especially important tool, allowing market participants to manage risk. In fact, last year when we had Alan Greenspan testify at the Banking Committee, I asked him directly about whether he believed the management of derivatives, the regulation of derivatives, was being properly handled today and whether there was any aspect of our approach to regulating derivatives that led to the Enron

debacle or any of the other problems California faced.

At that time, the answer I got from Mr. Greenspan was that he was not aware of any evidence that indicated the problems we faced in the Enron circumstance were as a result of our regulatory regime for derivatives, and also that it was his opinion the use of derivatives was a very important tool to help to allocate risk in our economy in such a manner that it helped us stabilize and strengthen our economy.

In fact, he even went so far as to say he believed that one reason our economy had not dipped further as we faced a lot of the economic trials and tribulations we have faced in the last couple of years was because of our ability to utilize derivatives and to share and allocate risk in these complicated transactions.

Today, for example, airlines use over-the-counter derivatives to manage their risks with respect to the price and availability of jet fuel. Energy-intensive companies such as aluminum producers use OTC derivatives to hedge their risks of change in the cost of electricity, and energy producers likewise use OTC derivatives to minimize the effects of price volatility.

Again, I reiterate the point that these are complicated, sophisticated transactions being engaged in by very sophisticated participants in the market.

A Wall Street Journal article dated March 10, 2003, entitled ''U.S. Airlines Show Disparity in Hedging for Jet-Fuel Costs,'' illustrated the impacts of using derivatives to hedge in the U.S. airline industry. The article noted that jet fuel, now more than twice as expensive; as a year ago, is emerging as a major factor in survival and bankruptcy for airlines, as several carriers, including some of the weakest, find themselves with few protective price hedges in place.

In other words, these airlines did not effectively utilize the hedging tool, and now they are facing a doubling in the cost of their fuel prices against which they could have hedged. They could have spread that risk if they had used these hedging tools.

Congress should avoid actions that unnecessarily deter the use or increase the cost of these risk management tools.

Key financial regulators also oppose legislation such as this amendment. As I indicated earlier, Alan Greenspan indicated his opposition to increasing or changing the regulatory regime with regard to transactions in OTC derivatives. We are expecting anytime today to get a brandnew response from all of our financial regulators. But last year when this same debate was held, the Chairman of the Board of Governors of the Federal Reserve, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission, collectively known as the President's Working Group on Financial Markets, opposed the earlier versions of the amendment we debated.

In a September 18, 2002, letter to Senators CRAPO and MILLER, these regulators highlighted the benefits of OTC derivative noting that ''the OTC derivatives markets in question have been a major contributor to our economy's ability to respond to the stresses and challenges of the last two years.'' The President's working group also observed ''while the derivatives markets may seem far removed from the interests and concerns of consumers, the efficiency gains that these markets have fostered are enormously important to the consumers and to our economy.'' They urged Congress to protect these markets' contributions to the economy and to be aware of the potential unintended consequences of legislative proposals to expand regulation of the OTC derivatives markets, and changing the President's working group proposals which we enacted into law in 2000.

Federal Reserved Chairman Alan Greenspan told the Senate Banking Committee in March of last year that there was:

> a significant downside if we regulate [OTC derivatives based on energy] where we do not have to . . . because if we step in as government regulators, we will remove a considerable amount if the caution that is necessary to allow these markets to evolve. [W]hile it may appear sensible to go in and regulate, all of our experience is that there is a significant downside when you do not allow counterparty surveillance to function in an appropriate manner.

The CFTC does not need new authority to address acts of manipulation that appear to have occurred in California.

One of the arguments we often hear in favor of jumping in and increasing the regulatory scheme with regard to derivatives is that Enron destroyed the energy markets in California and if we had had a tough regulatory regime, that wouldn't have happened.

The CFTC's recent enforcement action against Enron demonstrates that it has adequate tools under the CFMA to address situations such as those, which arose in California. The following enforcement actions have been brought forth by the CFTC this year: No. 1, CFTC charges Enron with price manipulation, operating an illegal, undesignated futures exchange and offering illegal lumber futures contracts through its internet trading platform; No. 2, energy trading company agrees to pay the CFTC $20 million to settle charges of attempted manipulation and false reporting; and No. 3, former natural gas trader charged criminally under the Commodity Exchange Act with intentionally reporting false natural gas price and volume information to energy reporting firms in an attempt to affect prices of natural gas contracts.

The point here is, there is law in place prohibiting the kinds of things that happened in the Enron situation, and those laws are being enforced with criminal penalties being imposed. The fact they are already regulated is apparent. The fact that the acts that occurred in California are the subject of intense regulatory review and criminal enforcement conduct shows we do have regulatory protections in place. The fact there are bad actors who violate the law does not always mean we should necessarily increase the regulatory burdens we face in this country, that our economy deals with in this country.

The CFTC's Division of Enforcement continues to work closely with other Federal law enforcement officers across the country on investigations of possible round-trip trading, false reporting, and fraud and manipulation by energy companies, their affiliates, their employees, or their agents. Again, the point is, there is no evidence that any aspect or lack of aspect in our regulatory regime for the regulation of derivatives had anything to do with the actions of Enron and the occurrences in California that caused such a difficult problem in their energy economy.

There is no evidence that enactment of the CFMA, for example—the 2000 reforms, the modernization of our regulatory system—contributed to the collapse of Enron. Enron's collapse was caused by a failure of corporate governance and controls which, when it became public, led others to refuse to do business with them. As in the case of California, neither the CFTC nor any other key financial regulators has suggested more restrictive regulation of derivatives or derivatives dealers would have prevented the fall of Enron or is needed to prevent future similar events in the future.

The Feinstein amendment would cause more problems than it would cure. This amendment, among other items, would create jurisdictional confusion between the Federal Energy Regulatory Commission and the Commodity Futures Trading Commission. It would impose problematic capital requirements to facilities trading in the OTC energy derivatives markets. It would require futures-like reporting and recordkeeping requirements.

It would create both legal and regulatory uncertainty for brokered trading in OTC energy derivatives, as well as OTC derivatives based on other nonfinancial, nonagricultural commodities. It would subject to new regulation a broad range of market participants that have not traditionally been subject to the more intensive CFTC regulation. It would allow the CFTC to regulate any exempt commodity transaction and presumably any market participant that engages in such a transaction in a dealer market. Again, I repeat, these are sophisticated transactions between sophisticated actors in these markets. This proposal would create the very sort of uncertainty that Congress and the Commodity Futures Trading Commission have worked for more than a decade to avoid.

This amendment, in my opinion, is a solution in search of a problem. Since the collapse of Enron and the actions of some market participants to improperly exploit the weaknesses in the California energy price deregulation scheme, remedial actions have occurred on all fronts. The CFTC, the FERC, and others have initiated civil and criminal actions. The Financial Accounting Standards Board has aggressively pursued necessary changes in accounting rules, and private-sector groups have developed and implemented ''best practices'' rules and improved the techniques of managing credit and other risks in the OTC energy derivatives transactions.

The lessons of Enron and of California have been learned. The misdeeds and regulatory violations involving Enron and California have challenged regulators under the existing regulatory structure. Law enforcement agencies and private litigants are dealing with it under the existing regulatory structure. The energy markets are beginning to rebound, and they are becoming less volatile, notwithstanding the current uncertain economy. As a result and because of all this, the Feinstein amendment is little more than a solution in search of a problem, but for reasons I have already mentioned, it is a solution that is dangerous and unnecessary and will put more rigidity into our economy at a time when we need the flexibility and the resilience that will make our economy more dynamic in these difficult times.

Mr. President, there are a lot of other aspects of this debate we need to review before we vote on this amendment. I am hopeful by the end of the day we are going to be in a position where we can, as a Senate, deal with this amendment, as we dealt with it last year, by rejecting it and telling our energy derivatives markets, and all of our OTC derivatives markets, that the current modernized regulatory structure we put into place in 2000, as we follow the President's working group recommendations as to how to deal with these issues, will be maintained and will not be changed, and they can continue to utilize these important financial tools to keep our economy strong and dynamic.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the matter now before the Senate? Is it the Reid amendment to the Feinstein amendment?

The PRESIDING OFFICER. The Reid amendment is the pending question.

AMENDMENT NO. 877, AS MODIFIED

Mr. REID. Mr. President, I have a modification to my amendment which I send to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 877), as modified, is as follows:

On page 18, strike line 1 and insert the following:

''(10) METALS.—Notwithstanding any other provision of this subsection, an agreement, contract, or transaction in metals—

''(A) shall not be subject to this subsection (as amended by section ___04 of the Energy Policy Act of 2003); and

''(B) shall be subject to this subsection and subsection (h) (as those subsections existed on the day before the date of enactment of the Energy Policy Act of 2003).

''(11) NO EFFECT ON OTHER AUTHORITY.—

Mr. REID. I state, Mr. President, I did this with no one from the majority being here, but it does not take unanimous consent, so I was not trying to take advantage of anyone.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. Mr. President, I rise to address the overlying amendment pending before us concerning the issue of energy derivatives. I know there is a second-degree amendment to that. I am a little disappointed there is a second-degree amendment to it. I understand why it was done. I know the Senator from California wants to separate off those people who are interested in metals derivatives from those who are interested in energy derivatives. She knows there is considerable interest on both of those parts. So this is a divide-and-conquer strategy, where later they will pick up the metals folks, thinking it will probably work better, because we debated this last year. We debated the same issue. We are back to an amendment that is slightly revised but still not good enough to make it through this body before.

We voted on this and we defeated this. One significant change is the second-degree amendment that takes the metals derivatives out of it. That is clever, but I hope the metals folks don't fall for it because they are next on the list.

The proponents of the amendment believe the trading of derivatives—especially in the energy area—was the cause of energy problems faced by Western States in recent years. The proponents believe energy trading of derivatives by Enron contributed significantly to the energy problem. Unfortunately, the problems that caused Enron to fail were based upon failures in corporate governance and outright fraud. Chairman Greenspan has testified several times before congressional committees that derivatives did not cause the collapse of Enron.

Last year we debated the same issue and we voted it down. The issue of derivatives trading is one of the most complicated and detailed issues to come before us. I have been tempted to see how many of us could even spell derivatives, and we are being called on here to make some major judgments on the issue. If you are a derivatives dealer or a small company that uses derivatives to stabilize revenues, or you are a purchaser of derivatives, this would probably be a stimulating debate. But it is one of those detailed ones, and I think that is why I get to speak on it. It is more the accounting type of thing. Consequently, most people will not be able to understand the implications or even how it operates other than in general details, and I am including myself in that.

I must admit that as chairman of the Securities and Investment Subcommittee of the Banking Committee, I have encountered especially complex market structure orders. However, the issue of derivatives goes beyond those issues. This may have been the most complicated matter I have looked at since I have been in the Senate.

Nobody really knows what a derivative is, including myself. They are very complicated, tailored instruments, each one being unique, which explains why, from the beginning of the trading of derivatives, it has been deregulated. It has never been regulated. In very basic terms, the selling of derivatives is a way for companies that cannot afford risk to pass it on to companies that are willing to accept the risk, to buy the risk. It is a form of corporate insurance. However, beyond this simple definition, the experts should be left to structure and negotiate the instruments. I want to mention that each instrument is unique. That is why it is not traded on the stock market. However, beyond this simple definition, we do need to leave it to the professionals, the ones who understand how this works. And there are professionals out there working on it.

While the amendment before us is very similar to last year's amendment, the changes made to the amendment do not completely solve the underlying problems. In fact, the amendment may have cause for greater confusion as to the jurisdiction of derivatives between the Commodity Futures Trading Commission, the Securities and Exchange Commission, the Office of the Comptroller of the Currency, and the Federal Energy Regulatory Commission.

In 2000, during the debate on the Commodity Futures Modernization Act, we discussed extensively the oversight and regulation of energy derivatives. We concluded that the proper amount of oversight for a new and emerging business had been put into law. I believe we took the proper course. That law gave the Commodity

Futures Trading Commission additional powers to regulate market manipulation where appropriate.

One argument that was made over and over during the debates last year and is being made this year is that somehow the 2000 legislation exempted these derivatives and swaps from regulation. That argument is not true. They never have been regulated. In fact, Congress acted in passing the Futures Trading Practice Act in 1992 to give the Commodity Futures Trading Commission specific power to exempt these derivatives and swaps as being inappropriate for regulation under the Commodity Futures Trading Commission, which has the job of regulating futures—not regulating tailored swaps between sophisticated customers.

The Congress passed the Futures Trading Practice Act in 1992 that directed the Commodity Futures Trading Commission to grant these exemptions. Those exemptions were granted in the previous administration, and the issue was not controversial until we started looking for a scapegoat. Nor have these swaps and derivatives ever come under Federal regulation in terms of an ongoing regulatory process.

Taxpayers take a dislike to the addition of programs to increase tax burden or regulation. This one is regulation. I am reminded of a poem from the play ''Big River'' that describes the emotions of a taxpayer. It goes:

Well you sole selling no-good
Son-of-a-shoe-fittin' firestarter
I ought to tear your no-good
Perambulatory bone frame
And nail it to your government walls
All of you, you Bureaucrats.

There is a concern across this country for bureaucrats setting up regulation, particularly regulation if it is not needed and regulation that is not understood by the regulators.

During his testimony before the Senate Banking Committee last March, Chairman Greenspan reiterated it was crucially important that Congress and Federal regulators permit the derivatives market to evolve amongst professionals who are the most capable of protecting themselves far better than Congress, the Federal Reserve, CFTC, or the Office of the Comptroller of the Currency. Unfortunately, there is a considerable downside for the Federal Government to get involved where the individual private parties are already looking at the economic events of their trading partners.

With respect to the Enron matter, there is no indication that the trading of energy derivatives contributed in any way to the collapse of Enron. Proponents of the amendment argue that Enron had such a large market share of this business that they were able to have undue influence over energy trading. However, to the contrary, during and after Enron's collapse, there were no interruptions of trading. If it had been a disaster, there would have been interruptions, but there were no interruptions of trading. The market continued.

One fear that existed in earlier debates, and still exists today, was that the CFTC did not have the regulatory power to correct abuses in trading of derivatives. However, on page 43 of the Senate companion bill, S. 3283, to the Commodity Futures Modernization Act of 2000, paragraph (4)(B) gives the Commodity Futures Trading Commission the power to intervene and enforce any action where fraud is present.

In listening to proponents of this amendment, one would believe that Federal regulators were powerless in the energy trading markets. Not only does the power exist, but it was strengthened in the 2000 legislation by a provision written into the energy section of the bill in the House of Representatives. In paragraph (4)(C) is a provision relating to price manipulation and that grants the Commodity Futures Trading Commission the power to intervene in cases where price manipulation occurs.

It should be noted that the Commodity Futures Trading Commission on April 9 of this year issued a ''Report on Energy Investigations,'' which details civil and criminal enforcement actions brought in energy-related markets since the passage of the Commodity Futures Modernization Act in 2000. The powers granted to the Commodity Futures Trading Commission appear more than sufficient to oversee market manipulation and, therefore, make the unwieldy regulatory scheme proposed by this amendment unnecessary.

I ask unanimous consent that the entire ''Report of the Energy Investigations'' be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMODITY FUTURES TRADING COMMISSION'S REPORT ON ENERGY INVESTIGATIONS—APRIL 9, 2003

The Commodity Futures Trading Commission (the Commission or CFTC) has launched an extensive investigation of alleged misconduct in energy-related markets. To date, the Commission has investigated over 25 energy companies, including Enron and its affiliates, interviewed or taken testimony from over 200 individuals and reviewed in excess of 2 million documents. The Commission's efforts have already resulted in: the filing of three major enforcement actions, two of which were settled with civil monetary penalties totaling $25 million (see discussion below in Section I); related criminal filings (Section II); cooperative enforcement with Federal law enforcement officers; and public outreach efforts (Section IV).

The Commission has devoted significant resources to this investigation, including committing the full-time efforts of 30 staff members, which represents 25 percent of its total enforcement program staff. Through the first six months of fiscal year 2003, above and beyond its human resource costs, the Commission has spent $122,000 on expenses for its energy investigation, which is 30 percent of its enforcement program's total expenses during this time period. The Commission estimates its total energy investigation costs for the entire fiscal year should likely exceed $250,000.

Commission Chairman James E. Newsome, who is a member of the President's Corporate Fraud Task Force, remarked in connection with the commission's filing of an action against two energy companies in December 2002: ''My philosophy has been, and will continue to be, that the Commission has a responsibility to investigate alleged wrongdoing in a comprehensive and timely fashion. And, when violations are found, the Commission will come down hard. Over the course of the past year, the news has been peppered with admissions, accusations, and speculation of wrongdoing in the energy markets and, as a result, I have committed the Commission's resources to finding and punishing the wrongdoers. It is my belief that with the filing and simultaneous settling of this enforcement action, the Commission sends a clear message to all companies that engaged in similar behavior . . . a message that their actions will not be tolerated and that they will be prosecuted and subjected to the full consequences of the law.''

I. CIVIL INJUNCTIVE ACTIONS FILED BY THE COMMISSION

A. ENRON AND FORMER ENRON VICE PRESIDENT CHARGED WITH MANIPULATING PRICES IN NATURAL GAS MARKET; ENRON CHARGED FURTHER WITH OPERATING AN ILLEGAL, UNDESIGNATED FUTURES EXCHANGE AND OFFERING ILLEGAL LUMBER FUTURES CONTRACTS THROUGH ITS INTERNET TRADING PLATFORM

On March 12, 2003, the Commission filed a complaint in federal district court in Houston, Texas, charging defendants Enron Corp. (Enron), an Oregon Corporation headquartered in Houston, and Hunter S. Shively (Shively) of Houston, Texas, with manipulation or attempted manipulation, and charging Enron with operating an illegal futures exchange, and trading an illegal, off-exchange agricultural futures contract.

Until its bankruptcy in December 2001, Enron was one of the largest energy companies in the United States. Its natural gas trading unit was based in Houston and managed several natural gas over-the-counter (OTC) products. Enron's natural gas trading unit was divided into geographical regions and included a natural gas futures desk. Shively was the desk manager for Enron's Central Desk from May 1999 through December 2001.

From November 1999 through at least December 2001, Enron Online (EOL) was Enron's web-based electronic trading platform for wholesale energy, swaps, and other commodities, including the Henry Hub (HH) natural gas next-day spot contract that was delivered at the HH natural gas facility in Louisiana. The HH is the delivery point for the natural gas futures contract traded on the New York Mercantile Exchange (NYMEX), and prices in the HH Spot Market are correlated with the NYMEX natural gas futures contract. During its existence, EOL became a leading platform for natural gas spot and swaps trading.

The complaint charges that on July 19, 2001, Shively, through EOL, caused Enron to purchase an extraordinarily large amount of HH Spot Market natural gas within a short period of time, causing artificial prices in the HH Spot Market and impacting the correlated NYMEX natural gas futures price.

The complaint also charges Enron with operating EOL as an illegal futures exchange from September through December 2001. According to the complaint, in September 2001, Enron modified EOL to effectively allow outside users to post bids and offers. Enron listed at least three swaps on EOL that were commodity futures contracts. The complaint further alleges that with this modification, Enron was required to register or designate EOL with the CFTC or notify the CFTC that EOL was exempt from registration. Enron

failed to do either of these things, and the complaint charges that, because of this failure, EOL operated as an illegal futures exchanged.

Finally, the complaint charges Enron with offering an illegal agricultural futures contract on EOL. According to the complaint, between at least December 2000 and December 2001, Enron offered a product on EOL it called the US Financial Lumber Swap. The complaint alleges that the EOL lumber swap was an agricultural futures contract that was not traded on a designated exchange or otherwise exempt, and therefore was an illegal agricultural futures contract. The CFTC is seeking against each defendant a permanent injunction, civil monetary penalties and other remedial and ancillary relief.

B. EL PASO MERCHANT ENERGY, L.P. SETTLES CLAIMS UNDER THE COMMODITY EXCHANGE ACT THAT IT INTENTIONALLY REPORTED FALSE NATURAL GAS PRICE AND VOLUME INFORMATION TO ENERGY REPORTING FIRMS IN AN ATTEMPT TO AFFECT PRICES OF NATURAL GAS CONTRACTS

On March 25, 2002, the Commission issued an administrative order settling charges of attempted manipulation and false reporting against energy company El Paso Merchant Energy, L.P. (EPME), a division of El Paso Corporation (El Paso). The CFTC settlement order finds that from at least June 2000 through November 2001, EPME reported false natural gas trading information, including price and volume information, and failed to report actual trading information, to certain reporting firms. According to the order, price and volume information is used by the reporting firms in calculating published indexes of natural gas prices for various hubs throughout the United States. The order finds that EPME knowingly submitted false information to the reporting firms in an attempt to skew those indexes for EPME's financial benefit. According to the order, natural gas futures traders refer to the published indexes for price discovery and for assessing price risks. The CFTC found that EPMS's false reporting conduct violated the Commodity Exchange Act (CEA).

The order also finds that EPME's employees provided false trade data because they believed it benefited their trading positions or derivative contracts. In addition, the order finds that EPME did not maintain required records concerning the information that it provided to the reporting firms or the true source of the information related to those firms, as required by Commission regulations. As a result of its actions, EPME violated the CEA and Commission regulations.

The order further finds that EPME specifically intended to report false or misleading or knowingly inaccurate market information concerning, among other things, trade prices and volumes, and withheld true market information, in an attempt to manipulate the price of natural gas in interstate commerce, and that EPME's provision of the false reports and failure to report true market information were overt acts that furthered the attempted manipulation. According to the order, EPME's conduct constituted an attempted manipulation under the CEA, which, if successful, could have affected prices of NYMEX natural gas futures contracts.

The CFTC order imposed the following sanctions: required EPME to cease and desist from further violations of the EA and Regulations; required EPME and El Paso, jointly and severally, to pay a civil monetary penalty of $20 milliion—$10 million immediately and $10 million plus post-judgment interest within three years of the entry of the order; and obliged EPME and El Paso to comply with various undertakings, including an undertaking to cooperate with the Commission in this and related matters, including any investigations of matters involving the reporting of natural gas trading information.

EPME provided significant cooperation in the course of the Commission's investigation by, among other things, conducting an internal investigation through an independent law firm, waiving work product privilege as to the results of that investigation, and compiling and analyzing trading data which detailed all reported and actual trades in the natural gas markets. The Commission took that significant cooperation into consideration in its decision to accept EPME's settlement offer.

C. DYNEGY MARKETING & TRADE AND WEST COAST LLC SETTLE CLAIMS UNDER THE COMMODITY EXCHANGE ACT THAT THE INTENTIONALLY REPORTED FALSE NATURAL GAS PRICE AND VOLUME INFORMATION TO ENERGY REPORTING FIRMS IN AN ATTEMPT TO AFFECT PRICES OF NATURAL GAS CONTRACTS

On December 19, 2002, the Commission issued an administrative order settling charges of attempted manipulation and false reporting against energy companies Dynegy Marketing & Trade (Dynegy) and West Coast Power LLC (West Coast). The CFTC settlement order finds that from at least January 2000 through June 2002, Dynegy and West Coast reported false natural gas trading information, including price and volume information, to certain reporting firms. According to the order, price and volume information is used by the reporting firms in calculating published surveys or indexes (indexes) of natural gas prices for various hubs throughout the United States. The order finds that Dynegy knowingly submitted false information to the reporting firms in an attempt to skew those indexes for Dynegy's financial benefit. According to the order, natural gas futures traders refer to the published indexes for price discovery and for assessing price risks. The CFTC found that Dynegy's false reporting conduct violated the CEA.

The order further finds that in an effort to ensure that its reported information would be used by the reporting firms, Dynegy caused West Coast to submit information misrepresenting that West Coast was a counterparty to fictitious trades. In addition, the order finds that Dynegy did not maintain required records concerning the information which it provided to the reporting firms or the true source of the information relayed to those firms, as required by Commission Regulations. As a result of their actions, Respondents violated the CEA and Commission Regulations.

The order further finds that Respondents specifically intended to report false or misleading or knowingly inaccurate market information concerning, among other things, trade prices and volumes, to manipulate the price of natural gas in interstate commerce, and that Respondents' provision of the false reports and their collusion, which was designed to thwart the reporting firms' detection of the false information, were overt acts that furthered the attempted manipulation. According to the order, Respondents' conduct constitutes an attempted manipulation under the CEA, which if successful, could have affected prices of NYMEX natural gas futures contracts.

The CFTC order imposed the following sanctions: required Dynegy and West Coast to cease and desist from further violations of the CEA and Regulations; required Dynegy and West Coast, jointly and severally, to pay a civil monetary of $5,000,000; and obliged Dynegy and West Coast to comply with their undertakings, including an undertaking to cooperate with the CFTC in this and related matters.

II. RELATED CRIMINAL ACTIONS

A. ENRON'S FORMER CHIEF ENERGY TRADER PLED GUILTY TO CONSPIRACY TO COMMIT WIRE FRAUD IN SCHEME TO MANIPULATE ENERGY MARKET

On October 17, 2002 the Office of the United States Attorney for the Northern District of California announced that Timothy N. Belden, who was Enron's Chief Energy Trader, had agreed to plead guilty to conspiracy to commit wire fraud in a scheme with others at Enron to manipulate California's energy market. Specifically, Belden admitted that beginning in approximately 1998, and continuing through 2001, he and others at Enron conspired to manipulate the energy markets in California by: (1) misrepresenting the nature and amount of electricity Enron proposed to supply in the California market, as well as the load it intended to serve; (2) creating false congestion and falsely relieving that congestion on California transmission lines, and otherwise manipulating fees it would receive for relieving congestion; (3) misrepresenting that energy was from out-of-state to avoid federally approved price caps, when in fact, the energy it was selling was from the State of California and had been exported and re-imported; and (4) falsely represented that Enron intended to supply energy and ancillary services it did not in fact have and did not intend to supply. A sentencing date has yet to be scheduled for Belden, but a status hearing in his case is set for April 17, 2003. In announcing the plea agreement, the efforts of the Commission, Federal Energy Regulatory Commission (FERC) and Federal Bureau of Investigation (FBI) were recognized.

B. FORMER HEAD OF ENRON'S SHORT-TERM CALIFORNIA ENERGY TRADING DESK PLED GUILTY TO CRIMINAL CHARGES BASED UPON HIS AND OTHER ENRON TRADERS' CRIMINAL MANIPULATION OF THE CALIFORNIA ENERGY MARKETS

On February 4, 2003 the Office of the United States Attorney for the Northern District of California announced that Jeffrey S. Richter, who was the head of Enron's Short-Term California energy trading desk, had agreed to plead guilty to conspiracy to commit wire fraud in a scheme with others at Enron to manipulate California's energy markets and also to making false statements to investigators. Specifically, Belden admitted to making false statements to the FBI and U.S. Attorneys Office during the continuing investigation into fraudulent trading practices in those markets. Specifically, Richter admitted his participation on behalf of Enron in two fraudulent schemes devised by Enron traders, known internally within Enron as ''Load Shift'' and ''Get Shorty.'' Enron's ''Load Shift'' trading scheme involved the filing of false power schedules to increase prices by creating the appearance of ''congestion'' on California's transmission lines, which permitted Enron to profit through its ownership of transmission rights on the lines and by offering to ''relieve'' the congestion through subsequent schedules. Enron's ''Get Shorty'' trading scheme involved the company's traders fabricated and sold emergency back-up power (known as ancillary services) to the California Independent Service Operator, received payment, then cancelled the schedules and covered their commitments by purchasing through a cheaper market closer to the time of delivery. In announcing the plea agreement, the efforts of the Commission, FERC, FBI, and the Antitrust Division of the Department of Justice were recognized.

C. FORMER DYNEGY NATIONAL GAS TRADER CHARGED CRIMINALLY UNDER THE COMMODITY EXCHANGE ACT WITH INTENTIONALLY REPORTING FALSE NATURAL GAS PRICE AND VOLUME INFORMATION TO ENERGY REPORTING FIRMS IN AN ATTEMPT TO AFFECT PRICES OF NATURAL GAS CONTRACTS

On January 27, 2003 the Office of the United States Attorney for the Southern District of Texas, Houston Division, unsealed a seven count federal indictment charging Michelle Valencia, a former Senior Trader at Dynegy, with three counts of false reporting under the CEA. Additionally, Valencia was charged with four counts of wire fraud. The indictment alleges that on three separate occasions in November 2000, January 2001 and February 2001, Valencia, responsible for trading natural gas through Dynegy's ''West Desk'' caused the transmission of a report which include price and volume data to certain publications knowing that the trades had not actually occurred. In announcing the indictment, the efforts of the Commission and the FBI were recognized.

III. COOPERATIVE ENFORCEMENT—COMMISSION SEMINAR WITH FEDERAL LAW ENFORCEMENT OFFICERS ON ENERGY MARKETS

On February 12, 2003 the Commission hosted forty federal criminal law enforcement officers at a cooperative enforcement session on current issues in energy investigations. Attending were Assistant United States Attorneys, Federal Bureau of Investigation agents, and United States Postal Inspectors. The Commission's Division of Enforcement, which coordinated the program, has been working closely with other federal law enforcement officers across the country on investigations of possible round-trip trading, false reporting, and fraud and manipulation by energy companies and their affiliates, employees and agents. The meeting was designed to share expertise, and to discuss ways for federal enforcers to cooperate in these inquiries.

IV. PUBLIC OUTREACH

In carrying out its regulatory and enforcement responsibilities under the CEA, the Commission relies upon the public as an important source of information. A questionnaire, available by clicking on the Enron Information link on the CFTC's homepage at www.cftc.gov, has been prepared by the CFTC's Division of Enforcement to assist members of the public in reporting suspicious activities or transactions involving Enron, its subsidiaries, affiliates, or related entities. The Division is also interested in receiving information relating to suspicious activities or transactions that may have affect West coast electricity or natural gas prices, particularly in January 2000 through December 31, 2001. Interested person can also call the Commission's toll-free voice mailbox and leaving relevant information at (866) 616–1783.

Mr. ENZI. Mr. President, I believe the amendment is overly broad and, if adopted, will likely decrease market liquidity because of increased legal and transactional uncertainties. Additionally, energy companies may be discouraged from using derivatives to hedge price risks, resulting in increased volatility in the energy markets. In the end, I believe this will hurt the very consumers the legislation seeks to help.

The amendment appears to grant the Federal Energy Regulatory Commission primary jurisdiction over energy derivatives, but if the Federal Energy Regulatory Commission determines that the derivative or financial instrument is not under its jurisdiction, then the Federal Energy Regulatory Commission should refer the derivative or financial instrument to the appropriate Federal regulator. Unfortunately, this will create great uncertainty for market participants as to which agency's regulatory scheme the derivative would fall under.

I recently was involved in some pipeline questions and ran into the circular path of fingerpointing where each agency said the other agency and the other agency and the other agency was responsible until it pointed back to the first agency, and nobody would look at the problem. That is the kind of circular problem we are creating with this amendment.

In addition, it goes without saying that Federal agencies want to expand their jurisdiction and get bigger. It should be noted that while the Federal Energy Regulatory Commission seeks to expand its authority to regulate these energy derivatives markets, other Federal agencies, particularly the financial regulatory agencies, believe such a regulatory scheme would be detrimental to the market.

The amendment also would subject to regulation a broad class of ''covered entities,'' including both electronic trading facilities and ''dealer markets'' that are not otherwise trading facilities. As discussed above, this definition may be too broad as to deter participants from entering the trading markets.

In addition, the amendment would permit CFTC to impose notice, reporting, price dissemination, record-keeping, among other requirements. Not only would these requirements apply to dealer markets, but also to exemption commodity transactions on such an entity.

The secondary amendment that would exempt metals from the proposed regulatory scheme of the underlying amendment is not a good idea. Congress should be very cautious about carve-outs without fully understanding the implications. With regard to metals, Congress may start down a slippery slope where this initial carve-out is for the metals industry and then move on to other industries. I believe we need to explore this in the committees before having it considered on the floor. Therefore, I urge Members to resist the free vote without knowing all the consequences.

Letters were recently sent to the Senate Energy Committee by the Chicago Board of Trade, the Chicago Mercantile Exchange, and the New York Mercantile Exchange opposing legislation introduced this Congress that is very similar to the amendment before us.

Various other groups have been outspoken about this amendment, including the National Mining Association, the International Swaps and Derivatives Association, and the Bond Market Association, just to name a few. In addition, during last year's debate on the Energy bill, the President's working group, comprised of the Chairman of the Board of Governors of the Federal Reserve, the Secretary of the Department of the Treasury, the Chairman of the SEC, the Chairman of the CFTC, opposed a similar amendment and we defeated it. Individually, the Chairman of the CFTC and the then-Chairman of the SEC sent letters directly to me opposing the energy derivative amendment.

On the overall topic of derivatives, Chairman Greenspan stated:

> Although the benefits and costs of derivatives remain the subject of spirited debate, the performance of the economy and the financial system in recent years suggests that these benefits have materially exceeded the costs.

If the proponents of this amendment are attempting to remedy the problems caused by Enron, I do not believe this amendment will make a difference to prevent future Enrons. However, if last year's Sarbanes-Oxley Act had been in place sooner, then the corporate governance requirements of the act may have served as an early warning system to Enron's audit committee and have covered the fraudulent activities early in the process.

What I am saying is, we corrected the fraudulent problem. I am very concerned that if we adopt this amendment, we may fundamentally change the emerging derivatives market. Once the structure is in place, it may place such a burden on the market participants that it may not be worthwhile to pursue. In addition, the amendment may have caused unintentional confusion as to which regulator may or may not oversee individual participants or components of the marketplace. Before we make any fundamental change, we should, at a minimum, try to understand the ramifications first.

I am afraid this amendment might fit under the congressional precept that if it is worth reacting to, it is worth overreacting to, and that is something we have to avoid if we want to make sure that the markets continue to exist. Like Chairman Greenspan, I believe the derivative trading, even in the energy derivative area, has been extremely beneficial to our economy and I hope we continue it.

I request that Members vote against the overlying amendment.

I ask unanimous consent that a letter from Jack Gerard of NMA be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL MINING ASSOCIATION,
*Washington, DC, June 11, 2003.*

Hon. MIKE ENZI,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR ENZI: The National Mining association opposes attempts by Senator Feinstein or Senator Levin to further regulate the derivatives OTC market. Over the Counter derivatives including those based on energy and metals are critical risk management tools.

We appreciate Senator Reid's positive work to exclude metals from the pending amendment, but continue to oppose the Feinstein or Levin amendments which unnecessarily increases regulation of the OTC energy derivatives.

Attached are additional talking points generated by us and our partners in the financial community. Thank you for your interest.

Sincerely,

JACK GERARD.

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Hon. BILL FRIST,
*Majority Leader, U.S. Senate,*
*Washington, DC.*
Hon. TOM DASCHLE,
*Democratic Leader, U.S. Senate,*
*Washington, DC.*

THE HONORABLE BILL FRIST AND THE HONORABLE TOM DASCHLE: We urge you to oppose any financial derivatives, energy derivatives, metals derivatives and energy trading market provisions contained in S. 509 that may be offered as amendments by Senator Feinstein to H.R. 6, the Energy Policy Act of 2003.

The provisions of S. 509 (introduced by Senator Feinstein in March and referred to the Senate Agriculture Committee) include, in addition to other problematic provisions, language that would expand FERC jurisdiction, creating uncertainty and unnecessary jurisdictional confusion between the FERC and CFTC for financial and energy derivatives transactions. The amendment also contains specific provisions to expand FERC jurisdiction over ''other financial transactions.'' In addition to creating legal uncertainty within the OTC derivatives markets, this provision would potentially call into question the CFTC's exclusive jurisdiction over futures and options on futures.

Provisions contained in S. 509 are similar to the Feinstein amendment, which was offered to last year's Senate energy bill. The amendment was defeated in a cloture motion on April 10, 2002. In addition, key financial regulators have also opposed these types of provisions. The Chairman of the Board of Governors of the Federal Reserve, the Secretary of the Treasury, the Chairman of the Securities and Exchange Commission and the Chairman of the Commodity Futures Trading Commission, collectively known as the President's Working Group on Financial Markets (PWG), all opposed earlier versions of the proposed legislation.

We ask that you preserve the legal activity achieved with passage of the Commodity Futures Modernization Act of 2000 and oppose any amendments relating to financial derivatives and the energy trading markets.

Sincerely,

American Bankers Association, ABA Securities Association, Association for Financial Professionals, The Bond Market Association, Emerging Markets Trade Association, Financial Services Roundtable, The Foreign Exchange Committee, Futures Industry Association, International Swaps and Derivatives Association, Managed Funds Association, National Mining Association, Securities Industry Association.

1. WHAT ARE DERIVATIVES?

The term ''derivatives'' refers to a wide array of privately negotiated over-the-counter (''OTC'') and exchange traded transactions. Over the last decade, OTC derivatives transactions have grown to include not only interest rate and currency swaps, but also interest rate caps, collars and floors, swap options, commodity price swaps, equity swaps, credit derivatives, weather derivatives and other financial derivative products.

2. WHAT IS THE OVER-THE-COUNTER MARKET?

The OTC market is the principals' market whereby business is transacted directly between the buyer and seller. There is no middleman, exchange or clearinghouse involved. The OTC market now sees most of the derivative activity, and dwarfs the exchanges.

3. WHY DO COMPANIES USE DERIVATIVES?

Companies use derivatives to manage risk and enhance profit potential. Derivatives have been around since the 1970s and generally have been regarded as efficient tools that lend stability to business operations. Corporations typically use them to reduce risk from swings in currency values or interest rate movements.

4. ARE DERIVATIVES IMPORTANT TO THE MINING INDUSTRY?

Since 1974, when the Commodity Exchange Act (CEA) was enacted by Congress, derivatives have become very important to the metals mining industry as a method to protect against market volatility. Many of these products did not exist when the Act was first adopted. These derivatives play a key role in the metals hedging programs that gold producers have used in periods of declining gold prices to sell their production forward. Miners of other metals commodities also use derivatives to manage the risk of fluctuating prices. Since their creation, these metals derivatives products have always been sold over-the-counter, mainly because the transactions occur between or among large institutions and high worth companies and the products can be customized for the particular needs of the parties.

5. HOW HAVE DERIVATIVES BENEFITED MARKET PARTICIPANTS?

The growth of the derivatives market has been of considerable benefit to users individually. In the gold sector, central banks have been able to earn income on gold holdings, while gold fabricators have been able to insulate themselves from the impact of fluctuations in the price of gold on their inventory holdings. Hedging has enabled producers to develop new mines using project finance.

6. HOW WOULD A COMPANY USE DERIVATIVES TO HEDGE THEIR MINE PRODUCTION?

A hedging program will typically include a mix of over-the-counter derivative products, including ''Forward Sales'' and ''Spot Deferred Contracts.'' For example, in a spot deferred contract a bullion dealer borrows gold from a central bank, and sells it into the spot market at a price of $350 per ounce. The proceeds are placed on deposit and earn interest of 4%. A fee of 1% is paid by the bullion dealer to the central bank. The interest difference of 3.0% is called ''contango.'' The mining company receives the original proceeds from the spot sale ($350) plus the five years of accrued interest ($56) for a total amount of $406 per ounce.

TALKING POINTS FOR FEINSTEIN AMENDMENT TO SENATE ENERGY BILL

Senator Feinstein is offering an amendment to the comprehensive energy bill which is now being considered on the Senate floor. This amendment would subject OTC energy derivatives to comprehensive, exchange-type regulation including capital requirements.

Although Senator Feinstein has made some changes to her original legislation as introduced, these are not significant and do not address the concerns we have raised with you and others.

The legislation still contains inappropriate layers of regulation, including capital requirements for electronic exchanges that only bring parties together and have no role in any resulting transactions. This amount of regulation sends the business offshore.

The legislation creates legal uncertainty by giving the CFTC vastly expanded and undefined jurisdiction over all types of commodities transactions, not just futures contracts. The clarity of CFTC jurisdiction, and accompanying legal certainty that transactions will not be deemed illegal and voidable, created by the CFMA enacted in 2000 is destroyed.

Legal uncertainty is compounded by the fact that FERC now has a role that is supposedly dependent on whether energy is actually delivered. However, the decision whether to deliver energy may be made years after the transaction is entered into, leaving the parties uncertain during the life of the contract which agency has jurisdiction.

Message: Oppose the Feinstein Amendment. If action needs to be taken, it should be done in a thoughtful, deliberate manner through the Committee process, not as a floor amendment.

Mr. ENZI. I yield the floor.

## EXECUTIVE SESSION

### NOMINATION OF RICHARD C. WESLEY TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider Executive Calendar No. 220, which the clerk will report.

The assistant legislative clerk read the nomination of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit.

The PRESIDING OFFICER. Who yields time?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield myself time.

As the two distinguished Senators from New York are in the Chamber, I will yield my time to them adding only this: This is a nominee to one of the most important courts in the country. It is actually my circuit. It is a Republican nominee, nominated by a Republican President. I predict that the nominee is going to go through easily because, contrary to the normal procedure on some of these nominees, the White House has sent up somebody who can unite us, not divide us. Usually they send nominees who divide us and not unite us. This is an example of what happens when a nominee to a powerful court is sent up who will unite us and not divide us.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

Mr. SCHUMER. Mr. President, I join my colleague from Vermont and my colleague from New York in supporting the nomination of Judge Wesley.

I rise in enthusiastic support of Richard Wesley's nomination to the Second Circuit Court of Appeals.

Like most of the nominees we see, Judge Wesley has a top-flight legal mind and experience. He graduated from SUNY-Albany summa cum laude

and from Cornell Law School. He worked in private practice for several years, worked as a staffer to the minority leader of the New York State Assembly, and from 1983 to 1987, represented the 136th District in the assembly.

That was just after I left the assembly, so I never had the privilege of actually serving with him, but my former colleagues in the assembly, many of whom disagreed on policy with Judge Wesley, all have spoken very highly of both his capabilities and his integrity.

Judge Wesley has served on the State trial court in New York, the intermediate appellate court, and for the past 6 years on New York's highest court, the court of appeals. He has the distinction of being appointed to the bench by both Governor Cuomo and Governor Pataki. Clearly there is a serious history of bipartisan support.

His nomination has been examined by his good friend and my friend Congressman REYNOLDS, as well as by Bill Paxon. They have known him for a very long time and vouch for him as well. I do not think Judge Wesley would have gotten where he did without the push from TOM REYNOLDS, and I think we all appreciate it because we are adding a qualified person to the bench.

There is no question Judge Wesley is well-qualified, but as my colleagues know, legal excellence is only one of the three criteria I use when evaluating judicial nominees. I also look at diversity and moderation.

Judge Wesley is the third Second Circuit judge we have considered under the Bush administration.

Judge Barrington Parker, who we confirmed in 2001, is African-American, and Judge Reena Raggi, who we confirmed in 2002, is a woman. So we are doing quite well on diversity when it comes to recent nominations to that court.

Our experience with the Second Circuit on excellence and diversity is similar to our experience with the President's nominations to the other circuit courts. By and large, he has done a good job bringing us well-qualified nominees who are not exclusively white males.

It is on that third prong, moderation, where we have had some problems. I am pleased to say that Judge Wesley fits quite well with Judge Parker and Judge Raggi as being well within the mainstream.

I would like to read what Judge Wesley said about his own judicial philosophy:

> I consider myself a conservative in nature, pragmatic at the same time, with a fair appreciation of judicial restraint. I have always restricted myself to what I understand to be the plain language of the statue and not gone beyond that [because] public policy is made by the legislature.

That is an honest and candid assessment of how Judge Wesley judges.

It is not just words. We have had nominees who have come before us and said that, but this is what he has done because he has a record. He has had 16 years on the bench to back it up. We know Judge Wesley has certain positions in which he personally believes. He has an ideology. That is clear from several of the votes he took in the assembly. For instance, in the assembly he voted the pro-life point of view. That is different from mine. And, of course, I do not have a litmus test. Most of us do not.

What is abundantly clear from his record on the bench is that he can check his personal beliefs at the door and judge fairly and honestly.

Unlike, some of the nominees we have seen, including Bill Pryor, the Fifth Circuit nominee whose contentious hearing is going on in the Judiciary Committee as we speak, there is nothing controversial about Judge Wesley.

He is best known for his thoughtful, scholarly approach that unites judges behind unanimous opinions.

He is truly a uniter, not a divider. He is a judge, not an activist. He will be a credit to New York, to the Second Circuit, and to the Senate when we confirm him.

It would be my wish that this would be the character of the President's nominees. I ask unanimous consent that an editorial from Judge Wesley's hometown paper, the Rochester D&C, Democrat and Chronicle, be printed in the RECORD. It says: ''Bipartisan Support?'' And then it says:

> If only more judicial nominees would go as smoothly as this one.

Well, I wish that would happen.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rochester D&C, June 4, 2003]

BIPARTISAN SUPPORT?

If only more judicial nominations would go as smoothly as this one.

In an era in which partisan bickering over judicial nominations has become almost routine, it's significant that New York Appeals Court Judge Judge Richard Wesley has bipartisan backing for his nomination to a federal court.

For the sake of the nation's judiciary, hope that Wesley's easy confirmation hearing before the Senate Judiciary Committee last week will become a model for handling presidential nominations to federal judgeships. Wesley, a resident of Livonia in Livingston County, is now virtually assured of winning confirmation by the Senate Judiciary Committee and the full Senate when they vote on the nomination.

Wesley's smooth sailing had a lot to do with the strong support he had from Sens. Charles Schumer and Hillary Clinton, both Democrats, and Republican Rep. Tom Reynolds, who represents parts of this region. Wesley, appointed to state courts by former Democratic Gov. Mario Cuomo and Republican Gov. Pataki, is a GOP conservative, who Schumer described as having ''moderate views.''

Maybe if the Bush administration selected more judges of Wesley's caliber there'd be less of the antagonism that typically surrounds too many judicial nominations.

Mr. SCHUMER. It will happen if the President truly consults with us and nominates judges in the mold of Judge Wesley, clearly conservative but also clearly within the mainstream. It would be my hope that we would not have 51 votes for many of the nominees but 100 for most all of the nominees, or close to it. If this President should decide to treat the nominees and the rest of the country the way he is treating nominees in the Second Circuit, that is what would happen. That is my hope. That is my prayer.

I urge every one of my colleagues to vote for this fine addition to the bench. We are all proud of him in New York State, and he will make a great addition to the Second Circuit.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I rise to join my colleague from New York in expressing my very strong support for the nomination of New York State Court of Appeals Judge Richard C. Wesley to the United States Court of Appeals for the Second Circuit.

A few weeks ago, I was honored to testify before the Judiciary Committee in support of this nominee because I believe then, as I do today, that he will make a fine addition to the Second Circuit and will serve that court with distinction. I was also pleased to see supporting Judge Wesley's nomination, his mother Beatrice, ''Betty'' Wesley and his children Sarah and Matthew. They and his wife Kathryn are all very proud of him, and have every reason to be so proud.

The calls and letters of support I have received about Judge Wesley from a wide variety of distinguished members of the legal profession are a testament to his qualities of high intellect, judicial temperament, caring for the profession and, most importantly, commitment to justice.

Having a significant public service record is not a requirement for serving on our Federal judiciary. But it is very significant to note that Judge Wesley has spent most of his career serving the public trying to make New York a better place for our children and families.

He has had a distinguished academic career, graduating summa cum laude from Cornell University Law School. He did have the experience in private practice and in the legislative body, the New York State assembly. He has served on trial and appellate New York courts.

In addition to performing his professional duties to the highest standards, he has taken an interest and taken the time to become involved in other significant pressing problems. As a trial court judge, Judge Wesley instituted a felony screening program in Monroe County that reduced the delays in processing felony cases by over 60 percent. The program proved so successful that it served as a model for judicial districts across our State.

In 1993, he created the JUST Program, which for a decade has provided

services to court and criminal justice agencies, again in Monroe County, to monitor preplea and presentence defendants and to provide alternatives, where appropriate, to incarceration.

I am also very impressed that Judge Wesley has been a champion for victims of domestic violence. He has been in the forefront for years in providing shelters for victims of domestic violence, primarily women and their children. He has championed their rights in court and he has sought to help provide the resources that would give these victims another chance.

After 7 years on the trial court, he was appointed to the appellate division and then to New York's highest appellate court, the New York State Court of Appeals. Judith Kaye, the Chief Judge of that court, cannot say enough about Judge Wesley's contributions. I am sure he will be greatly missed as he starts his new career on the Second Circuit.

This is a very positive nomination. He will not only make his former colleagues proud and he will certainly make lawyers everywhere proud, but he will especially make Western New York proud because once confirmed, Judge Wesley will be the first Western New Yorker—for those who are not from New York, that includes places such as Rochester, Buffalo, and Jamestown, places on the other end of our very diverse, large State—to be confirmed as an associate judge of the Second Circuit since 1974.

Although it is very clear that Judge Wesley and I do not agree on every policy or legal issue, and I have no way of knowing how Judge Wesley will vote when these important issues come before him, I have every confidence in his professional preparation, in his temperament and demeanor, in his commitment to justice. He may be a conservative Republican, but he is a judge and an American first.

I join my colleague, the ranking member on the Judiciary Committee, in expressing the very strong wish that we could have more nominees like Judge Wesley, someone who comes from a Republican President, who is easily confirmed by a bipartisan majority, proceeded by a unanimous vote in the Judiciary Committee. I predict he will be confirmed on this floor unanimously. Why? Because although Judge Wesley is not of my party, he may not be of my judicial philosophy, he already in his judicial career decided cases differently than I would have, had I been sitting on that bench, he is a person whom we always know will put the interests of justice first, and will preside in a totally nonideological, nonpartisan manner. That is what every judge should be doing.

It is certainly the responsibility of the Senate to advise and consent so that our Federal judiciary, which consists of lifetime appointments, will be filled by people of the caliber of Judge Wesley.

I yield the floor.

Mr. HATCH. Mr. President, I am pleased that we are considering the nomination of Richard C. Wesley, who has been nominated by President Bush to serve on the United States Court of Appeals for the Second Circuit. He has an outstanding record of distinguished public service and will be a great addition to the Second Circuit.

Judge Wesley currently serves as an associate judge on the New York Court of Appeals, the State's highest court, having been unanimously confirmed by the State senate in 1997. His 16 years on the trial and appellate bench, plus prior service as a member of the New York State Assembly, has given him the experience and background to make an outstanding Second Circuit Judge.

In addition to his judicial experience, Judge Wesley has had a distinguished legal career. After graduating from Cornell Law School, he began his legal career in 1974 as an associate at the Pittsford, NY, office of Harris, Beach and Wilcox. He achieved a partnership at Welch, Streb, Porter, Meyer & Wesley in Geneseo, NY, in 1977 and in 1979, became assistant counsel to the minority leader of the New York State Assembly in Albany. In 1983, he was elected to the New York Assembly himself, representing his home district in western New York.

Judge Wesley began his judicial career in 1987, when he was elected to the Seventh Judicial District of the Supreme Court of New York. From 1991 to 1994, he served as the supervising judge for the Criminal Courts within the Supreme Court, and in 1994 Governor Cuomo appointed him to the Appellate Division of the Supreme Court in Rochester, where he heard appeals of Supreme Court trial decisions from central and western New York. On December 3, 1996, Governor Pataki nominated Judge Wesley to the New York Court of Appeals. Judge Wesley was confirmed by a unanimous vote of the New York State Senate on January 14, 1997, and has served with distinction on the State's highest court ever since. His 16 years as a judge at both trial and appellate levels, plus prior service as a State assemblyman in New York, have given him the experience and background to make an outstanding Second Circuit judge.

Judge Wesley is a native of Livonia, NY, and has served his community, State, and Nation in a variety of ways. Not only has he served in his professional capacity, but also he believes in community service and has been involved in community service organizations such as the United Church of Livonia, Chances and Changes, a community-based organization in Livingston County that provides safe housing to battered women, and the Myers Foundation, a foundation based in his hometown that helps needy families in the area. Judge Wesley is also active in a number of local youth sports programs and serves as a driver for the Livonia Volunteer Ambulance.

In addition to his public and community service, Judge Wesley has been actively involved in efforts to improve the legal and judicial process. He has been a leader in numerous bar associations and law-related organizations. For example, he serves on the Cornell Law School Advisory Council and the Cornell University Council, and is a Fellow of the New York State Bar Foundation. In January of 1991, Judge Wesley was appointed by the chief administrator of the courts to be the supervising judge of the Criminal Courts in the Seventh Judicial District, and in this capacity developed case management systems that greatly improved the efficiency of the court's criminal docket. These reforms have since served as models for other jurisdictions with heavy criminal caseloads.

Judge Wesley comes to us highly recommended and warmly endorsed by his colleagues and former colleagues on the New York State courts, litigants who know him personally and have practiced in his courtrooms, the president of the New York State Bar Association, community leaders in his hometown of Livonia, NY, Gov. George Pataki, and New York's attorney general, Eliot Spitzer. Let me read a few statements made by some of his many supporters. Jonathan Lippmann, chief administrative judge of the State of New York, writes that Judge Wesley, ''has been a model of the wisdom, temperament, craftsmanship, and personal qualities that make for the most outstanding judges.'' Joseph Bellacosa, dean of the St. John's University Law School and a former colleague on the New York Court of Appeals, writes that Judge Wesley ''is intellectually curious and open to fresh ideas and insights of others, respectful of the great strength derived from collegial shared wisdom of others, yet confident and resolute in his personal conviction on values and fundamental principles. He is also a tireless worker and seeker of equal justice for all. He loves being a Judge and is devoted to the fair administration of justice under the rule of law.'' And Governor Pataki has also written, praising Judge Wesley's excellence as an appellate jurist and specifically noting his ''wealth of experience, intellect, integrity and judicial temperament.''

The legal bar's wide regard for Judge Wesley is further reflected in his evaluation by the American Bar Association. The ABA evaluates judicial nominees based on their professional qualifications, their integrity, their professional competence, and their judicial temperament. The ABA has bestowed upon Judge Wesley its highest rating of Unanimously Well Qualified.

The record is clear that Judge Wesley is worthy of confirmation for this position of high responsibility on the Court of Appeals for the Second Circuit. I strongly support his confirmation and urge my colleagues to do likewise.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. How much time remains?

The PRESIDING OFFICER. Two minutes.

Mr. LEAHY. I thank the Chair.

Today, we vote to confirm Richard Wesley to serve on the United States Court of Appeals for the Second Circuit, the Federal circuit covering Vermont, New York, and Connecticut. With this confirmation we will have filled the sole vacancy on this circuit court. I remember when President Clinton had multiple nominees pending before the Senate for the five simultaneous vacancies that then existed. The entire circuit was declared a judicial emergency by the chief judge, and he had to resort to three-judge panels with only one Second Circuit judge. Republicans were not moving those nominations at that time. All of the Senators from the Second Circuit joined together to work for their confirmation, and we were finally able to confirm them all, including Judge Sonia Sotomayor, after significant efforts. This nomination did not suffer those needless delays. With the support of Senator SCHUMER and Senator CLINTON, this nomination has been considered expeditiously.

The Senate has already confirmed 129 judges, including 26 circuit court judges, nominated by President Bush. One hundred judicial nominees were confirmed when Democrats acted as the Senate majority for 17 months from the summer of 2001 to adjournment last year. After today, 29 will have been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President Bush. This total of 129 judges confirmed for President Bush is more confirmations than the Republicans allowed President Clinton in all of 1995, 1996, and 1997—the first 3 full years of his last term. In those 3 years, the Republican leadership in the Senate allowed only 111 judicial nominees to be confirmed, which included only 18 circuit court judges. We have already exceeded that total by 15 percent and the circuit court total by 40 percent with 6 months remaining to us this year.

Today's confirmation makes the ninth court of appeals nominee confirmed by the Senate just this year. That means that in the first half of this year, we have exceeded the average of seven per year achieved by Republican leadership from 1995 through the early part of 2001. The Senate has now achieved more in fewer than 6 full months for President Bush than Republicans used to allow the Senate to achieve in a full year with President Clinton. We are moving two to three times faster for this President's nominees, despite the fact that the current appellate court nominees are more controversial, divisive, and less widely supported than President Clinton's appellate court nominees were.

If the Senate did not confirm another judicial nominee all year and simply adjourned today, we would have treated President Bush more fairly and would have acted on more of his judicial nominees than Republicans did for President Clinton in 1995–97. In addition, the vacancies on the Federal courts around the country are significantly lower than the 80 vacancies Republicans left at the end of 1997. We continue well below the 67 vacancy level that Senator HATCH used to call ''full employment'' for the Federal judiciary.

Indeed we have reduced vacancies to their lowest level in the last 13 years. So while unemployment has continued to climb for Americans to 6.1 percent last month, the Senate has helped lower the vacancy rate in federal courts to an historically low level that we have not witnessed in over a decade. Of course, the Senate is not adjourning for the year and the Judiciary Committee continues to hold hearings for Bush judicial nominees at between two and four times as many as he did for President Clinton's.

For those who are claiming that Democrats are blockading this President's judicial nominees, this is another example of how quickly and easily the Senate can act when we proceed cooperatively with consensus nominees. The Senate's record fairly considered has been outstanding—especially when contrasted with the obstruction of President Clinton's moderate judicial nominees by Republicans between 1996 and 2001.

I hope the White House would note the strong support for this conservative Republican nominee to the Second Circuit. I know my good friends from New York are aware this is a case where the White House actually worked with them and consulted with them on a nominee. That has not been the case of other parts of this country that has brought about divisiveness.

Again I urge, and I have been urging for a little over 2 years, the White House might start a new course, one of seeking to unite and not divide our judicial nominees, to have consultation, not arbitrariness, on judicial nominees.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Illinois (Mr. FITZGERALD) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 215 Ex.]

YEAS—96

| | | |
|---|---|---|
| Akaka | DeWine | Lott |
| Alexander | Dodd | Lugar |
| Allard | Dole | McCain |
| Allen | Domenici | McConnell |
| Baucus | Dorgan | Mikulski |
| Bayh | Durbin | Miller |
| Bennett | Edwards | Murkowski |
| Biden | Ensign | Murray |
| Bingaman | Enzi | Nelson (FL) |
| Bond | Feingold | Nelson (NE) |
| Boxer | Feinstein | Nickles |
| Breaux | Frist | Pryor |
| Brownback | Graham (SC) | Reed |
| Bunning | Grassley | Reid |
| Burns | Gregg | Roberts |
| Byrd | Hagel | Rockefeller |
| Campbell | Harkin | Santorum |
| Cantwell | Hatch | Sarbanes |
| Carper | Hutchison | Schumer |
| Chafee | Inhofe | Sessions |
| Chambliss | Inouye | Shelby |
| Clinton | Jeffords | Smith |
| Cochran | Johnson | Snowe |
| Coleman | Kennedy | Specter |
| Collins | Kerry | Stabenow |
| Conrad | Kohl | Stevens |
| Cornyn | Kyl | Sununu |
| Corzine | Landrieu | Talent |
| Craig | Lautenberg | Thomas |
| Crapo | Leahy | Voinovich |
| Daschle | Levin | Warner |
| Dayton | Lincoln | Wyden |

NOT VOTING—4

| | |
|---|---|
| Fitzgerald | Hollings |
| Graham (FL) | Lieberman |

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

The Senator from Louisiana.

## ORDER OF BUSINESS

Mr. BREAUX. Mr. President, I say to the managers of the Energy bill, I would like to speak for a couple minutes on a subject that is going to be coming up in the Senate next week and in the Senate Finance Committee on tomorrow. The subject is Medicare. I do not want to interfere with anybody who has a pending amendment, but I think this would be an appropriate time to make a few comments on this subject.

The PRESIDING OFFICER. The Senator from Louisiana.

## MEDICARE AND PRESCRIPTION DRUGS

Mr. BREAUX. Mr. President, my colleagues, the Senate will begin, this week in the Finance Committee—on Thursday, tomorrow—marking up a historic reform piece of legislation dealing with the subject of Medicare and prescription drugs for our Nation's older Americans. I think it is a historic opportunity for the Senate, in a bipartisan fashion, to come together and produce a product that is something of which we can all be proud.

Many Members of the Senate, when you talk about Medicare, would like the Federal Government to do everything and the private sector to not be

involved at all. There are other Members, on the other hand, who would like the private sector to do everything and the Federal Government to not be involved at all. The answer to how we craft this legislation really is by trying to combine the best of what Government can do with the best of what the private sector can do.

My colleagues, the bill that will be brought before the committee tomorrow, in a bipartisan fashion, under the leadership of Chairman GRASSLEY and Ranking Member BAUCUS, does exactly that. I would like to take just a minute to try to explain what the bill will do in more general terms so everybody can get an idea what they are going to be looking at next week.

A Medicare beneficiary, beginning next year, will have the opportunity to have a prescription drug discount card. That will be something they will start with at the beginning of the year. They will be able to take that card to their local drugstore and get anywhere from a 20-, 25-percent discount on the drugs they buy. In addition, we will provide a subsidy to low-income seniors, in addition to that discount card, to help them buy drugs.

While that is happening, the Government will be engaged in trying to set up a process whereby, in the year 2006, Medicare beneficiaries will have more choices than they would otherwise.

Under the principle of saying the Government should do what it does best and the private sector should do what it does best, we have established in the legislation a Medicare Program that says to seniors, if they want to stay right where they are in traditional Medicare, they will have the opportunity to do that, and they will also have the opportunity to get prescription drugs under their traditional Medicare Program.

If they think that a new program being offered will be a better opportunity for them, they can voluntarily move into what we call Medicare Advantage, where they would also have access to a prescription drug plan.

It is important to note that both of these opportunities, both of these choices, are Government-run programs. Both of those programs will be under HHS, Health and Human Services. Both of them will have the Federal Government supervising how the program is being run, to make sure no one in the private sector is scamming it or is not capable of producing the programs they are saying they can produce. That is what Government can do best—as well as help pay for them.

If you are in traditional Medicare fee-for-service, all your doctor and hospital programs will be just like they are today. Then you will have the opportunity to have a prescription drug program which will have a standard benefit package spelled out in law. What we are talking about is a program with about a $35-a-month premium, with about a $275 deductible and a 50 percent coinsurance for seniors for the drugs for which they pay.

That is a generous plan that is very similar to what we have as Members of Congress and Members of the Senate. That drug program, unlike the hospital and doctor benefits, will be provided by the private sector to bring about competition, to have companies come in and say: We will provide it at this amount. They can vary the premiums as long as the Federal Government would approve it. For example, someone may like a higher deductible, someone may like a lower deductible. They could make those adjustments within a range, but the Government would have to make sure that is acceptable and that is approved by HHS.

If a senior—for example, most younger seniors and seniors going into the program in the future—would like to go into that type of program for everything—for doctors and hospitals and for drugs—if they think that is the good program for them, that gives them choice, they will start selecting the Medicare Advantage Program where they will get doctor coverage, hospital coverage, and prescription drug coverage.

This will still be in HHS, but it will be run by a new, competitive agency within HHS—not micromanaged, not price fixing, as we have now, but a new, competitive agency within HHS which will be created in order to make sure that the new program is being run properly. It will be run very similarly to how our program is run that is for Federal employees. We have Federal health insurance, but they use a private delivery system, and the Government makes sure everybody follows the rules and that there is competition, there is choice—that some plans may be better than others—and they have an opportunity, every year, to take a look at what is being offered; and sometimes they will pick this plan, sometimes they may pick another plan, but they will have the choice to pick the plan that is best for them.

So I think, in summary, what we have before the committee is a plan that combines the best of what the Government can do with the best of what the private sector can do. The programs will still be under Health and Human Services, whether you take this plan or that plan.

I think when you have private companies competing, you will have private companies that will be more involved in doing risk management and preventive medicine, preventive health services for the individuals who are involved. The Federal Government does not do any of that.

We simply fix prices and we do nothing with regard to risk management or preventive health care. So we will have an intense debate. We will have a markup in the Finance Committee on Thursday. Then this bill will come to the floor.

I think we will have an opportunity to do something that I think, for the first time, gives seniors an opportunity to have a federally run program that provides private sector delivery, with choices that will benefit seniors. I think in the long term it will benefit all of us who are concerned about this.

I commend Senator BAUCUS for his work and for working with the chairman, Senator GRASSLEY, in putting together this package. The only way it is going to get done is bipartisan. Some will argue it is not enough, and I understand that, but this is 100 percent more than seniors have today. Congress should not walk away from a $400 billion program for providing prescription drugs to seniors because it is not more money, because that simply is not looking at what is possible and what is likely to happen in the real world.

This is a once-in-a-lifetime opportunity. I encourage my colleagues to work with us to produce this package.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I appreciate a moment to have a chance to give an alternative view. I thank my colleague from Louisiana. He has worked diligently on the issue of prescription drug coverage for many years, as have other of my colleagues on the floor regarding this issue. I wish to take this moment following his presentation to speak to the fact that there is much work left to be done by this body before we have prescription drug coverage that in fact meets the needs and the desires of the seniors of America.

The plan being put forward tomorrow in the Finance Committee basically does two things. It offers two structures. The majority of those supporting it will openly indicate that they would prefer that the seniors of America go into managed care rather than stay in traditional fee-for-service Medicare, where the senior determines their doctor, pharmacy, and other choices.

There is a desire to move people into what are called PPOs and HMOs and other managed care. We have experience with this because, since 1997, there has been the choice on behalf of American seniors to stay in traditional Medicare, choose their own doctor and pharmacies, and so on, or to go into a Medicare HMO. We know as of today that 89 percent of the seniors who chose—they made their choice—have chosen to remain in traditional Medicare, which I believe is a very strong message about the confidence seniors have in the current system, the stability of it, the dependability of it. They know what the premium is, they know what the services are, and they decide their doctor. This has been in place and serving the seniors of the country since 1965.

So the plan the committee is intending to report out tomorrow would create more choices of HMOs and PPOs and other managed care, and I support that for seniors. But what it does not do is add a prescription drug benefit

under traditional Medicare as an integrated part of the traditional fee-for-service Medicare.

All of the prescription drug plans that are part of this report tomorrow involve private insurance first. If private insurance is available in your State, or available in the region, if there are two or more companies there, regardless of the premium they choose, the benefits they choose, and how they structure it, the pharmacies that they will let you go to, however they structure it, you would have to choose one of those two private insurance plans.

Now, technically, they are saying it is under Medicare but this is not a Medicare prescription drug benefit as the seniors of the country have asked to have provided to them. The seniors, potentially every year, would get paperwork in the mail about two different insurance companies—if that is available in their area—and they would have to wade through the paperwork and decide which of the two is best for them. The next year, if those two companies were not both available—if there was only two and one decided it didn't want to cover seniors anymore; it was too costly—then there would only be one insurance company; and the senior would have the ability, then, to go to a backup plan—something administered through Medicare.

Then the next year, if there were two companies that decided they wanted to try their hand in covering Medicare prescription drug coverage in their region, they could not get the Medicare plan anymore; they would have to pick between those two companies.

Potentially, this could happen every single year for a senior. Seniors are not asking for more paperwork or more choices of insurance companies. They already picked—89 percent of them—traditional Medicare, run through Medicare. Yet we are not giving 89 percent of them that choice.

That is a major concern I have about this plan. There is a better way to do this, to give people more choices, but make sure one of the choices is traditional Medicare.

I find it quite amazing that we are even talking about the structuring of a plan in this way at this time when we look at the fact that Medicare has been rising in cost about 5 percent a year and private insurance is going up 15 to 20 percent a year. In fact, I have small businesses, as well as large businesses, including auto manufacturers and many others, coming to me concerned about the explosion in their private health insurance premiums every year instead of choosing an approach that costs less so we can take some of those pressures off and put them into the best benefit, the best way to provide medicine for seniors. This approach uses what is a more expensive model—arguably, putting more dollars into the pockets of insurance companies but certainly not more dollars into the pockets of our senior citizens in the form of access to more lower cost medicines.

This is a deep concern of mine. Why are we going through all this convoluted process? Well, I think there are two reasons. One is there are those who philosophically believe we should move to private insurance, managed care. I respect that. I have a disagreement with that but I respect the philosophical difference. Some don't believe we should have universal health coverage under Medicare. I disagree.

I think Medicare has been a great American success story since 1965. In fact, it is the one part of the universal health care we have in this country, and it concerns me deeply if we are going to roll that back. There is a difference in philosophy—and I appreciate that—on the part of colleagues on both sides of the aisle.

We know there is something else at work here, and that is a very large and powerful prescription drug lobby, which I believe, at all costs, wants to make sure our seniors are not in one insurance plan together—40 million seniors and disabled people in our country, who would then be able to negotiate big discounts in prices. By dividing folks up into lots of different insurance plans, making it more confusing for people to stay in traditional Medicare and get prescription drug help, and trying in every way to move people more to managed care, the prescription drug companies know they will not be put in a position of having to substantially lower their prices for our seniors. I have deep concerns about this. I agree with my colleagues that we have to work together in a bipartisan way if we are going to put forward a bill. I am hopeful that through amendments we can, in fact, provide a better bill. I will be offering an amendment that will set up a real choice for seniors, allow them prescription drug coverage under Medicare, which is what they want, and then also allow the other options colleagues have put together in the legislation that will be in front of us.

I believe that is a true choice, and I believe it is a choice that will allow prescription drug prices to go down, and that is a more cost-effective choice overall for Medicare as a system as well as for our seniors.

I will also be working with colleagues, as we have been for the last 2 years, on other efforts to lower prices for everyone. I am very proud of the fact that on this side of the aisle, we have brought the issue to this Chamber of lowering prices through greater competition in the marketplace and, in fact, we are seeing headway in that area.

I commend my colleagues on both sides of the aisle who have been coming together in agreement on the issue of generic drugs. I commend the leader of the HELP Committee, the Senator from New Hampshire, Mr. GREGG, for his leadership, the Senator from Massachusetts, Mr. KENNEDY, and the Senator from New York, Mr. SCHUMER, who helped lead this effort with Senator MCCAIN to close loopholes that have allowed brand-name companies essentially to game the system, to keep lower cost medicine off the market, unadvertised brands called generics.

There is a coming together that is very positive and bipartisan to pass legislation to close loopholes and allow greater competition. I believe this is one of the most important ways we will, in fact, lower prices more than anything else to get more competition for unadvertised brands in the marketplace.

There are two other issues about which we have been offering amendments that I encourage colleagues to support as a part of this process. One is to open the border to Canada for prescription drug coverage. From the State of Michigan, it is frustrating for the seniors, families and, in fact, the businesses in Michigan to literally look across the river and know that on the other side of that river they can get their American-made prescriptions at half the price and, in some cases, at even deeper discounts.

I urge we come together and open the border to Canada, and for colleagues who have resisted that, I ask that we look between now and 2006, when the prescription drug bill takes effect, at the idea of a pilot project of opening the border to Canada until 2006 so that we can drop prices immediately.

Our seniors have waited long enough. They do not need to wait another 2½, 3 years to see prices go down and Medicare help come. Let's open the border now. Let's sunset the pilot project when this bill takes effect, and then we can evaluate any concerns that have been raised about that process. That is something we can do right now that would have 10 times the effect of lowering prices than another discount card for seniors.

The other issue I am hopeful we can support on a bipartisan basis is to support States that are being creative in their purchasing power to get discounts for their citizens; efforts such as in the State of Maine to use their discount power to lower prices for the uninsured.

There are very positive steps we can take together. The generic drugs bill is a very positive initiative. I appreciate the leadership on both sides of the aisle for bringing that forward and coming together in a positive way.

To conclude, when it comes to Medicare prescription drug coverage, I remain deeply concerned about the direction in which we are going. I believe we are moving in a direction that actually dismantles the only part of universal care we have; that, in fact, will end up with more subsidies and more money in the pockets of insurance companies and drug companies as opposed to putting money in the pockets of our seniors who desperately need help with their prescription drugs.

I hope that as we enter into amendments in the next week, we will come together in a way that improves this

bill and strengthens it, keeping in mind that our first priority should be the people right now who need the help. We can do that if we are willing to work together.

I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Nevada.

## ORDER OF BUSINESS

Mr. REID. Madam President, I know the Senator from New Jersey wishes to speak. There is a unanimous consent request that will be propounded which will help people understand what will happen. We are waiting for someone on the other side to read the request, and then we can agree to it. If the Senator will withhold for a moment.

Mr. LAUTENBERG. Without losing my opportunity to the floor.

Mr. REID. I have the floor. Madam President, we are shortly going to enter into an agreement to have a vote late today for two more judges. This will make 131 judges—I think that is the number—we have approved during the time the present President Bush has been President.

I am really not certain as to the number, but I believe it is 36 or 37 circuit court judges. The vacancy rate, as we discussed yesterday, is extremely low. There has been a lot of agitation and talk about how poorly the administration is being treated with their judicial nominees. Even the President can understand that a count of 131 to 2 is a pretty good record for him.

The PRESIDING OFFICER. The Senator from New Hampshire.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. SUNUNU. Madam President, I ask unanimous consent, as in executive session, that at 2:15 p.m. today, the Senate proceed to executive session for the consideration of Calendar No. 221, the nomination of J. Ronnie Greer to be a U.S. District Judge for the U.S. District of Tennessee; provided that the Senate then proceed immediately to a vote on the confirmation of the nomination, with no intervening action or debate; provided, further, that immediately following that vote, the Senate proceed to the consideration of Calendar No. 222, the nomination of Mark Kravitz to be a U.S. District Judge for the District of Connecticut; that there then be 5 minutes for debate equally divided between the chairman and ranking member or their designees; and that following the use of that time, the Senate proceed to vote on the confirmation of the nominees. Finally, I ask unanimous consent that following the votes, the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, in the statement I just gave, I indicated there have been 36 circuit judges approved. It is 26 circuit judges approved. I misspoke. The 131 figure that will be completed about quarter to 3 today is an accurate number of judges who have been approved in this administration.

Also, Madam President, the chairman of the full Energy Committee, the manager of this bill, along with Senator BINGAMAN, is in the Chamber, and the record should reflect we on this side are not holding up this Energy bill. I have no objection to the unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ENERGY POLICY ACT OF 2003—Continued

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, as a manager of the bill, our side is awaiting communication from the executive branch by way of explanation of the Feinstein amendment. That should be arriving shortly. When it arrives, we will be ready on our side for the conclusion of any discussion. So it should not be too long—probably after lunch—before we are ready on our side for a vote on the Feinstein amendment.

For those who are wondering, that is what is happening. There is no need to be in the Chamber on that amendment until that event occurs. I am certain nothing will happen on the Energy bill until that time because there is no concurrence that anything can happen. In other words, we cannot do anything because the Feinstein amendment cannot be set aside for any other amendments.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I say to my friend from New Mexico, I am very appreciative of the statement he just made because I am going to do as he just did during this lull of time: Go get my hair cut.

Mr. DOMENICI. We hope it will be here shortly. I noted the presence a short time ago of the chairman of the Agriculture Committee, which has primary jurisdiction on the Feinstein amendment. He, too, was wondering what was happening. I want he and his staff to know that is exactly what is happening. It should not be too much longer until we then proceed in due course for a vote.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LAUTENBERG are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Alabama.

### AMENDMENT NO. 876

Mr. SHELBY. Madam President, I rise today to encourage my colleagues to oppose the amendment of the senior Senator from California, Mrs. FEINSTEIN.

First, I address the second-degree amendment the senior Senator from Nevada, Senator REID, is offering. I encourage my colleagues to oppose this second-degree amendment, also. The Reid second-degree amendment would exempt derivative contracts on precious metals from the new regulatory scheme the Feinstein amendment creates. We are told the Feinstein amendment is necessary to avoid the manipulation of markets for commodities that are in limited supply like oil or metals.

Underpinning the Feinstein amendment is the belief the Enron debacle and the California energy crisis occurred because there was insufficient regulation and wrongdoers were able to accomplish massive frauds and manipulation. The Feinstein amendment is intended to close the alleged regulatory loophole for off-exchange transactions for exempt commodities.

Assume, only for argument's sake, that Senator FEINSTEIN is correct. Assume the regulatory regime established only 2½ years ago is insufficient and that we must close a so-called regulatory loophole. If you believe this and support the Feinstein amendment, you must necessarily oppose the Reid second-degree amendment, which will carve a vast number of derivative contracts out of the regulatory scheme the Feinstein amendment creates.

I don't believe we can have it both ways. What is necessary for the energy markets is necessary for the metals markets. I encourage my colleagues to oppose both the Reid second-degree amendment and the Feinstein amendment as unnecessary, redundant, and potentially destabilizing to our financial markets. I encourage my colleagues who feel compelled to support the Feinstein amendment to not support the Reid amendment, which is at direct cross-purposes to the underlying amendment.

Less than 3 years ago, in December 2000, Congress enacted the Commodity Futures Modernization Act of 2000, which was landmark legislation that provided legal certainty regarding the regulatory status of derivatives. Passage of the modernization act was the result of many months of analysis of the role that derivatives play in the marketplace and the consequences of increased regulation. In fact, because the modernization act addressed derivative products pertaining to commodities and financial products, both the Agriculture Committee and Banking Committee held numerous hearings to help Members and the public better understand the role the various derivative financial instruments and contracts played in our economy and what regulatory landscape, if any, is appropriate.

Now, only 3 years after enactment of the modernization act, Senator FEINSTEIN's amendment proposes fundamental changes to the law. I believe

this amendment could create many regulatory problems, including creating jurisdictional confusion between the Federal Energy Regulatory Commission, FERC, and the Commodity Futures Trading Commission, CFTC, imposing problematic capital requirements on facilities trading derivatives, and impugning the legal certainty of OTC derivatives put in place in 2000.

I am concerned this body does not have full appreciation of these consequences and potential unintended consequences that will likely follow if we were to adopt the Feinstein amendment.

I also believe it is premature to adopt this amendment because we have simply not had enough time to review the results of the modernization act. We have not received any reports from the CFTC detailing shortfalls in the regulatory authority conferred by the modernization act or recommendations requesting broader authority over derivatives. In fact, the CFTC had brought several major cases involving market manipulation since the passage of the modernization act. Congress should have more than a 2-year record before it decides to make rash but fundamental changes to legislation that was the product of so much deliberation a short time ago.

Proponents of the Feinstein amendment argue that the collapse of Enron and the disruption of the California energy market are prime examples of the need for greater regulation of derivatives. This assertion is simply not true. Enron collapsed as a result of deceptive accounting practices involving special purpose entities and poor corporate governance practices that permitted abusive business practices. Congress addressed such abuses in last year's Sarbanes-Oxley Act. More importantly, Enron's derivative business was in operation prior to enactment of the Modernization Act and was one of the business lines that retained value for sale after the collapse when most others didn't.

Further, FERC, the Federal Energy Regulatory Commission, recently concluded a year-long review of potential manipulation of electric and natural gas prices in the Western markets. Although FERC did find market manipulation, it also concluded:

> Significant supply shortfalls and a fatally flawed market design were the root causes of the California market meltdown.

In short, it was lack of energy supplies and poor State regulations that caused the disruption. I fear that the adoption of the Feinstein amendment could lead to uninformed and premature changes to the carefully considered provisions of the Modernization Act.

I believe the Feinstein amendment proposes unnecessary regulatory measures and significantly undermines the legal certainty achieved in the Modernization Act. Therefore, I strongly urge my colleagues to vote against the Feinstein amendment.

The President's Working Group on Financial Markets, which is comprised of the Secretary of the Treasury, the Chairman of the Federal Reserve Board, the Chairman of the Securities and Exchange Commission, and the Chairman of the CFTC, will be sending a letter today expressing its concerns with this amendment and urging Congress to carefully consider the potential unintended consequences of the amendment before acting. I intend to submit this letter for the RECORD when I receive it. I anticipate this letter will raise the same concerns that were raised in the working group's letter last year.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SUNUNU. Madam President, I rise to join my colleague, Senator SHELBY, my committee chairman on the Banking Committee as well, in opposing the Feinstein amendment. This amendment was debated at length about a year ago during the previous Senate Energy bill debate. At that time, Senator Phil Gramm raised a number of issues, a number of concerns with the legislation. He said a great many wise and commonsense things. One of the perspectives that he pointed out that stuck with me was noting that, in raising concerns about failures, companies that had gone bankrupt such as Long Term Capital Management, or perhaps closer to home for the Senator from California, the bankruptcy of Orange County, CA, that involved to a certain extent derivatives and then called for regulation—we were, in effect, blaming the instrument itself, blaming the derivative, which is a little bit like blaming a thermometer for a warm day. That is not the right approach for legislation and I think it will lead us to bad conclusions in trying to structure legislation that will strengthen financial markets.

As the Senator from Alabama indicated, at the root is our concern that we not pass legislation that has unintended consequences, not pass legislation that is counterproductive, and rather than strengthen the markets or increase confidence in markets, actually has the opposite effect.

This legislation would give a great deal of new power to FERC, which is a concern to me because that would be power given over to the FERC not just to regulate but really to arbitrate, to refer claims to different regulatory authorities. On its face, I ask whether FERC has the expertise or the knowledge in all of these sophisticated markets to make such decisions. It is, perhaps, a power best not given to FERC. But it is also a power, in referring and making these decisions as to which regulatory body a particular claim or complaint would go, that would have the effect of creating uncertainty, uncertainty as to which organization had regulatory oversight.

The Commodity Futures Trading Commission and FERC already coordinate their enforcement with respect to the energy markets. The CFTC has subpoena power. I think, as a number of other speakers indicated, in the year 2000 there was a Commodity Futures Modernization Act that was passed that was a good piece of legislation. A lot of work went into that. It drew from recommendations made by the President's working group. In particular, it strengthened the CFTC's hand in regulation in a number of areas.

I certainly do not think offering an amendment at this time on this particular bill is the appropriate way to modify that legislation, the Commodity Futures Modernization Act, that was a product of extended negotiations. The piece of legislation such as being offered by the Senator from California ought to go through the regular committee process. We ought to have hearings on it and certainly we ought to have an opportunity to debate it in the key area of the Banking Committee and Agriculture Committee jurisdictions.

Of particular interest as well is the fact that this amendment is opposed by a number of organizations, a number of the regulators themselves who are most concerned with stability and confidence in the markets—by the Fed, by the SEC, and by the CFTC. Even though this bill gives additional powers to the CFTC, they still oppose it. It is not often in Washington you have someone opposing an effort to give them more power and more jurisdiction, but these very organizations are worried every day about safety and soundness, about regulatory clarity, about ensuring a greater degree of stability and solvency in the marketplace. Why would they oppose this effort, to give more regulatory power to them or to their sister organizations?

I believe it is in part because of their concern that this might have unintended consequences, that this, unfortunately, might add uncertainty to the markets, that this might stifle transactions that so often act to reduce the risk in the marketplace.

Particularly telling is the fact that an amendment is being offered to strike the coverage of various metals from this provision. Obviously, someone recognizes that this might not be good, might not be healthy for a particular area of our economy, of the derivatives exchanges, and therefore wants to protect them from the uncertainty and the instability I have described.

Unintended consequences, we have to be so careful about exactly in an example such as this. These derivative markets are so complicated so the potential to have unintended consequences is effectively magnified by our collective lack of knowledge. There are some Senators who know more than others about these markets. The Senator from California has spent more time than others debating and discussing these issues. But any time we venture into

an area of such complexity we enhance the risk that a piece of legislation will have unintended consequences.

I certainly do not fault the intentions or question the intentions or the motives in offering the legislation. We share the goals of ensuring that we have good regulatory agencies with appropriate enforcement powers, but we also should be careful that we not disturb a market which I believe functions extremely efficiently. As complex as it is, and as large as it is—I have seen estimates of the size of the global derivatives market as high as $75 trillion—as large as that market is, it works very effectively.

These are not products that are sold on any exchanges and there is a reason for that. The principal reason is that they are unique. They are unique to the organizations that seek them out. The vast majority of these organizations seek out a particular swap or derivative transaction in order to reduce the risk they are exposed to at any given day. That is why these instruments were developed and exist in such great numbers in the first place. Companies, institutions, financial service companies, banks—they seek out these derivatives to reduce their exposure to risk. When they are able to do that, they ensure greater stability, they ensure greater certainty for their investors, and it has the effect of, obviously, making our markets stronger. And helping our economy to grow.

We have exercised great caution before stepping forward and trying to substitute some kind of new regulatory regime when a market is functioning this effectively and arguably enforcing its own level of discipline in the way that it functions. What kind of discipline is that? If I am going to engage in an interest rate swap, or some other derivative transaction with a financial institution, rest assured that I as an investor or as a counter-party to that transaction am going to want to know a great deal about the solvency, the exposure to other risks, exposure to interest rate changes, and exposure to different portions of our economy with which that institution I am engaging with in a transaction is dealing.

There is a level of inspection and a level of due diligence that takes place in this marketplace every single day, which I might argue is more detailed and more thorough and more consistent than any government regulatory agency could ever provide.

I believe we should oppose this amendment because it hasn't gone through the regular order because it attempts to impose a level of regulation that might well be counterproductive, that might increase the level of uncertainty in certain areas where jurisdiction is concerned, and that springs from a concern that somehow the derivatives themselves—the instruments themselves—are to blame rather than managers who have made some very bad decisions.

Derivatives didn't cause the energy crisis in California. Derivatives didn't cause the collapse of Enron. Managers making bad decisions did. In some cases, managers engaging in fraudulent behavior did. Certainly the Commodity Futures Trading Commission has the power to go after cases where fraud or price manipulation are concerned. They are completely empowered to do just that.

I encourage my colleagues to vote against the amendment, and I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, I would like to use this time to respond to some of the comments that have been made.

It is really a misconception to think this is an amendment against derivatives. This isn't an amendment against derivatives. I have never said derivatives caused the western energy crisis. What I said was that there is a loophole in the law: Where all other finite commodities, except for energy and metals, have certain regulations with respect to transparency, these particular finite commodities do not; and that certain traders use this loophole to practice, if you will, a kind of fraud in their trading. The fraud was to artificially find ways to boost their products. I wish to respond to that.

Let's go into one of the ways they proceeded to do this—through what is called a round trip or a wash trade. Yesterday on the floor, Senator FITZGERALD and I, as well, very clearly pointed out what a wash trade is: I sell you a finite commodity, and you sell that same commodity back to me. On our balance sheets, we both carry a sale. Yet nothing ever changes hands. What we are saying is that this should be an illegal practice. What we are saying is that, at the very least, it ought to have transparency to it. We ought to be required to keep a record, to have an audit trail, and to have anti-fraud and anti-manipulation oversight of these practices by the Commodity Futures Trading Commission.

What we more fundamentally say is that a great deal of this was done in the western energy crisis through electronic trading.

Madam President, I understand I have the right to modify the amendment. Is that not correct?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 876, AS MODIFIED

Mrs. FEINSTEIN. Madam President, I would like to send a modified amendment to the desk. That modified amendment contains an additional cosponsor, Senator KENNEDY. The modified amendment makes two changes to the amendment which I submitted before. The first change is to be absolutely crystal clear that this does not affect financial derivatives. I said that in my comments yesterday. I say it again today. To make it crystal clear, because some are concerned, and say, ''Oh, well, this will upset the financial derivatives marketplace,'' this is not the intent. It would only apply to finite commodities.

Right upfront, we are clearly saying that this title shall not apply to financial derivatives trading.

The other change to this amendment simply takes Senator REID's amendment to exclude metals and adds this to this bill.

If I may, I send that amendment, as a modified, to the desk at this time.

The PRESIDING OFFICER. The Senator has that right. The amendment is so modified.

Mrs. FEINSTEIN. I thank the Chair.

The amendment (No. 876), as modified, is as follows:

At the end, add the following:

**TITLE ___—ENERGY MARKET OVERSIGHT**

**SEC. ___01. NO EFFECT ON FINANCIAL DERIVATIVES.**

This title shall not apply to financial derivatives trading.

**SEC. ___02. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.**

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

''(i) JURISDICTION.—

''(1) REFERRAL.—

''(A) IN GENERAL.—To the extent that the Commission determines that any contract involving energy delivery that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

''(B) NO EFFECT ON AUTHORITY.—The authority of the Commission or any Federal agency shall not be limited or otherwise affected based on whether the Commission has or has not referred a contract described in subparagraph (A).

''(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, the Department of Justice, the Department of the Treasury, and the Federal Reserve Board to discuss—

''(A) conditions and events in energy trading markets; and

''(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

''(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.''.

**SEC. ___02. INVESTIGATIONS BY THE FEDERAL ENERGY REGULATORY COMMISSION UNDER THE NATURAL GAS ACT AND FEDERAL POWER ACT.**

(a) INVESTIGATIONS UNDER THE NATURAL GAS ACT.—Section 14(c) of the Natural Gas Act (15 U.S.C. 717m(c)) is amended—

(1) by striking ''(c) For the purpose of'' and inserting the following:

''(c) TAKING OF EVIDENCE.—

''(1) IN GENERAL.—For the purpose of'';

(2) by striking ''Such attendance'' and inserting the following:

''(2) NO GEOGRAPHIC LIMITATION.—The attendance'';

(3) by striking ''Witnesses summoned'' and inserting the following:

''(3) EXPENSES.—Any witness summoned''; and

(4) by adding at the end the following:

''(4) AUTHORITIES.—The exercise of the authorities of the Commission under this subsection shall not be subject to the consent of the Office of Management and Budget.''.

(b) INVESTIGATIONS UNDER THE FEDERAL POWER ACT.—Section 307(b) of the Federal Power Act (16 U.S.C. 825f(b)) is amended—

(1) by striking ''(b) For the purpose of'' and inserting the following:

''(b) TAKING OF EVIDENCE.—

''(1) IN GENERAL.—For the purpose of'';

(2) by striking ''Such attendance'' and inserting the following:

''(2) NO GEOGRAPHIC LIMITATION.—The attendance'';

(3) by striking ''Witnesses summoned'' and inserting the following:

''(3) EXPENSES.—Any witness summoned''; and

(4) by adding at the end the following:

''(4) AUTHORITIES.—The exercise of the authorities of the Commission under this subsection shall not be subject to the consent of the Office of Management and Budget.''.

**SEC. ___04. CONSULTING SERVICES.**

Title IV of the Department of Energy Organization Act (42 U.S.C. 7171 et seq.) is amended by adding at the end the following:

**''SEC. 408. CONSULTING SERVICES.**

''(a) IN GENERAL.—The Chairman may contract for the services of consultants to assist the Commission in carrying out any responsibilities of the Commission under this Act, the Federal Power Act (16 U.S.C. 791a et seq.), or the Natural Gas Act (15 U.S.C. 717 et seq.).

''(b) APPLICABLE LAW.—In contracting for consultant services under subsection (a), if the Chairman determines that the contract is in the public interest, the Chairman, in entering into a contract, shall not be subject to—

''(1) section 5, 253, 253a, or 253b of title 41, United States Code; or

''(2) any law (including a regulation) relating to conflicts of interest.''.

**SEC. ___04. LEGAL CERTAINTY FOR TRANSACTIONS IN EXEMPT COMMODITIES.**

Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by striking subsections (g) and (h) and inserting the following:

''(g) OFF-EXCHANGE TRANSACTIONS IN EXEMPT COMMODITIES.—

''(1) DEFINITIONS.—In this subsection:

''(A) COVERED ENTITY.—The term 'covered entity' means—

''(i) an electronic trading facility; and

''(ii) a dealer market.

''(B) DEALER MARKET.—

''(i) IN GENERAL.—The term 'dealer market' has the meaning given the term by the Commission.

''(ii) INCLUSIONS.—The term 'dealer market' includes each bilateral or multilateral agreement, contract, or transaction determined by the Commission, regardless of the means of execution of the agreement, contract, or transaction.

''(2) EXEMPTION FOR TRANSACTIONS NOT ON TRADING FACILITIES.—Except as provided in paragraph (4), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that—

''(A) is entered into solely between persons that are eligible contract participants at the time the persons enter into the agreement, contract, or transaction; and

''(B) is not entered into on a trading facility.

''(3) EXEMPTION FOR TRANSACTIONS ON COVERED ENTITIES.—Except as provided in paragraphs (4), (5), and (7), nothing in this Act shall apply to an agreement, contract, or transaction in an exempt commodity that is—

''(A) entered into on a principal-to-principal basis solely between persons that are eligible contract participants at the time at which the persons enter into the agreement, contract, or transaction; and

''(B) executed or traded on a covered entity.

''(4) REGULATORY AND OVERSIGHT REQUIREMENTS.—

''(A) IN GENERAL.—An agreement, contract, or transaction described in paragraph (2) or (3) (and the covered entity on which the agreement, contract, or transaction is executed) shall be subject to—

''(i) sections 5b, 12(e)(2)(B), and 22(a)(4);

''(ii) the provisions relating to manipulation and misleading transactions under sections 4b, 4c(a), 4c(b), 4o, 6(c), 6(d), 6c, 6d, 8a, and 9(a)(2); and

''(iii) the provisions relating to fraud and misleading transactions under sections 4b, 4c(a), 4c(b), 4o, and 8a.

''(B) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Notwithstanding any exemption by the Commission under section 4(c), an agreement, contract, or transaction described in paragraph (2) or (3) shall be subject to the authorities in clauses (i), (ii), and (iii) of subparagraph (A).

''(5) COVERED ENTITIES.—An agreement, contract, or transaction described in paragraph (3) and the covered entity on which the agreement, contract, or transaction is executed, shall be subject to (to the extent the Commission determines appropriate)—

''(A) section 5a, to the extent provided in section 5a(g)) and 5d;

''(B) consistent with section 4i, a requirement that books and records relating to the business of the covered entity on which the agreement, contract, or transaction is executed be made available to representatives of the Commission and the Department of Justice for inspection for a period of at least 5 years after the date of each transaction, including—

''(i) information relating to data entry and transaction details sufficient to enable the Commission to reconstruct trading activity on the covered entity; and

''(ii) the name and address of each participant on the covered entity authorized to enter into transactions; and

''(C) in the case of a transaction or covered entity performing a significant price discovery function for transactions in the cash market for the underlying commodity, subject to paragraph (6), the requirements (to the extent the Commission determines appropriate by regulation) that—

''(i) information on trading volume, settlement price, open interest, and opening and closing ranges be made available to the public on a daily basis;

''(ii) notice be provided to the Commission in such form as the Commission may require;

''(iii) reports be filed with the Commission (such as large trader position reports); and

''(iv) consistent with section 4i, books and records be maintained relating to each transaction in such form as the Commission may require for a period of at least 5 years after the date of the transaction.

''(6) PROPRIETARY INFORMATION.—In carrying out paragraph (5)(C), the Commission shall not—

''(A) require the real-time publication of proprietary information;

''(B) prohibit the commercial sale or licensing of real-time proprietary information; and

''(C) publicly disclose information regarding market positions, business transactions, trade secrets, or names of customers, except as provided in section 8.

''(7) NOTIFICATION, DISCLOSURES, AND OTHER REQUIREMENTS FOR COVERED ENTITIES.—A covered entity subject to the exemption under paragraph (3) shall (to the extent the Commission determines appropriate)—

''(A) notify the Commission of the intention of the covered entity to operate as a covered entity subject to the exemption under paragraph (3), which notice shall include—

''(i) the name and address of the covered entity and a person designated to receive communications from the Commission;

''(ii) the commodity categories that the covered entity intends to list or otherwise make available for trading on the covered entity in reliance on the exemption under paragraph (3);

''(iii) certifications that—

''(I) no executive officer or member of the governing board of, or any holder of a 10 percent or greater equity interest in, the covered entity is a person described in any of subparagraphs (A) through (H) of section 8a(2);

''(II) the covered entity will comply with the conditions for exemption under this subsection; and

''(III) the covered entity will notify the Commission of any material change in the information previously provided by the covered entity to the Commission under this paragraph; and

''(iv) the identity of any derivatives clearing organization to which the covered entity transmits or intends to transmit transaction data for the purpose of facilitating the clearance and settlement of transactions conducted on the covered entity subject to the exemption under paragraph (3);

''(B)(i) provide the Commission with access to the trading protocols of the covered entity and electronic access to the covered entity with respect to transactions conducted in reliance on the exemption under paragraph (3); and

''(ii) on special call by the Commission, provide to the Commission, in a form and manner and within the period specified in the special call, such information relating to the business of the covered entity as a covered entity exempt under paragraph (3), including information relating to data entry and transaction details with respect to transactions entered into in reliance on the exemption under paragraph (3), as the Commission may determine appropriate—

''(I) to enforce the provisions specified in paragraph (4);

''(II) to evaluate a systemic market event; or

''(III) to obtain information requested by a Federal financial regulatory authority to enable the authority to fulfill the regulatory or supervisory responsibilities of the authority;

''(C)(i) on receipt of any subpoena issued by or on behalf of the Commission to any foreign person that the Commission believes is conducting or has conducted transactions in reliance on the exemption under paragraph (3) on or through the covered entity relating to the transactions, promptly notify the foreign person of, and transmit to the foreign person, the subpoena in a manner that is reasonable under the circumstances, or as specified by the Commission; and

''(ii) if the Commission has reason to believe that a person has not timely complied with a subpoena issued by or on behalf of the Commission under clause (i), and the Commission in writing directs that a covered entity relying on the exemption under paragraph (3) deny or limit further transactions by the person, deny that person further trading access to the covered entity or, as applicable, limit that access of the person to the covered entity for liquidation trading only;

''(D) comply with the requirements of this subsection applicable to the covered entity and require that each participant, as a condition of trading on the covered entity in reliance on the exemption under paragraph (3), agree to comply with all applicable law;

''(E) certify to the Commission that the covered entity has a reasonable basis for believing that participants authorized to conduct transactions on the covered entity in reliance on the exemption under paragraph (3) are eligible contract participants;

''(F) maintain sufficient capital, commensurate with the risk associated with transactions; and

''(G) not represent to any person that the covered entity is registered with, or designated, recognized, licensed, or approved by the Commission.

''(8) HEARING.—A person named in a subpoena referred to in paragraph (7)(C) that believes the person is or may be adversely affected or aggrieved by action taken by the Commission under this subsection, shall have the opportunity for a prompt hearing after the Commission acts under procedures that the Commission shall establish by rule, regulation, or order.

''(9) PRIVATE REGULATORY ORGANIZATIONS.—

''(A) DELEGATION OF FUNCTIONS UNDER CORE PRINCIPLES.—A covered entity may comply with any core principle under subparagraph (B) that is applicable to the covered entity through delegation of any relevant function to—

''(i) a registered futures association under section 17; or

''(ii) another registered entity.

''(B) CORE PRINCIPLES.—The Commission may establish core principles requiring a covered entity to monitor trading to—

''(i) prevent fraud and manipulation;

''(ii) prevent price distortion and disruptions of the delivery or cash settlement process;

''(iii) ensure that the covered entity has adequate financial, operational, and managerial resources to discharge the responsibilities of the covered entity; and

''(iv) ensure that all reporting, recordkeeping, notice, and registration requirements under this subsection are discharged in a timely manner.

''(C) RESPONSIBILITY.—A covered entity that delegates a function under subparagraph (A) shall remain responsible for carrying out the function.

''(D) NONCOMPLIANCE.—If a covered entity that delegates a function under subparagraph (A) becomes aware that a delegated function is not being performed as required under this Act, the covered entity shall promptly take action to address the noncompliance.

''(E) VIOLATION OF CORE PRINCIPLES.—

''(i) IN GENERAL.—If the Commission determines, on the basis of substantial evidence, that a covered entity is violating any applicable core principle specified in subparagraph (B), the Commission shall—

''(I) notify the covered entity in writing of the determination; and

''(II) afford the covered entity an opportunity to make appropriate changes to bring the covered entity into compliance with the core principles.

''(ii) FAILURE TO MAKE CHANGES.—If, not later than 30 days after receiving a notification under clause (i)(I), a covered entity fails to make changes that, as determined by the Commission, are necessary to comply with the core principles, the Commission may take further action in accordance with this Act.

''(F) RESERVATION OF EMERGENCY AUTHORITY.—Nothing in this paragraph limits or affects the emergency powers of the Commission provided under section 8a(9).

''(10) METALS.—Notwithstanding any other provision of this subsection, an agreement, contract, or transaction in metals—

''(A) shall not be subject to this subsection (as amended by section ___05 of the Energy Policy Act of 2003); and

''(B) shall be subject to this subsection and subsection (h) (as those subsections existed on the day before the date of enactment of the Energy Policy Act of 2003).

''(11) NO EFFECT ON OTHER AUTHORITY.—This subsection shall not affect the authority of the Federal Energy Regulatory Commission under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).''.

**SEC. ___06. PROHIBITION OF FRAUDULENT TRANSACTIONS.**

Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

''(a) PROHIBITION.—It shall be unlawful for any person, directly or indirectly, in or in connection with any account, or any offer to enter into, the entry into, or the confirmation of the execution of, any agreement, contract, or transaction subject to this Act—

''(1) to cheat or defraud or attempt to cheat or defraud any person (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information);

''(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered for any person any false record (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information);

''(3) willfully to deceive or attempt to deceive any person by any means whatsoever (but this paragraph does not impose on parties to transactions executed on or subject to the rules of designated contract markets or registered derivative transaction execution facilities a legal duty to provide counterparties or any other market participants with any material market information); or

''(4) except as permitted in written rules of a board of trade designated as a contract market or derivatives transaction execution facility on which the agreement, contract, or transaction is traded and executed—

''(A) to bucket an order;

''(B) to fill an order by offset against 1 or more orders of another person; or

''(C) willfully and knowingly, for or on behalf of any other person and without the prior consent of the person, to become—

''(i) the buyer with respect to any selling order of the person; or

''(ii) the seller with respect to any buying order of the person.''.

**SEC. ___07. FERC LIAISON.**

Section 2(a)(9) of the Commodity Exchange Act (7 U.S.C. 2(a)(9)) is amended by adding at the end the following:

''(C) LIAISON WITH FEDERAL ENERGY REGULATORY COMMISSION.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.''.

**SEC. ___08. CRIMINAL AND CIVIL PENALTIES.**

(a) ENFORCEMENT POWERS OF COMMISSION.—Section 6(c) of the Commodity Exchange Act (7 U.S.C. 9, 15) is amended in paragraph (3) of the tenth sentence—

(1) by inserting ''(A)'' after ''assess such person''; and

(2) by inserting after ''each such violation'' the following: '', or (B) in any case of manipulation of, or attempt to manipulate, the price of any commodity, a civil penalty of not more than the greater of $1,000,000 or triple the monetary gain to such person for each such violation,''.

(b) MANIPULATIONS AND OTHER VIOLATIONS.—Section 6(d) of the Commodity Exchange Act (7 U.S.C. 13b) is amended in the first sentence—

(1) by striking ''paragraph (a) or (b) of section 9 of this Act'' and inserting ''subsection (a), (b), or (f) of section 9''; and

(2) by striking ''said paragraph 9(a) or 9(b)'' and inserting ''subsection (a), (b), or (f) of section 9''.

(c) NONENFORCEMENT OF RULES OF GOVERNMENT OR OTHER VIOLATIONS.—Section 6b of the Commodity Exchange Act (7 U.S.C. 13a) is amended—

(1) in the first sentence—

(A) by inserting ''section 2(g)(9),'' after ''sections 5 through 5c,''; and

(B) by inserting before the period at the end the following: '', or, in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty of not more than $1,000,000 for each such violation''; and

(2) in the second sentence, by inserting before the period at the end the following: '', except that if the failure or refusal to obey or comply with the order involved any offense under section 9(f), the registered entity, director, officer, agent, or employee shall be guilty of a felony and, on conviction, shall be subject to penalties under section 9(f)''.

(d) ACTION TO ENJOIN OR RESTRAIN VIOLATIONS.—Section 6c(d) of the Commodity Exchange Act (7 U.S.C. 13a–1(d)) is amended by striking ''(d)'' and all that follows through the end of paragraph (1) and inserting the following:

''(d) CIVIL PENALTIES.—In any action brought under this section, the Commission may seek and the court shall have jurisdiction to impose, on a proper showing, on any person found in the action to have committed any violation—

''(1) a civil penalty in the amount of not more than the greater of $100,000 or triple the monetary gain to the person for each violation; or

''(2) in any case of manipulation of, or an attempt to manipulate, the price of any commodity, a civil penalty in the amount of not more than the greater of $1,000,000 or triple the monetary gain to the person for each violation.''.

(e) VIOLATIONS GENERALLY.—Section 9 of the Commodity Exchange Act (7 U.S.C. 13) is amended—

(1) by redesignating subsection (f) as subsection (e); and

(2) by adding at the end the following:

''(f) PRICE MANIPULATION.—It shall be a felony punishable by a fine of not more than $1,000,000 for each violation or imprisonment for not more than 10 years, or both, together with the costs of prosecution, for any person—

''(1) to manipulate or attempt to manipulate the price of any commodity in interstate commerce, or for future delivery on or subject to the rules of any registered entity;

''(2) to corner or attempt to corner any such commodity;

''(3) knowingly to deliver or cause to be delivered (for transmission through the mails or interstate commerce by telegraph, telephone, wireless, or other means of communication) false or misleading or knowingly inaccurate reports concerning market information or conditions that affect or tend to affect the price of any commodity in interstate commerce; or

''(4) knowingly to violate section 4 or 4b, any of subsections (a) through (e) of subsection 4c, or section 4h, 4o(1), or 19.''.

**SEC. ___09. CONFORMING AMENDMENTS.**

(a) Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (d)(1), by striking ''section 5b'' and inserting ''section 5a(g), 5b,'';

(2) in subsection (e)—

(A) in paragraph (1), by striking '', 2(g), or 2(h)(3)''; and

(B) in paragraph (3), by striking ''2(h)(5)'' and inserting ''2(g)(7)'';

(3) by redesignating subsection (i) as subsection (h); and

(4) in subsection (h) (as redesignated by subparagraph (C))—

(A) in paragraph (1)—

(i) by striking ''No provision'' and inserting ''IN GENERAL.—Subject to subsection (g), no provision''; and

(ii) in subparagraph (A)—

(I) by striking ''section 2(c), 2(d), 2(e), 2(f), or 2(g) of this Act'' and inserting ''subsection (c), (d), (e), or (f)''; and

(II) by striking ''section 2(h)'' and inserting ''subsection (g)''; and

(B) in paragraph (2), by striking ''No provision'' and inserting ''IN GENERAL.—Subject to subsection (g), no provision''.

(b) Section 4i of the Commodity Exchange Act (7 U.S.C. 6i) is amended in the first sentence by inserting '', or pursuant to an exemption under section 4(c)'' after ''transaction execution facility''.

(c) Section 8a(9) of the Commodity Exchange Act (7 U.S.C. 12a(9)) is amended—

(1) by inserting ''or covered entity under section 2(g)'' after ''direct the contract market'';

(2) by striking ''on any futures contract''; and

(3) by inserting ''or covered entity under section 2(g)'' after ''given by a contract market''.

Mrs. FEINSTEIN. Madam President, once again, what we are seeking to do is close a loophole that was created in 2000 when this Congress passed the Commodity Futures Modernization Act. That act exempted just energy and metals. It was not the intention actually to do that. The Senate part of that bill did not exempt them. What happened was Enron went to the House and Enron secured an exemption of energy and metals in the House. That exemption was handled in the conference, and the Senate language was not in the bill.

The exemption was effectively created. The loophole was created. We are just trying to eliminate that loophole. We are not attacking derivatives. All we are saying is: If you do this kind of trading, you must keep a record just as anybody else does. You must be transparent. You must have an audit trail, and you are subject to any fraud or manipulation oversight by the Commodity Futures Trading Commission.

This is where it gets a little complicated. If I sell energy to you and you deliver, then that is covered by the Federal Energy Regulatory Commission. If I sell energy to you and you sell it to a third person or entity that sells it to a fourth entity that sells it to a fifth entity and then it goes into the field, those interim trades are not covered.

That is what we seek to cover because that is where the games exist. It is a rather subtle point, but it is also an important point.

I heard people say that this will stifle the market. I will tell you what has been happening out there. Without transparency and without record keeping stifles the market.

When Mr. Fortney was arrested last week for creating schemes such as Ricochet, Death Star, and Get Shorty, you don't think that stifles the market when you have other traders pleading guilty to fraud and wire fraud?

Does that not stifle the market? And does that not give the average consumer the belief that they cannot trust this marketplace as being fair and transparent? I believe it does. More fundamentally, I believe the rules that govern the marketplace should be rules to protect the average consumer, not the big boys; they can take care of themselves. But the average consumer has to have confidence in the marketplace that it is fair and that it is transparent.

I would like to correct the idea that this amendment has not gone through regular order. I moved this amendment last year to the Energy bill. Senator Gramm of Texas, who, incidentally, subsequently went to work for EnronOnline in its new life with UBS Warburg—which is fine—argued against my amendment. We tried to settle our differences. It took quite some time. We could not settle our differences on this amendment, and we did have a vote.

Another reason for the vote is there were people who believed this had not had enough committee hearing. So we had a vote, and I think we got 48 votes. The amendment went to the Agriculture Committee. The Agriculture Committee held hearings. The staff of both sides reviewed the legislation. Senator HARKIN, who was chairman, and Senator LUGAR, who was ranking member, are both cosponsors of this amendment.

The problem is, the end of the session came without a markup, so this is really the opportunity we have to place this amendment into some form of law, and so we take this opportunity.

I also wish to say that the President's working group in 1999, in their report—this was before the Commodity Futures Modernization Act of 2000—very specifically said, on page 2 of their report, that:

> An exclusion from the CEA [Commodities Exchange Act] for electronic trading systems for derivatives, provided that the systems limit participation to sophisticated counterparties trading for their own accounts and are not used to trade contracts that involve non-financial commodities with finite supplies. . . .

In other words, they are saying that commodities with finite supplies should be included in the bill, but they are recommending that those that do not have finite supplies, such as financials derivatives, not be included in the bill. Now, apparently, they are changing their position. But I want to make very clear that was the position of the ''Over-the-Counter Derivatives Markets and the Commodity Exchange Act, Report of The President's Working Group on Financial Markets'' dated November 1999. And the Senate version of the Commodity Futures Modernization Act actually did just what this working group stated.

Again, to refute the allegation that I am in some way blaming derivatives for the western energy crisis—I am not—I am blaming this loophole which allows all this secret trading, which we have seen result in fraudulent schemes, to try to close that loophole. And the way to close it is to bring the light of day to it. That is what we are trying to do.

I pointed out yesterday, because some people said, well, we need to study this more, that it has been studied more and that the ''Final Report On Price Manipulation In Western Markets, Fact-Finding Investigation Of Potential Manipulation Of Electric And Natural Gas Prices,'' which was prepared by the staff of the Federal Energy Regulatory Commission, and dated March 2003, says the following as one of their recommendations:

> Recommend that Congress consider giving direct authority to a Federal agency to ensure that electronic trading platforms for wholesale sales of electric energy and natural gas in interstate commerce are monitored—

That is what we do—

> and provide market information that is necessary for price discovery in competitive energy markets.

That is exactly what this does, as recommended by this report of the Federal Energy Regulatory Commission.

With the modification I made, metals will have the same level of oversight as exists under current law today.

Now, let me go back again to 2000. I mentioned the change that was made to accommodate Enron lobbying to the Commodity Futures Modernization Act. It also did not take long for EnronOnline and others in the energy sector to take advantage of this new freedom by trading energy derivatives absent any transparency or regulatory oversight. Thus, after the 2000 legislation—and really right away—EnronOnline began to trade energy derivatives bilaterally without being subject to proper regulatory oversight.

It should not surprise anyone that without this transparency, prices soared. In 2000, if Enron's derivatives business had been a stand-alone company, it would have been the 256th largest company in America. That year, Enron claimed it made more money from its derivatives business—$7.23 billion—than Tyson Foods made from selling chicken. That is according to author Robert Bryce, who wrote a book on Enron called ''Pipe Dreams.''

EnronOnline rapidly became the biggest platform for electronic energy trading. But unlike regulated exchanges, such as the New York Mercantile Exchange, the Chicago Mercantile Exchange, the Chicago Board of Trade, EnronOnline was not registered

with the CFTC, the Commodity Futures Trading Commission, so it set its own standards. And that is the problem. Traders and others in the energy sector came to rely on EnronOnline for pricing information. Yet the company's control over this information, and its ability to manipulate it, was large.

As this same author, Robert Bryce, describes—and let me quote—

> Enron didn't just own the casino. On any given deal, Enron could be the house, the dealer, the oddsmaker, and the guy across the table you're trying to beat in diesel fuel futures, gas futures, or the California electricity market.

The Electric Power Supply Association, EPSA, has sent a letter to all Senators asking them to oppose our oversight amendment. This should not be strange to anybody because its members are exactly the same companies that are being investigated and have been investigated by FERC for wrongdoing in the western energy crisis. It is AES Corporation; it is BP Energy; it is Duke Energy; it is Mirant Energy; it is Reliant Energy; it is UBS Warburg, which purchased Enron's trading unit; and it is Williams Energy. Now, with others, they are all members of EPSA, not companies that Westerners trust very much these days in light of what we have been through.

Now, I want to just document some of this.

Let me quickly run through these again because, again, a lot of these round-trip trades were done on the Internet.

Other schemes were carried out on the Internet. Let's just go through this. Duke Energy disclosed that $1.1 billion worth of trades were round trip since 1999. Roughly two-thirds of these were done on the Intercontinental Exchange, which is an online trading platform owned by the banks, again, where there is no transparency, no net capital requirements, and no record-keeping whatsoever. Now, this also meant that thousands of subscribers would have seen false price signals.

Why would they see false price signals? That is because of the nature of a wash or round-trip trade. Again, a wash or round-trip trade would be that I am going to sell you energy at a certain price and you are going to sell me energy at a certain price, but no energy ever changes hands; yet we both post sales. That is what a wash trade or a round-trip trade is.

A class action suit accused the El Paso Corporation of engaging in dozens of round-trip energy trades that artificially bolstered its revenues and trading volumes over the last 2 years.

CMS Energy admitted conducting wash energy trades that artificially inflated its revenue by more than $4.4 billion. These round-trip trades accounted for 80 percent of their trade in 2001. So 80 percent of this company's trades in 2001—in the heart of the energy crisis—were not trades at all. No energy ever traded hands. They just boosted their sales—artificially.

This is another facet of artificially filing false reports: reporting fictitious natural gas transactions to an industry publication. You can read it for yourself. The overwhelming figure in this is, if you look at what was done with energy and you look at California, where one year the total cost of energy was $7 billion and the next year it was $28 billion, which is a 400 percent increase, there is no way that could be legitimate. There is no way the energy need of a State could increase 400 percent in 1 year. Demand didn't increase 400 percent.

So without this type of legislation, there really is insufficient authority to investigate and prevent fraud and price manipulations since parties making the trade are not required to keep a record. What we would require them to do is keep a record. Therefore, the Commodity Futures Trading Commission, in the event of many of these interim trades, and the FERC, where energy is directly delivered as a product of a trade, has the ability to do the investigation based on records. If you don't keep records, it is very hard to prove that.

I would like to repeat that this amendment does not ban trades. This amendment does not affect financial derivatives. This amendment would only require oversight and transparency for those energy trades that are now taking place within this loophole, and it would provide oversight, as recommended in the FERC report.

We are very proud to have the support of the National Rural Electric Cooperative Association, the Derivative Study Center, the American Public Gas Association, American Public Power Association, California Municipal Utilities Association, Southern California Public Power Authority, Transmission Excess Policy Study Group, U.S. Public Interest Research Group, Consumers Union, Consumers Federation of America, Calpine, Southern California Edison, Pacific Gas and Electric, and FERC Chairman Patrick Wood.

Again, this amendment is not going to do anything to change what happened in California and the West. But it does provide the necessary authority for the CFTC and the FERC to help protect against another energy crisis.

I might say I am very suspicious of people who want to do trading in the dark. I am very suspicious when they say, oh, we are so sophisticated you cannot possibly know how this is done and you are going to stifle trade, because they don't want to keep a record of that trade, they don't want transparency, they don't want to keep an audit on trade, and they don't want any Government agency assuring there isn't fraud or manipulation. I am doubly suspicious of them, particularly because of the fraud and manipulation we now know took place.

So, please, don't tell me I am not sophisticated enough to understand. I understand plenty. I understand, when the price goes from $7 billion to $28 billion in a very short period of time, that you have to begin to look. I understand now that these arrests are occurring and the manipulations of Ricochet and Death Star and Get Shorty and wash trades are all becoming well known. I understand. The point is it is wrong. The point is, you cannot prove it is wrong if there are no records of those trades.

So what we are saying is these trades can go on, but you keep records. We give the CFTC the responsibility to set net capital requirements commensurate with risk. That is good oversight for the public and that is good oversight for anybody who is going to invest, because when net capital is not available and the house begins to collapse, as it did with Enron, the company goes bankrupt.

I think I have made my case. We have gone over this. I sent this legislation to the head of Goldman Sachs. They run an electronic exchange. I said, please, if you have problems with it, let me know. I did not hear. We have vetted it and talked over the past year and a half, 2 years, with virtually anyone who wanted to come in and talk with us about it.

Mr. President, I am absolutely determined and I am going to come back and back and back until this loophole is closed. Nobody can tell me I am not sophisticated enough to know that sunshine and records and transparency are critical to the effective functioning of a free marketplace, because I believe that just as much as I believe in the Pledge of Allegiance—and I do believe in the Pledge of Allegiance. When you allow hiding and you allow these trades to take place surreptitiously, that is when there are problems.

I am afraid I have said this over and over again, but we went through it and we saw it. We read the 3,000 pages California has sent to the FERC. This is another intrigue. Can you imagine that no State has the right today to present evidence to the FERC of fraud or manipulation?

California had to go to the Supreme Court to get that right, and then when we got that right, we were told it had to be in in 100 days. California submitted 3,000 pages within the 100 days, and it is loaded with examples of fraud and manipulation.

We know there is fraud, we know there is manipulation, and we know that was present in the western energy crisis, and all we are trying to do is bring light of day to one loophole that was in the Commodity Futures Modernization Act because a major offender lobbied for it in the laws. It was not in the Senate bill. The Senate bill originally covered this, but they lobbied in the House. It was taken out in conference, and the loophole was created.

If the past 3 years have not been evidence enough, if the arrests are not evidence enough, if we do not want a transparent marketplace, if we want people to be able to do this trading—

and we can tell you the language of some of these trades; if they knew they were being recorded, I do not think they would do it in the way they did it—if we want to allow those procedures to continue to happen, that is what a motion to table and a tabling vote will do.

I am very hopeful and I am asking my colleagues to vote nay on the motion to table and vote yea on the modified amendment which is now at the desk.

I thank the Chair, and I yield the floor. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 877, WITHDRAWN

Mr. REID. Mr. President, I ask that the Reid amendment be withdrawn.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, the Senate is considering the amendment offered by the distinguished Senator from California, Mrs. FEINSTEIN, to the Energy bill now before the Senate. This amendment seeks to transfer, in effect, regulatory authority from the body that now has that authority, the Commodity Futures Trading Commission, to the Federal Energy Regulatory Commission.

There are several good reasons why the Senate should not adopt this amendment and force that transfer of regulatory authority. First, the Federal Energy Regulatory Commission has special responsibilities but this will give them new and different responsibilities where there is no experience, there is no body of law or regulatory decisionmaking on which to base the assumption that this kind of regulation or this regulation carried out by this Commission would be of any better character or type than that which would be exercised by the Commodity Futures Trading Commission.

The Commodity Futures Trading Commission has been operating for some time now and has actually shown that it is capable of taking action to prevent abuses and illegal activities that can occur in these trading markets and in the energy trading area as well.

The Feinstein amendment would give the Federal Energy Regulatory Commission authority over areas that are currently regulated by the Commodity Futures Trading Commission and would require, in addition, regulation of energy derivatives. These are complex instruments. They are used to transfer risks among traders and they are important tools in the energy markets today.

Congress considered in the past, when it took up the Commodity Futures Modernization Act of 2000 several years ago, regulating these instruments. But it decided not to do so. The Federal Energy Regulatory Commission has no current responsibility in regulating derivatives.

It seems to me that when you look to see who has been carrying out duties now complained about by some Senator, you can find that the Commodity Futures Trading Commission has a record of taking legal action against companies such as Enron, El Paso, and others regarding energy market problems. The Commodity Futures Trading Commission has recovered millions of dollars in fines from these companies, and it has several ongoing investigations in this area, and more charges are possible.

To transfer now the regulatory authority to a different commission and purport to take away the authority from the Commodity Futures Trading Commission is going to create disruption in ongoing investigations and actions that are taken to discipline this market and make it more predictable and trustworthy.

The Senator from California has suggested that the amendment she has offered is needed to prevent wash trades. These are trades that are fictitious. A company will buy a commodity and then sell it creating the impression that this is a legitimate trade. It establishes a price. It establishes volume. But it is fictitious trading. It shouldn't have that effect but it does.

The Commodity Futures Trading Commission has taken action to discourage that activity and to punish that activity. It has specific authority to do that under the Commodity Exchange Act. The Commodity Futures Trading Commission has brought several actions under that authority in the last several years. Its authority to take this kind of action has been upheld by two decisions from U.S. appeals courts.

Just this year, the Commodity Futures Trading Commission has recovered tens of millions of dollars from merchant energy traders for so-called wash trades and false trades.

Another claim that is made in support of the amendment of the Senator from California is that because the exempt commercial markets are not regulated under the Commodity Exchange Act that they have no regulatory oversight. That is just not true. Those markets are required by statute today to have electronic audit trails. They are required by statute to keep records for 5 years. They are required to be subject to the Commodity Futures Trading Commission's antifraud and antimanipulation authorities. They are subject to special call examinations by the Commodity Futures Trading Commission. To suggest there are no regulatory requirements on those exempt commercial markets is just not true.

It is also claimed that the Feinstein amendment would impose capital requirements on exempt commercial markets. It would require capital requirements. That doesn't necessarily solve anything. Capital requirements aren't imposed now on the Chicago Mercantile Exchange, or the New York Mercantile Exchange, or the Chicago Board of Trade. They are not viewed as necessary. Those markets have been functioning without capital requirements. To now impose them on exempt commercial markets is inappropriate and unnecessary.

Capital requirements or other exempt commercial markets would be difficult to establish. They would change on a regular basis—weekly probably—because of new contracts being offered, and change financial positions of participants. Capital requirements would impose significant costs and there are no identifiable benefits.

The amendment would also impose large trader reporting on exempt commercial markets. Large trader reporting works on retail futures exchanges with standardized contracts but would not work on exempt commercial markets. They don't have the same type of standardization. Large trader reporting on exempt commercial markets could actually lead to misleading information being provided to the public. Large trader reporting is used for market surveillance in retail futures markets.

The Commodity Futures Trading Commission's statutory authority for exempt commercial markets is after the fact, antifraud and antimanipulation enforcement, and is inconsistent with a large trader reporting scheme.

In closing, the Senate has to take into account the fact that the leading figures in our Government who are responsible for enforcement and managing the departments that understand financial markets and the impact they have on our economy and on our place in the world economy are urging that the Senate not adopt the Feinstein amendment.

This is a letter which was put on every Senator's desk in the last several minutes signed by John W. Snow, Secretary of the Department of the Treasury, Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System, William H. Donaldson, Chairman, U.S. Securities and Exchange Commission, and James E. Newsome, Chairman of the Commodity Futures Trading Commission.

With the permission of the Chair, I will read the letter.

It is addressed to Senator CRAPO of Idaho and Senator MILLER of Georgia.

Thank you for your letter of June 10, 2003, requesting the views of the President's Working Group on Financial Markets [PWG] on proposed Amendment No. 876—

That is the Feinstein amendment—

to S. 14, the pending energy bill.

As this amendment is similar to a proposed amendment on which you sought the views of the PWG last year, we reassert the positions expressed in the PWG's response dated September 18, 2002, a copy of which is enclosed. The proposed amendment could have significant unintended consequences for an extremely important risk management market—serving businesses, financial institutions, and investors throughout the U.S. economy. For that reason, we believe that adoption of this amendment is ill-advised.

We would also point out that, since we wrote that letter last year, various federal agencies have initiated actions against wrongdoing in the energy markets. As you note, the CFTC has brought formal actions against Enron, Dynegy, and El Paso for market manipulation, wash (or roundtrip) trades, false reporting of prices, and operation of illegal markets. The Securities and Exchange Commission, the Federal Energy Regulatory Commission, and the Department of Justice have also initiated formal actions in the energy sector. Some of these actions have already resulted in substantial monetary penalties and other sanctions. These initial actions alone make clear that wrongdoing in the energy markets are fully subject to the existing enforcement authority of federal regulators.

The Commodity Futures Modernization Act of 2000 brought important legal certainty to the risk management marketplace. Businesses, financial institutions, and investors throughout the economy rely upon derivatives to protect themselves from market volatility triggered by unexpected economic events. This ability to manage risks makes the economy more resilient and its importance cannot be underestimated. In our judgment, the ability of private counterpart surveillance to effectively regulate these markets can be undermined by inappropriate extensions of government regulation.

It is clear from the letter that the Senate has received no response to inquiries from Senator CRAPO and Senator MILLER clearly explaining the dangers in adopting the Feinstein amendment.

At the appropriate time it will be our intention to move to table the Feinstein amendment and ask for the yeas and nays at that time. I hope Senators will carefully review the information we now have available on each Senator's desk and vote to table the Feinstein amendment.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. DOLE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Madam President, I ask unanimous consent that the vote in relation to the Feinstein amendment No. 876 occur at 3:15 today, with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, it is my understanding that would be a motion to table.

Mr. FRIST. That is correct.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

## EXECUTIVE SESSION

### NOMINATION OF J. RONNIE GREER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant bill clerk read the nomination of J. Ronnie Greer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Mr. FRIST. Madam President, in a few moments, I believe at 2:15, the vote for J. Ronnie Greer's nomination as a United States District Court Judge for the Eastern District of Tennessee will take place.

As we come to the final few moments before that vote, I want to express my strong support for a very good friend over the years, Ronnie Greer.

People who come from the mountains of northeast Tennessee are known in our State for certain qualities. They are the qualities of loyalty, of steadfastness, of a can-do spirit. This individual, who we will be voting on in a few minutes, really personifies that tradition. He is a highly accomplished public servant who has served as an attorney in Tennessee's judicial system with great distinction for more than 20 years. His academic career speaks for itself—he graduated at the top of his class at the University of Tennessee Law School and was invited to be on Law Review. Since starting his own law office in Greeneville, he has represented numerous clients on a wide range of issues, and he has considerable experience before the Federal courts. Recognizing the need to help his fellow man, he has not hesitated to accept the appointments of indigent clients, representing them in both the District Court and the Sixth Circuit Court of Appeals.

Ronnie has also had a distinguished career in politics and public service outside of his law practice. He was a State Senator in Tennessee's General Assembly for nine years, ably serving the people of District One. He served on both the Judiciary Committee and as Chairman of the Environment, Conservation and Tourism Committee. Ronnie also served as a Special Assistant in then-Governor LAMAR ALEXANDER's first term, forming a friendship and a bond that continues to this day.

You can't demand respect from the people of northeast Tennessee, you have to earn it, and Ronnie has without question. He is known for his sense of fair play and his compassion for others. With his easy-going, thoughtful manner, yet quick mind and keen legal ability, he has the temperament and judgement required for the Federal bench. For the last nineteen years, Judge Thomas Hull has served as District Judge in Tennessee's Eastern District, and his distinguished career will long be remembered. While Judge Hull leaves big shoes to fill, I am confident Ronnie is up to the task.

Mr. President, Ronnie Greer's dedication to the citizens of our State, his love of the law, and his desire to serve his country make him an ideal choice to serve as a U.S. District Judge. He has my highest recommendation and unqualified support, and I am delighted to urge my colleagues to vote for his confirmation today.

Mr. ALEXANDER. Madam President, within a few minutes, we will be voting on the President's nomination of J. Ronnie Greer, of Greeneville, TN, to be a Federal District Judge for the Eastern District of Tennessee. I want to just say a word about that.

The President has made a superb nomination. Ronnie Greer is a distinguished lawyer. He knows the people of east Tennessee. He has earned our respect. I am delighted the Senate has moved so expeditiously to consider this exceptional nominee.

I had the privilege, as Governor, of appointing nearly 50 men and women as judges, and I know how important it can be. What I always looked for was intelligence and good character; someone who knew and understood the people; and someone who would be courteous to the men and women to come before the judge once the judge assumes the bench. In this case, it is a lifetime position, and it is even more important that the judge have those qualities.

Ronnie Greer has all those qualities. I have known him since he was student body president at East Tennessee State University. He was a champion debater. That was some 30 years ago. I knew then he would amount to something special, and he already has.

He has served his community in many ways. He has served his political party, the Republican party, in many important ways. He has been a State senator from his part of upper east Tennessee. He has been active on issues that have to do with solid waste and the environment. He has been chairman of his local committee.

I think one of the things that most strongly recommends Ronnie Greer is he takes this most important position in what we call in upper east Tennessee having been a trial judge. He will have lots of people before him, litigants before him trying cases, making decisions on many different kinds of things. He has actually practiced law in the grand manner. He has been the kind of lawyer we used to see all over the country, where a single lawyer

would try many different kinds of cases. They would have a criminal case one day, a civil case the next day, and a domestic relations case the next day. The lawyer had many talents and was broad gauged. Today, so much of our legal profession is in very large law firms, where we have very specialized lawyers. They do not see big slices of life. As a result, many of them are not very well prepared for a Federal judgeship, particularly a district judgeship where many slices of life come before that judge.

Ronnie Greer is well prepared. He has tried hundreds of cases in his career. He has represented the people of his area. The fact the President nominated him and that this Senate has moved so quickly to confirm him suggests his reputation goes well before him.

Mr. Greer was born and raised in Mountain City, TN. He received his Bachelor of Science degree from the East Tennessee State University in 1974. He received his Juris Doctorate from the University Of Tennessee College Of Law in 1980.

Mr. Greer served in the Tennessee General Assembly as a Senator for 8 years and served on the judiciary committee for 5 years. During his term of service, the committee considered legislation relative to the judiciary, State criminal code and criminal sentencing. This committee approved bills: that rewrote the Tennessee Criminal Code; that dealt with the appointment and retention of State appellate court judges; and that revised the Tennessee Rules of Evidence; the Tennessee Rules of Civil Procedure; and the Tennessee Rules of Criminal Procedure.

While in the Tennessee General Assembly, Mr. Greer also served as Chairman of the Senate Environment, Conservation and Tourism Committee for 7 years. This committee considered bills related to environmental issues, wildlife, State parks and tourism. He also authored and was chief sponsor of the Tennessee Solid Waste Management Act and sponsored and cosponsored numerous pieces of significant environmental legislation.

Mr. Greer has vast litigation experience in civil and criminal law. He served as County Attorney for Greene County, TN. In his capacity of County Attorney and in private practice, Mr. Greer tried approximately 200 lawsuits in State or Federal courts as sole or chief counsel. As a practicing attorney, he practiced general civil litigation primarily in the areas of personal injury, environmental law and bankruptcy. Mr. Greer has represented many defendants in criminal cases in both State and Federal courts. Mr. Greer has represented numerous cases for indigent clients on a pro bono basis and routinely accepted two to three criminal cases appointed by federal courts per year.

Mr. Greer has received honors and awards for his outstanding service to the community. To name a few, he was the 1989 recipient of the Tennessee Conservation League's Legislator of the Year Award and, in 1993, he received the Environmental Action Fund's Legislator of the Year Award.

Madam President, I join Senator FRIST in saying how proud we both are of his nomination. I look forward to casting my vote for him in a few minutes and urge all my colleagues to support this nomination.

Mr. HATCH. Madam President, I rise in support of the nomination of James Ronnie Greer to the U.S. District Court for the Eastern District of Tennessee. Mr. Greer has extensive experience in both the private and public sectors of the legal community.

Upon graduating from the University of Tennessee College of Law, Mr. Greer became the special assistant to then-Gov. LAMAR ALEXANDER.

For the past 20 years, Mr. Greer has maintained a successful general legal practice. During this time, his practice has consisted of considerable litigation involving both jury and bench trials in the areas of State and Federal criminal defense, personal injury, and workers compensation. He has also practiced in the areas of domestic relations and has represented a number of clients on environmental issues. From 1985 to 1986, Mr. Greer was county attorney for Green County, TN.

From 1986 to 1994, Mr. Greer served as a State senator in the Tennessee General Assembly, during which time he was a member of the Judiciary Committee, and chairman of the Environment, Conservation and Tourism Committee. During his tenure, he helped pass bills which rewrote the Tennessee Criminal Code, revised the Rules of Evidence, Civil Procedure, and Criminal Procedure. Mr. Greer was also the author and chief sponsor of the Tennessee Solid Waste Management Act.

I am confident that he will serve on the bench with integrity and fairness, and I urge my colleagues to confirm him today.

Mr. LEAHY. Madam President, today, we vote to confirm J. Ronnie Greer to the United States District Court. With this confirmation we will have filled the sole vacancy on this court, one that arose in October 2002. Judge Greer will join Judge J. Daniel Breen and Judge Thomas Varlan, who we confirmed to lifetime appointments to the Western District of Tennessee and Eastern District of Tennessee, respectively, earlier in March of this year. These three confirmations build on the progress we were able to make while I chaired the Judiciary Committee during the 107th Congress. During those months we proceeded expeditiously to consider and confirm Judge Thomas Phillips to the Eastern District of Tennessee and Samuel Hardy Mays, Jr. to the Western District of Tennessee. In addition, during my tenure as chairman we broke the logjam on appointments to the United States Court of Appeals to the Sixth Circuit by confirming Judge Julia Smith Gibbons of Tennessee to that circuit court. She was the first Sixth Circuit confirmation in almost 5 years during which the Republican Senate majority had refused to proceed on three of President Clinton's Sixth Circuit nominees and vacancies grew to half the circuit court.

The Tennessee total during the last few years now stands at six and its Federal bench is completely filled. Working with Senator FRIST, Senator ALEXANDER, and before them my good friend Senator Thompson, we have been able to make tremendous progress during the last 2 years.

Mr. FRIST. Madam President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of J. Ronnie Greer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee?

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Illinois (Mr. FITZGERALD) is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 216 Ex.]

YEAS—97

| | | |
|---|---|---|
| Akaka | Dodd | Lugar |
| Alexander | Dole | McCain |
| Allard | Domenici | McConnell |
| Allen | Dorgan | Mikulski |
| Baucus | Durbin | Miller |
| Bayh | Edwards | Murkowski |
| Bennett | Ensign | Murray |
| Biden | Enzi | Nelson (FL) |
| Bingaman | Feingold | Nelson (NE) |
| Bond | Feinstein | Nickles |
| Boxer | Frist | Pryor |
| Breaux | Graham (FL) | Reed |
| Brownback | Graham (SC) | Reid |
| Bunning | Grassley | Roberts |
| Burns | Gregg | Rockefeller |
| Byrd | Hagel | Santorum |
| Campbell | Harkin | Sarbanes |
| Cantwell | Hatch | Schumer |
| Carper | Hutchison | Sessions |
| Chafee | Inhofe | Shelby |
| Chambliss | Inouye | Smith |
| Clinton | Jeffords | Snowe |
| Cochran | Johnson | Specter |
| Coleman | Kennedy | Stabenow |
| Collins | Kohl | Stevens |
| Conrad | Kyl | Sununu |
| Cornyn | Landrieu | Talent |
| Corzine | Lautenberg | Thomas |
| Craig | Leahy | Voinovich |
| Crapo | Levin | Warner |
| Daschle | Lieberman | Wyden |
| Dayton | Lincoln | |
| DeWine | Lott | |

NOT VOTING—3

| | | |
|---|---|---|
| Fitzgerald | Hollings | Kerry |

The nomination was confirmed.

NOMINATION OF MARK R. KRAVITZ, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of Mark R. Kravitz, of Connecticut, to be U.S. District Judge for the District of Connecticut.

The PRESIDING OFFICER. Under the previous order, there will be 5 minutes for debate equally divided between the chairman and ranking member or their designees prior to a vote.

Who yields time?

Mr. LEAHY. I yield such time as the senior Senator from Connecticut desires.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I thank Senator LEAHY and Senator HATCH for moving the nomination of Mark Kravitz. This is a first-rate nomination. I commend the President and others who recommended Mark Kravitz. He is a first-class nominee to sit on the Federal bench. My colleague Senator LIEBERMAN and I strongly support this nomination. He has been a wonderful lawyer in Connecticut, a graduate of Wellesley University, Georgetown Law School, a clerk for then-Justice Rehnquist, has written extensively and taught at the University of Connecticut Law School. He is going to be a wonderful addition to the district court bench.

We wanted our colleagues to know how strongly Senator LIEBERMAN and I felt about this nomination. We urge our colleagues to give their unanimous support.

I yield back my remaining time.

Mr. LEAHY. Madam President, I thank the Senator from Connecticut. This was a case where the White House worked with the Senators from the home State in an effort to unite rather than divide. I suspect this nominee will be easily confirmed.

With the confirmation of Mark R. Kravitz to the District Court, we will have filled the only vacancy on that court. I commend Senator DODD and Senator LIEBERMAN for their work in connection with this outstanding nomination and congratulate the nominee and his family.

The Senate has now confirmed 131 judges, including 26 circuit court judges, nominated by President Bush. One hundred judicial nominees were confirmed when Democrats acted as the Senate majority for 17 months from the summer of 2001 to adjournment last year. After today, 31 will have been confirmed in the other 12 months in which Republicans have controlled the confirmation process under President Bush. This total of 131 judges confirmed for President Bush is more confirmations than the Republicans allowed President Clinton in all of 1995, 1996 and 1997 the first 3 full years of his last term. In those 3 years, the Republican leadership in the Senate allowed only 111 judicial nominees to be confirmed, which included only 18 circuit court judges. We have already significantly exceeded that total with 6 months remaining to us this year.

If the Senate did not confirm another judicial nominee all year and simply adjourned today, we would have treated President Bush more fairly and would have acted on more of his judicial nominees than Republicans did for President Clinton in 1995–97. In addition, the vacancies on the federal courts around the country are significantly lower than the 80 vacancies Republicans left at the end of 1997. We continue well below the 67 vacancy level that Senator HATCH used to call ''full employment'' for the federal judiciary.

Indeed, we have reduced vacancies to their lowest level in the last 13 years. So while unemployment has continued to climb for Americans to 6.1 percent last month, the Senate has helped lower the vacancy rate in federal courts to an historically low level that we have not witnessed in over a decade. Of course, the Senate is not adjourning for the year and the Judiciary Committee continues to hold hearings for Bush judicial nominees at between two and four times as many as he did for President Clinton's.

For those who are claiming that Democrats are blockading this President's judicial nominees, this is another example of how quickly and easily the Senate can act when we proceed cooperatively with consensus nominees. The Senate's record fairly considered has been outstanding—especially when contrasted with the obstruction of President Clinton's moderate judicial nominees by Republicans between 1996 and 2001.

Mr. DODD. Mr. President, I thank Chairman Hatch, Senator LEAHY and all the members of the Judiciary Committee for acting on this judicial nomination in a thorough and expeditious manner. I am pleased to recommend Mr. Kravitz to my colleagues to serve as Federal District Judge for the District of Connecticut.

Mark Kravitz is a graduate of Wesleyan University in Middletown, Connecticut and Georgetown Law School. After graduating from law school, Mr. Kravitz clerked for Judge James Hunter of the U.S. Court of Appeals for the Third Circuit. Mr. Kravitz also served as a clerk for then-Justice William H. Rehnquist of the United States Supreme Court.

In 1976, Mr. Kravitz joined the respected law firm of Wiggin & Dana in New Haven, CT, where he is now a partner and heads their appellate practice. Mr. Kravitz's law practice has been devoted to civil litigation in State and Federal courts. He has been lead counsel on more than 60 appeals in State and Federal courts. In addition to his appellate and litigation practice, Mr. Kravitz has been an Adjunct Professor of Law at the University of Connecticut School of Law.

Over the course of the last quarter of a century, Mr. Kravitz has built an excellent reputation. He has become a respected and admired member of the Connecticut bar and he has contributed to the larger community, giving his time and talents to such causes as the Guilford Land Conservation Trust, the Connecticut Foundation for Open Government, and the Connecticut Council on Environmental Quality. Mr. Kravitz has been listed as one of the Best Lawyers in America since 1991. He has been elected as a fellow to the American Academy of Appellate Lawyers and as a member of the American Law Institute. In 1995, Mr. Kravitz received the Deane C. Avery Award for ''advancing the cause of freedom of information and freedom of speech in Connecticut.''

Recently, there has been a great deal of debate in the Senate about judicial nominations. I don't believe there should be any debate about this nomination. Mark Kravitz is the kind of nominee whom I believe the Framers of the Constitution had in mind when they envisioned an independent judiciary composed of jurists whose experience, intellect, and commitment to justice are unquestionable.

I believe that Mark Kravitz possesses the intellect, the experience, and the disposition to be an impartial finder of fact, a faithful legal analyst, and a fair and just jurist. He is an outstanding lawyer, and given everything I know about him, I am certain that he has the capacity to be an outstanding judge, as well. The State of Connecticut is proud to have him as one of our own. I'm certain that he will serve his country with honor and distinction, and I look forward to his confirmation. Again, I commend Mark Kravitz without reservation and I urge my colleagues to vote to confirm his nomination.

Mr. LIEBERMAN. Mr. President. I rise to support the nomination of Mark Kravitz, whose nomination to the U.S. District Court for the District of Connecticut the Senate is currently considering.

Mr. Kravitz's confirmation will be good for Connecticut and for the Federal bench.

Connecticut isn't the biggest State in the Union, but we are blessed to have countless principled and professional lawyers, judges, and legal scholars. Maybe that is because we were the first State to have a written constitution; maybe it is due to the gravitational tug of fine law schools like UConn and my own alma mater, Yale. Regardless, in a State filled with lawyers, it is no exaggeration to say that Mark Kravitz has proven himself among the best. And I have no doubt he will uphold the highest standards of jurisprudence on the Federal bench.

Mark graduated magna cum laude and Phi Beta Kappa in 1972 from Wesleyan University in Middletown, Connecticut. He later graduated from

Georgetown Law School, where he was managing editor of the Law Review. Out of law school, Mark clerked for Judge James Hunter of the Third Circuit Court of Appeals, and Supreme Court Justice William Rehnquist. He is currently a partner at Wiggin and Dana in New Haven, where he has worked since 1976. He has served as lead counsel on more than 60 appeals in State and Federal courts, and has argued before the United States Supreme Court.

Mark has been listed as one of the Best Lawyers in America since 1991. He was endorsed by the Connecticut Bar Association as exceptionally well qualified to be a District Judge, and has been unanimously rated as Well Qualified by the American Bar Association.

Forgive the pun, but this is an open and shut case. Mark Kravitz has the intellect, the independence, and the integrity to do this job and do it well. I am confident he will carefully read and apply the laws of the United States in Federal court, abiding only by the law-not by any ideology, passion, or prejudice. He will be an exemplary judge. I urge my colleagues to confirm him today.

Mr. HATCH. Madam President, I rise today in support of Mark. R. Kravitz to be a United States District Judge for the District of Connecticut. I am confident that with his accomplishments and experience, Mr. Kravitz will make an excellent Federal judge. After graduating from Georgetown University Law Center, where he was managing editor of the Georgetown Law Journal, Mr. Kravitz clerked for the Honorable James Hunter III of the U.S. Court of Appeals for the Third Circuit. He then went on to clerk for the Honorable William H. Rehnquist on the U.S. Supreme Court.

Mr. Kravitz has spent the bulk of his legal career at the firm of Wiggin & Dana in New Haven, CT, where he is currently a partner. He also serves as an adjunct professor of law at the University of Connecticut School of Law and has also been a visiting lecturer at Yale University Law School. For the past 12 years, Mr. Kravitz has been recognized in the publication ''The Best Lawyers in America.'' He enjoys the support of both home State Democrat Senators and was unanimously approved by the Judiciary Committee. I urge my colleagues to vote in favor of this exceptional nominee.

I yield back our remaining time.

Mr. LEAHY. Madam President, I yield back the remaining time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nominatin of Mark R. Kravitz, of Connecticut, to be United States District Judge for the District of Connecticut? The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Illinois (Mr. FITZGERALD) is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''Yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 217 Ex.]

YEAS—97

| | | |
|---|---|---|
| Akaka | Dodd | Lugar |
| Alexander | Dole | McCain |
| Allard | Domenici | McConnell |
| Allen | Dorgan | Mikulski |
| Baucus | Durbin | Miller |
| Bayh | Edwards | Murkowski |
| Bennett | Ensign | Murray |
| Biden | Enzi | Nelson (FL) |
| Bingaman | Feingold | Nelson (NE) |
| Bond | Feinstein | Nickles |
| Boxer | Frist | Pryor |
| Breaux | Graham (FL) | Reed |
| Brownback | Graham (SC) | Reid |
| Bunning | Grassley | Roberts |
| Burns | Gregg | Rockefeller |
| Byrd | Hagel | Santorum |
| Campbell | Harkin | Sarbanes |
| Cantwell | Hatch | Schumer |
| Carper | Hutchison | Sessions |
| Chafee | Inhofe | Shelby |
| Chambliss | Inouye | Smith |
| Clinton | Jeffords | Snowe |
| Cochran | Johnson | Specter |
| Coleman | Kennedy | Stabenow |
| Collins | Kohl | Stevens |
| Conrad | Kyl | Sununu |
| Cornyn | Landrieu | Talent |
| Corzine | Lautenberg | Thomas |
| Craig | Leahy | Voinovich |
| Crapo | Levin | Warner |
| Daschle | Lieberman | Wyden |
| Dayton | Lincoln | |
| DeWine | Lott | |

NOT VOTING—3

| | | |
|---|---|---|
| Fitzgerald | Hollings | Kerry |

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

## ENERGY POLICY ACT OF 2003—Continued

AMENDMENT NO. 876, AS MODIFIED

Mr. REID. Madam President, I ask unanimous consent that the time be equally divided and that Senator FEINSTEIN control our time and Senator COCHRAN control the time on the other side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Who yields time?

Mr. REID. Madam President, on behalf of Senator FEINSTEIN, I yield to the Senator from Washington 4 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Thank you, Madam President.

I am here to support the Feinstein amendment, which I am pleased to cosponsor. It is a very important piece of legislation. I thank my colleague for her hard work on this very important issue. We have all heard about the dysfunctions in our western regional power market and how it has cost our western economy more than $35 billion.

Madam President, it was more than a year ago that the Senator from California and I stood on the floor to have this debate with many of my colleagues. During the Omnibus Appropriations bill in 2000, Congress granted an exemption from regulatory scrutiny for businesses such as EnronOnline and electronic trading platforms. Unsurprisingly, Enron was chief among its boosters in lobbying for this language. Even though Congress listened to Enron and not the President's Working Group on Financial Markets, which opposed this exemption.

Now we have history. What has happened? We know that the Enron loophole has caused quite a bit of a problem. In fact, in light of evidence which during last year's debate was just beginning to emerge, we have found that the markets for energy derivatives and the physical energy prices and supplies have caused a problem. In the West, we had huge spikes. We have had a long and vigorous floor debate about this amendment.

There were many detractors who basically said at the time there was no conclusive evidence that Enron manipulated western energy markets and there was no need to proceed. This year, we have heard a lot about how Enron in fact has manipulated markets.

Less than a month after the Senate passed this comprehensive Energy bill with this language in it, Enron's ''smoking gun'' memos were released detailing a number of the company's schemes for driving up the prices. My colleagues are aware that Enron has continued to release various amounts of information about this unbelievable scandal and manipulation of prices.

Just last week, another Enron trader was arrested. And the complaint of Federal prosecutors said they are uncovering even more details of ploys to manipulate energy prices. We wanted evidence. We got it. In a long-awaited report, the Federal Energy Regulatory Commission concluded this spring that manipulation was ''epidemic'' in the western market during the crisis of 2000–2001.

But more specifically, in a staff report the Federal Energy Regulatory Commission detailed the manner in which EnronOnline helped Enron to game the California markets. The Commission concluded that ''the relationship between the financial and physical energy products . . . provides the opportunity to manipulate the

physical markets and profit in the financial markets.''

Further, the Federal Energy Regulatory Commission estimated that EnronOnline allowed the company to reap more than $500 million in additional profits. There it is, right from the Federal Commission: EnronOnline allowed them to reap those additional profits.

As we approach this very important issue in a vote here in a few minutes, my colleagues need to step up and close this loophole that the President's Working Group on Financial Markets first argued against because it said we didn't have real credibility on manipulation. Now we have the credibility, and we have a Federal Commission pointing to the fact that EnronOnline was responsible for part of this market manipulation.

I urge my colleagues to support the Feinstein amendment.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Madam President, I yield such time as he may consume to the Senator from Idaho, Mr. CRAPO.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Thank you, Madam President. I will be very brief.

I want to reiterate, once again, we are not here dealing with a question of whether those who did try to and succeeded in manipulating markets should be held accountable for that. We are talking about what is the correct way to regulate the derivatives market in our country.

I would like to read into the RECORD, once again, a portion of a letter which we have just received signed by the Secretary of the Department of the Treasury, John W. Snow; Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System; William H. Donaldson, Chairman of the U.S. Securities and Exchange Commission; and James E. Newsome, Chairman of the Commodity Futures Trading Commission. They write:

Dear Senators Crapo and Miller:

Thank you for your letter of June 10, 2003, requesting the views of the President's Working Group on Financial Markets on proposed Senate Amendment # 876 to S. 14, the pending energy bill. As this amendment is similar to a proposed amendment on which you sought the views of the PWG last year, we reassert the positions expressed in the PWG's response dated September 18, 2002, a copy of which is enclosed. The proposed amendment could have significant unintended consequences for an extremely important risk management market—serving businesses, financial institutions, and investors throughout the U.S. economy. For that reason, we believe that adoption of this amendment is ill-advised.

And this next paragraph responds directly to the allegations that there is some manipulation in the market and there is a loophole there. They go on to say:

We would also point out that, since we wrote that letter last year, various federal agencies have initiated actions against wrongdoing in energy markets.

I do not have time to go through the list of wrongdoing they have initiated action against, but they conclude in their letter:

These initial actions alone make clear that wrongdoers in the energy markets are fully subject to the existing enforcement authority of federal regulators.

This amendment will not be helpful to our economy. It will take away one of the needed elements of our economy that gives it the dynamic nature that it has, to be able to resist some of the difficult burdens that the economy has faced in the last several years.

Madam President, I ask unanimous consent that the letter I just referred to dated June 11, 2003, and an additional letter dated September 18, 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, U.S. SECURITIES AND EXCHANGE COMMISSION, COMMODITY FUTURES TRADING COMMISSION,

*Washington, DC, June 11, 2003.*

Hon. MICAHEL D. CRAPO,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

Hon. ZELL B. MILLER,
*U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATORS CRAPO AND MILLER: Thank you for your letter of June 10, 2003, requesting the views of the President's Working Group on Financial Markets (PWG) on proposed Senate Amendment No. 876 to S. 14, the pending energy bill. As this amendment is similar to a proposed amendment on which you sought the views of the PWG last year, we reassert the positions expressed in the WPG's response dated September 18, 2002, a copy of which is enclosed. The proposed amendment could have significant unintended consequences for an extremely important risk management market—serving businesses, financial institutions, and investors throughout the U.S. economy. For that reason, we believe that adoption of this amendment is ill-advised.

We would also point out that, since we wrote that letter last year, various federal agencies have initiated actions against wrongdoing in the energy markets. As you note, the CFTC has brought formal actions against Enron, Dynegy, and El Paso for market manipulation, wash (or roundtrip) trades, false reporting of prices, and operation of illegal markets. The Securities and Exchange Commission, the Federal Energy Regulatory Commission, and the Department of Justice have also initiated formal actions in the energy sector. Some of these actions have already resulted in substantial monetary penalties and other sanctions. These initial actions alone make clear that wrongdoers in the energy market are fully subject to the existing enforcement authority of federal regulators.

The Commodity Futures Modernization Act of 2000 brought important legal certainty to the risk management marketplace. Businesses, financial institutions, investors throughout the economy rely upon derivatives to protect themselves from market volatility triggered by unexpected economic events. This ability to manage risks makes the economy more resilient and its importance cannot be underestimated. In our judgment, the ability of private counterparty surveillance to effectively regulate these markets can be undermined by inappropriate extensions of government regulation.

Yours truly,

JOHN W. SNOW,
*Secretary, Department of the Treasury.*

WILLIAM H. DONALDSON,
*Chairman, U.S. Securities and Exchange Commission.*

ALAN GREENSPAN,
*Chairman, Board of Governors of the Federal Reserve System.*

JAMES E. NEWSOME,
*Chairman, Commodity Futures Trading Commission.*

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DEPARTMENT OF TREASURY, BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM, U.S. SECURITIES AND EXCHANGE COMMISSION, COMMODITY FUTURES TRADING COMMISSION,

*Washington, DC, September 18, 2002.*

Hon. MICHAEL D. CRAPO,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

Hon. ZELL B. MILLER,
*U.S. Senate, Dirksen Senate Office Building, Washington, DC.*

DEAR SENATORS CRAPO AND MILLER: In response to your letter of September 13, we write to express our serious concerns about the legislative proposal to expand regulation of the over-the-counter (OTC) derivatives markets that has recently been proposed by Senators Harkin and Lugar.

We believe that the OTC derivatives markets in question have been a major contributor to our economy's ability to respond to the stresses and challenges of the last two years. This proposal would limit this contribution, thereby increasing the vulnerability of our economy to potential future stresses.

The proposal would subject market participants to disclosure of proprietary trading information and new capital requirements. We do not believe a public policy case exists to justify this governmental intervention. The OTC markets trade a wide variety of instruments. Many of these are idiosyncratic in nature. These customized markets generally do not serve a significant price discovery function for non-participants, nor do they permit retail investors to participate. Public disclosure of pricing data for customized OTC transactions would not improve the overall price discovery process and may lead to confusion as to the appropriate pricing for other transactions, as terms and conditions can vary by contract. The rationale for imposing capital requirements is unclear to us, and the proposal's capital requirements also could duplicate or conflict with existing regulatory capital requirements.

The trading of these instruments arbitrages away inefficiencies that exist in all financial and commodities markets. If dealers had to divulge promptly the proprietary details and pricing of these instruments, the incentive to allocate capital to developing and finding markets for these highly complex instruments would be lessened. The result would be that the inefficiencies in other markets that derivatives have arbitraged away would reappear.

It is also unclear who would benefit from the proposed disclosures and regulations other than whoever simply copied existing products and instruments for their own short-term advantage. Weakening the protection of proprietary intellectual property rights in the market arena would undercut a complex of highly innovative markets that is among this nation's most valuable assets.

While the derivatives markets may seem far removed from the interests and concerns of consumers, the efficiency gains that these markets have fostered are enormously important to consumers and to our economy. We urge Congress to protect these market's contributions to the economy, and to be aware of the potential unintended consequences of current legislative proposals.

Yours truly,

PAUL H. O'NEILL,
*Secretary, Department of Treasury.*
HARVEY L. PITT,
*Chairman, U.S. Securities and Exchange Commission.*
ALAN GREENSPAN,
*Chairman, Board of Governors of the Federal Reserve System.*
JAMES E. NEWSOME,
*Chairman, Commodity Futures Trading Commission.*

Mr. CRAPO. Madam President, I encourage my colleagues to vote against the amendment.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. DOMENICI. Madam President, do they have any time left on their side?

The PRESIDING OFFICER. Fifty-five seconds.

Mrs. FEINSTEIN. I yield our time to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I join Senator FEINSTEIN as a cosponsor of her amendment to strengthen Federal oversight of energy markets. I strongly support the amendment's provisions enhancing the ability of the Commodity Futures Trading Commission to investigate and punish fraud and manipulation in over-the-counter markets in energy derivatives and derivatives based on other ''exempt commodities'' under the Commodity Exchange Act.

As chairman of the Committee on Agriculture, Nutrition and Forestry during the last Congress, I held a hearing on the scope of the CFTC's authority to insure market transparency and prevent fraud and manipulation in markets in OTC derivatives based on ''exempt commodities,'' such as energy and metals, following passage of the CFMA. Following that hearing, Senator LUGAR and I worked closely with Senator FEINSTEIN on an earlier version of this amendment to improve it. At the beginning of the 108th Congress, Senator FEINSTEIN introduced S. 509, incorporating the work we did within the Agriculture Committee last summer and fall. The only difference between S. 509 and this amendment is that S. 509 was drafted to fill a gap in oversight created by the CFMA and fully and clearly affirm the CFTC's authority to oversee trading in all ''exempt commodities''—OTC energy and metals derivatives as well as derivatives based on other commodities such as broadband and weather—whereas this amendment now does not change the treatment of metals derivatives. I have some concerns about this approach. Metals, like energy, are commodities of finite supply. They are equally susceptible to market manipulation and should therefore be subject to the same level of oversight. The legislative process often requires compromise in order to make progress toward important policy goals, however, and because I hope this amendment will result in significant progress in addressing a problem created by the CFMA, I support it.

The CFMA amended the Commodity Exchange Act in a number of positive ways, based for the most part on the recommendations of the President's Working Group on Financial Markets issued in 1999. The President's Working Group recommended that certain transactions involving financial derivatives be excluded from the CFTC's jurisdiction. The President's Working Group did not recommend a similar exclusion for transactions involving energy and metals derivatives, or other commodities of finite supply.

During 1999 and 2000, as legislation was being developed in the Senate, there was discussion of the issue of oversight of energy and metals derivatives markets, and Senator LUGAR who was at the time chairman, and I both supported, in the committee, a version of the legislation that was consistent with the recommendations of the President's Working Group, and excluded only financial derivatives—not energy and metals derivatives—from the CFTC's jurisdiction. The bill codified an exemption, with specific safeguards, for certain commodities such as energy and metals, but clearly retained the CFTC's authority to investigate and act against fraud and manipulation.

The final version of the CFMA included in the omnibus appropriations bill in December 2000 differed from our committee bill regarding energy and metals derivatives markets. I supported the CFMA, although I had some concerns about its treatment of energy and metals products, because I thought it had a number of very positive features, and on the whole was a good bill. I still believe so. It is important that we not undermine the legal certainty that legislation brought to the OTC derivatives markets. I would not support this amendment if I thought it would do that. But I do believe it is important to close the loophole that has resulted in an important segment of the overall OTC derivatives market—that is, derivatives based on energy and other ''exempt commodities,'' as the CFMA defined them—being completely excluded from oversight. At the time of passage of the CFMA, many Members of Congress believed these exempt commodities would no longer be subject to most requirements of the Commodity Exchange Act, but they certainly did not believe these commodities would be removed entirely from oversight by the CFTC or any other agency, which is what has happened.

We know now that this lack of oversight has resulted in harm to consumers. Last August, the Federal Energy Regulatory Commission, FERC, issued a report finding significant evidence that Enron used its unregulated OTC electronic trading platform, Enron Online, to manipulate natural gas prices to increase its revenue. This manipulation affected prices not only for Enron's trading partners but industry-wide, as reporting firms used price information displayed electronically on Enron Online as a significant source of natural gas pricing data. And a recent report prepared by the Minority Staff of the U.S. Senate Permanent Subcommittee on Investigations, after a year-long investigation on crude oil price volatility, found that crude oil prices are similarly affected by trading on unregulated OTC markets, and that the lack of information on prices and large positions in OTC markets makes it difficult if not impossible to detect price manipulation. This report concluded that routine market disclosure and oversight of the OTC energy derivatives markets are essential to halt manipulation before economic damage is inflicted upon the market and the public.

This amendment will provide the CFTC with the authority it needs to require routine market disclosure and ensure effective oversight of the OTC energy derivatives markets and markets for other ''exempt commodities,'' such as broadband and weather derivatives. The amendment clarifies that the CFTC has anti-fraud and anti-manipulation authority over transactions in ''exempt commodities'' other than metals. This amendment is not regulatory overreaching by any means. It just gives the CFTC the authority it needs to establish adequate notice, transparency, reporting, record-keeping, and other transparency requirements which are the minimum needed to allow the agency to effectively police OTC markets in energy derivatives, and thereby detect and deter fraud and manipulation of these markets. It also increases criminal and civil penalties for manipulation, including ''wash'' or ''round trip'' trades.

It is clear that the impact of OTC energy derivatives markets reaches well beyond the immediate parties to the transactions. Derivatives play an increasingly important role in the diverse range of energy markets, which are in turn critical to our overall economy. We must ensure the integrity of these markets and restore shareholder, investor, and consumer confidence in them. This amendment moves us in that direction, and I urge my colleagues to support it.

Madam President, this amendment basically closes a small loophole that was left in the Commodity Futures Modernization Act passed in the year 2000. We saw what happened with Enron. And what happened is, Enron Online was used to influence energy prices far beyond Enron. This impacted

consumers not only on the West Coast but in my State and all over the United States.

As a result, we looked at this amendment last year. Both Senator LUGAR and I looked at it. We had a hearing on it last year in the Agriculture Committee.

This amendment, I believe, does exactly what we want it to do; that is, to make sure the Commodity Futures Trading Commission——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARKIN. Madam President, I ask unanimous consent for 30 more seconds to complete my sentence.

Mr. DOMENICI. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOMENICI. Madam President, how much time is on this side?

The PRESIDING OFFICER. Two minutes 39 seconds.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. I just wanted to say, this gives the CFTC the authority again to provide the oversight they need to make sure we have integrity in these markets for derivatives based on energy, but also for derivatives based on other things, too, such as weather and broadband. It is a step in the right direction to provide that oversight and transparency.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, what this amendment really does is transfer some new power and authority to the Federal Energy Regulatory Commission to regulate some of these highly sophisticated and important markets. They have never done this before. There is no expertise, background, or experience in the Federal Energy Regulatory Commission to do the things this amendment would have them do. So that is not plugging a loophole. It may be creating a bigger one. It may be counterproductive. That is what I am suggesting the Senate should consider.

Look at the letter that has been signed by Alan Greenspan, by John Snow, the Secretary of the Treasury, by the head of the Securities and Exchange Commission. These are the people who understand the impact of this amendment on our economy and on our economic power in the world today.

This is serious business. I am hopeful the Senate will look carefully. The amendment appears to grant FERC authority with respect to derivatives, but it leaves a jurisdictional gap. The amendment would replace regulatory certainty with regulatory uncertainty. It is a bad amendment and it ought to be defeated.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, do we have any time remaining on our side?

The PRESIDING OFFICER. One minute 21 seconds.

Mr. DOMENICI. I yield the Senator from Wyoming the remainder of our time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I do want to point out we debated this issue a year ago. The conclusion was these are professionals dealing with professionals. The people who have the oversight over it do have oversight and are taking advantage of that oversight.

We also passed Sarbanes-Oxley in the meantime. And if the Feinstein amendment were to be adopted, it would lead to some confusion over exactly who has jurisdiction.

I know this is an extremely difficult issue. This is my third time debating it. I do know how to spell it now. But it is a very complicated issue, and it is not something we ought to be doing in a reaction that will result in overreaction. So I ask that we vote against this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I yield back any time we have on our side.

The PRESIDING OFFICER. Time is yielded back.

Mr. DOMENICI. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announced that, if present and voting, the the Senator from Massachusetts (Mr. KERRY) would vote ''nay''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—55

| | | |
|---|---|---|
| Alexander | DeWine | Murkowski |
| Allard | Dole | Nelson (NE) |
| Allen | Domenici | Nickles |
| Bayh | Ensign | Pryor |
| Bennett | Enzi | Roberts |
| Bond | Frist | Santorum |
| Breaux | Graham (SC) | Sessions |
| Brownback | Grassley | Shelby |
| Bunning | Gregg | Smith |
| Burns | Hagel | Snowe |
| Campbell | Hatch | Specter |
| Carper | Hutchison | Stevens |
| Chambliss | Inhofe | Sununu |
| Cochran | Kyl | Talent |
| Coleman | Landrieu | Thomas |
| Collins | Lincoln | Voinovich |
| Cornyn | Lott | Warner |
| Craig | McConnell | |
| Crapo | Miller | |

NAYS—44

| | | |
|---|---|---|
| Akaka | Durbin | Levin |
| Baucus | Edwards | Lieberman |
| Biden | Feingold | Lugar |
| Bingaman | Feinstein | McCain |
| Boxer | Fitzgerald | Mikulski |
| Byrd | Graham (FL) | Murray |
| Cantwell | Harkin | Nelson (FL) |
| Chafee | Hollings | Reed |
| Clinton | Inouye | Reid |
| Conrad | Jeffords | Rockefeller |
| Corzine | Johnson | Sarbanes |
| Daschle | Kennedy | Schumer |
| Dayton | Kohl | Stabenow |
| Dodd | Lautenberg | Wyden |
| Dorgan | Leahy | |

NOT VOTING—1

Kerry

The motion was agreed to.

Mr. DOMENICI. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 880

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Tennessee [Mr. ALEXANDER], for himself, Mr. SANTORUM, Mr. CORNYN, Ms. LANDRIEU, Mr. BINGAMAN, and Mr. DOMENICI, proposes an amendment numbered 880.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report from the Secretary of Energy on natural gas supplies and demand)

Page 52, after line 22, insert:

**''SECTION . NATURAL GAS SUPPLY SHORTAGE REPORT.**

''(a) REPORT.—Not later than six months after the date of enactment of this act, the Secretary of Energy (''Secretary'') shall submit to the Congress a report on natural gas supplies and demand. In preparing the report, the Secretary shall consult with experts in natural gas supply and demand as well as representatives of State and local units of government, tribal organizations, and consumer and other organizations. As the Secretary deems advisable, the Secretary may hold public hearings and provide other opportunities for public comment. The report shall contain recommendations for federal actions that, if implemented, will result in a balance between natural gas supply and demand at a level that will ensure, to the maximum extend practicable, achievement of the objectives established in subsection (b).

''(b) OBJECTIVES OF REPORT.—In preparing the report, the Secretary shall seek to develop a series of recommendations that will result in a balance between natural gas supply and demand adequate to—

''(1) provide residential consumers with natural gas at reasonable and stable prices;

''(2) accommodate long-term maintenance and growth of domestic natural gas dependent industrial, manufacturing and commercial enterprises;

''(3) facilitate the attainment of natural ambient air quality standards under the Clean Air Act;

''(4) permit continued progress in reducing emissions associated with electric power generation; and

''(5) support development of the preliminary phases of hydrogen-based energy technologies

''(c) CONTENTS OF REPORT.—The report shall provide a comprehensive analysis of natural gas supply and demand in the United States for the period from 2004 to 2015. The analysis shall include, at a minimum,—

''(1) estimates of annual domestic demand for natural gas that takes into account the effect of federal policies and actions that are likely to increase and decrease demand for natural gas;

''(2) projections of annual natural gas supplies, from domestic and foreign sources, under existing federal policies;

''(3) an identification of estimated natural gas supplies that are not available under existing federal policies;

''(4) scenarios for decreasing natural gas demand and increasing natural gas supplies comparing relative economic and environmental impacts of federal policies that—

''(A) encourage or require the use of natural gas to meet air quality, carbon dioxide emission reduction, or energy security goals;

''(B) encourage or require the use of energy sources other than natural gas, including coal, nuclear and renewable sources;

''(C) support technologies to develop alternative sources of natural gas and synthetic gas, including coal gasification technologies;

''(D) encourage or require the use of energy conservation and demand side management practices; and

''(E) affect access to domestic natural gas supplies; and

''(5) recommendations for federal actions to achieve the objectives of the report, including recommendations that—

''(A) encourage or require the use of energy sources other than natural gas, including coal, nuclear and renewable sources;

''(B) encourage or require the use of energy conservation or demand side management practices;

''(C) support technologies for the development of alternative sources of natural gas and synthetic gas, including coal gasification technologies; and

''(D) will improve access to domestic natural gas supplies.''.

Mr. ALEXANDER. Madam President, I offer an amendment on behalf of Senator SANTORUM, Senator CORNYN, Senator LANDRIEU, Senator BINGAMAN, the ranking member of our committee, and Senator DOMENICI, the chairman of our committee has joined the amendment as well, which I deeply appreciate.

This is an amendment about the emerging natural gas crisis. It would require the Secretary of Energy, within 6 months from the date of enactment of this Energy bill, to submit a report on natural gas supplies and demand. I offer this amendment because I believe it will help us deal with what I am afraid is an emerging natural gas crisis. If that were to occur, we would be able to protect our jobs, heat or cool our homes at reasonable costs, and clean our air to the standard that we wish.

As chairman of the Subcommittee on Energy, working with our chairman of the full committee, I intend to help schedule hearings as soon as possible on this emerging crisis. This report and these hearings should help us take a hard, honest look at what we do short term and long term.

Alan Greenspan is usually a little difficult to interpret when he testifies but he was not difficult to understand on May 21 when he testified before the Joint Economic Committee. This is what he said about natural gas:

In contrast, prices for natural gas have increased sharply in response to very tight supplies. Working gas in storage is presently at extremely low levels, and the normal seasonal rebuilding of these inventories seems to be behind the typical schedule. The colder-than-average winter played a role in producing today's tight supply as did the inability of heightened gas well drilling to significantly augment net marketed production. Canada, our major source of gas imports, has little room to expand shipments to the United States. Our limited capacity to import liquefied natural gas effectively restricts our access to the world's abundant supplies of natural gas. The current tight domestic natural gas market reflects the increases in demand over the past two decades. That demand has been spurred by myriad new uses for natural gas in industry and by the increased use of natural gas as a clean-burning source of electric power.

I asked Mr. Greenspan to elaborate on that, and I will not read all of his remarks but this is the way he began his response to my question on May 21:

Senator Alexander, I am surprised at how little attention the natural gas problem has been getting. Because it is a very serious problem. It's partly the result of new technologies employed in the areas of growing technologies and the whole exploratory procedures which embarked over the last decade or so.

He talked about our contradictory Federal policies. This is not some abstract issue. The price of natural gas was $3.50 or so last summer. It spiked to $9 or better in the winter. Today it is $6.25 or so. That affects the cost of heating and cooling our homes, but it affects our jobs in a big way.

For example, someone from a large chemical industry in our State came to see me a few weeks ago when gas prices spiked up. The thousands of employees there had taken a voluntary 3-percent cut in their pay. The management had taken a 6-percent cut in their pay. They were worried about the price of natural gas which is a raw material for that chemical industry.

It does not just affect the chemical industry. In California, for example, where not much coal is burned because it pollutes the air, natural gas effectively sets the price of electricity. So this emerging crisis in natural gas affects jobs in the whole economy, as we have been debating.

There are answers but we have contradictory policies. We have plenty of gas but no access to the gas. We have a lot of alternatives, and we are trying to encourage them, but when we talk about windmills, we think we may want a limit on the number of windmills we want to see. When we talk about nuclear, we have very close votes because people are skeptical about nuclear power. When we talk about coal, it pollutes the air. When we talk about drilling more oil, we vote no about going to Alaska. When we consider liquid gas from overseas, we are worried it might blow up in big terminals on the sea coast. And hydrogen we all are for but it is 20 years away.

The bottom line: We have contradictory policies short term. This could slow down our recovery and keep unemployment high and hurt our jobs long term. It could mean electric rates go sky high and our manufacturing jobs go to Mexico and China. We need to take an honest, hard look at the consequences of our failure to achieve a balance of natural gas and its alternatives, and I hope this report required by this amendment will help do just that. I will work with the chairman, with the ranking member, to make certain our committee hearings help do that, as well.

I yield the floor.

Mr. DOMENICI. Madam President, I understand that amendment will be accepted on both sides.

Mr. BINGAMAN. Madam President, that is correct. We support the amendment and urge its passage.

Mr. DOMENICI. The Senator from Louisiana asked if she might speak for 1 minute.

Ms. LANDRIEU. I understand the amendment offered by my colleague from Tennessee will be accepted. That is good. It is a good amendment and certainly should be part of this bill.

Since I am in the Chamber, I wish to speak a minute in support of the amendment and add to the record he has so ably outlined. In one case in Louisiana—and there are many cases, but in one case Louisiana Ammonia Producers has gone from, in 1998, 9 companies employing more than 3,500 people to 3 companies employing fewer than 1,000 people. Part of the reason for this tremendous decline at a time when we are trying to create jobs instead of losing them is the rising price of natural gas. The price of natural gas, because supplies are so tight, in the first quarter of 2003, was $5.91 a million Btu's, a 129 percent increase over the average price for the first quarter of the previous 10 years.

The Senator from Tennessee is absolutely right. A commission to study ways to increase the supply of natural gas is critical and important if we are going to keep the companies, large and small, in this country competitive.

I yield the floor.

Mr. DOMENICI. Madam President, I congratulate the Senator. The first comment was on a question the Senator put to Dr. Greenspan and his response about being surprised at how little attention was being paid to matters. We are quite proud that this committee started paying attention to natural gas as soon as we convened this year. Our first hearings indicated, through our experts, that we were going to have a serious shortage. We were questioning even then; that was only 3 or 4 months ago.

We have nothing further.

The PRESIDING OFFICER. If there is no further debate, the question is on

agreeing to the amendment of the Senator from Tennessee.

The amendment (No. 880) was agreed to.

Mr. DOMENICI. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Madam President, staff is retyping the proposed agreement, but to save time I wonder if we could go to the Bingaman amendment. Originally, the plan was to vote on Bingaman and the Burma matter after debate was completed on both issues. We have an objection on our side to doing that. We could go to the Bingaman amendment immediately, have 40 minutes of debate equally divided, then following that have a vote on or in relation to the Bingaman amendment, and then go to the Burma matter after that.

Mr. DOMENICI. I ask Senator CAMPBELL if that is all right.

Mr. CAMPBELL. That is fine.

Mr. DOMENICI. We have no objection.

AMENDMENT NO. 881

(Purpose: To provide for a significant environmental review process associated with the development of Indian energy projects, to establish duties of the federal government to Indian tribes in implementing an energy development program, and for other purposes)

Mr. BINGAMAN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. INOUYE, and Mr. DASCHLE, proposes an amendment numbered 881.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mr. BINGAMAN. Madam President, this is an amendment I am offering on behalf of myself and Senator INOUYE. It is an amendment that will make several changes in section 303 of the Indian energy title in this legislation that is pending before the Senate.

First, a little background on these issues so my colleagues understand what is at stake. Title III of S. 14 contains a very strong Indian energy title. It would provide tribes with the financial and technical assistance they need to help them develop and utilize energy resources on Indian land.

This title III represents a combination of sections from two separate bills. One was introduced by Senator CAMPBELL; the other was introduced by Senator INOUYE and myself. I very much appreciate the willingness of the majority to work with us and include in the bill now before the Senate a number of sections from the Bingaman-Inouye bill. Most of these measures were included as part of last year's Senate-passed Energy bill and were generally agreed to in the House-Senate conference without controversy. Unfortunately, as we all know, those sections did not become law.

Notwithstanding the general support that exists for the Indian energy title in this bill, there is one section that is fairly controversial. That is the subject of our amendment. It is section 2604. It would authorize tribes to enter into leases and business agreements and issue rights-of-way for energy development projects on tribal lands without the separate approval of the Secretary of the Interior. These leases and business agreements and rights-of-way would involve a broad range of energy projects, including oil and gas extraction, powerplants development and construction, and even some mining activity would be covered under the language in the bill. This activity could take place on any tribal trust lands, not just those on reservation but also lands that have been designated as tribal trust lands off reservation. There are many of those, as we know.

There is no disagreement on whether we should allow tribes to exercise more control over development on tribal lands. There is, however, a disagreement on how we go about that.

The present language in section 2604 raises two significant issues. The first is that by eliminating the Secretarial approval of leases and agreements and rights-of-way, section 2604 eliminates the ''major Federal action'' determination that triggers the application of the National Environmental Policy Act, NEPA. This effectively waives the analysis and the public participation requirements that are in that law. It thereby reduces the ability to protect the interests of both those residing on reservations and those residing in adjacent communities.

While a substantial environmental review process is included in section 2604, it is limited in the range of impacts that require review. It does not require the implementation of mitigation measures. It does not require any changes in response to the concerns of affected tribal members or the concerns of local communities.

Obviously, eliminating NEPA is a concern to many national and local environmental groups and also to some Native American organizations that have weighed in with strong letters on the issue. It is also of concern to the counties around the country. In a letter dated May 14 of this year, the National Association of Counties is calling for section 2604 to be modified so that a NEPA analysis is completed for each new energy project that goes forward on Indian lands.

There is a bipartisan group of attorneys general representing the States of Arizona, New Mexico, Nevada, North Dakota, Utah, Wyoming, and Connecticut that have also expressed strong concerns about the diminishment of environmental review for tribal energy resource development projects. They have expressed their views in a letter dated June 9 of this year. In that letter they wrote:

While we understand that this provision is intended to promote the worthy goals of tribal self-determination and sovereignty, we are concerned that it goes too far in facilitating significant development activity without ensuring that adequate protections exist for affected communities and adjacent lands. Section 2604 represents a significant change in the law that could have serious implications for the States that we represent. We therefore urge the provision be amended to ensure that significant energy development activity on tribal lands continues to be subject to meaningful environmental review, including an ability for State and local governments to participate in the process.

The concern expressed by those attorneys general and the counties underscores the fact that without some applicable Federal law related to the significant development activity contemplated under this section 2604, it is unclear what standard is to apply. Some have argued that tribal lands should be treated just as private lands are and tribes should be free, as private landowners are, to go forward with development projects. In my view, that is not a good analogy because private lands are subject to State and local laws; tribal lands are not. We are all aware that a private landowner has requirements by virtue of State and local law that do not apply on tribal lands. Tribal law can and should apply to energy development on tribal lands, but at the same time Congress has a responsibility to ensure that certain Federal parameters are in place.

The second issue that is raised by this section 2604 is that the language in the section undermines the Secretary's trust responsibility to Indian tribes. A number of tribes have expressed strong concerns about the language which appears to change the traditional trust relationships between the Federal Government and Indian tribes. Tribal concern is driven by a decision 3 months ago by the U.S. Supreme Court in the case of United States v. Navajo Nation. The Supreme Court specifically addressed the Federal trust responsibility and the standard for ensuring that statutes affecting Native Americans contain fiduciary duties by which the Federal Government as trustee can be held accountable for its actions that may have serious and negative impacts on tribal interests.

Section 2604, the subject of our amendment here, as currently drafted does not meet the standards established by the Supreme Court. In fact, it goes in the opposite direction. It diminishes the Federal Government's trust responsibility and accountability to tribes. This is inconsistent with the current Federal policy of tribal self-determination and self-governance. These policies, in effect since the landmark Indian Self-Determination Act of 1975,

clearly preserved the Federal trust responsibility and accountability to tribes while facilitating tribal control over Federal Indian programs.

The amendment Senator INOUYE and I are offering addresses both the environmental review question I talked about and the trust responsibility issues, as well as other miscellaneous matters, in the hope that we can improve the final Indian energy title from a tribal perspective, from an environmental perspective, from a State perspective, and from a local perspective.

With respect to the environmental issue, the amendment does the following four things:

No. 1, it ensures sufficient time for the Secretary to review the proposed tribal energy resource agreements without a waiver of Federal environmental laws.

No. 2, it improves the environmental review process so that it is comparable to the standards required under NEPA, while maintaining tribal control over that review.

No. 3, it removes language limiting who can petition for a review of the implementation of tribal energy resource agreements.

No. 4, it requires Congress to review and reauthorize this section of the program 7 years from now, without it just continuing indefinitely.

With respect to trust responsibility, the amendment deletes language that would prevent the tribes from asserting claims against the Secretary of the Interior related to the Secretary's approval of tribal energy resource agreements. It also eliminates a broad waiver that limits the liability of the United States for any losses associated with the leases or with agreements or with rights-of-way.

The language being eliminated is unacceptable to a large number of Indian tribes. Because of the language, the Navajo Nation, the largest tribe in our country and the one involved in this recent Supreme Court decision that I described, stated in a letter they sent to us dated June 4 that the ''tribal energy proposal must be defeated.''

The letter goes on to say that the language, if successfully included in the bill:

> . . . would be a virtual endorsement by the Indian tribes' trustee itself [of course, that is the Federal Government], of the fraud, dishonesty, and unethical treatment that was the subject of the Navajo Nation's claim against the United States, and would open the door for future similar conduct by federal officials.

The Jicarilla Apache Tribe, in a letter dated April 28, stated that the provisions currently in the bill ''are inconsistent with the United States' trust relationship with Indian tribes . . .'' This is a quotation from their letter. They go on to say they would ''actually turn the current legal and political relationship between Indian tribes and the United States Government on its head.''

In addition to deleting most of the offending language, our amendment also established Secretarial duties to the tribes in implementing section 2604. In light of the United States v. Navajo Nation decision, we view this language as necessary to maintain a trust relationship in which the Federal Government has some accountability to the tribes electing to enter into agreements under section 2604. The language we are proposing to add is taken directly from the existing self-determination law and therefore relies on longstanding precedent.

Finally, our amendment includes a number of minor changes that are technical. I believe it is a good, constructive improvement to the bill, and I urge my colleagues to support it.

Madam President, let me ask, how much time remains on our side?

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. BINGAMAN. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Colorado.

Mr. CAMPBELL. Madam President, I rise in opposition to the Bingaman amendment. I will try to go through this as quickly as I can because I know Senator DOMENICI also wants to speak.

On Thursday I introduced an amendment and withdrew it yesterday. That amendment was supported by the National Congress of American Indians, which is over 300 tribes, the Council of Energy Resource Tribes, which represents 50 additional tribes, and the U.S. Eastern and Southern Tribes, which represents 50. It was supported by five New Mexico Pueblos, including the Jicarilla Apache Tribe of New Mexico, the National Tribal Environmental Council, which represents 180 tribes, and the U.S. Chamber of Commerce.

I pulled that back yesterday to refine some of the language but will be reintroducing it shortly—tomorrow or as soon as I can, as soon as we revise a little bit of the language.

Let me point out this chart I have over here. Under existing law, current law, we have a real disparity among tribes. Tribes are treated like individuals in that, if they own land and want to develop the land for minerals or oil or gas, they could do it without complying with NEPA as individual owners or States can. If the Secretary gets involved by virtue of the tribe signing some agreement with an outside entity, she has to then approve the lease or not approve the lease.

What has happened is that wealthy tribes have had the ability to develop their own resources. I live on one reservation, the Southern Ute Reservation, and they do that; they don't have to comply with NEPA. Most tribes are not that wealthy and have to seek an outside partner. Basically, that puts them at a terrific disadvantage for developing their own resources.

I will not go into all resources now under Indian land because I did go through that the other day, but it is very clear that a great deal of American unutilized oil, natural gas, coal, and other minerals are under Indian land now. We are talking about a people who have 70 percent unemployment in some cases, so they definitely need the jobs and help as well as America needs the energy to become less dependent on foreign energy.

In any event, let me go through the Bingaman amendment a little, if I may. We spoke about 2604 primarily. As I understand it, and as I believe, Senator BINGAMAN's amendment would force the statutory NEPA equivalent upon all tribes. As it is now, some are not required to go through NEPA, as I just mentioned.

Also, it will create an unfunded mandate that will completely defeat the goal of facilitating energy development on tribal lands and diminish tribal sovereignty.

I take strong issue with another aspect of the Bingaman amendment having to do with the liability of the United States for tribal decisions. Under title III, along with the power to create approved leases, agreements, and rights-of-ways without Secretarial approval, the tribes have the responsibility for the decisions they make.

Mr. BINGAMAN's amendment in effect de-links the two, eliminating the language that says the Secretary will not be liable for losses arising under the terms of the leases the tribe negotiates on its own. That would mean he would keep the Secretary on the hook for those losses arising from lease terms negotiated by the tribe, even though the Secretary had nothing to do with the negotiations. I don't think that is very good policy, frankly.

Paradoxically, Senator BINGAMAN's amendments would give the Secretary of the Interior authority to negotiate a tribe's remedies against the United States for breach of its duties under the tariff on a tribe-by-tribe basis.

I know of one tribe—I believe two now—the Navajo, that supported the Bingaman amendment but opposes this one. But I think it has very little to do with section 2604. It has more to do with court cases recently which did not go their way. As I understand it, they really want some language that would effectively bail them out of losing that court case.

The vast majority of tribes support the amendment that I introduced the other day.

I think it is a particularly dangerous idea. In some instances, speaking of the Secretary's obligations, the Secretary might effectively negotiate away her obligations, although by including a provision that says the tribe will have no remedies against the United States, the Bingaman amendment expressly allows her to do that without limitation.

Do the obligations referred to in the Bingaman amendment include the trust obligation? They must because there are no obligations on the part of the Secretary mentioned in his amendment other than duty to conduct annual trust evaluations.

I point out that in the amendment I offered the other day, in section 2604 there was some question about whether it decreased trust responsibility. I know my colleagues can read as I can. Let me read, on page 14, section (6)(a), line 19:

Nothing in this section shall absolve the United States from any responsibility to Indians or Indian tribes, including those which derive from the trust relationship or from any treaties, Executive Orders, or agreements between the United States and any Indian tribe.

The Secretary shall continue to have trust obligation to ensure the rights of an Indian tribe are protected in the event of a violation of Federal law or the terms of any lease, business agreement or right-of-way under this section or any other party to any such lease, business agreement or right-of-way.

Under the amendment which I introduced and which I will reintroduce, these trust responsibilities are very well protected.

Finally, Senator BINGAMAN's amendment would sunset section 2604 in 7 years. I think that has somewhat of a chilling effect. First of all, if a tribe wants to avail itself of section 2604 as an alternative to the status quo, it will have to make considerable effort to develop this relationship and agreement to demonstrate its capacity to be able to develop its minerals resources.

Under the Bingaman amendment, the alternative procedure would evaporate in 7 years. Very frankly, the tribe advances to self-determination would evaporate right with it. I think that would effectively prevent any tribe from pursuing the section 2604 alternatives.

Senator BINGAMAN, as I understand his amendment, believes that section 2604 effectively waives NEPA. It does not. The language in the amendment expressly states that the Secretary must review the direct effects of her approving agreement under the provisions of NEPA. That means even though the tribe, when it is making agreements with an outside entity, will have to comply with NEPA upfront, before the Secretary can approve that agreement, she has to subscribe and conform to all NEPA provisions.

The other provisions in the section require an opportunity for public and local governmental input and comment.

The Senator mentioned some opposition from local communities. This is also taken care of under 2604, and it must ensure compliance with all applicable environmental laws in 2604.

The Bingaman amendment also states that there is a tribal concern for section 2604 as it undermines the trust responsibility. I have already dealt with that.

But, clearly, the United States is only held harmless from losses arriving from terms negotiated by a tribe operating under an approved agreement. Hopefully, as we move forward, we will be able to deal with the Navajo problem.

I understand the Navajo. It is a very important tribe. And I have many friends in the tribe who are very willing to do that.

Very frankly, when we talk about the responsibility of the Federal Government to Indians, let me go back a little bit and refresh my colleagues' memory about how tough they have had it in this Nation.

This Government, as you know, took by hook or crook—and usually at gunpoint—roughly 98 percent of all the land from the American Indians. This Government also reduced the very proud, independent people to the poorest ethnic group in America with the highest unemployment rate, the highest degree of poor health, the highest high school dropout rate, and the highest suicide rate among any other group. This Government also has time and again told the Indians: We know what is best for you whether you like it or not.

That is basically what I think the Bingaman amendment does. We will stifle your religious beliefs, destroy your culture, relocate and relegate you to a life of poverty and deprivation, as happened in the 1950s under the Terminations Act and the Relocation Act. We will drive you through a time bordering on ethnic cleansing, and we will not let you be a citizen in your own land—until 1924. That is when Indians got the right to vote in the United States.

Through all of those years, the few threads of hope Indians clung to were that they would not lose what little they had left. And a few things that gave them hope were closely held beliefs about so-called Mother Earth, their belief in a creator, and that all things will get better. And one in particular was that U.S. Government promise; that promise is called ''trust responsibility.''

For the past 30 years, since the Nixon Doctrine of Self-Determination, American Indians have been making small strides. But in their culture, they are rather big gains considering how far they have come. It has been an endless struggle to try to share in the same American dream that Members of this body take for granted.

In my view, the Bingaman amendment would literally strip tribes of 30 years of that direction of self-determination and would circumvent the trust responsibilities this Government has to tribes because it would force the statutory equivalent of NEPA on all decisions they make with their own land. As I mentioned, it is an unfunded mandate.

I say to my colleagues in this body that if you want to keep American Indians on their knees, unable to provide jobs for their families and facing a dead end future, then vote for the Bingaman amendment. If you believe that fairness should be right for all Americans, including Indians, to do best what they can with their own resources and for their own people, vote against the Bingaman amendment and help me craft a better alternative, which is the one I mentioned that I introduced and pulled back and which I am going to reintroduce, and which already has the support of the vast majority of Indian people in this Nation.

I yield the floor. I thank my colleague, Senator DOMENICI, for giving me time.

Mr. DOMENICI. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Ten minutes 30 seconds.

Mr. DOMENICI. I will use 7 minutes and leave 3 minutes.

First, I congratulate the distinguished Senator CAMPBELL from the State of Colorado. I don't believe I could say it any better.

In a nutshell, the Bingaman amendment is not good for the Indians in the United States. If we are crafting a bill here that says we want them to develop their energy resources, the amendment before us takes the unprecedented step of applying the NEPA process to the Indian tribes just as if they were the Federal Government.

This amendment goes well beyond current environmental regulations and adds unnecessary regulations and costs to the tribal energy projects.

This proposal is opposed by numerous Indian tribes and tribal associations that are already burdened by the lease approval process through the Federal bureaucracy.

I will read a list of Indian tribes and associations that I would assume do not favor the Bingaman amendment because they were in favor of the amendment alluded to by the distinguished Senator, Mr. CAMPBELL, with whom I was going to cosponsor, for they all refer to it:

The National Congress of American Indians, the Council of Energy Resource Tribes, National Tribal Environmental Council, Southern Ute Tribe, Cherokee Nation, Chickasaw Nation, Native American Energy Group, Mohegan Tribe, Five Sandoval Indian Pueblos, Dine Power Corporation, Jicarilla Apache Nation, and the U.S. Chamber of Commerce.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIBAL LETTER SUPPORTING CAMPBELL/DOMENICI AMENDMENT TO TITLE III

1. National Congress of American Indians (NCAI)—Is the largest and oldest Tribal organization.

2. Council of Energy Resource Tribes (CERT)—Represents over 50 tribes interested in developing energy resources.

3. National Tribal Environmental Council—Represents 180 tribes on environmental matters.

4. Southern Ute Tribe (Colorado).

5. Cherokee Nation (Oklahoma).

6. Chicasaw Nation (Oklahoma).

7. Native American Energy Group (Wyoming).

8. Mohegan Tribe (Connecticut).

9. Five Sandoval Indian Pueblos (New Mexico).

10. Dine Power Corporation—A Navajo Corporation (New Mexico, Arizona).

11. Jicarilla Apache Nation (New Mexico).
12. U.S. Chamber of Commerce.

Mr. DOMENICI. Mr. President, the amendment will do the following:

It will force the tribes to pay the cost of NEPA, extend the bureaucratic delays of energy projects, and diminish tribal sovereignty.

There isn't a tribe in the country that would volunteer for this program because it doesn't do anything to improve their current process. So why would they volunteer to join it?

I am confused by the purpose of the amendment. If the intention is to mandate that the tribes comply with NEPA for every single lease or permit, why not offer an amendment to strike the entire Indian energy title and argue for the status quo?

This amendment goes far beyond existing law and expands NEPA beyond the scope of the Federal Government to cover tribes, independent of any Federal action.

By requiring an environmental impact statement to be performed for every lease, it will impose a cost of hundreds of thousands of dollars to be financed by the tribes. A cost they should not have to afford.

If adopted, the amendment would encourage the generation of paper, not the generation of natural gas and crude oil and coal, which I thought we were here supposed to do.

The objective of title III has to be to help the tribes by streamlining current lease approval processes that have hampered investment and the development of the Indian tribal lands as far as energy is concerned.

Senator CAMPBELL and I have worked closely with the tribes to craft a careful compromise that will protect the trust responsibility of the Secretary and the environment. That bill will be offered later, but it is not the bill pending before the Senate. It is a bill you will know because it will bear the name of the distinguished chairman of the Committee on Indian Affairs, Senator CAMPBELL.

The Secretary's approval of the tribes' energy resource agreement will trigger NEPA if the Secretary of the Interior believes it will have a significant impact on the environment. Once an energy resource agreement is approved, tribes will not be required to seek Secretarial approval but will be required to comply with relevant environmental laws, just like any other landowner.

Senator CAMPBELL and I have worked with tribes to ensure that the trust relationship between tribes and the Secretary of the Interior is protected.

This proposal is embodied in the Campbell-Domenici amendment which will be offered at a later date.

The Bingaman amendment, however, would require the Secretary of the Interior to take full responsibility for all liability incurred by tribes—even if the Secretary wasn't party to the negotiations. That simply doesn't make sense.

However, a separate and conflicting provision in this amendment allows the Secretary to negotiate all remedies to the Secretary's trust responsibility in the energy resource agreement.

As I read it this will give the Secretary authority to drive a hard bargain with individual tribes that are desperate to gain the Secretary's approval of their energy resource agreement. Of course, this will vary from tribe to tribe and further confuse the trust issues.

I believe a more simple solution is to ensure that tribes take full responsibility for the leases and business agreements they negotiate. The Secretary will not be liable for anything she is not a party to, but will continue to conduct annual trust evaluation to ensure that the assets are protected.

Such a solution as included in the Campbell amendment has the support of many tribes.

I am not aware that the administration has reviewed the Bingaman amendment and I am not aware of how many tribes support Senator BINGAMAN's amendment.

The current system has failed to stimulate investment on Indian land, despite the resource potential.

The Bingaman amendment will only exacerbate this problem and continue to restrict the quest for Tribal self-determination.

I urge my colleagues to oppose the Bingaman amendment.

I will state, I would not be offering these kinds of remarks in any normal situation regarding the relationship between the Indian people, the Federal Government, and third parties. But clearly when you have an energy bill, and the purpose of the bill is to have a section in it that will encourage, will cause, will say to the Indian people, we want you to be players, participants, owners of energy, so that you can be part of America's energy solutions and become owners in that solution, then I think we cannot adopt the laws that are as restrictive as the ones proposed in the amendment that is pending.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise this moment to speak in favor of an amendment proposed by my dear friend from New Mexico, Senator BINGAMAN.

I find it rather uncomfortable and sad that my remarks may be counter to that of my colleague from New Mexico, my dear friend, Mr. DOMENICI, and my colleague, the chairman of the Indian Affairs Committee.

Mr. President, as you know, there is a longstanding relationship between the United States and the sovereign Indian nations that won exercise, exclusive dominion, and control over lands that now comprise our great country.

The large body of Federal Indian law is known as trust responsibility, and it was first given expression by the Chief Justice of the United States Supreme Court, John Marshall, in 1832. This relationship is premised upon the sovereignty of the Indian nations, a sovereignty that existed well before the U.S. Government was formed, and it is memorialized in the United States Constitution.

This trust relationship that has always formed the course of dealings between the U.S. and Indian tribes is well understood and beyond debate. The United States holds legal title to lands that it held in trust for Indian tribes. Accordingly, activities affecting Indian lands and resources have always been subject to approval by the Secretary of the Interior Department, acting as the principal agent for the United States. That is the law of the land.

In the Congress, we have always understood the United States trust responsibility as being derived from treaties, statutes, regulations, executive orders, rulings, and agreements between the Federal Government and Indian tribal governments. We have legislated on this basis. The courts have issued rulings on this basis. And until recently the executive branch has premised policy on this basis and promulgated regulations on this fundamental principle of law.

However, in the arguments before the U.S. Supreme Court earlier this year, the Government took the position that the duties of the U.S., as trustee for Indian lands and resources, exist only as they may be spelled out in statute, and are legally enforceable only if a statute provides a remedy for any breach of the trust.

The Supreme Court accepted the Government's argument that the duties of the trustee must be spelled out in statute, but ruled that as long as the Government had complete management control over the trust land or trust resources at issue, then the trustee's duties could be legally enforced and there could be a damage remedy for a breach of the Government's trust duties.

Tribal governments are also paying keen attention to the arguments that are being advanced by the Government in pending legislation over the management of funds which are held in trust by the United States for individual Indians and Indian tribes. Most of us have heard of the assertions in this case in which it maintained that the Government is unable to account for more than $2 billion in Indian trust funds.

With the Government's advocacy for a new perspective on the United States trust responsibility, it is readily apparent why the eyes of Indian country are sharply focused on the tribal provisions of this bill and the amendments that are the subject of our discussion today.

Native America wants to see what position the Congress will adopt as it relates to the ongoing viability of the trust relationship. They are closely scrutinizing our words and our actions in the context of this measure to determine whether they signal a departure from the traditional and well-established principles of the United States trust responsibility.

That is why I believe it is incumbent upon us to make sure we understand what is at stake in this debate. There has always been, and likely always will be, a tension between a greater measure of tribal control and a diminished Federal presence in Indian country, one that has to be reconciled in each distinct area. But the reality is that as long as the United States holds legal title to Indian lands, the Federal Government and tribal governments will have to work together on these matters.

Not all tribal governments have managed their resources, and not all of those who do seek to develop those resources. But for those that do, we well understand that they would want to reduce the amount of time that is customarily involved in securing the Secretary's approval of leases of tribal land and grants of right of way over Indian lands.

Can this be accomplished without altering or diminishing the trust relationship? I believe it can. The tribal industry resource agreements that are authorized, the amendment that we consider today, can serve as an instrument for defining and adapting this relationship to accommodate the unique circumstances of each tribe's energy resource development objectives.

But should the United States trust responsibility for Indian lands and resources be waived? I am not aware of any tribal government that supports an unlimited waiver of the United States trust responsibility. Certainly, one of the largest land-based tribes in the United States, the Navajo Nation, has made it clear that it will not countenance such a waiver.

Indian country has a long history and a long memory. That history documents the sad reality that there have been too many times in the past when those who did not have the best interests of Indian country in mind have exploited tribal lands and resources and then walked away.

In those instances, tribal governments and the United States shared a common interest in addressing the damage to tribal lands and in pursuing those who caused the damage.

Mr. President, I think it is clear that the provisions of this title as currently formulated, and if not further amended, will foreclose the cause of action when there is damage to tribal lands. So I join my colleague, Senator BINGAMAN, in sponsoring this amendment because I believe strongly in Federal Indian responsibility for Indian lands, and the resources must be maintained and strengthened, not diminished.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Colorado is recognized.

Mr. CAMPBELL. How much time do we have?

The PRESIDING OFFICER. The Senator has consumed 16 minutes.

Mr. CAMPBELL. We have 20 minutes; correct?

The PRESIDING OFFICER. It is the understanding of the Chair that no agreement has been reached about the time limit on this amendment.

Mr. CAMPBELL. Mr. President, I will just make a couple of comments. Senator INOUYE and I have been friends for a great number of years. When he was chairman, and now as the ranking member, we have worked on an awful lot of Indian legislation together.

With all due respect, I think he might be mistaken about what 2604 did. In fact, maybe something else, too, and that is simply this. Tribes, generally, if they are not absolutely sure of themselves when they enter into agreements, or when they are dealing with the Federal Government, hire pretty sophisticated attorneys to do the research for them. All of these different groups, including the National Congress of American Indians, representing over 300 tribes; the Council of Energy Resource Tribes, representing over 50 tribes; the U.S. Eastern and Southern Tribes, representing over 50 tribes; the Pueblos of New Mexico; the Jicarilla Apache Tribe of New Mexico; and the National Tribal Environmental Council have had attorneys look at 2604 and, clearly, none of them has said anything about erosion of trust responsibility because—and I mentioned earlier—it is stated in 2604, on page 14, line 18 through page 15, line 3, that, if anything, tribal trust relationship is strengthened under 2604, which is the amendment I introduced the other day and am going to reintroduce.

Unlike the Bingaman amendment, which I think, frankly, weakens trust responsibility—as near as I can tell, the language in his amendment weakens it. That is one of the questions: which one strengthens it and which one weakens it? My belief is that 2604 would be strengthened with the language I will be reintroducing.

The other one is NEPA. I do not believe, frankly, that tribes are off the hook for NEPA unless they want to develop resources with their own money on their own land without outside agreements or Secretarial approval. Once the Secretary looks into it, or agrees to take it up after they have reached some negotiated agreement, she has to conform with all NEPA requirements. That is clear in 2604. Nobody is off the hook from NEPA for trust responsibility.

One more thing. Under 2604, which hasn't been mentioned, and the amendment that I introduced and will reintroduce, no tribe needs to participate in this agreement at all. It is totally voluntary, tribe by tribe. Senator BINGAMAN mentioned that the Navajo Nation was not supportive of 2604 and my amendment. That is all right; they don't have to participate. This is open for the tribes that want to, and those that do not want to don't have to.

As I understand the Bingaman amendment, they are all going to be caught in the same net. That is, they will all be required to come up with the money, as Senator DOMENICI mentioned, to subscribe to NEPA even before they reach an agreement. They don't have the money to do that. All it is going to do is prevent tribes from moving forward in this Nation.

I have no further comments. I yield the floor.

Mr. DOMENICI. Mr. President, I thought we agreed to 20 minutes on each side.

Mr. BINGAMAN. That is my understanding. I was hoping we would have a vote right away. How much time remains on each side?

The PRESIDING OFFICER. The majority has consumed 20 minutes.

Mr. DOMENICI. They want to set it aside and go to the Burma measure. We had 20 minutes on each side, but they want to proceed to the Burma debate and vote, stacked, with yours going first.

Mr. BINGAMAN. I thought the agreement was that we would have a vote on ours.

Mr. DOMENICI. They want to stack them.

Mr. REID. Mr. President, we entered into an agreement, and we all thought there was going to be a vote following this 40 minutes of debate. The majority leader was not part of that agreement. In deference to him, we will not push our 40-minute vote. We will agree to go to that. That time is gone now, isn't it?

The PRESIDING OFFICER. The majority has used 20 minutes.

Mr. BINGAMAN. We were anxious to get a vote. Senator SCHUMER wanted to be here for a vote. He had to leave. He indicates he will have to leave.

Mr. REID. He has left.

Mr. BINGAMAN. I request that we do our vote so he can be here later on. Is that acceptable?

Mr. DOMENICI. What was the request again?

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. How much time would remain on our side if we had entered into that agreement?

The PRESIDING OFFICER. Two minutes.

Mr. BINGAMAN. I will use those 2 minutes.

Mr. President, the underlying bill, which we are trying to amend here, has in it really clear language that essentially lets the Secretary of the Interior off the hook. It eliminates responsibilities that the Secretary of the Interior would otherwise have. It says the United States shall not be liable for any loss or injury sustained by any party, including an Indian tribe, or any member of an Indian tribe, to a lease,

business agreement, right-of-way, executed in accordance with the tribal energy resource agreements approved under this subsection.

Then it says that on approval of a tribal energy resource agreement of an Indian tribe, under paragraph 1, the Indian tribe shall be estopped from asserting a claim against the United States on the grounds that the Secretary should not have approved this agreement.

That is a clear statement by the Congress—if that becomes law—that the Secretary of the Interior is off the hook. This may be on Indian trust land. It may be that the Secretary of the Interior is the trustee of that Indian trust land. We are saying in this language—if we don't amend it by the amendment Senator INOUYE and I have prepared, we are saying that the Secretary of the Interior is off the hook and the Indian tribe has no one to go to for any kind of remedy. I don't think we intend to do that.

Senator INOUYE and I have put together an amendment we believe keeps trust responsibility with the Federal Government, where it should be. It sets up a good procedure that the tribe can work with the Federal Government. The tribe still has decisions, makes decisions over these energy development projects, but clearly the Federal Government needs to be part of that and needs to have responsibility for seeing that decisions are in the best interest of the tribe.

Mr. President, I think this is a good amendment. I hope that once we do get to a vote, whenever that occurs, we will see this amendment adopted. It will strengthen the bill, and I hope very much we can approve it.

I yield the floor.

Mr. JEFFORDS. I rise in support of the amendment offered by Senator BINGAMAN.

His amendment does not go as far as I would wish, because it does not fully preserve the integrity of NEPA or the Endangered Species Act.

These two Federal statutes, which are under the jurisdiction of the Environment and Public Works Committee, have been cornerstones for the protection of environmental quality for decades. Section 2604 of the bill negates or weakens application of these laws to most energy development on tribal lands.

Section 2604 would allow tribes to grant leases or rights-of-way for mineral development, electric generation, transmission or distribution facilities or facilities to process energy resources of any sort on tribal lands.

The tribes could do this without the approval of the Secretary of the Interior.

This would effectively remove the current legislative authority of the Department of the Interior over these matters.

Under existing law, the oversight of the Secretary of the Interior over energy development on tribal lands triggers a variety of Federal permitting requirements which will ensure that NEPA, section 7 of the Endangered Species Act, and a variety of other Federal laws will apply to these activities.

Removal of the Secretary's approval authority over many of these actions would have a number of consequences.

First, it would mean that Federal NEPA laws would no longer apply. It would also mean that the section 7 Federal consultation provisions of the Endangered Species Act would cease to apply.

This is particularly significant in that tribal lands are often adjacent to some of the most protected and pristine Federal lands, including wildlife refuges, wilderness areas, and National Parks. Wholesale changes in the application of the Federal mineral leasing and development laws—and potentially a host of environmental laws—to tribal lands, could have significant impacts on adjacent sensitive lands, air quality, water quality and wildlife.

Because of their sovereign immunity and special trust status, tribes are also generally exempt from many State environmental and other laws, to which private lands are subject.

Section 2604 represents a sweeping reversal of years and years of established environmental and energy laws, many of which are within the jurisdiction of the Senate Environment and Public Works Committee. Our committee has never held hearings on this, nor had the opportunity to examine the extent to which this language would weaken or amend Federal environmental laws, or laws relating to the development of commercial nuclear power.

My preference would be to insert language which I filed yesterday, which would clarify that Federal environmental and nuclear laws would continue to apply to these tribal lands, regardless of removing the approval of the Secretary of the Interior under the Indian Mineral Development Act.

However, because I think that the language offered by Senator BINGAMAN has a greater chance for success, I will vote in favor of his amendment.

At a minimum, his amendment would remove any implicit waiver of Federal environmental laws and would create an environmental review process to be conducted by tribes to ensure at lease some modicum of public involvement in what could possibly be massive energy development on tribal lands.

Section 2604 creates an unprecedented lack of Federal oversight for development with potentially massive environmental impacts, and I urge my colleagues to adopt Senator BINGAMAN's amendment.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, we yield back our time on our side. I move to table the Bingaman amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay''.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—52

| | | |
|---|---|---|
| Alexander | Dole | Miller |
| Allard | Domenici | Murkowski |
| Allen | Ensign | Nickles |
| Bennett | Enzi | Roberts |
| Bond | Fitzgerald | Santorum |
| Brownback | Frist | Sessions |
| Bunning | Graham (SC) | Shelby |
| Burns | Grassley | Smith |
| Campbell | Gregg | Snowe |
| Chafee | Hagel | Specter |
| Chambliss | Hatch | Stevens |
| Cochran | Hutchison | Sununu |
| Coleman | Inhofe | Talent |
| Collins | Kyl | Thomas |
| Cornyn | Lott | Voinovich |
| Craig | Lugar | Warner |
| Crapo | McCain | |
| DeWine | McConnell | |

NAYS—47

| | | |
|---|---|---|
| Akaka | Dorgan | Levin |
| Baucus | Durbin | Lieberman |
| Bayh | Edwards | Lincoln |
| Biden | Feingold | Mikulski |
| Bingaman | Feinstein | Murray |
| Boxer | Graham (FL) | Nelson (FL) |
| Breaux | Harkin | Nelson (NE) |
| Byrd | Hollings | Pryor |
| Cantwell | Inouye | Reed |
| Carper | Jeffords | Reid |
| Clinton | Johnson | Rockefeller |
| Conrad | Kennedy | Sarbanes |
| Corzine | Kohl | Schumer |
| Daschle | Landrieu | Stabenow |
| Dayton | Lautenberg | Wyden |
| Dodd | Leahy | |

NOT VOTING—1

Kerry

The motion was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. I yield to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. I thank my colleagues for voting for this on the last motion to table. I know it is a difficult vote for some of my colleagues. I want to reintroduce tomorrow the amendment I spoke to earlier. I want to assure Senator BINGAMAN and Senator INOUYE, who have worked on a lot of different Indian issues with us in the past, that if the language on trust is not strong enough, I will be more than happy to review that and work with you to make it even stronger and also to try to clarify the language dealing with NEPA.

The PRESIDING OFFICER. The Senator from Kentucky.

## UNANIMOUS CONSENT AGREEMENT—S. 1215

Mr. MCCONNELL. Madam President, I ask unanimous consent the Senate now proceed to the consideration of S. 1215, the Burma sanctions bill; that there then be 60 minutes of debate equally divided under the control of myself and the Democratic leader or his designee; further, that no amendments be in order other than a substitute amendment and a technical amendment to that substitute. I ask unanimous consent that following the debate time and the disposition of the above amendments, the bill be read a third time and the Senate proceed to a vote on the passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I will have none. But when the matters that have just been agreed upon have been completed, we will then have another amendment on the Energy bill. It will be offered by the distinguished Democratic Senator from Florida with reference to an inventory of the Outer Continental Shelf assets, inventory that is provided for in the bill. He will move that be taken out. That will be debated tonight and voted on tomorrow.

Mr. REID. Reserving the right to object, the two leaders have indicated that we would have more debate on that in the morning, however, on the offshore oil inventory. I don't know what time they are going to schedule a vote, but I think it will be sometime in the morning and that will be worked out later tonight.

Mr. DOMENICI. I would like to comment, before we proceed, just a further 30 seconds?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. We have been working very hard to get a complete list—I think we are very close—of amendments we can agree to and put at the desk. As everybody knows, a lot is riding on this Energy bill: a full ethanol package; soon there will be the renewables that many are relying on in this country which have extenders that are required that are part of the tax amendments that are going to go on this bill. Those are providing for the existing—continuation of the renewables in the area of wind and Sun and others. If we do not get the bill moving, none of that moves along.

So I do ask all Senators who have amendments to concur that they can write them up, get them in, get them on this list so we know where we are and when we might look for daylight on this bill. I yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I say to the distinguished Senator from New Mexico, the chairman of the committee, we have a list on our side. We are now waiting. Tentative lists have been exchanged by the two sides. As far as we are concerned, we are ready at any time to enter into that agreement. We do have a finite list of amendments. As soon as we get a finite list of amendments from the majority, a unanimous consent agreement could go forward at that time.

Mr. DOMENICI. Madam President, I thank the distinguished Senator for his cooperation. That is a true statement.

The PRESIDING OFFICER. Is there objection to the unanimous consent request of the assistant Republican leader? Without objection, it is so ordered.

## BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1215) to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. MCCONNELL. Madam President, the situation in Burma is indeed dire and requires our immediate response. We will make that response within the next hour.

S. 1215, which is now the pending business in the Senate, has 56 cosponsors. I particularly want to thank Senator FEINSTEIN, who will be speaking on this measure, and Senator MCCAIN, who have had a particular interest in this subject for quite some time.

Until yesterday, Aung San Suu Kyi and other democracy activists have been held incommunicado by the repressive State Peace and Development Council, SPDC, following an ambush on her convoy several hundred kilometers north of Rangoon. Scores are feared murdered and injured in this blatant assault on democracy in Burma.

In the 11th hour of his trip to Rangoon, the SPDC finally allowed U.N. Special Envoy Razali Ismail a 15-minute meeting with Suu Kyi. We are all relieved that his initial statements indicate that she is alive and unharmed, but the fate of other activists arrested remains unknown.

But simply seeing is not freeing. Razali's meeting with Suu Kyi was not a private one and she remains under the total control of SPDC thugs. Her continued silence in the wake of this bloodshed could not be more deafening, nor—despite Razali's brief visit—her predicament more pressing.

Horrific details of the attack continue to emerge and heighten the need for a swift and decisive response to the SPDC's brutality.

According to Monday's front-page article in the Washington Post, in the ''pitch dark amid the rice paddies'' thugs posing as Buddhist monks stopped Suu Kyi's car. Soon after, a crowd ''set upon her convey, attacking the entourage with wooden clubs and bamboo spikes. . . . Several hundred more assailants ambushed the motorcade from the rear.''

This is no simple act of harassment or intimidation. It was an act of terrorism against innocent civilians who simply believe in democracy and the rule of law in Burma.

The free world and free press have been quick to condemn the SPDC. But strong words from foreign capitals must be matched by stronger actions.

Last week, I introduced the Burmese Freedom and Democracy Act of 2003, along with Senators FEINSTEIN and MCCAIN. As I indicated earlier, we now have 56 cosponsors. I ask unanimous consent that the list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1215 COSPONSORS

Akaka, Alexander, Allard, Allen, Baucus, Bennett, Biden, Bingaman, Boxer, Breaux, Brownback, Bunning, Burns, Chambliss, Clinton, Coleman, Collins, Corzine, Daschle, Dayton, Dole, Domenici, Dorgan, Durbin, Edwards, Feingold, Feinstein, Frist, and Grassley.

Hagel, Harkin, Hutchison, Jeffords, Kennedy, Kerry, Kyl, Lautenberg, Leahy, Levin, Lieberman, Lugar, McCain, Mikulski, Murkowski, Murray, Nelson, Ben (Nebraska), Reid, Rockefeller, Santorum, Sarbanes, Schumer, Smith, Specter, Stabenow, Voinovich, and Wyden.

Mr. MCCONNELL. Madam President, this bill, among other sanctions, imposes a ban on imports from Burma.

I am pleased that many of my colleagues—including the majority and minority leaders of the Senate and the chairmen and ranking members of the Senate Foreign Relations and Finance Committees—are cosponsors of this important legislation.

Let me share with my colleagues some of the feedback we have gotten from around the country on the act:

An editorial in today's Los Angeles Times stated:

[Burma's] trading partners, other countries in the region and aid givers like Japan need to get tougher by imposing sanctions and aid suspensions to push the country toward democracy; that's the outcome Myanmar's citizens show they favor every time they get the chance.

By the way, they haven't gotten a chance since 1990.

A Washington Post editorial yesterday advised that because Burmese dictators ''control the nation' economy, an import ban would affect those most responsible for Burma's repression, and senators supportive of democracy in Asia should vote for the bill without conditions or expiration dates.''

Deputy Secretary of State Rich Armitage recently wrote:

. . . we support the goal and intent of this legislation and agree on the need for many similar measures. . . . We are also considering an import ban, as proposed in your legislation.

A June 6 editorial in the Washington Post suggested that:

While the [Burmese Freedom and Democracy Act] moves through Congress, Mr. Bush could implement many of its provisions by executive order. He could find no better way to demonstrate his commitment to democracy and his revulsion at a brutal dictatorship.

A New York Times editorial endorsed the import ban and recommended that:

Europe . . . should now block Myanmar's exports as well. The junta has had a year to demonstrate that its opening was genuine. Now all ambiguity is gone, and the world's response must be equally decisive.

A Boston Globe editorial stated that President Bush:

. . . could and should issue an executive order that would swiftly accomplish [an import ban]. This is not a partisan matter. The great lesson that ought to have been learned in the last century is that free democrats betray their unfree brothers and sisters when they seek to appease dictatorships.

Dallas Morning News editor at large Rena Pederson, who also penned a superb article on this topic in the Weekly Standard, wrote in an op-ed:

The strongest possible pressure must be turned on the Burmese generals, who apparently calculated their opposition could be decapitated while the world was preoccupied with events in the Middle East. They shouldn't be allowed to get away with such a cowardly fast one. The Bush administration should support tougher sanctions now. Senator Mitch McConnell, R–KY., is pushing for increased sanctions.

That is the bill we have before us.

''He will need help . . .''

And we obviously are going to have help with 56 cosponsors, and I hope a very overwhelming vote shortly.

''He will need help, or the Bush administration could accomplish the same thing by executive order.''

A Baltimore Sun editorial rightly concluded: ''. . . this regime ought to be treated somewhat like North Korea, from which imports have long been barred.''

Finally, in endorsing the act, the American Apparel and Footwear Association called upon ''the rest of Congress for the swift and immediate passage of such import legislation.''

The idea of a ban on imports from Burma is not a new one to this body. In he 107th Congress, S. 926 sought to impose such restrictions and was cosponsored by 21 Senators. I would offer that the need for an important ban has only become more urgent in the wake of the May 30 attack on democracy in Burma.

Supporters of a free Burma want America to take the lead in defending democracy in that country.

Supporters of a free Burma believe that serving the cause of freedom is America's challenge and obligation. We should not abandon the people of Burma during the greatest moments of need. The people of Burma have made their aspirations known, and the regime has not silenced them into submission. They have not stilled their hearts for political change and they will not succeed in stemming our collective resolve.

Supporters of a free Burma agree with President Bush that:

Men and women in every culture need liberty like they need food and water and air. Everywhere that freedom arrives, humanity rejoices: and everywhere that freedom stirs, let tyrants fear.

It's time for tyrants to fear in Burma.

I ask unanimous consent that the following items be printed in the RECORD: a Washington Post article dated June 9; a letter from Under Secretary of State Rich Armitage; editorials from the Los Angeles Times, and the Baltimore Sun, and a Rena Pederson article in the Weekly Standard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 9, 2003]

ATTACK ON BURMESE ACTIVIST SEEN AS WORK OF MILITARY

(By Alan Sipress and Ellen Nakashima)

BANGKOK, June 8.—Burmese opposition leader Aung San Suu Kyi's motorcade was rattling along a pocked one-lane road near Mandalay in Northern Burma after the sunset when a pair of men, disguised in the burnt orange robes of Buddhist monks, motioned for it to stop. They asked her to alight and make an impromptu speech to at least 100 people gathered at a narrow bridge over a creek and blocking her way, according to Burmese exiles who spoke with witnesses. But she was running late. It was already pitch dark amid the rice paddies.

When one of her bodyguards, a young unarmed man, got out of the four-wheel-drive vehicle to convey Suu Kyi's regrets, the crowd set upon her convoy, attacking the entourage with wooden clubs and bamboo spikes, according to the exiles and diplomats who also have spoken to witnesses. Several hundred more assailants ambushed the motorcade from the rear.

By the time the battle was over late in the evening of May 30, at least four of Suu Kyi's bodyguards were dead. Burmese exiles and diplomats said scores of her supporters were also probably killed. And Suu Kyi, the 1991 Nobel Peace Prize laureate, suffered head and shoulder injuries, they said, when her car windows were shattered and she was detained by Burmese soldiers along with at least 17 supporters.

U.S. and other diplomats have concluded that the attack was an ambush orchestrated by Burma's military rulers and carried out by a pro-government militia reinforced by specially trained prison inmates.

Suu Kyi, 57, has remained in custody, incommunicado and out of public sight ever since, prompting protests from the United Nations, the United States other governments.

The attack was not only a stunning bid to intimidate Suu Kyi and deflate a pro-democracy movement that over recent months had been attracting larger and larger crowds despite mounting governmental harassment, according to exiles and diplomats in Rangoon and Bangkok. It was also an effort by Burma's top leader, Gen. Than Shwe, who had been consolidating control in recent months, to make clear he had lost patience with those in the military advocating dialogue with Suu Kyi.

''This was a brutal power play to show them who is in charge here,'' a European diplomat said. ''This was a message from Than Shwe to the softies in the military that you [had] better watch out. You are not to tolerate Aung San Suu Kyi.''

Although supporters of political reform have despaired of progress for months, the attack outside Mandalay—the bloodiest confrontation since Burma crushed a pro-democracy uprising in 1988—could mark the end to the spring of hope that began almost exactly one year ago.

Under intense international pressure, the Burmese government had released Suu Kyi from house arrest in May 2002. Some high-ranking military officers had calculated that Suu Kyi's popularity had faded during her detention and that she no longer posed the same threat as she had in 1990 when her party, the National League for Democracy, won a landslide election victory, Burmese and other analysts said. Those results were voided by the military, plunging Burma into its current political crisis and a decade of international isolation.

The Burmese government, however, discovered that Suu Kyi still attracted jubilant crowds when she traveled the country reopening nearly 200 local offices for her party. Tens of thousands turned out to chant her name. Many supporters walked miles to see her. Increasingly, her rallies drew Buddhist monks, who command great respect in Burmese society, further alarming the military.

''They are worried that despite all the threats they can employ against the pro-democracy movement, people are continuing to go out and see Aung San Suu Kyi,'' said Win Min, a Burmese researcher who studies civilian-military relations.

Suu Kyi, who has always preached reconciliation, was also becoming openly critical of the government's unwillingness to engage in meaningful dialogue for a political settlement. The optimism that accompanied her release from house arrest had long dissipated.

These developments were an affront to Than Shwe, the junta's leader, who so loathes Suu Kyi that, as one European diplomat said, he ''hates even to hear her name mentioned.''

Than Shwe, 70, chairman of the ruling State Peace and Development Council and armed forces commander, has moved since last year to strengthen his grip on power. He has beefed up the United Solidarity and Development Association, the pro-government militia that witnesses said attacked Suu Kyi's motorcade. He has manipulated the military, government and courts to weaken his leading rivals while placing his loyalists in influential post, said diplomats and Burmese exiles.

''Than Shwe has been taking his time,'' said Zin Linn of the opposition National Coalition Government of the Union of Burma. ''He has purged many of the senior military men who are soft-liners and are in some way impressed with Aung San Suu Kyi'' and Tin Oo, the vice chairman of her party.

Most notably, Than Shwe's ascent has come at the expense of Gen. Khin Nyunt, 64, the head of military intelligence and a leading advocate of dialogue with Suu Kyi. His patron, former dictator Gen. Ne Win, died in December. While Khin Nyunt remains the third-highest-ranking official in the junta, his authority in running military intelligence has been limited and he has told diplomats that he no longer has a mandate to pursue the reconciliation talks, which had been medicated by U.N. special envoy Razali Ismail.

The dispute pits so-called pragmatists, such as Khin Nyunt, who believe Burma can string out the talks with Suu Kyi while placating foreign governments, against officers urging that the pro-democracy movement be crushed. But diplomats and analysts stress that the military is united in its determination to retain power.

Suu Kyi's recent month-long swing through northern Burma offered an opportunity for Than Shwe to deliver a resounding message to the pragmatists that their moment had passed, diplomats and exiles said.

As expedition to the northernmost state of Kachin, which began May 6, was her seventh road trip since her release. It was meant in part to bolster the morale of loyalists in her party, who were disappointed that the reconciliation talks had ground to a halt, said Debbie Stothard, coordinator of ALTSEAN-Burma, a human rights group in Southeast Asia.

The trips, especially this last, had provoked growing harassment by the government, which has staged protests by machete-wielding activists, blasted music to drown out Suu Kyi's speeches and blocked her way with logs and barbed wire. At least once, a firetruck turned its hoses on her supporters.

If the military wanted to escalate the confrontation, Sagaing Division northwest of Mandalay was a good place, Burmese exiles and diplomats said. This impoverished region is the stronghold of Lt. Gen. Soe Win, a Sagaing native and former military commander in the area. He was promoted by Than Shwe in February to the junta's fourth-highest position. Soe Win is also a leading activist in the militia and had toured several towns earlier this year demanding that dialogue with Suu Kyi be halted.

Diplomats and exiles said they have received reports that Soe Win was at a military headquarters in nearby Monywa either during or shortly before the ambush against Suu Kyi's motorcade. Exiles said they believe he ran the operation.

Military officials knew Suu Kyi was coming. She had been required to give them her itinerary.

''Clearly, orders were given for a violent attack,'' a U.S. Embassy official in Rangoon said.

The following account of the May 30 attack was provided by that official based on the findings of a two-person U.S. Embassy team dispatched to Sagaing Division late last week to investigate the incident. Much of the story has been corroborated by information from witnesses provided to other diplomats and exiles.

As Suu Kyi's motorcade traveled north toward the town of Dipeyin about two miles from Monywa, it was met by 100 to 200 people at the bridge. Most of them were disguised as monks but shed the costumes when the fighting erupted. About 400 other convicts and militia recruits disguised as monks with shaved heads, and wearing white armbands, blocked the motorcade from behind.

Though Suu Kyi's supporters tried to assuage the mob, the assailants began beating them and smashing the vehicles' windows. Trying to stave off the attack and shelter Suu Kyi, members of her party stood on the road and locked arms.

At the site, the investigating team found bloodied clothes, clubs and spears, broken glass and debris from damaged vehicles.

''It was pretty clear that a big fight had taken place,'' the embassy official said.

The team's findings contradict the brief version provided by the government—that the confrontation lasted two hours and was provoked by Suu Kyi's party. The government said four people were killed and 50 others injured.

The U.S. team reported that gunfire was heard in the middle of the night when the army arrived to clean up the site. According to other accounts, gunshots rang out during or shortly after the clash.

Reports reaching other diplomats and exile groups said Suu Kyi's driver, trying to remove the democracy activist from the melee, gunned the engine as the crowd pounded the car with rocks and other objects. She was detained by security forces farther down the road in Dipeyin.

Tin Oo, 75, the vice chairman of Suu Kyi's party, was assaulted when he left his car, according to Burmese exiles, who have expressed concern about his condition and whereabouts.

Following the attack, the military closed most of the party's offices across Burma, arrested other democracy activists and criticized Suu Kyi's movement in the press. Some suggest that these steps were part of a planned, concerted crackdown, not just a hurried attempt to prevent Suu Kyi's supporters from protesting the attack and arrests. They noted that in the weeks before the incident, 10 activists from the opposition party were arrested and sentenced to prison terms of two to 28 years.

Since the attack, more than 100 party activists have been arrested and at least a dozen imprisoned, said Stothard, coordinator of the human rights group.

Those killed trying to protect Suu Kyi, or ''The Lady,'' as she is popularly known, reportedly included Toe Lwin, 32, a rising star in the party's youth division who held a philosophy degree and was studying English in Rangoon, a Western diplomat said. He was in Suu Kyi's vehicle, wearing his orange opposition party jacket with its red badge emblazoned with a gold fighting peacock. Suu Kyi treated these supporters as ''surrogate sons,'' and saw in them a future generation of political leaders, Stothard said.

Suu Kyi is being held at Yemon military camp, about 25 miles outside Rangoon, without access to her doctor, party members or Western envoys, concerned diplomats said.

''If they lift her incommunicado status, she will speak,'' a European diplomat said. ''She will speak the truth and this will be damaging for them.''

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DEPUTY SECRETARY OF STATE,
*Washington June 6, 2003.*

Hon. MITCH MCCONNELL,
*Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate.*

DEAR MR. CHAIRMAN: We are outraged by the May 30 attack on Aung San Suu Kyi and her convoy. The deteriorating conditions in Burma are of grave concern to the Administration and we appreciate your leadership in advancing legislation to respond to these events.

The Department of State also appreciates the opportunity to review and comment on the ''Burmese Freedom and Democracy Act of 2003 (S. 1182),'' which you introduced on June 4, 2003. We fully support the goal and intent of this legislation and agree on the need for many similar measures. For example, we are working on a unilateral expansion of the visa ban, extending it to all officials of the Union Solidarity Development Association (part of the SPDC) and their immediate families, rather than just to senior officials, as is current practice. We will also be adding managers of the state-run enterprises and their families to the list.

We agree on the need to prevent IFI funds going to the junta. We will continue to use our voice and vote in those institutions to oppose loans that benefit the military regime. We also agree on the need to express strong support for the NLD, and are doing so in every international forum in which the United States participates, including at the UN. Also significant are the findings of the annual Country Report on Human Rights Practices, Trafficking in Persons Report and Report on International Religious Freedom, which identify and strongly condemn known SPDC abuses. The President's Annual Report on Major Drug Transit or Major Illicit Drug Producing Countries has also identified Burma as a country that demonstrably has failed to meet its international obligations regarding narcotics.

In addition to the above efforts, which are already underway, we are determined to pursue additional measures against the regime, including an asset freeze, a possible ban on remittances and, with appropriate legislation, a ban on travel to Burma. We hope to move forward with these measures expeditiously and with the support of the Congress. We are also considering an import ban, as proposed in your legislation. We support the intent behind the ban but are reviewing the proposal in light of our international obligations, including our WTO commitments.

Again, thank you for your leadership on this issue and your commitment to the cause of freedom. We look forward to working with you on the bill.

Sincerely,

RICHARD L. ARMITAGE.

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[From the Los Angeles Times, June 11, 2003]

FREEZE MYANMAR ASSETS

The military thugs running Myanmar finally may have opened their eyes to the esteem in which Aung San Suu Kyi is held outside their nation. They already knew how much their oppressed citizens thought of the woman who should be leading the nation formerly known as Burma: The huge numbers greeting her on her journeys around her country provided graphic evidence of her popularity.

Harboring despots' fears of ouster by a charismatic pro-democracy leader, the army rulers arrested Suu Kyi, again, after a deadly attack on her motorcade May 30. However, they let United Nations representative Razali Ismail meet with the democracy activist Tuesday after stalling for days.

Delay is not new for Razali, who has sought for two years to push the nation's autocrats toward democracy. He deserves credit for insisting on a meeting with Suu Kyi, so does his boss, U.N. Secretary-General Kofi Annan, who denounces the generals.

In 1947 a political rival assassinated Suu Kyi's father, an architect of the independence movement. Forty years later, his daughter began campaigning against the military regimes that ruled the country for much of its post-independence history. In 1990, she and her party won a parliamentary election but the military scrapped those results and kept her under house arrest. It also refused to let her leave to receive her 1991 Nobel Peace Prize or to be with her husband as he lay dying in England.

But a year ago, the junta let Suu Kyi travel again. Seeing her popularity undimmed, the government organized the May 30 ambush of her motorcade and cited the violence as cause for her arrest. She was held incommunicado until Razali met her. Nearby nations like Thailand and Malaysia feebly protested the assault and arrest.

The U.S. Congress is considering tougher measures to freeze the assets of the Myanmar government held in the United States and to bar the country's leaders from traveling here.

Those steps are warranted unless Suu Kyi is released and allowed to travel freely. The United States and other countries earlier imposed economic sanctions on Myanmar that devastated its economy. Trade with Thailand and China, plus the export of narcotics, has kept it afloat.

The trading partners, other countries in the region and aid givers like Japan need to get tougher by imposing sanctions and aid suspensions to push the country toward democracy; that's the outcome Myanmar's citizens show they favor every time they get the chance.

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[From the Baltimore Sun, June 6, 2003]

SQUEEZE THE JUNTA

A top United Nations envoy was to arrive today in Myanmar, formerly known as

Burma, and not a moment too soon: Human rights and democracy once again are under siege by the narco-state's ruling military party.

The United Nations is demanding that Yangon's generals release 1991 Nobel Peace Prize laureate Aung San Suu Kyi, arrested Saturday after a violent attack on her pro-democracy party by security forces.

The violence, in which activists allege scores were killed, and the subsequent closing of Myanmar's universities and all of the offices of Ms. Suu Kyi's National League for Democracy mark a sudden darkening of the new dawn proclaimed last May when the military regime last released her from house arrest, promising dialogue with the NLD aimed at national reconciliation.

The renewed repression begs for stronger economic sanctions by the United States to squeeze this illegal junta.

This is a regime that competes with North Korea on human-rights abuses—including long quashing the NLD, a legally elected opposition party. As U.N. Secretary General Kofi Annan recently put it, the political aspirations of the Burmese people ''are overwhelming in favor of change.''

In 1990, Ms. Suu Kyi's party crushed the military's candidates in Myanmar's last legal parliamentary election; since then, she has spent much of the time under house arrest. In response, the United States barred new American investments in Myanmar in 1997. But that didn't end the involvement of Unocal Corp., the California energy giant, in a 1995 deal with the junta to extract natural gas off the Burmese coast and transport it via a 250-mile pipelines—a project allegedly built with forced labor and accompanied by military murders and rapes.

As a result, Unocal faces a groundbreaking federal lawsuit brought by international activists for 15 unnamed Burmese villagers under a 1789 U.S. statute allowing lawsuits against U.S. multinational corporations, holding them abroad to the same standards as at home. The outcome could be far-reaching; the Bush administration has weighed in on Unocal's side, arguing that such human-rights cases interfere with U.S. foreign policy and the war on terrorism.

This is precisely the wrong stance. Instead, the U.S. government ought to be moving quickly toward tightening the screws on Myanmar's generals and anyone keeping them afloat financially.

Trade sanctions against Myanmar were proposed last year but dropped when Ms. Suu Kyi was last released. This week, House and Senate bills were entered that call for an import ban and other sanctions, all of which seem fully warranted. Already, a leading U.S. apparel and footwear trade group and many large retailers—from Wal-Mart to Saks—are boycotting Burmese goods.

In other words, this regime ought to be treated somewhat like North Korea, from which imports have long been barred. Granted, Myanmar doesn't pose North Korea's nuclear threat, but it plays such a major role in the world's heroin trade that it's a destabilizing force internationally.

Ms. Suu Kyi is again detained and her party remains under attack because Myanmar's generals figure they can get away with it. The United States must send a stronger message that that's no longer an option.

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BURMA'S JUNTA ''DISAPPEARS'' THE COUNTRY'S LEADING DEMOCRACT

(By Rena Pederson)

In the Trademark manner of thugocracies, Burma's military government, seeking to silence its critics, sent a mob to attack the motorcade of longtime democracy activist Aung San Suu Kyi on the night of Friday, May 30, as she traveled to a speaking engagement in the north of the country. The Nobel Peace Prize winner was assaulted and taken to an undisclosed location.

The government would say only that she had been placed in ''protective custody'' and that she had not been injured. But reports persisted that Suu Kyi had suffered a severe blow to the head and possibly a broken arm. Inside Burma, it was said that hundreds of her supporters had been murdered; international news agencies reported at least 70 killed and 50 injured. At least 18 people were believed detained.

''The problem with getting an accurate story about what happened is that everyone who could speak the truth in Burma is under arrest,'' said one democracy advocate in Washington. The government controls the only two newspapers and TV stations, and the leading journalist is in prison. One in four citizens reportedly spies for the government, so everyone is guarded about what is said in public.

Nevertheless, clandestine sources inside Burma that have proved reliable in the past report that hundreds of armed men attacked the motorcade, some disguised as Buddhist monks. Some were convicts released at the government's behest. They beat Suu Kyi's supporters with bamboo clubs three feet long and riddled her car with bullets. The window was shattered, and either a rock or a brick was thrown at Suu Kyi's head while she was seated in the car. Several students reportedly tried to shield her with their bodies, but they were beaten severely, and she was dragged away bleeding. According to this account, she was taken to a military hospital for stitches and then transferred to Yemon military camp about 25 miles from Rangoon.

Plainly, Suu Kyi, who is 57 and weighs about 100 pounds, faces long odds—though not for the first time. Since 1988, she has been standing up to one of the most brutal regimes in the world. In the process, she has become the photogenic symbol of democracy in Asia. In 1990, her party, the National League for Democracy, won 80 percent of the vote in elections the junta mistakenly had though they could control. Instead of seating the winners in parliament, the generals threw many NLD leaders in jail and placed Suu Kyi under house arrest, where she remained for most of the ensuing 13 years.

In this country, few people know her name, much less how to pronounce it (awn sawn soo chee). But her story has the sweep and drama of ''Gone With The Wind.'' Her father, General Aung San, was a leader of the democracy movement in Burma after World War II and was expected to become the first president after Great Britain relinquished control. He was assassinated when his daughter was only 2. His wife, a wartime nurse, went on to become ambassador to India.

Suu Kyi was educated at Oxford and married a fellow student, who became a professor of Tibetan studies. She lived quietly in England as a wife and mother of two boys until her own mother suffered a stroke in 1988, and she returned to Burma to care for her. In riots that year, soldiers shot and killed more student demonstrators than would die in 1989 at Tiananmen Square. Suu Kyi was entreated to stay and help lead the democracy effort, which she did, at great personal sacrifice. She has seen her sons only sporadically since. And four years ago, as her husband was dying of cancer, the junta refused to grant him a visa to visit her.

The international response to her rearrest has been near unanimous condemnation. In the midst of peace negotiations in the Middle East, President Bush expressed his deep concern and called for the immediate release of Suu Kyi and her supporters, as did United Nations Secretary General Kofi Annan. The most tepid responses came from Burma's Southeast Asian neighbors, who have their own concerns about stability. They asked for an explanation of Suu Kyi's detention, but would not demand her release. Japan, the leading investor in Burma, said the situation was not ''good'' and dialogue was needed for a democratic solution.

It will be up to the United States to increase pressure on the Burmese generals, who apparently thought they could decapitate their opposition while the world was concentrating on the Middle East. The Bush administration must back up its words with actions. On Capitol Hill, Sen. Mitch McConnell, a Kentucky Republican, and Rep. Tom Lantos, a Democrat from California, moved to toughen existing sanctions on Thursday. They will need help. As the Boston Globe pointed out, President Bush could issue an executive order that would accomplish the same thing.

The world hardly needs another crisis at this moment, but the situation in Burma could be destabilizing. Burma has been seeking aid from China, its neighbor to the north, which wouldn't mind having Burma as a vassal state providing port access to the Indian Ocean. That prospect has alarmed India, its neighbor to the west. At the same time, Thailand, to the east, is overwhelmed by the thousands of refugees pouring across the border each day to escape the rapacious Burmese military.

Further complicating the picture, Burma is one of the world's largest producers of heroin and amphetamines. Drug dealers are often seen playing golf with high-ranking generals and hold high positions in major banks. And, oh yes, Burma has one of the fastest-growing AIDS rates in the world-and one of the worst health systems.

When I spoke with Aung San Suu Kyi in February, she expressed frustration that the junta had not opened a dialogue with her party after her release from house arrest in May 2002. ''The government promised that it would begin discussions about the transition to democracy,'' she said. ''They have not. They promised they would release all political prisoners. They have not.'' And they promised to allow the publication of independent newspapers. She asked with a wry smile, ''You haven't seen one, have you?''

This spring she began speaking out more forcefully. When she ventured into the northern states two weeks ago, thousands of supporters risked their lives to greet the woman they call ''the Lady.'' Government harassment then increased. On May 24, 10 NLD members were jailed. On May 29, the day before the ambush, clashes broke out between government supporters armed with machetes and NLD backers, leaving several dead.

Even if Aung San Suu Kyi eventually emerges unharmed, the movement for free elections has been set back by the violent turn of events. The main office of the National League for Democracy, in Rangoon, has been closed, padlocked, and placed under guard, and other party offices have been shuttered. Universities, too, have been shut to prevent student protests.

''The Lady'' is in greater jeopardy than ever before. It remains to be seen what the long-repressed Burmese people and the much-distracted international community will do about it.

Mr. MCCONNELL. Madam President, I note that Senator FEINSTEIN is here. I yield the floor and retain the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair, and I also thank the distinguished Senator from Kentucky for his leadership on this issue. I am very proud to join with him.

Madam President, in 1996, Senator William Cohen and I introduced a sanctions bill on Bumra. It passed in 1996, and was signed by the President. In 1997, the sanctions were exercised.

We had a brief period of hope during that time, and the ASEAN nations were going to be helpful. It looked like the military junta was going to be receptive. Then, recently, for a brief period, Aung San Suu Kyi, the democratic leader of Burma, was released, and discussions took place. Well, that was short lived and this diabolical attack took place on Aung San Suu Kyi.

According to reports, her motorcade was met by 100 to 200 people at a bridge near Mandalay in northern Burma. Most of these people were disguised as monks. Another 400 people—convicts and other militia recruits who were also disguised as monks—blocked the convoy from the rear. Both groups then discarded their costumes and attacked the entourage with bamboo sticks and wooden clubs, smashing vehicles and beating up their targets. Officially, four people were killed and 50 injured. Witnesses contend that as many as 70 may have been killed and many more injured.

This is outrageous. The level of coordination, the deception, and the brutality of the crimes cannot go unanswered. They really demand a forceful and a substantive response that makes clear the United States will not deal with this junta and will not tolerate such blatant disregard for common human decency.

This legislation sends a message. It says: We will not import their products. And those Burmese exports to the United States are about 25 percent of what Burma exports. So it is a considerable message. It has to be remembered, Aung San Suu Kyi is the democratic leader of Burma. She has never been permitted to serve. Her people have been arrested. Members of the Parliament have been arrested and held in custody. Over 1,300 political prisoners are still in jail, many of them elected parliamentarians. The practice of rape as a form of repression has been sanctioned by the Burmese military. The use of forced labor is widespread. Trafficking in young boys and girls as sex slaves is rampant, and the government engages in the production and distribution of opium and methamphetamine. So the United States must act. Now, in general, I do not support trade embargoes as an effective instrument of foreign policy. However, there are certain circumstances—South Africa was one of them, largely because of the world response, and the world saying enough is enough—where there must be change, and where we are prepared to carry out these sanctions together to effect that change. I hope in this sense the United States will lead the way to enact these sanctions in a meaningful way in which other nations will follow.

Our legislation imposes a complete ban on all imports until the President determines and certifies to Congress that Burma has made substantial and measurable progress on a number of democracy and human rights issues.

As Senator MCCONNELL will indicate, there is a provision in the legislation, similar to the most favored nation status for China, that will allow an annual review of this to assess progress. It allows the President to waive the ban should he determine and notify Congress that it is in the national security interest of the United States to do this. It would freeze the assets of the Burmese regime in the United States. It directs United States executive directors at international financial institutions to vote against loans to Burma. It expands the visa ban against past and present leadership of the junta, and it encourages the Secretary of State to highlight the abysmal record of the junta in the international community.

Now, Senator MCCONNELL mentioned that both business and labor are united in support of this legislation. He said the American Apparel and Footware Association, which represents apparel, footware, and sewn products companies and their suppliers, has called for this ban. The president and CEO has stated—and I think this is worth being in the RECORD—''The government of Burma continues to abuse its citizens through force and intimidation, and refuses to respect the basic human rights of its people. AAFA believes this unacceptable behavior should be met with condemnation from not only the international public community, but from private industry as well.''

So well said.

A number of stores, including Saks, Macy's, Bloomingdales, Ames, and The Gap have already voluntarily stopped importing or selling goods from Burma. The AFL-CIO and other labor groups also support this legislation.

In addition, the International Labor Organization, for the first time in its history, called on all ILO members to impose sanctions on Burma.

Such diversity in support of this legislation speaks volumes about the brutality of this military junta and its single-minded unwillingness to take even a modest step toward democracy and national reconciliation.

And to add to it, Aung San Suu Kyi, the democratic leader, is once again being held in custody. This is unacceptable.

The military junta knows full well they do not enjoy the popular support of the Burmese people. That is why they resort to such actions.

As Aung San Suu Kyi traveled the country, and thousands turned out to hear her speak, the junta realized that after years of house arrest and repression, they had failed to curb the power of her message of democracy, of human rights, and the rule of law. They realized that the Burmese people were determined to see the democratic elections of 1990 fully implemented without delay. So in a cowardly and despicable manner they took this action.

Now we must take action. We must take a stand on the side of the people of Burma and on the side of the values we cherish the most.

I urge support and I hope it will be unanimous.

Thank you very much, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I ask unanimous consent that Senator KOHL be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I say to my friend from California, as she was describing the provisions of the bill, the way it is now structured, we will have an annual debate about whether or not these sanctions should be lifted. It will be reminiscent of the most favored nation debates that we had annually regarding the People's Republic of China, which has now graduated to a new status.

But if ever there were a regime that deserved an annual review by those of us here in the Congress, this is a regime that deserves that. So I think that is a debate we are going to look forward to having.

Would you not agree, I say to my friend from California?

Mrs. FEINSTEIN. I certainly agree, I say to the Senator through the Chair. I think it would be very useful. And I think when the recalcitrance, the repression, is on the floor of this Senate every year, hopefully it will be helpful in changing the minds of this military junta.

Mr. MCCONNELL. Madam President, I first introduced a bill on this subject back in 1993. It is one of these issues that, I must regretfully say, you take an interest in and follow over a period of time and never see anything change. There is never any progress that could be measured—until a year or so ago when the junta led Aung San Suu Kyi basically out of house arrest. We were supposed to applaud that as some kind of remarkable step in the direction of recognizing the outcome of the election in 1998 in which she and her party got 80 percent of the vote. She won the Nobel Peace Prize in 1991 while she was essentially incarcerated. She remained under house arrest—except for about a year or so—ever since.

Various strategies have been tried. The Thai Prime Minister, who was in town yesterday—some of us talked with him, and I know he met with the President—this new Prime Minister in Thailand decided to engage in what he called ''constructive engagement.'' Obviously, constructive engagement doesn't work. What this regime needs is to be isolated. I know there are some skeptics even in this body with regard to the ability of sanctions to have a real impact.

Let me tell you, if there is one place in the world where sanctions worked, it was South Africa. The reason it worked there is because everybody participated and they were truly isolated. They became a pariah regime throughout the world, and that led to the dramatic changes that brought Nelson Mandela to power after decades in jail.

That can happen here. The United States needs to lead. Secretary Powell is going out to the ASEAN regional forum in Phnom Penh on June 18 and 19 next week. This is an opportunity for him to put it at the top of the agenda.

I said to the Thai Prime Minister that I thought constructive engagement wasn't working and they needed to join with us and help us lead the other ASEAN countries in the direction of a sanctions regime, on a multilateral basis, that could shut these people down. Some would say, well, if you have effective economic sanctions, it hurts the people. It doesn't hurt the people in Burma because the regime takes all profits off of the exports. They make money on the exports and the drug traffic, which they are quite good at.

So this regime needs to be squeezed by the entire world, isolated, and that is a strategy that we hope to begin today with the passage of this legislation in the next 30 or 45 minutes.

I know on our side, Senator MCCAIN wants to speak, KAY HUTCHISON wants to speak, and, I believe, Senator BROWNBACK wants to speak. How much time remains?

The PRESIDING OFFICER. There are 15 minutes 43 seconds.

AMENDMENT NO. 882

Mr. MCCONNELL. Madam President, there is a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRASSLEY, and Mr. BAUCUS, proposes an amendment numbered 882.

Mr. MCCONNELL. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 883 TO AMENDMENT NO. 882

Mr. MCCONNELL. Madam President, there is a technical amendment to the substitute at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for himself, Mr. GRASSLEY, and Mr. BAUCUS, proposes an amendment numbered 883 to amendment No. 882.

Mr. MCCONNELL. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the duration of certain sanctions against Burma, and for other purposes)

On page 5, line 5, insert ''and except as provided in section 9'' after ''law''.

Beginning on page 7, line 23, strike all through page 8, line 3, and insert the following:

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this Act, the term ''appropriate congressional committees'' means the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

On page 8, beginning on line 5, strike all through line 13, and insert the following:

(1) IN GENERAL.—The President may waive the prohibitions described in this section for any or all products imported from Burma to the United States if the President determines and notifies the appropriate congressional committees that to do so is in the vital national security interest of the United States.

On page 11, beginning on line 16, strike ''Committees on Appropriations and Foreign Relations of the Senate'' and all that follows through ''House of Representatives'' on line 19, and insert ''appropriate congressional committees''.

On page 12, beginning on line 1, strike ''Committees on Appropriations and Foreign Relations of the Senate'' and all that follows through ''House of Representatives'' on line 4, and insert ''appropriate congressional committees''.

On page 12, after line 16, insert the following:

(3) REPORT ON TRADE SANCTIONS.—Not later than 90 days before the date that the import restrictions contained in section 3(a)(1) are to expire, the Secretary of State, in consultation with the United States Trade Representative and other appropriate agencies, shall submit to the appropriate congressional committees, a report on—

(A) conditions in Burma, including human rights violations, arrest and detention of democracy activists, forced and child labor, and the status of dialogue between the SPDC and the NLD and ethnic minorities;

(B) bilateral and multilateral measures undertaken by the United States Government and other governments to promote human rights and democracy in Burma; and

(C) the impact and effectiveness of the provisions of this Act in furthering the policy objectives of the United States toward Burma.

**SEC. 9. DURATION OF SANCTIONS.**

(a) TERMINATION BY REQUEST FROM DEMOCRATIC BURMA.—The President may terminate any provision in this Act upon the request of a democratically elected government in Burma, provided that all the conditions in section 3(a)(3) have been met.

(b) CONTINUATION OF IMPORT SANCTIONS.—

(1) EXPIRATION.—The import restrictions contained in section 3(a)(1) shall expire 1 year from the date of enactment of this Act unless renewed under paragraph (2) of this section.

(2) RESOLUTION BY CONGRESS.—The import restrictions contained in section 3(a)(1) may be renewed annually for a 1-year period if, prior to the anniversary of the date of enactment of this Act, and each year thereafter, a renewal resolution is enacted into law in accordance with subsection (c).

(c) RENEWAL RESOLUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''renewal resolution'' means a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: ''That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.''

(2) PROCEDURES.—

(A) IN GENERAL.—A renewal resolution—

(i) may be introduced in either House of Congress by any member of such House at any time within the 90-day period before the expiration of the import restrictions contained in section 3(a)(1); and

(ii) the provisions of subparagraph (B) shall apply.

(B) EXPEDITED CONSIDERATION.—The provisions of section 152 (b), (c), (d), (e), and (f) of the Trade Act of 1974 (19 U.S.C. 2192 (b), (c), (d), (e), and (f)) apply to a renewal resolution under this Act as if such resolution were a resolution described in section 152(a) of the Trade Act of 1974.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the substitute amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 882) was agreed to.

Mr. MCCONNELL. I ask unanimous consent that the technical amendment to amendment No. 882 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 883) was agreed to.

Mr. MCCONNELL. Madam President, I will retain the remainder of my time, if I may.

Mrs. FEINSTEIN. Madam President, I will just use a quick minute. I mentioned some of the retail establishments supporting this but I left out a couple. I mentioned Saks Fifth Avenue, and there is also Macy's, the Gap, Bloomingdale's, Ames, Williams Sonoma, IKEA, Wal-Mart, Nautica, and Pottery Barn. I am very proud of these retail establishments for standing up and joining us. I wanted to recognize that on the floor.

Mr. MCCONNELL. Madam President, I am glad the Senator from California mentioned those important corporations. Obviously, they could conceivably benefit from low-cost imports but they are choosing not to allow the regime to make a profit off of these American corporations. They deserve our commendation.

I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I ask unanimous consent to be able to proceed on the time controlled by Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I rise in support of the efforts of Senator MCCONNELL and Senator FEINSTEIN and acknowledge the leadership of Senator BAUCUS, as well, in working this out. Senator MCCONNELL has been tireless in his efforts to promote democracy in Burma and has been an acknowledged leader in this area. I thank him for not relenting.

I think it is to state the obvious that it is vital for us to express our concern for the freedom of Aung San Suu Kyi, leader of the National League for Democracy and a winner of the Nobel Peace Prize. On May 30, Government-affiliated thugs ambushed an automobile convoy carrying the leader and many of her supporters. Dozens of people were reportedly killed and injured in the crash. She was detained by Government authorities, who also ordered the NLD offices closed nationwide.

Aung San Suu Kyi remains under arrest, and the Government has refused to allow supporters or members of the diplomatic community to meet with her.

When Burma's military rulers freed Aung San Suu Kyi of house arrest last year, they claimed her release was unconditional and they pledged to continue the U.N.-facilitated dialog, which led to her freedom. With last month's premeditated attack and her current detention, the junta has abrogated all of its commitments and warrants no more time.

It is not hard to discern the motives of the junta.

They are scared. They are scared the people of Burma will rally and remove them from power, and they are right to be afraid. As Aung San Suu Kyi has toured schools, hospitals, businesses, and government organizations around Burma, she has been met by joyous crowds, and it is obvious to all observers that she remains as loved by the people of Burma as the military junta is reviled. It is time for the present military oligarchy to fade into history.

Burma's transition to democracy would be a most welcome development for all of Southeast Asia.

Despite pledges to crack down on narcotics production, the military continues to collaborate with heroin and methamphetamine traffickers. It has failed to address the legitimate demands of ethnic minorities for significant regional autonomy within a federal state, preferring military pressure to political accommodation.

The generals have enriched themselves while bankrupting the country. They have dismantled Burma's education system and ignored the growing threat to public health posed by AIDS, malaria, and tuberculosis. As the State Department notes with characteristic understatement in its most recent human rights report:

> The quality of life in Burma continues to deteriorate.

That may be the understatement of the month. It is well past time for the generals to do what they said they would do; namely, begin a process that would eventually transfer the reins to a representative civilian government that would enjoy domestic and international legitimacy.

Unfortunately, there are few indications that the regime intends to step down. Indeed, they apparently had high hopes the United States Government, taking note of Aung San Suu Kyi's release last year, would take steps to lift the many sanctions imposed when the army brutally suppressed Burma's democracy movement in 1988. The regime spent $450,000 to retain the services of a prominent Washington lobbying firm to help push the President and Congress to normalize relations, restore access to international financial institutions, and resume foreign aid.

They were willing to spend $450,000 to improve their image, but last year the officials operating the government spent less than $40,000 nationwide on HIV/AIDS care and prevention. Each of the nation's 35,000 primary schools receives on average less than $1 from the central government each year; $35,000 for the national education budget; $450,000 for lobbying in Washington.

No amount of money can hide the character of the Burmese military rulers. As the United States people stood with Nelson Mandela in his bid for freedom and democracy for the people of South Africa, so we should now stand with those who are moving Burma toward a free and open society and the National League for Democracy as they try through peaceful means to end the tyrannical, brutal rule of Burma's military rulers.

Again, I thank Senators MCCONNELL and FEINSTEIN for their leadership in this area, and I am confident we will win wide support of our colleagues. It is time that we are clearly standing on the right side of this issue.

The PRESIDING OFFICER. The assistant Republican leader.

Mr. MCCONNELL. Madam President, I thank my friend, the ranking member of the Foreign Relations Committee, for his contributions to the debate. I very much appreciate it.

I yield 8 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank my colleague from Kentucky, Senator MCCONNELL, for his leadership, and I thank the Senator from California, Mrs. FEINSTEIN. I thank Senator MCCONNELL for his longstanding support of this brave and heroic person and the movement she leads.

Several years ago, I happened to visit Myanmar, which I will refer to from now on as Burma. I had the great honor—one of the great honors of my life—to meet this incredible hero, this incredible leader, this incredible person who has spent her life under duress, under punishment, under pressure, under house arrest, even to the point of physical mistreatment at the hands of this gang of thugs that runs and has ruined this country.

I will never forget the day I met her. I will never forget the grace, the dignity, and the heroism that was clearly radiating from every part of this incredible person who very appropriately has been recognized with the Nobel Peace Prize.

I remind my colleagues that she has been kept under house arrest for many years. She was released in 1995 finally, and then she was again confined to house arrest in 2000. Just a few days ago, as a motorcade of about 250 people drove through, about 500 armed soldiers, members of the military-backed Union Solidarity and Development Association, and an unknown number of convicts recruited from Mandalay prison with the promise of reward and freedom rushed and attacked it.

In the ensuing melee, which lasted about an hour, the attackers beat up NLD members, shot them with catapults, soldiers opening and firing, killing and wounding a large number of NLD members.

Aung San Suu Kyi was taken into custody in an unknown place. Apparently, thank God, according to the U.N. envoy, Mr. Ishmael, she is in good physical condition.

This junta has ruined the country. It has deprived the people of their fundamental freedoms. This gang of thugs has mistreated this great person in the most disgraceful fashion. She should be free. She should be free to lead her country as was already endorsed by one free and fair election overwhelmingly.

Why did they do that this time? Because everyplace Aung San Suu Kyi went, the people welcomed her by the thousands, and the junta could not stand it. So they had to kill her people, her supporters, and they had to throw her back into prison.

What did one of the leaders who is supposed to be a moderate, whom I also met when I was in Burma, GEN Khin Nyunt—remember that name—say? He said:

> Everyone needs to abide by the rules and regulations to be observed everywhere.

Adding:

> It is to be noted that the basic human rights would not protect those who violate an existing law.

What existing law? What existing law that would ever be judged a legitimate law in any court in the world was Aung San Suu Kyi in violation of when they killed her supporters, mistreated her, and put her back into prison?

I do not know why the Japanese, the Thais, the Chinese, and the ASEAN nations, that ostensibly are supposed to

be standing up for freedom and democracy, are not doing everything possible to punish this regime, free this incredible person, and let the people of Burma have a free and fair election.

I thank, again, Senator MCCONNELL. I point out that we should be taking every single measure possible, and I do not believe the Secretary of State should attend the ASEAN gathering in Phnom Penh, Cambodia, unless Aung San Suu Kyi and the situation in Burma are No. 1 on the agenda of ASEAN. Are we going to sit by and watch the brutalization of a people, the imprisonment of a Nobel Peace Prize winner, and the repression and devastation of a nation be carried out by a gang of thugs that call themselves generals? I hope not.

I hope the message today in the legislation we are considering, thanks to the Senator from Kentucky, is a message that this is the beginning—this is the beginning—of our efforts to free this person and to free the people of Burma.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I strongly support the Burmese Freedom and Democracy Act of 2002 that has been introduced by Senators MCCONNELL and FEINSTEIN. The legislation, as was said, seeks to pressure the military junta in Burma to release Aung San Suu Kyi, and to help bring democracy and human rights to Burma.

Several days last week—in fact, time and time again—Senator MCCONNELL came to the floor to speak on this issue. I want to commend my colleague, the senior Senator from Kentucky, for his steadfast leadership. I associate myself gladly with his remarks. I have also joined him as an original cosponsor of this legislation.

The message the legislation sends to the ruling junta in Burma is clear: Its behavior is outrageous. By any standard anywhere in the world, its behavior is outrageous. Aung San Suu Kyi is the rightful and democratically elected leader of Burma. It is that simple. Aung San Suu Kyi is the rightful, elected leader of Burma, and the ruling junta does not want her to take office because they know that their days of repression, corruption, torture, and murder would be over. She and her fellow opposition leaders must be immediately released.

This legislation also sends a clear signal to the administration, to ASEAN members, and to the international community that we need to turn up the heat on this illegitimate regime.

The efforts of Senators MCCONNELL and FEINSTEIN are already having an impact. On June 5, 2003, our State Department issued a strong statement, which reads:

> The continued detention in isolation of Aung San Suu Kyi and other members of her political party is outrageous and unacceptable.

I agree. But we all know that U.S. actions can only go so far. Bringing democracy and human rights to Burma is going to require active pressure from Burma's neighbors in Southeast Asia, particularly Thailand, Japan, and China. I hope they apply the pressure for human rights and democracy that many of them profess to support. They should disavow the failed policies of engagement.

I am pleased to see that the McConnell-Feinstein legislation attempts to trigger a process to ratchet up the regional pressure on the Burmese Government. I am glad to see that the United States has demarched every government in Southeast Asia on this issue. I agree with the Bush administration on this very much. We have to bring this kind of pressure. As Senator MCCONNELL has pointed out, the administration could, on its own initiative, impose many of the sanctions called for in this legislation.

All of us were relieved yesterday when the U.N. envoy in Burma was finally able to see Aung San Suu Kyi. According to CNN, the U.N. envoy said that she shows no sign of injury following clashes with the pro-government group. His exact words were:

> She did not have a scratch on her and was feisty as usual.

That is indeed good.

I was also glad to see the U.N. envoy calling on the members of the ASEAN to drop the organization's policy of nonintervention. He stated:

> ASEAN has to break through the straitjacket and start dealing with this issue. . . .The situation in Burma can only be changed if regional actors take their positions to act on it.

I agree. The international community has the responsibility to act together to pressure the SPDC. The time, if there ever was a time, for appeasement is over. It is always a time for democracy to flourish. Democracy has spoken. It is being held back by the junta in Burma. It is time for them to step aside.

I see the distinguished senior Senator from Kentucky in the Chamber. I again commend him for his leadership, and I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Kentucky.

Mr. MCCONNELL. I thank my good friend from Vermont for his important contribution in this debate and his kind words about how we got to this point. Ultimately, I guess we will all be judged by whether or not this is effective, I say to my friend from Vermont. For these sanctions to be truly effective, we have to lead and the rest of the world has to join us in sanctions of a regime that truly operates on a multilateral basis like those that worked in South Africa.

I ask unanimous consent that Senator CAMPBELL be added as a cosponsor to this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, today I am pleased to express my strong support for the Burmese Freedom and Democracy Act of 2003. This bill sends a powerful message to the ruling military junta in Burma that their violent restrictions against freedom and democracy will not be tolerated and will have serious consequences. Their recent actions have yet again demonstrated to the world that this junta cannot be trusted.

The international community cannot allow the crimes committed by the Burmese military against the rightfully elected leader of Burma, Aung San Suu Kyi, her followers, and the Burmese people to go unpunished. So, it is my great hope that the actions that the Senate is taking today will provide the international leadership needed to put the spotlight on the Burmese military junta and make them change their ways.

I know that other countries, including the European Union, are also considering sanctions against Burma. A multilateral effort must be made so that we send the right message and so that our efforts are as effective as possible.

I am proud to be an original cosponsor of the Burmese Freedom and Democracy Act of 2003. I look forward to continuing to work with my colleagues to help bring freedom and justice to the Burmese people.

Mr. KENNEDY. Mr. President, when Aung San Suu Kyi and her supporters were so viciously assaulted last month, Burma's brutal leaders were responsible for yet another major crime against human rights. The violent repression of these democracy activists is a tragic and appalling example of the Burmese Government's shameful and continuing suppression of genuine reform.

Only a year ago, Suu Kyi had been released from one of her previous house arrests in Burma, and that arrest had lasted 19 months. This new atrocity has outraged the world once again, and stronger action by the United States and the entire international community is long overdue.

The Burmese Freedom and Democracy Act calls for stiffer economic sanctions and the immediate release of Suu Kyi and her supporters. She won the Nobel Peace Prize in 1991 for her inspiring courageous leadership. Again and again, she shows us why she deserves it. She is an inspiration to all who care about justice and human rights.

Mrs. HUTCHISON. Mr. President, I stand today in support of S. 1182, introduced by Senator MCCONNELL that I am cosponsoring. This bill answers the rising concern that democracy cannot begin to take its first promising steps in Burma. The news in the last few days clearly indicates that democracy in Burma is in serious trouble again.

On Friday, May 30, in its latest crackdown against the National League of Democracy, Burma's military regime detained Aung San Suu Kyi, a popular prodemocracy activist,

and other leaders of her political party. There are reports that her car had been hit by gunfire, and conflicting reports whether she had been hurt.

The clash came in a town 400 miles north of the capital city of Rangoon. She was transported to Rangoon where she remains under house arrest. It took nearly 2 weeks of constant international pressure on Burma's military regime for a United Nation's envoy to visit her yesterday. The envoy reported she is in good spirits and had not been hurt in the clash that resulted in her detention, but Burmese officials still refuse to give a timetable for her release.

When Aung San Suu Kyi was detained, the Burmese Government closed the offices of the National League of Democracy and arrested some of its provincial leaders. They also closed all university and college campuses. The Burmese military government is acting with renegade abandon.

The detention of Aung San Suu Kyi follows a clear pattern by the ruling military over the past decade to prevent her and her political party from assuming power, despite the democratic election they won by a landslide in 1990. Barely a year ago, the Burmese Government released her from 19 months of house arrest, but only after intense international pressure.

Aung San Suu Kyi captured the world's attention as a leader in the prodemocracy movement in her country after her Government refused to let her party take office. She received the Nobel Peace Prize in 1991 for her nonviolent efforts to promote democracy. Today, the military rule in Burma has shackled Aung Sun Suu Kyi again, but the world has not lost notice.

It is time to isolate this oppressive regime and demand the release of those it is holding for doing nothing more than seeking democracy for their nation.

Senator MCCONNELL'S bill will sanction the ruling Burmese military junta, strengthen Burma's democratic forces, and support and recognize the National League of Democracy as the legitimate representative of the Burmese people. It is time to increase the pressure on those who seek to snuff out the flame of democracy in a nation whose people clearly support it.

Mr. BAUCUS. Mr. President, I rise today to echo the condemnations of the military rulers of Burma that my colleagues have so forcefully offered.

Burma should by all rights be a prosperous country. It has over 50 million people, abundant natural resources, and a population hungry for democracy.

Instead, it is an international outcast, ruled by a few military men who finance their country through drug trafficking and forced labor.

Perhaps most egregious is the failure of the military rulers to recognize the results of a free and fair election in which the Burmese people overwhelmingly chose Aung San Suu Kyi as their leader. Rather than sitting at the head of a democratic Burmese Government, she is sitting in a Burmese jail, a prisoner of the military rulers.

The existence of a democratically elected government-in-waiting makes Burma unique, but that is not all that makes Burma unique.

Suu Kyi has consistently supported sanctions against the military rulers of Burma, and 3 years ago, the International Labor Organization, for the first time in its 82-year history, urged the world to impose sanctions against those rulers.

The bill we consider today will send a strong message to the illegitimate military regime in Burma that their recent actions in attacking Suu Kyi and her followers and imprisoning Suu Kyi are intolerable. A unanimous passage would send that signal loud and clear.

These sanctions would be most effective if the whole world joined us. Unilateral sanctions can send a strong message, but they are rarely effective. In fact, they can even end up unintentionally adding further misery to an already oppressed people while leaving their rulers unscathed.

Multilateral sanctions, on the other hand, can have a dramatic effect. I know that others are considering sanctions, including the European Union. I applaud their attention to this issue and urge them to act as we have acted.

I also urge the administration to work with our allies, particularly those in the region, to create a united front of sanctions against the military rulers of Burma. We must work toward multilateral support.

Importantly, this bill ensures that Burma will never fade from congressional minds. We will not simply impose sanctions now and then forget all about Burma.

Every year, we will vote on renewing sanctions. Every year, we will be talking about Burma and how best we can work to aid those working for democratic change in that country.

The military rulers of Burma should know that their crimes against Suu Kyi, her followers, and the Burmese people will be neither forgiven nor forgotten.

I appreciate the leadership of Senators MCCONNELL and FEINSTEIN on this issue. They deserve our thanks for consistently bringing the important issue of human suffering in Burma to the attention of this body.

I would also like to thank Senator GRASSLEY. He and I worked hard to make changes to this bill that, in my view, make it better.

I urge my colleagues to pass this bill unanimously today, and I urge the House of Representatives and the President to act soon to pass this bill into law. Let's send the strongest signal possible to the illegitimate regime in Burma.

Mrs. BOXER. Mr. President, 13 years ago, Aung San Suu Kyi and her party, the National League for Democracy, won an election in Burma with 82 percent of the vote.

It was a clear sign that the Burmese people had rejected its military rulers that had been in place since 1962. Unfortunately, the people of Burma were denied its true leader when the military regime arrested Suu Kyi and thousands of her supporters.

For the past 13 years, Suu Kyi has courageously pushed for democratic reform in Burma through nonviolent means even through she spent a great deal of this time under house arrest. For her bravery and dedication to freedom and democracy, she was awarded the Nobel Peace Prize in 1991.

Last year, the military rulers of Burma released Suu Kyi from house arrest. But, apparently, the strong support Suu Kyi continues to receive from the Burmese people was too much for the ruling military regime.

On May 30, in a northern Burmese town 400 miles from Rangoon, supporters of the military regime attacked Suu Kyi's convoy and had her arrested. Suu Kyi and thousands of her supporters were reportedly injured in the attack. Scores of Suu Kyi supporters were reportedly killed.

The international community must not let this act of brutality stand. That is why I am pleased to cosponsor and support Senator MCCONNELL's legislation to increase sanctions on Burma.

This legislation will impose a total import ban on Burmese goods, freeze the military regime's assets in the United States, tighten the visa ban on Burmese Government officials, and make it U.S. policy to oppose any new international loans to Burma's current leaders.

This is an important step. It is also important to make sure that the international community and regional powers do their part to provide real and sustained pressure on Burma's illegitimate rulers.

I was pleased to see that the United States has sent formal diplomatic requests to 11 nations in the region asking them to pressure the Burmese Government on the release of Suu Kyi.

I also sent a letter to the Japanese Ambassador asking his nation to put more pressure on Burma's military rules after Japan's Foreign Minister indicated that this incident would not set back democratization efforts in Burma. I know our Japanese friends will help us in this important issue of human rights and provide a stronger condemnation of the attack on Suu Kyi.

All nations, the international community, and regional organizations must take a stand against this outrage carried out by Burma's military leaders. We must do our part to support this brave woman and her followers.

Mr. LAUTENBERG. Mr. President, I rise today to support S. 1215 and to express my dismay about the current human rights situation in Burma.

On May 30, opposition leader Aung San Suu Kyi and at least 17 officials of

her party were detained after a violent clash with members of the Union Solidarity Development Association, a government-created organization that has increasingly taken on paramilitary activities.

The military junta that rules Burma has stated that ''only'' four died in the violence.

But the National League for Democracy, Suu Kyi's party, has put the death toll at 75. Furthermore, it is likely the Burmese Government deliberately provoked the clashes to justify cracking down on opposition leaders and closing down universities.

Since May 30, the junta has kept Suu Kyi, who is the 1991 Nobel Peace Prize recipient, in an undisclosed location.

We have recently received word from a U.N. envoy that Suu Kyi is safe, and members of the Burmese Government have promised that they will release her expeditiously.

I join with my colleagues in this body, and with the American people, in demanding that the Burmese regime fulfill this promise immediately. The Government must also find those responsible for the violence and hold them accountable.

The bill we have before us today addresses the serious human rights situation in Burma. The recent violence and detainment of opposition leaders exemplify Government repression conducted on a systematic and frequent basis.

S. 1215 would punish Burma's dictators, who have a chokehold on the nation's economic life, by barring the import into the United States of goods manufactured in Burma and by freezing the U.S. assets of the regime's leading generals. These are targeted sanctions that would punish the military dictators in Burma, those who are directly responsible for suppressing human rights there.

Nearly 55 years after the Universal Declaration of Human Rights, and only weeks after fighting a war to liberate 24 million Iraqis, the U.S. Senate must remain steadfast in its resolve to preserve the freedom of peoples throughout the world.

As a strong advocate for human rights and democratic governance in Southeast Asia, I call on this body to stand up to the military junta of Burma by passing this important legislation. We need to send a message to these thugs that their brutal reign of oppression and terror does not go unnoticed and will not last.

Mr. MCCONNELL. How much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. MCCONNELL. I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I believe I have about 5 minutes remaining.

Mr. ALEXANDER. That is correct.

Mr. MCCONNELL. How much time remains on the other side?

The PRESIDING OFFICER. One minute 48 seconds.

Mr. MCCONNELL. Maybe we could get some time on the other side. I yield the remainder of my time to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleagues for allowing me to speak on this legislation.

The weekend before last, the military junta in Burma, ironically going by the name of the State Peace and Development Council, staged a violent clash between a government-supported militia called the United Solidarity and Development Association and activists of the National League for Democracy, the NLD.

As reported in the press, during the ensuing assault on the NLD, these thugs attacked the caravan of supporters led by Nobel Peace Prize laureate and democratic activist Aung San Suu Kyi and subsequently detained her and 19 members of the NLD, killed scores of NLD activists and, in the aftermath, closed down universities and NLD offices in the country. This is intolerable. Today I hope this institution can stand tall by roundly condemning this thieving, bantam tyranny that is taking place in Burma.

The regime claims they are detaining her, a Nobel Peace Prize winner, and NLD supporters for their safety. They accuse her of causing unrest and violence and claim she is in danger because of inflammatory speeches she has been giving on her tour of northern Burma.

I find this accusation to be absolutely ridiculous, but nevertheless, a common refrain coming from a government known for flaunting its human rights abuses which include slave labor, rape and forced prostitution, pressing children into the military, all a carefully constructed campaign to terrorize the people of Burma and consolidate the petty kleptocracy.

Aung San Suu Kyi's whereabouts are now known; the UN Secretary General's envoy Mr. Razali Ishmail is in Rangoon working to negotiate her release. I cannot bring myself to believe a word of what the SPDC says. It was reported in the press that she has a serious head injury; however, today I hear that Mr. Razali has seen her and that she is unharmed. My colleague from Kentucky and I do not believe it. And the regime has done nothing to reassure any member of the international community of their intentions. Aung San Suu Kyi is not free, Burma is not free.

In fact, this is part of a clear pattern of continually thwarting the advance of democracy and freedom in Burma—something for which Aung San Suu Kyi is the living symbol. More than that, she has recruited some of the most talented and most dedicated young people to her cause.

As reported by yesterday's Washington Post, one of those young people was a young man by the name of Toe Lwin. This young man, and many others in NLD like him, dedicated every once of his being to the cause. Bringing change to Burma and protecting Aung San Suu Kyi were the things for which he was willing to die.

This young man died trying to protect her. I am told that she sees all of these dedicated, inspiring young people as her children. I am sure that it breaks her heart to know that blood has been spilt in this effort.

We cannot seek a better tribute to this young man's life than by aiding the cause of democracy by passing this bill.

The SPDC seems like a bunch of bush-league autocrats. But what I want my colleagues to know is that this group of thugs is not just some common banana republic or petty dictatorship.

In 1988, the then-called State Law and Order Restoration Council, SLORC, took power and began its repression of pro-democracy demonstrations. After National Assembly elections in 1990, which were poised to overwhelmingly bring to power Aung San Suu Kyi and the NLD, SLORC annulled the elections, began jailing thousands of democracy activists, suppressed all political liberties, and periodically placed Aung San Suu Kyi under house arrest.

And this is just the opening line of the story. These thugs conscript thousands of their citizens, including children, into the military to serve as porters and to work on state development projects. In addition, narcotics is a big business for the ruling Burmese generals; however, there are some who will claim that we are getting full cooperation in combatting Burma's trade in heroin and amphetamines.

The most recent International Narcotics Control Strategy Report published by the Department of State reads, ''Burma is the world's second largest producer of illicit opium.'' It continues stating ''. . . no Burma Army Officer over the rank of full Colonel has ever been prosecuted for drug offenses in Burma. This fact, the prominent role in Burma of the family of notorious narcotics traffickers, and the continuance of large-scale narcotics trafficking over the years of intrusive military rule have given rise to speculation that some senior military leaders protect or are otherwise involved with narcotics traffickers.''

Yet I understand there was an active effort by some embedded bureaucrats to give the junta a free pass on drug certification. We are not dealing with the boy scouts of Southeast Asia.

I think that is the wrong approach to dealing with the problem of the SPDC's

brutal rule. If today's paper is accurate, then it looks as if our government is beginning to take the correct steps to respond to the situation. We have put eleven countries on notice, notably Thailand and China, for their support of Burma.

This may be the mortal blow that weakens the regime. That is why next Wednesday I have planned hearings to discuss the support for the SPDC coming from key players in the region. Some of these countries need to give us some private assurances about their willingness to forgo continued support of the regime. Others need to be put on notice for the degree and nature of support for the SPDC junta.

Singapore, North Korea, Russia, and Malaysia have all been in cooperation or given assistance in the political, economic or military spheres. I will be inviting members of the administration and the NGO community to give their knowledge of on-the-ground support for the SPDC.

This week, the Prime Minister Thaksin Shinawatra of Thailand is in town for an important visit with President Bush. It was reported that the President has already weighed in with the Prime Minister. I hope to do the same when I attend a luncheon today for the Prime Minister hosted by Senator BOND.

Because the can predict the perils of dealing with a thieving, murderous dictatorship, many companies, especially here in the U.S., are avoiding doing business with these guys altogether. Department stores, clothing manufacturers, footwear and apparel companies are all telling the junta to take a hike.

Maybe the Senate should consider telling them the same.

I note my personal experience. I was on the Thai-Burma border in late 2000. This was on a trip where we were working on the issue of trafficking in persons, sex trafficking. We found at that point in time in 2000, and it continues today, one of the highest trafficked areas in the world was between Burma and Thailand. What was taking place was the people of Burma were fleeing this totalitarian dictatorship that brutalized its own people. The people of Burma were fleeing into Thailand. On that border, then, they were fresh meat for the people who traffic in persons, primarily for sex exploration, primarily of young girls. We saw girls 11, 12, 13 years of age, even younger, being taken—abducted in some cases—and in some cases sold because the family was so poor, sold into what they thought was a condition they would serve someone in a home or work in a restaurant. Instead, they were put in a brothel in Bangkok or someplace else in Thailand to a horrific environment at this very young age, with most of them contracting AIDS, tuberculosis, and dying at a young age. This was one of the key traffic areas of the world. It was being caused by this government in Burma that cared nothing about its people.

These were the most wonderful people in the world. They were trying to eke out some mere existence. This was a government that cared absolutely nothing at all about them.

Now they have gone and arrested the Nobel Prize-winning activist, democracy activist who has done this in a peaceful way in Burma to try to bring her country forward. They have taken the next step down the road on this anarchy of horrific treatment of their own people, a complete movement against the way the rest of the world is moving.

I support this resolution. It is very timely. I applaud Senator MCCONNELL for his work. It is important we send this message that this regime is treating its own people so badly that these sorts of conditions arise. We need to be on record. The rest of the world needs to be on record to press this regime to stop persecuting its own people in such terrible ways.

I hope this will send a message to the regime in Burma and to people around the rest of the world that we will continue to bring economic and diplomatic pressure in a quick fashion against this regime in Burma. This should not wait for years to develop.

Furthermore, there are big questions many times about whether these sanctions work. Against a big economy there are legitimate questions. Against a small economy, against a situation in a country such as Burma, where it is located, I think these work very well and it sends an extraordinary message to Burma. It also sends a big message to Thailand, which is a key country for us, to get their attention that they should not repatriate the Burmese back into Burma and we should recognize the refugee status for the Burmese in Thailand, a country that wants to work closely and carefully with us.

I yield the floor.

Mr. MCCONNELL. Mr. President, I thank the Senator from Kansas for his contribution. I am not aware of any more speakers on this side.

Mr. LEAHY. Nor on this side. I am willing to yield back the remainder of the time.

Mr. MCCONNELL. Therefore, I ask unanimous consent all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

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

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from New York (Mr. SCHUMER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—97

| | | |
|---|---|---|
| Akaka | Dodd | Lott |
| Alexander | Dole | Lugar |
| Allard | Domenici | McCain |
| Allen | Dorgan | McConnell |
| Baucus | Durbin | Mikulski |
| Bayh | Edwards | Miller |
| Bennett | Ensign | Murkowski |
| Biden | Feingold | Murray |
| Bingaman | Feinstein | Nelson (FL) |
| Bond | Fitzgerald | Nelson (NE) |
| Boxer | Frist | Nickles |
| Breaux | Graham (FL) | Pryor |
| Brownback | Graham (SC) | Reed |
| Bunning | Grassley | Reid |
| Burns | Gregg | Roberts |
| Byrd | Hagel | Rockefeller |
| Campbell | Harkin | Santorum |
| Cantwell | Hatch | Sarbanes |
| Carper | Hollings | Sessions |
| Chafee | Hutchison | Shelby |
| Chambliss | Inhofe | Smith |
| Clinton | Inouye | Snowe |
| Cochran | Jeffords | Specter |
| Coleman | Johnson | Stabenow |
| Collins | Kennedy | Stevens |
| Conrad | Kohl | Sununu |
| Cornyn | Kyl | Talent |
| Corzine | Landrieu | Thomas |
| Craig | Lautenberg | Voinovich |
| Crapo | Leahy | Warner |
| Daschle | Levin | Wyden |
| Dayton | Lieberman | |
| DeWine | Lincoln | |

NAYS—1

Enzi

NOT VOTING—2

Kerry Schumer

The bill (S. 1215), as amended, was passed, as follows:

S. 1215

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Burmese Freedom and Democracy Act of 2003''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The State Peace and Development Council (SPDC) has failed to transfer power to the National League for Democracy (NLD) whose parliamentarians won an overwhelming victory in the 1990 elections in Burma.

(2) The SPDC has failed to enter into meaningful, political dialogue with the NLD and ethnic minorities and has dismissed the efforts of United Nations Special Envoy Razali bin Ismail to further such dialogue.

(3) According to the State Department's ''Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma'' dated March 28, 2003, the SPDC has become ''more confrontational'' in its exchanges with the NLD.

(4) On May 30, 2003, the SPDC, threatened by continued support for the NLD throughout Burma, brutally attacked NLD supporters, killed and injured scores of civilians, and arrested democracy advocate Aung San Suu Kyi and other activists.

(5) The SPDC continues egregious human rights violations against Burmese citizens, uses rape as a weapon of intimidation and torture against women, and forcibly conscripts child-soldiers for the use in fighting indigenous ethnic groups.

(6) The SPDC has demonstrably failed to cooperate with the United States in stopping the flood of heroin and methamphetamines being grown, refined, manufactured, and transported in areas under the control of the SPDC serving to flood the region and much of the world with these illicit drugs.

(7) The SPDC provides safety, security, and engages in business dealings with narcotics traffickers under indictment by United States authorities, and other producers and traffickers of narcotics.

(8) The International Labor Organization (ILO), for the first time in its 82-year history, adopted in 2000, a resolution recommending that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the SPDC do not abet the government-sponsored system of forced, compulsory, or slave labor in Burma, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced, compulsory, or slave labor.

(9) The SPDC has integrated the Burmese military and its surrogates into all facets of the economy effectively destroying any free enterprise system.

(10) Investment in Burmese companies and purchases from them serve to provide the SPDC with currency that is used to finance its instruments of terror and repression against the Burmese people.

(11) On April 15, 2003, the American Apparel and Footwear Association expressed its ''strong support for a full and immediate ban on U.S. textiles, apparel and footwear imports from Burma'' and called upon the United States Government to ''impose an outright ban on U.S. imports'' of these items until Burma demonstrates respect for basic human and labor rights of its citizens.

(12) The policy of the United States, as articulated by the President on April 24, 2003, is to officially recognize the NLD as the legitimate representative of the Burmese people as determined by the 1990 election.

**SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILITARY REGIME OF BURMA.**

(a) GENERAL BAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in section 9, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (3), no article may be imported into the United States that is produced, mined, manufactured, grown, or assembled in Burma.

(2) BAN ON IMPORTS FROM CERTAIN COMPANIES.—The import restrictions contained in paragraph (1) shall apply to, among other entities—

(A) the SPDC, any ministry of the SPDC, a member of the SPDC or an immediate family member of such member;

(B) known narcotics traffickers from Burma or an immediate family member of such narcotics trafficker;

(C) the Union of Myanmar Economics Holdings Incorporated (UMEHI) or any company in which the UMEHI has a fiduciary interest;

(D) the Myanmar Economic Corporation (MEC) or any company in which the MEC has a fiduciary interest;

(E) the Union Solidarity and Development Association (USDA); and

(F) any successor entity for the SPDC, UMEHI, MEC, or USDA.

(3) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

(A) The SPDC has made substantial and measurable progress to end violations of internationally recognized human rights including rape, and the Secretary of State, after consultation with the ILO Secretary General and relevant nongovernmental organizations, reports to the appropriate congressional committees that the SPDC no longer systematically violates workers rights, including the use of forced and child labor, and conscription of child-soldiers.

(B) The SPDC has made measurable and substantial progress toward implementing a democratic government including—

(i) releasing all political prisoners;

(ii) allowing freedom of speech and the press;

(iii) allowing freedom of association;

(iv) permitting the peaceful exercise of religion; and

(v) bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma's ethnic nationalities on the transfer of power to a civilian government accountable to the Burmese people through democratic elections under the rule of law.

(C) Pursuant to the terms of section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), Burma has not failed demonstrably to make substantial efforts to adhere to its obligations under international counternarcotics agreements and to take other effective counternarcotics measures, including the arrest and extradition of all individuals under indictment in the United States for narcotics trafficking, and concrete and measurable actions to stem the flow of illicit drug money into Burma's banking system and economic enterprises and to stop the manufacture and export of methamphetamines.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this Act, the term ''appropriate congressional committees'' means the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

(b) WAIVER AUTHORITIES.—

(1) IN GENERAL.—The President may waive the prohibitions described in this section for any or all products imported from Burma to the United States if the President determines and notifies the appropriate congressional committees that to do so is in the vital national security interest of the United States.

(2) INTERNATIONAL OBLIGATIONS.—The President may waive any provision of this Act found to be in violation of any international obligations of the United States pursuant to any final ruling relating to Burma under the dispute settlement procedures of the World Trade Organization.

**SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.**

Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall direct, and promulgate regulations to the same, that any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association, shall promptly report those assets to the Office of Foreign Assets Control. The Secretary of the Treasury may take such action as may be necessary to secure such assets or funds.

**SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITUTIONS.**

The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose, and vote against the extension by such institution of any loan or financial or technical assistance to Burma until such time as the conditions described in section 3(a)(3) are met.

**SEC. 6. EXPANSION OF VISA BAN.**

(a) IN GENERAL.—

(1) VISA BAN.—The President is authorized to deny visas and entry to the former and present leadership of the SPDC or the Union Solidarity Development Association.

(2) UPDATES.—The Secretary of State shall coordinate on a biannual basis with representatives of the European Union to ensure that an individual who is banned from obtaining a visa by the European Union for the reasons described in paragraph (1) is also banned from receiving a visa from the United States.

(b) PUBLICATION.—The Secretary of State shall post on the Department of State's website the names of individuals whose entry into the United States is banned under subsection (a).

**SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINATION OF INFORMATION.**

(a) IN GENERAL.—Congress encourages the Secretary of State to highlight the abysmal record of the SPDC to the international community and use all appropriate fora, including the Association of Southeast Asian Nations Regional Forum and Asian Nations Regional Forum, to encourage other states to restrict financial resources to the SPDC and Burmese companies while offering political recognition and support to Burma's democratic movement including the National League for Democracy and Burma's ethnic groups.

(b) UNITED STATES EMBASSY.—The United States embassy in Rangoon shall take all steps necessary to provide access of information and United States policy decisions to media organs not under the control of the ruling military regime.

**SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.**

(a) IN GENERAL.—The President is authorized to use all available resources to assist Burmese democracy activists dedicated to nonviolent opposition to the regime in their efforts to promote freedom, democracy, and human rights in Burma, including a listing of constraints on such programming.

(b) REPORTS.—

(1) FIRST REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall provide the appropriate congressional committees a comprehensive report on its short- and long-term programs and activities to support democracy activists in Burma, including a list of constraints on such programming.

(2) REPORT ON RESOURCES.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall provide the appropriate congressional committees a report identifying resources that will be necessary for the reconstruction of Burma, after the SPDC is removed from power, including—

(A) the formation of democratic institutions;

(B) establishing the rule of law;

(C) establishing freedom of the press;

(D) providing for the successful reintegration of military officers and personnel into Burmese society; and

(E) providing health, educational, and economic development.

(3) REPORT ON TRADE SANCTIONS.—Not later than 90 days before the date that the import restrictions contained in section 3(a)(1) are to expire, the Secretary of State, in consultation with the United States Trade Representative and other appropriate agencies, shall submit to the appropriate congressional committees, a report on—

(A) conditions in Burma, including human rights violations, arrest and detention of democracy activists, forced and child labor, and the status of dialogue between the SPDC and the NLD and ethnic minorities;

(B) bilateral and multilateral measures undertaken by the United States Government and other governments to promote human rights and democracy in Burma; and

(C) the impact and effectiveness of the provisions of this Act in furthering the policy objectives of the United States toward Burma.

**SEC. 9. DURATION OF SANCTIONS.**

(a) TERMINATION BY REQUEST FROM DEMOCRATIC BURMA.—The President may terminate any provision in this Act upon the request of a democratically elected government in Burma, provided that all the conditions in section 3(a)(3) have been met.

(b) CONTINUATION OF IMPORT SANCTIONS.—

(1) EXPIRATION.—The import restrictions contained in section 3(a)(1) shall expire 1 year from the date of enactment of this Act unless renewed under paragraph (2) of this section.

(2) RESOLUTION BY CONGRESS.—The import restrictions contained in section 3(a)(1) may be renewed annually for a 1-year period if, prior to the anniversary of the date of enactment of this Act, and each year thereafter, a renewal resolution is enacted into law in accordance with subsection (c).

(c) RENEWAL RESOLUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''renewal resolution'' means a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: ''That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.''

(2) PROCEDURES.—

(A) IN GENERAL.—A renewal resolution—

(i) may be introduced in either House of Congress by any member of such House at any time within the 90-day period before the expiration of the import restrictions contained in section 3(a)(1); and

(ii) the provisions of subparagraph (B) shall apply.

(B) EXPEDITED CONSIDERATION.—The provisions of section 152 (b), (c), (d), (e), and (f) of the Trade Act of 1974 (19 U.S.C. 2192 (b), (c), (d), (e), and (f)) apply to a renewal resolution under this Act as if such resolution were a resolution described in section 152(a) of the Trade Act of 1974.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ENERGY POLICY ACT OF 2003—Continued

Mr. REID. Mr. President, in speaking to the managers of the bill and the interested parties in this matter, the thought is—and this is not in the way of a unanimous consent request but just to inform Members what we are doing—the Senator from Florida will offer his amendment. He will speak on it tonight. Perhaps the other Senator from Florida, Mr. NELSON, will speak on his amendment. There are a number of Senators who have requested time in the morning.

The manager of the bill has suggested—and we think it would be OK on our side—that tomorrow we would have an hour on our side and the majority would have 30 minutes on their side, and then the two leaders can decide if we vote at that time or sometime later in the day. Staff is putting that in the form of a unanimous consent request, and perhaps we can enter into that sometime later tonight.

Mr. DOMENICI. We are looking for a unanimous consent request that says in the morning 1 additional hour on that side, a half hour on our side on the Graham amendment, and afterwards there will be a vote. That is being prepared. In the meantime, the Graham amendment is going to be offered for discussion this evening.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 884

Mr. GRAHAM of Florida. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. WYDEN, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. EDWARDS, Mr. KERRY, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Mr. LEAHY, Ms. SNOWE, Mr. DODD, Mr. CHAFEE, Mrs. DOLE, Mr. KENNEDY, Mr. CORZINE, and Ms. COLLINS, proposes an amendment numbered 884.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the provision requiring the Secretary of the Interior to conduct an inventory and analysis of oil and natural gas resources beneath all of the waters of the outer Continental Shelf)

Beginning on page 23, strike line 20 and all that follows through page 25, line 8.

Mr. GRAHAM of Florida. Mr. President, the amendment I have just offered will strike section 105 from the legislation we are currently considering.

This amendment is cosponsored by a long and diverse list of Senators: Senators FEINSTEIN, DOLE, CANTWELL, WYDEN, NELSON of Florida, BOXER, LAUTENBERG, EDWARDS, KERRY, MURRAY, LIEBERMAN, AKAKA, LEAHY, SNOWE, DODD, CHAFEE, KENNEDY, CORZINE, and COLLINS.

In this legislation, section 105 appears to be benign. It calls for an inventory of Outer Continental Shelf oil and gas resources that may be in the ownership of the Federal Government. However, there are some insidious objectives and means to achieve those objectives in this legislation.

In my judgment, section 105 is nothing more than a prelude to a direct attack on the moratorium which currently exists in the Gulf of Mexico, off New England, the Pacific Northwest, and California, and to do so in a way that will avoid a full and public debate.

The OCS inventory, which is suggested in section 105, is neither benign nor innocuous. It will provide for a totally duplicative survey to one that is already conducted by the same office that would be directed to do the study under section 105, which is the U.S. Department of the Interior Minerals Management Service. This is the front page of the latest of the 5-year reports, which the Mineral Management Service does on U.S. resources and reserves in the Outer Continental Shelf. As you will see, this latest assessment was done in the year 2000. So it has been only 3 years since we had a comprehensive analysis.

In light of that, why would we oppose this new study? We would oppose the new study because we think it is duplicative and redundant. We oppose it because it would allow certain techniques, which have previously not been used but which have been shown to be detrimental to the resources of the Outer Continental Shelf, including the fish resources, to be utilized. But, in my judgment, the most insidious aspect is a provision in section 105 which states that after the inventory is completed it should be used as the purpose of analysis of the Outer Continental Shelf. Let me read to you subparagraph 5 under section 105:

The inventory and analysis shall identify and explain how legislative, regulatory, and administrative programs or processes restrict or impede the development of identified resources and the extent that they may affect domestic supply, such as moratoria, lease terms and conditions, operational stipulations and requirements, approval delays by the Federal Government and coastal States, and local zoning restrictions on onshore processing facilities, and pipeline landings.

I think that language is clearly intended to take the results of this newly mandated inventory and use them as the basis, focusing exclusively on the issue of affecting domestic supply, to build the case that the moratoria, which California and other coastal States have had now for 20 years, would be undermined.

That moratoria has been voted on by Congress on many occasions in recognition of the fact that, first, there are other interests involved beyond maximizing the exploitation of our Continental Shelf oil and gas resources. There are issues of the environment and there are issues of the economy, which are dependent upon the environment—particularly, the purity of the water and the security of the coastal areas.

Second is the fact that it does not take into consideration the question of we want to have a domestic supply of oil and gas, but for what time period? If we were to initiate a policy that says we will drain America first, we can rest assured that our grandchildren, if not

our children, will live in an America that will be totally dependent upon foreign petroleum sources.

The estimate is that, as of today, we have known reserves of petroleum which, at current levels of utilization, will last approximately 50 years. We have much longer reserves of natural gas, stretching into the 200-year-plus estimate.

I think it is eminently wise public policy to say we will try to husband our domestic resources as long as possible to delay the date when we will be fully dependent upon foreign resources. This practice of providing moratoria on certain of our resources plays a significant positive role in that policy of attempting to stretch our domestic resources.

As the list of cosponsors indicates, this is by no means a partisan issue. The moratoria have broad bipartisan support, and have had it for over 20 years. This is also not an issue that is bicameral. The House of Representatives has already adopted an Energy bill, stripping out language that was virtually verbatim to that which is in 105 of the Senate bill.

Our desire is to have the Senate take the same position that our House colleagues have already taken, so when this issue is taken up in conference, the issue of an inventory that has as its objective undermining the moratoria will not be a conferenceable item.

I believe our colleagues in the House have shown wisdom in the course of action they have taken, and I ask my Senate colleagues to show the same wisdom by eliminating section 105. I urge my colleagues to vote in favor of this amendment, which will adopt or reinforce a policy where we look at multiple issues in the management of our coastal areas, including the issue of exploitation of the resources but also the potential effect of that exploitation on other economic and environmental considerations; that we also recognize the valid function of those adjacent State and local communities and how this issue would be resolved, and the legitimacy of the Federal Government's Coastal Zone Management Act as the means by which those interests would be expressed. For all those reasons, I urge my colleagues to adopt this amendment and strike section 105 from this bill, and then with the joy that we will know that we have taken a step to protect some of our most critical ocean resources, move on to the consideration of other provisions in this legislation.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I understand Senator DOLE desires to speak on the same side. I don't intend to speak but for a moment. I will do my speaking and other members of the committee will be welcome to do so in the morning. I will take a couple of minutes and then yield to them for the evening.

As you well know, as you are a member of the energy committee, not too long ago the Senate of the United States said to this committee of Senators: Give us an energy policy for America's future, prepare a blueprint, a program, a policy, a set of activities that tells us what we ought to be doing for America's economic future, for our jobs, for our prosperity, as it relates to energy. We thought that if we did nothing else, perhaps that little mission meant we ought to find out what we have. What does America own?

We thought about it for a while and we said that is pretty simple. That is exactly what they would like us to do. They would like us to find out—even if we don't know what to do about it—what we have. What do we own? So a simple proposition was put in here, using the most modern techniques, disturbing nothing, to go out and find out how much oil and gas is in the Outer Continental Shelf of the United States—the property marked by my good friend from Florida in green on his chart—that we have already, as a nation, said based on today's circumstances we don't want to touch.

Does that mean we should not know what is there? The distinguished Senator from Florida says: We do know what is there. No, we do not know what is there because the most modern techniques are clearly changing what we know about what we own and what is underground. We do not have one of those most modern evaluations that has been put over that property that is within our control that could be used for America if we ever needed it and, I would even say, in a crisis.

As an ultimate reserve, should we not know what is there? That is the issue. It is, do we want to adopt an ostrich policy or do we want to adopt a policy of being on the surface, above board with our eyes open and know precisely what we are looking at? That is it. You can read the language. We will read it very precisely.

It matters not too much to this Senator from New Mexico what this Senate decides to do about this issue. It matters a lot to me as chairman of the Committee on Energy that I do what I was asked to do, and I thought I was asked to ask the committee members: Would you like to spend some American tax dollars to find out what we own so that it will be there in the inventory on the rack, so to speak, in the event something happened to America?

I thought the answer to that question was yes. We wrote it up, and we put the issue to the members. One member is sitting here, the new Senator from Tennessee. There was a rather large bipartisan vote on a simple proposition. Of course we want to know. Why would we want to stick our head in the sand and say we know there is oil there, we know there is gas there, but we do not want to use the most modern techniques to tell America what is there? As is going to happen tonight and tomorrow, there will be all this fear aroused that we are going to harm the sea line, the coastal shore, the beauty of America that is alongside these shores.

This says nothing about doing that, and everybody knows that we are not saying do anything whatsoever to these shorelines. What we are saying is, is it not, one, the responsibility of the committee to suggest to the Congress that we find out? I think the answer to that is unequivocal. Yes, we sure should.

Second, since you should have and you did, should the Senate now turn around and say you should have, you did, but we want to take it out, we want to throw it away, and we do not want to do it? That is the issue.

I sense that there is going to be enough fear established that people are going to be voting as if we are destroying something. Quite the contrary, I think we are doing something positive. I do not think we are destroying a thing. We are saying to folks: We have a lot of oil and gas out there. If the situation really gets bad—and what that might be, I do not know; none of us in this room knows—but if things got bad enough, there it is, and we know it is there, and it has been measured with the most modern-day techniques which are, indeed, not only marvels but they are marvelous in terms of what they will tell us about the capacity for the future.

Unless my friend from Tennessee wants to say a few words, I do not intend to spend any more time tonight. We will split our half hour tomorrow among three or four Senators from the committee in further response to the amendment that our distinguished friend from Florida has brought to the floor in a bipartisan manner with a lot of Senators.

I yield the floor.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from North Carolina.

Mrs. DOLE. Mr. President, I rise in favor of the Graham amendment to S. 14, the omnibus Energy bill. My State like so many others, is going through a painful economic transition. We have lost tens of thousands of jobs in textiles and the furniture industry, family farms are going out of business, and many of these traditional manufacturing jobs have been in rural areas, where there are fewer jobs and residents are already struggling to make ends meet.

In 1999, North Carolina had the 12th lowest unemployment rate in the United States. By December 2001, the State had fallen to 46th—from 12th to 46th. That same year, according to the Rural Center, North Carolina companies announced 63,222 layoffs. Our State lost more manufacturing jobs between 1997 and the year 2000 than any State except New York. Entire communities have been uprooted by this crisis. According to the Employment Security Commission of North Carolina, the jobless rate rose from 6 percent in March to 6.4 percent just one month later.

So you can see, Mr. President, North Carolina is hurting. But one area that remains strong is tourism—one of the State's largest industries. Each year, travelers venture into our State to enjoy the mountains of Asheville, the Southern-city charm of Charlotte, the beaches of the Outer Banks, and many other State treasures.

Last year, there were 44.4 million visitors to North Carolina, ranking it the sixth most popular destination behind California, Florida, Texas, Pennsylvania and New York. In fact, last year domestic travelers spend nearly $12 billion across the State, generating $2.2 billion in tax receipts.

The industry remains strong, despite the war, and the Nation's economic concerns. In fact, while the tourism volume nationwide increased by less than 1 percent last year, North Carolina saw a 3 percent increase in visitors.

Put simply, tourism plays a vital role in North Carolina's economy, but offshore drilling could drastically impact these numbers.

Communities along the Outer Banks have spoken out time and again against offshore drilling because of the impact it cold have on the economy and the environment—and I agree with them.

I thank my good friend, Chairman DOMENICI, for his hard work and dedication to produce a comprehensive energy bill, one that will help our country end its dependency on foreign oil. While I fully support Senator DOMENICI's efforts, I must disagree with regard to section 105.

Section 105 in the Senate bill has been presented as a study of the oil and gas reserves in the Outer Continental Shelf, but the effect of this section would be to open up scientific *exploration*. The final bill that passed the House of Representatives, as we have heard, rejects language that would open up scientific exploration of the Outer Continental Shelf.

The waters off the coasts of North Carolina have been placed off limits to further leasing under the current moratoria. President Bush extended the moratorium and Secretary Norton has been very clear about the administration's intention to uphold it. Congress and the Administration in the past have agreed with States in the moratoria areas that drilling would pose too many risks to their economies and shores.

Why then, in these tough economic times, should States such as North Carolina be asked to bear the risk of exploration for resources that are under moratoria and not even accessible for development? Section 105 hints to a backsliding from that protection by allowing intrusive activities into moratoria areas, through a study that is not needed.

The Minerals Management Service already compiles estimates of Outer Continental Shelf oil and gas resources every 5 years. In fact, the last one was completed in the year 2000, and includes estimates of undiscovered conventionally and economically recoverable oil and natural gas. We already know, for instance, that 80 percent of the Nation's undiscovered, economically recoverable Outer Continental Shelf gas is located in the Central and Western part of the Gulf of Mexico, which is currently not subject to the moratorium.

So it would appear that section 105 of this energy bill is duplicative and unnecessary.

In fact, the only logical explanation for new data under section 105 would be for future exploration activity like drilling, which is inconsistent with the current moratorium. We have a national crisis. Now, more than ever, we must work to end our dependence on foreign oil sources. It is vital that this Nation boost its domestic oil production, but we cannot do so by ignoring the wishes of coastal communities in North Carolina and other States that oppose drilling.

Our local people, not the Federal Government, should decide what is best for their areas. The Federal Government should not take action that will further hurt our already struggling State economies. That is why I urge support for the Graham amendment, which would continue to protect those areas under moratorium. We owe it to our States. We owe it to our local communities.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. I ask unanimous consent that when the Senate resumes consideration of the bill tomorrow morning at 9:30, there then be 90 minutes of debate remaining prior to the vote in relation to the pending Graham amendment; provided further that Senator GRAHAM or his designee be in control of 60 minutes and the chairman in control of the remaining 30 minutes. Further, I ask consent that following the use of that time, the Senate proceed to a vote in relation to the amendment, with no amendments in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection? The Senator from Florida.

Mr. GRAHAM of Florida. The Senator from New Mexico said ''in relation to.'' That would not preclude the possibility of an up-or-down vote as opposed to a tabling motion?

Mr. DOMENICI. Either/or.

The PRESIDING OFFICER. That is correct. It would be either/or.

Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise this evening to support the amendment offered by the Senator from Florida and commend him on his leadership on this issue. The amendment that is before us tonight will prevent exploration in offshore areas that are currently protected under law. The truth is, we should not need a special amendment to protect sensitive offshore areas that are currently off limits to energy drilling and exploration, but today we find this amendment is needed because the underlying Energy Bill would essentially roll back a longstanding ban on exploration that protects our coastal areas.

This Energy Bill calls for the Department of Interior to inventory oil and gas resources. It does not rule out exploration or drilling in any part of the Outer Continental Shelf and it does not prevent exploration or drilling in areas that are currently protected.

Some may say they just want to allow an inventory of oil and gas off our coasts, but taking an inventory of what lies beneath the sea floor is not like taking an inventory of what is in the kitchen pantry. Looking for oil and gas off our coasts is an invasive process. It carries risks. It harms marine life and it can create serious environmental damage.

If it was just taking an inventory, it would be one set of environmental concerns, but I think we all know what is really going on and it is much more than inventory. This is not just about seeing what is out there. It is really about preparing to drill for oil and gas in areas that have been protected for years, for decades actually, by law.

Let's be clear. Oil companies are not going to spend millions of dollars to inventory our coasts just for the fun of it. They want to begin drilling in areas that are protected, and this Energy Bill would give them the start they want.

I am reminded of that analogy about how if a camel gets its nose under the tent, pretty soon the whole camel will follow. Well, if we do not want the camel in our tent, stop it when it tries to poke its nose in.

Once those oil companies get their equipment down there, they will be steps away from setting up oil rigs and creating a host of dangers on our shores. If we do not want oil companies drilling off our shores, then we cannot let them get started with these so-called inventory projects.

There are good reasons why over the years Congress and past Presidents have agreed to protect parts of our Outer Continental Shelf. In fact, that moratorium that today protects the coast of my State of Washington was passed by Congress in 1990 and protected by an executive order by the first President Bush. Today, the current Bush administration wants to repeal that protection and pave the way for drilling off our coasts.

Those who want to explore for energy off our coasts would like us to believe it is harmless, but it is not. When we consider offshore oil and gas development, we have to be concerned about oil spills and the release of other toxic materials. There are other environmental effects that pose dangers to marine mammal populations, fish populations, and air quality. Seismic testing techniques used by the offshore oil and gas industry can kill marine animals. This is not harmless.

If this administration had a better record on the environment, I might be inclined to give them more leeway, but this administration has shown an eagerness to roll back environmental protections on so many issues that they do not have much credibility when they say they want to just look for oil off our coasts.

Last month, the Bush administration took another disturbing step to undermine our environmental protection related to oil and gas drilling. In fact, on May 26, 2003, the New York Times reported that the administration proposed to defer for 2 years requirements for permits under the Clean Water Act for certain activities of oil and gas producers to prevent contaminated runoff. This is a bad precedent and a step in the wrong direction for protecting our environment. There is no good reason for oil and gas developers to be exempt from requirements that are imposed on other developers to prevent contaminated runoff.

So not only do they want to let the big oil and gas companies start looking for oil in areas that have been protected for decades, this Bush administration is going to free those oil and gas companies from the rules everyone else has to follow to protect contaminated runoff. Not on my watch. We know there is a better way. Congress should be seeking long-term solutions that make sense for energy development and that balance environmental protection and economic growth. The proposal to drill in areas of the OCS that are currently under moratoria falls far short of the balanced approach we need. I urge my colleagues to support this amendment to stop an attack on decades of protection for our sensitive coastal areas.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I rise to support the Graham amendment. I am a cosponsor. BOB GRAHAM and I have been battling on the question of oil and gas drilling off the coast of Florida, and it is very clear to us, as we have waged this battle over the course of the last 25 years in public office, that the people of Florida do not want it for environmental reasons but also for business reasons; that Florida's $50 billion tourism industry in large part is because we have beautiful, unspoiled beaches.

I know what the people in my State of Florida want. They do not want oil drilling off their shore. I ask the Senator from Washington what is the thinking of her people in her State of Washington?

Mrs. MURRAY. Mr. President, I say to my colleague from Florida, I have listened to his battles for many years as he has fought to protect the beautiful shores of Florida. I have seen the shores of Florida, and they are gorgeous. He is right, tourism is a critical part of the economy of his State of Florida, as it is to mine. People come to Washington State to see our beautiful mountains, our beautiful forests, and to fish. The last thing they want to see is oil drilling off our coasts.

This underlying bill that allows an inventory is simply a step for the oil companies to then get in and drill. My State would be absolutely appalled to see that happen.

Mr. NELSON of Florida. What do you think about the rest of the Pacific coast States, Oregon and California? What would the people think?

Mrs. MURRAY. As the Senator from Florida knows well, for all who live on coastal States, our economies are struggling today; the high-tech industry is struggling; Boeing has lost thousands of jobs.

There is still the beautiful environment that people come to visit. The last thing anyone wants in our rain forests, whether in Oregon or Washington, or the beaches of California, the last thing they want to see is an oil rig or, worse, an oilspill in the areas we care so much about.

Mr. NELSON of Florida. I talked at length with the senior Senator from North Carolina earlier today. Senator EDWARDS is quite concerned about the oil drilling off of the Outer Banks.

The people directly affected are crying out. There are States that do not mind drilling off the coast—the State of Louisiana, the State of Texas. There are about 2,000 wells in the Gulf of Mexico and they are primarily off of Texas and Louisiana, some off of Alabama, some off of Mississippi, all of those States whose Senators do not seem to mind because it must reflect their people's feeling that there be oil drilling. In the Gulf of Mexico, the geology shows that is where the oil and gas is, in the western gulf, in the central gulf, but not in the eastern gulf.

The people of Florida simply do not think it is worth the tradeoff of spoiling the environment and spoiling a $50 billion tourism industry to take the risk where the geology shows there is very little likelihood of oil, to take the risk that a well will be hit, that an oilspill will occur.

There is another reason. We have tremendous military facilities in the State of Washington. What we are finding is with so many of the military facilities on the gulf coast now that the naval facility on Vieques Island in Puerto Rico is being closed down, some of that training for the U.S. Navy is being shifted to the gulf coast of Florida, not necessarily on the land.

Because of computers and virtual training, they can now image what would be the target zone, and it can be out in the middle of the Gulf of Mexico. That helps in preparation of our Navy for its proper training, but will that Navy be able to train if there are oil rigs in the eastern Gulf of Mexico? The answer is no.

I ask the Senator from Washington, is there any similar military activity in the Senator's State? I certainly know there is in California where they are launching from Vandenberg Air Force Base. Is there such a facility?

Mrs. MURRAY. The Senator from Florida makes an excellent point. Our military needs to be ready for whatever conflicts come to them on the war on terror. They need to be out there training. Certainly at Makah Air Force Base and the other bases we have, they need to know they have a place they can train and not be interfered with.

I add, as the Senator from Florida knows, there are other economies that we count on as well. Fishing is a tremendous economy and part of our economy base in the State of Washington. They would not be excited about having oil rigs out there where people are fishing, as well as tourism, but certainly the military is an important part of my State. We want to make sure they have the space they need for training. The Senator makes an excellent point.

Mr. NELSON of Florida. I have to tell a little story to the Senator from Washington before she leaves. In the middle of the 1980s I was the junior Congressman from the east coast of the State of Florida. There was a Secretary of the Interior named James Watt who was absolutely intent on drilling. They offered for lease off the east coast of the United States leases for sale all the way from North Carolina south to Fort Pierce, FL.

Perhaps I was green enough—I didn't know any better—to take him on. I took him on, as a junior Congressman. I was getting absolutely nowhere. We beat it back one year. They left it alone the next year and came back with a new Secretary of the Interior the third year and they were intent they were going to ram through those leases. The only way I was able to beat it was I finally got the Department of Defense and NASA to own up to the fact and to press that on the administration back in the mid-1980s that you cannot be dropping the solid rocket boosters off of the space shuttle with oil rigs down there and you cannot be dropping off the first stage, after it is spent, on the expendable launch vehicles coming out of Cape Canaveral with oil rigs out there. That is the only way we beat it back in the mid-1980s.

I thought they were going to leave us alone. Two years ago, when an important appointment was up in the Department of the Interior, I went to the Secretary of the Interior, Secretary Norton, and she assured me that in the eastern Gulf of Mexico there would be no attempt at oil drilling for the next 5 years. That was a commitment made to me with regard to an appointment and the Senate's consideration. What is in this bill does not break her commitment, but it clearly starts to imply that what is being done is the intention of drilling.

I hope we are going to be able to muster the votes with Senators who do not have coasts, with help from Senators such as the distinguished Senator in the chair, listening to this debate.

With their help, we may just have the votes.

When Senator GRAHAM and I tried 2 years ago just with regard to the Gulf of Mexico off the State of Florida to keep the moratorium there, we did not get but 35 votes for our amendment, so the amendment did not pass. It was later that I got that commitment from Secretary of the Interior Gale Norton.

But this is portending something else. We are going to fight. I hope we have the votes.

Mrs. MURRAY. Mr. President, I say to my colleague from Florida, thank you on behalf of all who care about this issue for your longtime battle and diligence. Every time you are right, they keep coming back at you, but you keep winning.

I agree, there are a number of Senators on this floor who are not from coastal States but they should be joining because certainly they all come to our States to see the beautiful coastlines, whether it is Florida, Washington State, California, or Maine. They want to preserve that, too. They want to take their grandchildren and great-grandchildren, some day, to your State. I certainly hope they want to come to ours, too. If we devastate the environment, the tourism will not be there.

I thank my colleague for working on this issue.

Mr. NELSON of Florida. I am not a junior Congressman anymore but I am a junior Senator. Although there have been some birthdays between the time I was a junior Senator and a junior Congressman, I still have a lot of fight in me.

I think we have a decent shot of winning this amendment and this vote will take place tomorrow.

There is no need repeating a number of the things that have been said. Let me summarize, on first glance, section 105 of this bill seems reasonable. Do we know what the resources are so we can prepare an assessment? Upon further reflection, upon reading the language, it becomes unnecessary and unreasonable when you recognize the Secretary of the Interior has conducted an inventory just 2 years ago. On the plan there is going to be an inventory that is going to be conducted in 2005, just 2 years from now. Why should the U.S. Congress and the Secretary of the Interior go about duplicating the efforts that had just been done and were going to be done? We know most of the Outer Continental Shelf is under a moratorium. Almost all of those areas, under this plan, of section 105 of the bill would be required to be reassessed under the moratorium. So I am just not sure. I kind of smell something fishy here.

Why does the Congress want to waste taxpayer money on a duplicative inventory of areas off limits to oil and gas exploration?

The House of Representatives has already realized the importance of this amendment. They passed it with a voice vote in an overwhelming show of bipartisan support. So if we can pass this amendment of Senator GRAHAM, this issue is over and done with because of an identical provision in the bill that has passed the House.

We already know that many coastal States exercise their rights under the Coastal Zone Management Act because oil and gas exploration plans that have been proposed would threaten those States. In their own efforts to control the destiny of their own shores and their own environment, they have exercised their rights under the Coastal Zone Management Act not to have oil drilling.

Those who oppose this amendment, when we hear the final debate tomorrow, are going to argue that it is the only section in the Energy bill that addresses the volatility of natural gas prices. But how does it do that? We already know where natural gas is from. We know where it is from the 2000 assessment. We already know the President and the Congress have acted to prevent leasing of oil and gas drilling, so what is the true purpose? What I smell is a kind of fishy smell: what is the true purpose? You have to come to the conclusion it is to roll back the moratorium on oil and gas drilling in the Outer Continental Shelf. What is the true purpose? It is to weaken the States' rights under the Coastal Zone Management Act.

For those reasons, I urge my colleagues to support this Graham amendment and strike this unnecessary language from the Energy bill.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to speak on behalf of Senator GRAHAM's amendment.

This amendment, which I cosponsor, would strike language in the Energy Policy Act that would authorize an inventory of the oil and gas resources on the Outer Continental Shelf.

This amendment mirrors a bill that Senator CORZINE and I introduced last month. It would protect the sensitive marine areas off the coast of New Jersey and of other coastal States.

For over 20 years both Democratic and Republican administrations have respected the moratorium on leasing and preleasing activities on Outer Continental Shelf.

In his 2004 budget request, President Bush also honored the wishes of the coastal States.

His request included the traditional moratorium language—and so should the Energy bill before us.

The people of New Jersey, and the residents of all coastal States, do not want oil and gas rigs marring their treasured beaches and fishing grounds.

Such drilling poses serious threats to our environment and to our economy, and so do the technologies used to gather data.

The seismic surveys authorized in the Energy bill produce explosive pulses which have produced documented organ damage in marine species and have been associated with fatal whale strandings.

Dart core sampling, also authorized in the bill, is known to cause the destruction of fish habitat on the sea floor and to smother seabed marine life with silt.

Is all of this damage and destruction justified—just to gather data? I don't think it is.

Additionally, in New Jersey our economy depends heavily on shoreline tourism.

Tourism in my State is a 10-billion-dollar-a-year industry and provides employment for thousands of people.

We simply cannot afford damage to our shorelines, nor to the marine life which inhabits our coastal waters.

What the Energy bill proposes is a step in the wrong direction. What purpose would be served by performing an inventory of oil and natural gas resources along the Outer Continental Shelf, if there is no intention of drilling in these regions?

This provision completely undercuts the language which Congress has approved for years—and it clearly undercuts the stated wishes of the coastal States that would incur the greatest damage.

Our country needs new sources of energy. And there are many energy sources vastly underutilized in America.

We have barely scratched the surface of our country's potential for developing renewable energy.

The enormous energy conservation and efficiency savings that are possible are largely untapped. Too often these measures are voluntary rather than a part of the way we do business.

If we better utilize these untapped sources of domestic energy, perhaps Congress won't be tempted to sweep aside the will of the people of New Jersey and the will of the citizens of other coastal States.

We must continue, as we historically have, to recognize the right of States to govern their own shorelines.

I urge my colleagues to vote for Senator GRAHAM's amendment.

Mr. KYL. Mr. President, what kind of energy policy does this country need? There is little argument about the need for affordable, reliable energy from diverse sources. The bill before us seeks to achieve that laudable goal in the worst possible manner: on the back of the American taxpayer. This bill subsidizes two types of energy. That which few consumers would be willing to pay for and that which companies would produce and consumers would pay for in the absence of subsidies. I ask my colleagues if this makes any sense?

Let's let the competitive market determine our energy future. Let's let the market, with millions of individual consumers pursuing their individual energy needs, based on their own unique situations, steer this country's energy economy. Let us not dictate to consumers and taxpayers how they should spend their energy dollars.

Recently this body voted on a tax bill that allows taxpayers to keep more of their hard-earned money in an attempt to jump-start this economy. The tax cut was passed on the premise that consumers and businesses are better suited than government to make sound economic decisions that translate into economic growth. That same premise applies to energy. Yet the Energy bill under debate tosses that premise out the window. Suddenly the consumers and businesses of this country, which we are trusting to make sound economic decisions to put the whole economy back on track, cannot be trusted to make sound energy decisions. Instead, we are dictating their energy choices for them. No body of persons, not even a panel of 100 of the world's most brilliant economists, let alone the Senate of the United States, has the knowledge, wisdom or foresight to make such decisions rationally for millions of American citizens.

Let's take a look at what this bill would do. It mandates greater use of ethanol, a fuel that is already heavily subsidized. Without subsidies and mandates, ethanol would virtually cease to exist as a motor fuel. It subsidizes renewable energies such as wind power, which again would not survive in the competitive marketplace due to the high cost and low value of the electricity produced. It subsidizes coal, already the most plentiful and affordable energy source in this country. Coal power will continue to thrive in this country whether subsidized or not, as long as we don't regulate it out of existence, yet we are providing subsidies for coal power. This bill subsidizes nuclear power, which would probably be competitive were it not for the onerous regulatory restrictions that needlessly burden that industry. The list goes on.

Let me suggest that the greatest obstacle to affordable and reliable energy in this country is the U.S. Government. Before this body looks outward for solutions to our energy problems, it should look inward. It should identify those laws, regulations, and other Government impediments that prevents this country's citizens and businesses from making sound energy decisions. We encumber the U.S. energy economy with all sorts of onerous and often unneeded and outmoded rules that raise the cost of energy and distort energy markets. Instead of fixing this state of affairs, this bill compounds these errors by further raising the cost of energy to American taxpayers and further distorting energy markets through subsidies.

Mr. KERRY. Mr. President, I rise today to speak to an amendment to fix a funding gap that exists for meritorious Women's Business Centers that are graduating from the first stage of the program and entering the sustainability portion.

I would like to first thank Senator SNOWE, Chair of the Committee on Small Business and Entrepreneurship, for working very closely with me on this issue. Her leadership and support has been invaluable. I would also like to thank Senator BINGAMAN for his support on this issue. As a long-time ally of the Women's Business Centers and all SBA programs, his assistance on this amendment has been very helpful. Last, I want to express my gratitude to Senators HARKIN, EDWARDS, CANTWELL, ENZI and DOMENICI, as well as Congressman MCINTYRE, for their backing and for their hard work to resolve this issue.

As I have said on more than one occasion, women business owners do not get the recognition they deserve for their contribution to our economy: Eighteen million Americans would be without jobs today if it weren't for these entrepreneurs who had the courage and the vision to strike out on their own. For 18 years, as a member of the Senate Committee on Small Business and Entrepreneurship, I have worked to increase the opportunities for these enterprising women in a variety of ways, leading to greater earning power, financial independence, and asset accumulation. These are more than words. For these women, it means having a bank account, buying a home, sending their children to college, calling the shots.

And helping them at every step are the Women's Business Centers. In 2002 alone, these centers helped 85,000 women with the business counseling and assistance they likely could not find anywhere else. Cutting funding for any centers would be harmful to the centers, to the women they serve, to their States, and to the national economy.

The funding gap for Women's Business Centers in sustainability exists because the Small Business Administration has chosen to short-change existing, proven centers in order to open new, unproven ones. By incorrectly interpreting the funding formula set up in the Women's Business Centers program, the SBA has made way for new centers at the expense of those that are already established. This is both bad policy and contrary to congressional intent.

As the author of the Women's Business Centers Sustainability Act of 1999, I can tell you that when the Women's Business Centers Sustainability Act of 1999 was signed into law, it was Congress's intent to protect the established and successful infrastructure of worthy, performing centers. The law was designed to allow all graduating Women's Business Centers that meet certain SBA standards to receive continued funding under sustainability grants, while still allowing for new centers—but not by penalizing those that have already demonstrated their worth.

Currently there are 81 Women's Business Centers in 48 States. Forty-six of these are in the initial program, 29 are already in sustainability, and 6 more are graduating or have graduated from the initial program and are now applying for sustainability grants. Because of these potentially 6 new sustainability centers—from Georgia, Iowa, Illinois, North Carolina, Texas, and Washington State—and because the SBA is incorrectly interpreting the funding formula for sustainability grants in order to open new centers, the amount of funds reserved for Women's Business Centers in sustainability must be increased from 30.2 percent to 36 percent.

This amendment does just that. It directs the SBA to reserve 36 percent of the appropriated funds for the sustainability portion of the Women's Business Centers program—even though the SBA already has the authority on its own to increase the reserve—thereby protecting the established Women's Business Centers form almost certain grant funding cuts and still providing enough funds to open six or more new centers across the country.

I want to again express my sincere and steadfast support for the growing community of women entrepreneurs across the Nation and for the invaluable programs through which the SBA provides women business owners with the tools they need to succeed. As a long-time advocate for women entrepreneurs and SBA's programs, my record in support of the SBA's women's programs and for women business owners speaks for itself. I have continually fought for increased funding for the women's programs at the SBA, for sustaining and expanding the women's business centers, and for giving women entrepreneurs their deserved representation within the Federal procurement process, to name a few. With respect to laws assisting women-owned businesses, I have been proud to either introduce the underlying legislation or strongly advocate to ensure their passage and adequate funding.

This amendment is necessary to continue the good work of SBA's Women's Business Center network, and I urge all of my colleagues to support it.

## MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EULOGY OF DAVE DEBUSSCHERE

Mr. REID. Mr. President, I read in a number of national publications brief excerpts of the eulogy that former Senator Bill Bradley gave at the funeral of Dave Debusschere. The paragraphs I saw were really moving.

I was able to obtain a copy of the full eulogy that Senator Bradley gave on May 19 at St. Joseph's Church in Garden City, NY. It is really, truly, a moving eulogy. It outlines the context and the relationship of Dave Debusschere and Bill Bradley and other members of the New York Knicks team, but especially those two who were roommates

during many years of their travels around the country playing championship basketball. It explains their personal relationship, as Bill Bradley can do. He explains also what a team is all about. We, both in the majority and minority, are always working with our team. I recommend this as reading for everyone.

I ask unanimous consent that the full text of the speech given by Bill Bradley at the funeral of Dave Debusschere be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY OF DAVE DEBUSSCHERE

Geri, Michelle, Peter, Dennis, DeBusschere sisters and family.

Today, Willis asked me to speak for him, for Clyde, Earl and all the Knicks who loved Dave. The moment I heard the news last Wednesday, it was as if a lightning bolt hit my heart. It was so shocking, so unexpected, so final.

When I saw the newspaper stories after Dave's death, one photo caught my eye. It was of Dave driving to the basket, the ball in his left hand, legs sturdy, shoulders strong, shock of dark hair matted with sweat, and a face full of his unique determination. As I looked at it, I was reminded of a time when we were all younger, and there was a magic about life. A magic about life—there is no other way to describe those years on our Knick teams. How it felt to hear the roar of the Garden crowd, to know the satisfaction of a play well-executed, to feel the chills of winning a championship, to share the camaraderie, even brotherhood, of working in an environment of mutual trust, with people you respected, each of whom had the courage to take the last second shot.

Dave's strength, his dedication, his unselfishness, his fierce desire to win, and, above all, his commitment to the team, were all at the core of that success. He seemed to say, ''What's the point of achieving anything in basketball if you can't share it?'' That's the beauty of having teammates. They know what it takes to get through a long season, to recover from a loss, to pull out a win when you're hurt or tired. Dave believed that once good players have put on their uniforms, everything else about them—race, ethnicity, personal history, off-court style—fades into the background. It's time to play—together. And we did.

Dave DeBusschere left all of himself on the court every game. He held nothing back. I can remember those nights on the road in late February. Dave, his face drawn from the long season; and Willis, with his brow furrowed, and heating packs on each knee. They would look at each other in the locker room of the fourth town in five nights, and their glances alone seemed to say, ''I'm tired to my bones. I don't want to go out there, but if you do it, I will too.'' And they always did. Together they set the character tone for the team in a kind of shared leadership that rarely needed words.

If I had $100 for every night Dave played hurt, I could buy a nice car. One night, Dave caught an elbow in the face that broke his nose. The pain was obvious. I didn't see how he was going to play the next night. But, there he was, ready to go, when the buzzer sounded—with a strip of plastic over his nose, held in place by white adhesive tape forming an ''H'' above and below his eyes.

I think the fans loved Dave because they sensed what his teammates already knew: he was the real thing. No pretense. He hated phonies. No guile. He told you exactly how he felt. No greediness. I never heard him talk about points. No excuses. He always took responsibility for his mistakes.

Dave was a man of action, not words. He was above the petty things in life, and he wasn't impressed easily. Power, fame, money, were not the currencies he traded in. Friendship, loyalty, hard work, were what he placed the greatest value in. If Bush or Madonna or Rockefeller walked into a bar, I bet he'd barely look up from the beer he was sharing with a friend.

There was a time when I'd slept in a room with Dave DeBusschere more than I had with my wife. We were roommates on the road for six years. That's about 250 games, 250 cities, 250 hotels.

If the truth be told (as Geri knows), on many occasions Dave woke me up with his snoring. I'd say, ''Dave.'' To no avail. I'd shout, ''Dave!'' Still no success. Finally I'd get out of bed, put my hands on his back and push him over on his side. he still wouldn't wake up, but the snoring would stop. And I'd get a few hours of sleep . . . until the next time.

You get to know someone when you're with him that much. You hear about his life; you meet his friends and family; you know what he likes to eat, what he likes to do in his downtime, what forms his daily habits; you learn what he admires in people and what he can't stand.

You can learn a lot of from your roommate, too, especially if he's an experienced pro and you are not. It was my second year in the NBA. I had just made the Knicks starting team as a forward, and we had lost a close one in Philadelphia on a bad pass I made when the Sixers were applying full court pressure. After the game I was dejected. Back at the hotel. Dave, who had joined the team from Detroit two months earlier, saw how I felt and put me straight. ''You can't go through a season like this,'' he said. ''There are too many games, Sure, you blew it tonight, but when it's over, it's over. Let it go. Otherwise you won't be ready to play tomorrow night.'' It was NBA lesson #1; Don't make today's loss the enemy of tomorrow's victory.

On occasion, Dave, Willis and I would go to dinner on the road, and Willis would begin telling hunting stories—what weapons he used, where he used them and what the weather was, how be tracked the animals, what his gear consisted of, the angle at which he shot with his gun, or his bow and arrow, and so forth. Dave and I were not hunters, but once Willis got started, it took him more than a little while to finish. After one such evening when we got back to our room, Dave said, ''You know, I think Willis likes to hunt!''

Dave also was not above practical jokes. Once after a championship season, the DeBusscheres, Kladis's and Bradleys chartered a boat to tour the Greek islands. One day we pulled up off an island beach, and Dave and I dove off the boat to swim ashore. As we were coming out of the water, we found a lone man, laying on a towel. An American. He watched us emerge from the sea, and shouted, ''DeBusschere—Dave DeBusschere. Bradley. Oh my God! Wait til my family sees this!'' and he took off. Dave looked at me; I looked at him, and with a grin he said, ''Let's go.'' We swam back to the boat, hid behind towels and watched as the man, his wife and kids behind him, ran back onto the beach. ''Honest they were here!'' We could hear him shout. ''I saw them! Really! They were here I swear it.''

It's been a long time since the Knicks were champions and I roomed with Dave. But time has only deepened our friendship. I always looked forward to our one-on-one lunches, our dinners with Ernestine and the irrepressible Geri, our family visits to Long Island, and on occasion a game like the one last spring when Willis, Dave, Earl and I went to New Jersey for a Lakers/Nets playoff game with loyalties split between Willis's Nets and Phil's Lakers.

Over the years I commiserated with Dave about the way the Garden treated him when he was G.M. I spoke at Peter's college graduation. I shared the pride that he and Geri felt as Michelle, Peter and Dennis grew into spectacular young adults.

And, I will never forget when he told me how proud he was to be sitting in the gallery the day I was sworn into the Senate. Over the years he made campaign appearances in New Jersey on my behalf, attended fundraisers to add star power, and sloughed through the snows of Iowa and New Hampshire in 2000. Whenever I asked him to do something, he was there; and every place he went, he made people feel good.

Until last Wednesday, one of the most enjoyable things in life was talking basketball with Dave DeBusschere. The players and the teams, the rules and style of play have all changed, but the sharpness of his insights never diminished. What he said was always so clear and simple that I'd ask myself afterwards, ''Why didn't I think of that?''

Championship teams share a moment that few other people know. The overwhelming emotion derives from more than pride. Your devotion to your teammates, the depth of your sense of belonging, is something like blood kinship, but without the complications. Rarely can words express it. In the nonverbal world of basketball, it's like grace and beauty and ease, and it spills into all areas of your life.

So I say to my big brother: Be proud. You brought all these things to the many lives you touched. Goodbye, we'll miss you, #22. May God grant you a peaceful journey.

## ORDER OF PROCEDURE—S. 14

Mr. REID. Mr. President, I ask unanimous consent, with respect to the Graham amendment No. 884, to which we are going to proceed in the morning, and the hour of time we have, that Senator FEINSTEIN, Senator BOXER, and Senator CANTWELL each control 15 minutes of the 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE CRISIS IN THE MIDDLE EAST

Mr. WARNER. Mr President, I rise today to express my concern about the horrific violence which has erupted over the past few days in the Middle East. The world is distressed to see the images on T.V. of today's suicide bombing in Jerusalem and the attacks in Gaza. Condolences are extended to all of those who continue to pay the price of this intolerable seemingly uncontrollable cycle of violence in the Middle East.

This human suffering must be brought to an end. Once again I take the floor of the Senate to call on both sides both Israel and the Palestinians to take the initiative to invite NATO forces to undertake a peacekeeping role and to help provide a measure of stability needed to allow the ''road map'' process to maintain a momentum forward.

President Bush is to be commended for his personal commitment to bring the Israelis and the Palestinians together on a path toward peace. Last week, President Bush, joining with world leaders, gave new impetus to the Middle East peace process. He met with the Israeli and Palestinian prime ministers at Aqaba, Jordan, where these two leaders agreed to begin to implement the early steps of the ''road map'' to peace.

In Aqaba, both sides agreed to a step-by-step process whereby each takes positive steps and makes some concessions to achieve the stated goal of an Israeli and a Palestinian state, living side-by-side in peace.

Unfortunately, there are third parties, such as Hamas and other radical groups, that are making every effort to continue the violence and disrupt the path to peace. These groups must not be permitted to hijack the peace process.

How can others help the Palestinian leadership gain control of the security situation on its side?

The Israeli and Palestinian leaders should be urged first to fulfill their commitments to establish and help to enforce a cease-fire; and, second, to ask the North Atlantic Council to consider sending a peacekeeping contingent as soon as practical.

I have spoken before on this subject here on the Senate floor, and have written to President Bush, about my idea concerning how NATO might play a useful role in the quest for Middle East peace. I ask that my letter to President Bush and his reply be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, March 14, 2003.*

President GEORGE W. BUSH,
*The White House,*
*Washington, DC.*

DEAR MR. PRESIDENT: I would like to commend you on the step you took today to give new impetus to the Middle East peace process by announcing that it was time to share with Israel and the Palestinians the road map to peace that the United States has developed with its ''Quartet'' partners. This is a welcome and timely initiative, given the complex way in which the Middle East conflict, Iraq and the global war against terrorism are intertwined.

The festering hostilities in the Middle East are an enormous human tragedy. Along with you, and many others, I refuse to accept that this is a conflict without end. You have articulated a vision of an Israeli and a Palestinian state living side by side in peace and security. That is a bold initiative that deserves strong international support. With the Israeli elections concluded, and the imminent confirmation of a Palestinian Prime Minster, you are right to refocus international attention on the Middle East peace process.

Mr. President, in August 2002, I wrote to you to propose an idea concerning the possibility of offering NATO peacekeepers to help implement a cease-fire in the Middle East. I have spoken of this idea numerous times on the Senate Floor. I am now even more convinced that the United States and its NATO partners should consider an additional element for the ''road map'' concept: NATO should offer, and I stress the word ''offer,'' to provide a peacekeeping force, once a cease-fire has been established by the Israeli Government and the Palestinian Authority. This NATO force would serve in support of the cease-fire mechanisms agreed to by Israel and the Palestinian Authority. The NATO offer would have to be willingly accepted by both governments, and it in no way should be viewed as a challenge to either side's sovereignty. The acceptance of this offer would have to be coupled with a commitment by Israel and the Palestianian Authority to cooperate in every way possible to permit the peacekeeping mission to succeed.

I fully recognize that this would not be a risk-free operation for the participating NATO forces. But I nonetheless believe that the offer of peacekeepers from NATO would have many benefits. First, it would demonstrate a strong international commitment to peace in the Middle East. Second, it would offer the prospect of a peacekeeping force that is ready today. It is highly capable, rapidly deployable, and has a proven record of success in the Balkans. A NATO peacekeeping force is likely to be acceptable to both parties, given the traditional European sympathy for the Palestinian cause and the traditional United States support of Israel.

Third, this would be a worthy post-Cold War mission for NATO in a region where NATO member countries have legitimate national security interests. It could even be an area of possible collaboration with Russia through the NATO-Russia Council. A NATO peacekeeping mission in the Middle East would be wholly consistent with the Alliance's new Strategic Concept. Approved at the NATO Summit in Washington in April 1999, the new Strategic Concept envisioned so called ''out-of-area'' operations for NATO.

Given the fractious debate in NATO over Iraq and the defense of Turkey, it would be important to show that NATO can work together to make a positive contribution to solving one of the most challenging security issues of our day.

There will be many detractors to the idea of sending NATO peacekeepers to the Middle East to help implement a cease-fire. But I think there is broad agreement on the imperative to giving new hope to the peace process and redoubling diplomatic efforts to keep Israel and the Palestinians moving on the road to peace. Peacekeepers coming from many NATO nations could give new hope and confidence to the peoples of Israel and Palestine that there could soon be an end to the violence that overhangs their daily lives.

Mr. President, I hope that you will receive this idea in the constructive spirit in which it is offered.

With kind regards, I am
Respectfully,

JOHN WARNER,
*Chairman.*

THE WHITE HOUSE,
*Washington, April 29, 2003.*

Hon. JOHN W. WARNER,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter about the proposed roadmap to Middle East peace, and your suggestion concerning a NATO peacekeeping force. I understand your view that such an offer could be a further inducement to the parties to reach agreement.

As you know, the issues dividing Israelis and Palestinians are deep, complex, and hotly contested. The security arrangements of any settlement are one important element among many. Ultimately, our goal is for two states living side by side in peace. Over the long term, such an arrangement must be sustainable without the presence of outside peacekeeping forces. As we engage the parties in our effort to forge a peace agreement, I will keep your proposal under consideration.

I also agree with your comments about the importance of NATO's role as we face the security challenges of the 21st Century. As you know, at the NATO Prague Summit, Allied leaders joined me in launching an ambitious agenda for modernizing NATO, including the creation of a NATO Response Force, reforming the command structure, and bringing in new members who are committed to democracy and collective defense. I appreciate your strong support for this important effort.

We have begun steps to increase NATO's role in Afghanistan, and have asked NATO to consider assistance it could provide in post-war Iraq. I welcome your support on these matters as well.

Sincerely,

GEORGE W. BUSH.

Mr. WARNER. Mr. President, I spoke today with the press about the idea that NATO, if requested, might provide a peacekeeping force to support a cease-fire previously agreed to by the Israeli Government and the Palestinian Authority. NATO peacekeepers would have to be invited by both governments, and in no way should be viewed as a challenge to either side's sovereignty. The acceptance of this offer would have to be coupled with a commitment by Israel and the Palestinian Authority to cooperate in every way possible to permit the peacekeeping mission to succeed.

I fully recognize that this would not be a risk-free operation for the participating NATO forces, some of which could be American. But I nonetheless believe that the offer of peacekeepers from NATO would have many benefits.

First, it would demonstrate a strong international commitment to peace in the Middle East. By their presence, NATO peacekeepers might give hope to people on both sides that violence will be curtailed.

Second, it would offer the prospect of a peacekeeping force that is ready to go, today. It is highly capable, rapidly deployable, and has a proven record of success with peacekeeping in the Balkans.

Third, a NATO peacekeeping force is likely to be acceptable to both parties, given the traditional European associations with the Palestinian people and the traditional United States associations with the people of Israel.

Fourth, it would be a worthy post-Cold War mission for NATO in a region where NATO member countries have legitimate national security interests. In 1999, NATO adopted a new Strategic

Concept that envisioned NATO operations, including peacekeeping operations, taking place outside of Europe.

There will be many detractors to the idea of sending NATO peacekeepers to the Middle East to help implement a cease-fire. There is, I acknowledge, a historical record of outside forces being unsuccessful in security mission in this area. But I invite the debate, first and foremost among the NATO members themselves.

I think we can all agree on the imperative of redoubling our efforts to keep Israel and the Palestinians moving on the road to peace, and of offering an alternative that may break the tragic cycle of violence. This is the responsibility not only of the United States, but indeed, of the entire international community.

Progress on Middle East peace would help us to continue the gains we have made in Iraq to spread peace in the Middle East and to address the underlying causes that have given rise to terrorist groups like al-Qaeda.

Mr. LAUTENBERG. Mr. President, I rise to talk about something that is unrelated to any of the subjects we have been discussing today. I rise to talk about the news we just heard about an explosion in Israel and the killing of 13 to 15 people—and it is going to be more because, in addition to that, there are over 50 who have been seriously injured. We have witnessed an attack like this on innocent civilians by mad men who encourage a son, a daughter, a brother, or a sister to blow themselves to smithereens, and their mission is to simply kill innocents.

For a few moments, let's review a scenario that perhaps would be better understood in our country. Think about a shopping mall or a busy street in New York, Detroit, Minneapolis, Los Angeles, or Louisiana, and think about people who might be on the bus, youngsters going to school, people going to the doctor, people going to work, people carrying on commerce, and imagine that someone came along with a bomb in one of those cities, Washington, DC, and created an explosion that killed 700 people at one shot. That is the equivalent, if we take the size of Israel, about 6 million people—we have 280 million—it is about 45 to 1, so just do the multiplication. We are talking about 700 people who would die in this senseless attack. What would our response be in America? We would call out the Army, the Navy, the Marines, the FBI, the police, every agency that could retaliate, either to capture or gun down the leader of an organization that would seduce a young person to sacrifice their life for such a heinous purpose.

Purportedly this was a response to a tragic accident that took place as the Israelis were pursuing the leader of Hamas, the organization that took credit today for killing those innocent people and that takes credit for lots of attacks on innocent people in Israel. So there was a pursuit by the Israelis of the leader of Hamas because Hamas was an organization that helped take five soldiers' lives in Israel on Sunday night. Unfortunately, the hunt went awry and some innocent people were tragically killed.

When an attack such as that takes place, it is in response, it is in retaliation, to the violence that was visited upon the citizens in Israel. When these attacks take place, there is only one mission. They are not hunting criminals. They are not trying to capture somebody. What they are doing is killing innocent people—young people, old people, it does not matter.

Today's horrible attack on Jerusalem is another illustration of why Hamas has no place in any peace process. Hamas is a terror organization, has always been a terror organization, and desires to continue as a terror organization. I think it is time for the world to recognize that Hamas is in the same league as al-Qaida, and we know what we did when our people were attacked. We did the right thing. We sent our troops out. We were looking to capture the leader of that organization.

We would not stand by 5 minutes and accept it. And Israel should not stand by 5 minutes and accept it. We cannot look at the equal violence on both sides of the issue in Israel and with the Palestinians. They are not the same. Israel's attacks are always in retaliation for violence that was put upon Israelis. The other side delights in recording the fact that a suicide bomber took 8, 10, 12 lives, their count—600 people, or whatever the number is, in equivalence in America.

It is time to understand what is going on there. I strongly believe the peace process has to continue, but it should continue with Palestinian leaders who have demonstrated that they are interested in peace, as is now-Prime Minister Mr. Abbas. I commend the administration for deciding to reengage in the Mideast conflict by introducing and promoting a roadmap, a design, for Middle East peace.

President Bush's recent visit to the region was an important first step in renewing U.S. commitment to this endeavor, and the administration has to remain committed to peace in the area. President Bush must forcefully deliver a message to the Palestinians about their need to reconstitute and consolidate their security agencies in order to fulfill their stated goal to deter and punish terrorists such as Hamas, and he has to tell the Israelis that they have the right to defend themselves. They have made very important overtures, especially when it comes to talk about dismantling some of the settlements.

Mr. Abbas' clear statement that the violence of the intifada was a betrayal of the Palestinian cause is the most important reason that there is hope for progress in the Middle East. I am also encouraged that as a goodwill gesture Israel has opened its borders to Palestinian workers, released about 100 Palestinian prisoners, and has begun to dismantle some outposts. They are important first steps.

Israel and the settlers have to come to terms with the inevitability of dismantling some settlements in order to allow for the eventual creation of a contiguous Palestinian state. I was gratified to hear five Arab leaders—President Hosni Mubarak of Egypt, Crown Prince Abdullah of Saudi Arabia, King Abdullah of Jordan, King Hamada of Bahrain, and the new Palestinian Prime Minister, Mahmoud Abbas—release a statement last Tuesday, June 3, clearly asserting that they oppose terrorism and will not finance or arm extremist Palestinian groups.

This statement was long overdue. Right now the Arab leaders must translate this statement into action through one central task, and that is strengthening the hand of the new Palestinian Prime Minister, Mahmoud Abbas.

This means conferring on Mr. Abbas the authority they once gave Yasser Arafat and condemning violent groups such as Hamas and their rejectionist agendas. Only a united international front critical of terrorists and supportive of Mr. Abbas' plan for the Palestinians' future can facilitate the implementation of the roadmap.

The United States should continue exerting pressure on Syria to shut down its support for Palestinian terrorists, Hezbollah, and other organizations, the organizations that have no function except to disrupt the prospect for peace. They should encourage the withdrawal of the Syrians from occupied Lebanon and stem any production or research on weapons of mass destruction.

Sometimes it is hard to understand why an embattled country like Israel will be so effective, so hard, in its response. It is only hard to understand if you have not been there. This is a country that seeks peace more than any other place on Earth that we can imagine. They have lost thousands of people, perhaps hundreds of thousands in the equivalent American counts. There is a history of the people there that says they are always the subject of some cruelty, some attacks, some injury, some dead, from outsiders.

The last century saw the killing of millions of Jewish people. That sets a tone. That tone says, make peace, make life satisfactory. Do the things you have to to create a society, a country. Do what we can do about fighting disease, research what can be done about turning arid lands into farm lands, do what can be done to make life more livable. Yet, these criminal organizations continue to press their attack on Israel.

I make this suggestion. If the people in Paris or London or Berlin or other capital cities around the world had an attack such as this, we would have a response from the U.N. and everybody else. But when it comes to attacks on Israel, there is a notable silence, except for the only friend that Israel has

in the world, and that is the United States and the American people.

We look with horror and grief at what took place this day. Unfortunately, this is not an unusual occurrence as far as Israel is concerned. We have to say that we in the United States of America will not tolerate this kind of violence, that we are going to let Israel fight back as hard as she has to, to defend herself and force the communities in the Middle East to understand that there will be no peace for anybody. That is very dangerous. That conflict could escalate into a major confrontation in other parts of the world.

We send our sadness and condolences to the people of Israel. We wish them well in the future and hope peace will soon be the only confrontation that takes place, and that would be across the table.

I yield the floor.

## HONORING UWE E. TIMPKE

Mr. GREGG. Mr. President, I ask unanimous consent that the following resolution from the HELP Committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS, U.S. SENATE, JUNE 11, 2003, IN RECOGNITION OF UWE E. TIMPKE

Whereas, Uwe E. Timpke has faithfully served the Committee on Health, Education, Labor, and Pensions since September, 1972 as a Detailee, Assistant Editor, and Editor, working under six chairman of both parties; and

Whereas, he has worked conscientiously on behalf of the 74 members of the Senate who have served on the committee during his tenure; and

Whereas, he has upheld the highest standards of the Senate and of the committee in his professionalism, unfailing courtesy, and unflagging dedication to his work; and

Whereas, his knowledge of all aspects of printing and editing committee documents has earned him the respect and admiration of all those with whom he worked on the committee and throughout the Senate; and

Whereas, his willingness to make time in a busy schedule to meet the special needs of the individual members of the committee, as well as his fellow staff members: Now, therefore, be it

*Resolved*, That the Committee on Health, Education, Labor, and Pensions expresses its deep gratitude to Uwe E. Timpke for his over thirty years of tireless service to the committee and to the United States Senate; and be it further

*Resolved*, That the members of the Committee on Health, Education, Labor, and Pensions of the United States Senate express their sincerest wishes that Uwe E. Timpke will enjoy a happy and well-deserved retirement.

## AMERICA'S WORSENING FISCAL SITUATION

Mr. LEAHY. Mr. President, the new Congressional Budget Office, CBO, budget deficit numbers announced Monday should trouble us all.

Only 1 month ago CBO, estimated that the Federal deficit would be $300 billion—an alarming number considering that when President Bush took office the Federal Government was running a surplus. Now, CBO has notified Congress that the deficit will be a record $400 billion.

CBO now projects that the federal government is likely to end fiscal year 2003 with a deficit of more than $400 billion, or close to 4 percent of gross domestic product. The deterioration in the short-term budget outlook stems from continued weakness in revenue collections and from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003, which will add an estimated $61 billion to this year's deficit in the form of tax cuts, refundable credits, and aid to states. The recent extension of unemployment benefits will boost outlays by another $3 billion this year. For the first eight months of 2003, the government ran a deficit of $291 billion, CBO estimates, about twice the shortfall it incurred in the same period last year.

When President Bush entered the White House in January 2001, the Nation was enjoying a record budget surplus that was built with hard choices and determination over the previous 8 years. With breathtaking speed, this administration's fiscal irresponsibility has quickly turned those record surpluses into record deficits. In 3 short years, these policies have driven us further into debt, transferred a greater share of tax receipts to the pockets of the Nation's most privileged, and turned millions of hard-working Americans out of their jobs.

In fact, the Labor Department recently reported that the Nation's unemployment rate rose to 6.1 percent last month, the highest level in 9 years. Since the economy began slumping in early 2001, nearly 2.5 million jobs have disappeared.

In 2001, I voted against the President's first tax plan because it was too skewed toward the wealthiest Americans and it was too fiscally irresponsible. Since then, we have gone from record surpluses to red ink, and the economy is still adrift.

Yet Congress passed a budget this year—including another ill-advised tax plan of $350 billion—that will only further deepen our deficits and pump up the national debt. I voted against the tax bill again this year because it is so clearly harmful to the economic health of our country, especially with the cost of the war in Iraq and the ever-increasing peacekeeping expenses.

The budget plans this administration has sent to Congress each year have been full of misguided priorities and squandered opportunities. The President's plans have severely underfunded essential health, employment training and education efforts. They have contained enormous Government giveaways to wealthy corporations and the wealthiest individuals instead of providing relief for hard-working Americans and their families. And they have been wholly inadequate to meet the domestic security needs of the first-responder agencies that we are counting on to defend against and prepare for future acts of terrorism.

The President's economic plan is not about growing the economy or creating jobs. It is a fiscally irresponsible plan that threatens to economically divide our country. Cutting taxes is a popular thing to do, and I am delighted to vote for tax cuts when they make good fiscal sense. But it is not always the right thing to do for the country and for the security and economic well-being of the American people.

The 1993 budget bill set the framework to eliminate the Federal deficit and passed by the narrowest of margins. It was a tough vote for everyone who voted for that plan and many Senators and Congressmen lost their seats in the subsequent election before the benefits of the plan could be fully realized. That momentous vote set this country on a course of surpluses, budget discipline and fiscal responsibility unmatched in American history. Unfortunately, the current administration—with its lack of fiscal responsibility—has blown all of the progress that many worked so hard to achieve. And the proof is in the latest CBO deficit figures.

Earlier this year, the President said we should not pass on our fiscal problems to future Presidents, Congresses, and generations. On that point, I agree with him. Regrettably, year after year his budgets have driven us deeper into debt, and his policies will do exactly what the President says we should avoid: They will burden our children.

## LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred on November 10, 2001. In San Antonio, TX, two people in ski masks robbed and beat the female owner of a small Persian restaurant, leaving behind racial slurs on the walls. The attackers forced open a back door. One of them bound the victim's hands and legs with duct tape and beat her to the ground. The second attacker sprayed hate messages on the walls.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

## DR. SAMUEL B. HAND, UNIVERSITY OF VERMONT PROFESSOR OF HISTORY EMERITUS

Mr. LEAHY. Mr. President, I come to the floor today to talk about an extraordinary Vermonter, Dr. Samuel B. Hand. Many people argue about what makes you a true Vermonter. Some say it is if you were born there; some say it is if you plan to die there. Until the debate is concluded, the person who could settle the matter is Dr. Hand.

While originally from Long Island, in 1961, Dr. Hand became a professor of European history at the University of Vermont, UVM. As a scholar with a passion for history, Dr. Hand quickly became one who added to Vermont's achievements and glories. He emphasized to his students the importance and the excitement of the history of Vermont, resulting in a number of his former students becoming teachers and archivists in Vermont.

Last month, the University of Vermont's Center for Research on Vermont honored Dr. Hand as the recipient of a lifetime achievement award for his expertise in Vermont history and his generous mentoring skills.

In addition to being the ''heart'' of the history department, as his colleagues called him, Dr. Hand coauthored a number of books, including ''Vermont Voices, A Documentary History of the Green Mountain State'' and ''A Vermont Encyclopedia'', and directed a National Endowment for the Humanities-funded series, ''Lake Champlain: Reflections on Our Past.'' He was also one of the founding members of the University of Vermont's Center for Research on Vermont and served as president of the Vermont Historical Society and as president of the Oral History Society. Today's editorial in the Burlington Free Press praises Dr. hand for ''extend[ing] his base beyond the walls of UVM and reinforced the important collaboration between the state's flagship university and Vermont.''

Both the University of Vermont and the State of Vermont are truly fortunate to have benefited from the dedication and intelligence of Dr. Hand. Vermonters likes him make me proud to represent such a great State. Mr. President, I would ask that this statement and the Burlington Free Press editorial be placed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, June 11, 2003]

### A VERMONT SCHOLAR

Samuel B. Hand still has a trace of Long Island in his voice, but the retired University of Vermont history professor knows more about Vermont than many of the state's residents.

Hand was recognized for his contributions to the study of his adopted state last month when he received a lifetime achievement award from the University of Vermont's Center for Research on Vermont, of which he was a founding member.

Although he started out teaching European history when he arrived at UVM in 1961, Hand quickly saw the merit of specializing in Vermont history.

His graduate students had a greater opportunity to have their work published than if they had chosen a broader and more heavily researched topic, and many of the students had a personal connection to the state's history.

''I might have a student from California who was a sixth-generation UVMer with a grandfather who was once a state senator,'' Hand said in an interview. ''Vermont history is very personal.''

Beyond his mentoring of students—for which he was named UVM graduate faculty teacher of the year in 1994, the year he retired—Hand has been a prolific researcher and writer.

The professor of history emeritus has written many articles about Vermont, and co-authored ''Vermont Voices, A Documentary History of the Green Mountain State'' in 1998 and ''A Vermont Encyclopedia,'' which will be out in August.

His book, ''The Star That Set, The Vermont Republican Party, 1854–1974,'' was published last year.

Hand, 72, has brought together organizations and university disciplines that share a common interest in Vermont. As a former president of the Vermont Historical Society and last year's recipient of the Founders Circle Award from the Ethan Allen Homestead, Hand has extended his base beyond the walls of UVM and reinforced the important collaboration between the state's flagship university and Vermont.

Along the way, he has influenced students and aspiring historians to see Vermont history—not as dry and distant—but as alive and brimming with dramatic stories and interesting characters, such as Ethan Allen, Samuel de Champlain and former Gov. George Aiken, described by Hand as ''the quintessential Vermonter against whom other Vermonters measured themselves.''

Hand has played a major role in bringing Vermont stories to life and encouraging people to know their roots and appreciate their home. It is work well worth a lifetime achievement award.

## AN OKLAHOMA LOSS IN OPERATION IRAQI FREEDOM

Mr. NICKLES. Mr. President, over the past few months we have seen the fall of Saddam Hussein's brutal regime coupled with the dawning of a new day for the Iraqi people.

With major military combat operations in Iraq over and the security of our homeland bolstered, America and her allies are turning our efforts toward helping the Iraqi people build a free society.

Like many Americans, I was thrilled and heartened by the dramatic images of U.S. troops helping Iraqi citizens tear down statues and paintings of Saddam Hussein. The Iraqi people needed our help, our tanks, our troops, and our commitment to topple Saddam Hussein.

For the first time in their lives, many Iraqis are tasting freedom, and like people everywhere, they think it is wonderful. I am proud of our military and America's commitment to make the people of the Middle East more free and secure.

Our military men and women surely face more difficult days in Iraq, and the Iraqi people will be tested by the responsibilities that come with freedom. The thugs who propped up the previous regime and outside forces with goals of their own will seek to cause problems, stir up trouble, and initiate violence. Freedom is messy—nowhere more so than in a country that has just shaken off a brutal dictatorship.

But the journey toward a democratic Iraq has now begun. Like so many nations before it, Iraq now endures the growing pains common to a fledgling democracy. The uncertainty in today's Iraq will soon give way to the promise of a better future for the Iraqi people. As we move closer to this goal, we must remember those who sacrificed for this noble cause.

Today, I rise to honor a man who made the ultimate sacrifice one can make for his country and the cause of freedom. Petty Officer 3rd Class Doyle Wayne Bolinger, Jr., 21, of Poteau, died last week in Iraq when an unexploded ordnance accidently detonated in the area where he was working. Bolinger, who joined the Navy shortly after high school, was assigned to the Naval Mobile Construction Battalion 133 based in Gulfport, MS, whose members are commonly known as Seabees. His unit has been in the Middle East since January providing construction support to our Armed Forces during military operations.

Everybody liked Bolinger. He was known to always have a smile on his face. People in Poteau, who he often helped out with various jobs, will miss him especially.

His family recently issued a statement saying, ''Wayne is a very special young man and is proud to be a Navy Seabee. He died defending his country. He is without a doubt one of America's finest.''

I could not possibly agree more. This young man represents the very best this Nation has to offer. Petty Officer Bolinger did not die in vain. He died so many others could live in security and freedom. For that sacrifice we are forever indebted. Our thoughts and prayers are with him and his family today and with the troops who are putting their lives on the line in Iraq.

## REMEMBERING THE MIAS OF SULTAN YAQUB ON THE 21ST ANNIVERSARY OF THEIR CAPTURE

Mr. SCHUMER. Mr. President, I rise today to ask my colleagues to join me in remembering the Israeli soldiers captured by the Syrians during the 1982 Israeli war with Lebanon. It is with great sadness that we mark today 21 long years of anguish for their families, who continue to desperately seek information about their sons.

On June 11, 1982, an Israeli unit battled with a Syrian armored unit in the Bekaa Valley in northeastern Lebanon. Sergeant Zachary Baumel, First Sergeant Zvi Feldman, and Corporal Yehudah Katz were captured by the

Syrians that day. They were identified as an Israeli tank crew, and reported missing in Damascus. the Israeli tank, flying the Syrian and Palestinian flag, was greeted with cheers from bystanders.

Since that terrible day in 1982, the governments of Israel and the United States have been doing their utmost by working with the office of the International Committee of the Red Cross, the United Nations, and other international bodies to obtain any possible information about the fate of the missing soldiers. According to the Geneva Convention, Syria is responsible for the fates of the Israeli soldiers because the area in Lebanon where the soldiers disappeared was continually controlled by Syria. To this day, despite promises made by the government of Syria and by the Palestinians, very little information has been released about the condition of Zachary Baumel, Zvi Feldman, and Yehudah Katz.

Today marks the anniversary of the day that these soldier were reported missing in action. Twenty-one pain-filled years have passed since their families have seen their sons, and still Syria has not revealed their whereabouts nor provided any information as to their condition.

One of these missing soldiers, Zachary Baumel, is an American citizen from my home of Brooklyn, NY. An ardent basketball fan, Zachary began his studies at the Hebrew School in Boro Park. In 1979, he moved to Israel with other family members and continued his education at Yeshivat Hesder, where religious studies are integrated with army service. When the war with Lebanon began, Zachary was completing his military service and was looking forward to attending Hebrew University, where he had been accepted to study psychology. but fate decreed otherwise and on June 11, 1982, he disappeared with Zvi Feldman and Yehudah Katz.

During the 106th Congress, I cosponsored and helped to pass Public Law 106–89, which specifies that the State Department must raise the plight of these missing soldiers in all relevant discussions and report findings to Congress regarding the development in the Middle East. We need to know that every avenue has been pursued in order to help bring about the speedy return of these young men. Therefore, I strongly feel that we must be sure to continue the full implementation of Public Law 106–89, so that information about these men can be brought to light.

Zachary's parents Yonah and Miriam Baumel have been relentless in their pursuit of information about Zachary and his compatriots. I have worked closely with the Baumels, as well as the Union of Orthodox Jewish Congregations of America, and the American Coalition of Missing Israeli Soldiers, and the MIA Task Force of the Conference of Presidents of Major American Jewish Organizations. These groups have been at the forefront of this pursuit of justice. I want to recognize their good work and ask my colleagues to join me in supporting their efforts. For two decades these families have been without their children. Answers are long overdue.

The agony of the families of these kidnapped Israeli soldiers is extreme. They have not heard a word regarding the fate of their sons. I believe that we must pledge to do our utmost to obtain information about these soldiers and to bring them home, for the sake of peace, decency and humanity.

## THE COAL ACT

Mr. SMITH. Mr. President, on June 10, Senator GRASSLEY, chairman of the Senate Committee on Finance, issued a statement concerning the Coal Act, included in the 1992 Energy bill, and very specifically the intolerable situation regarding reachback and superreachback coal companies.

The tax levied on these companies in that act is unfair. It never should have been enacted to begin with. It even applies to companies that are no longer in the coal mining business. The Coal Act created the combined benefit fund, CBF, in an attempt to solve many of the pension problems of retired coal miners. There were never any hearings. There was no serious debate on the Senate floor.

The combined benefit fund is approaching insolvency. There are accountants who today would say it is already insolvent. It has been saved from terminable illness only by annual appropriations in recent Appropriations bills. These appropriations do not permanently solve the problem.

I, for a number of years, have attempted to pass legislation to solve this issue. It is my hope that the House of Representatives would at last send to the Senate a bill rectifying this problem so we might also enact it and at least put an end to this inequity.

## DEDICATION OF THE BATTLE CREEK FEDERAL CENTER

Mrs. DOLE. Mr. President, on Saturday, May 31, I had the honor of being present at the renaming of the Battle Creek, MI Federal Center for three American heroes, the late Senator Phil Hart, my husband Bob Dole, and my Senate colleague DAN INOUYE.

This recognition would not have happened without the efforts of my friend and colleague, CARL LEVIN. At the dedication Senator LEVIN spoke eloquently and his message about honor, duty, country captured the attention and respect of all those present at this important event. I thank him again and ask unanimous consent that his remarks be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"What an overwhelming moment this is for all of us just to be with these heroes and their families. For Barb and me it's a treasured moment to join with Bob Dole, Danny Inouye, and two sons of Phil Hart, Jim and Walter Hart; to be with my colleague Libby Dole. You know, I used to say that the U.S. Senate was the world's most exclusive club. They used to say that. But now, Barb, my wife, and Bob will testify to this, are members of the truly most exclusive club in the world which is the Senate's spouse club, because now that Libby Dole is in the Senate, Bob Dole knows what it's like to be a Senate spouse.

Thanks are due to so many people for making this day possible. We are very grateful to the General Services Administration for their prompt response to the idea; Administrator Perry, thank you. To the people of Battle creek, first and foremost, for again accepting three American soldiers into your heart as you did tens of thousands of American soldiers many years ago. By renaming this building and accepting these three names, you have again said what this community truly is all about and what you, in Battle Creek, and what the workers in this federal center are all about. Thank you for taking them back into your hearts and embracing them by accepting these three names.

For thousands of young soldiers, this was the place they came home, the place where a grateful America cared for the injuries they received defending our nation. And today, by renaming this building we are paying tribute to three soldiers who became close friends during their convalesces at Percy Jones Army Hospital, and went on to serve together in the United States Senate. Renaming the federal center after these three heroes recognizes their unique achievements while honoring all those who received care here and who provided care here. As a new generation of valiant soldiers emerges from the conflict in the Persian Gulf, and we greeted many of them just a few weeks ago here in Battle Creek, it is more appropriate than ever we remember past heroes who were wounded in service to their country. By honoring these three men we will inspire a new generation to follow their example.

Phil Hart, a native son of Michigan, was wounded during the D-Day assault. He spent more than three months at the Army hospital here in Battle Creek. According to Bob Dole, Phil hart would tirelessly spend from morning 'til night running errands for the rest of us. He was, in Bob Dole's words, and I know Danny Inouye shared this very deeply, 'he was without a doubt one of the finest men I ever knew'. Phil hart became the conscious of the Senate, whose decency was legendary and whose integrity was so deep that he would without flinching take on an unpopular cause, or a powerful constituency, for the good of the nation.

Bob Dole arrived at Percy Jones in a plaster body cast. His recovery program overall took three years, which underscores his courage and his determination. When told by doctors his disability would be career dooming, he refused to accept their diagnosis and he fought successfully to prove them wrong. In his first speech in the Senate, in 1969, which was 25-years to the day after his serious wounds were received in Italy, leading his squad of the 10th Mountain Division in the Italian Alps, Bob Dole, in that first speech, called for the creation of a commission to seek ways to assist people with disabilities. Two decades later, the Americans With Disabilities Act crowned that effort and in Bob Dole's last speech in the United States Senate, he spoke of his meeting and his friendship, his lifelong friendship that was created here with Phil Hart and Danny Inouye.

As a seventeen-year-old, Danny Inouye joined the Army. He joined the 443nd Regimental Combat Team, the 'go for broke' regiment comprised of Japanese American soldiers. Their courage, in the face of often-insurmountable odds make them the most decorated unit in Europe. His extraordinary display of valor led to him receiving the Congressional Medal of Honor.

I want to read just a few words from that particular Medal of Honor award to Danny Inouye. 'He directed his platoon through a hail of automatic weapon and small arms fire. In a swift and developing movement that resulted in the capture of an artillery and mortar post, he brought his men within 40-yards of the hostile force. Emplaced in bunkers and rock formations, the enemy halted the advance with crossfire from three machine guns. With complete disregard for his personal safety, Second Lieutenant Daniel Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken, and his men were again deployed in defensive positions'.

Now, I read that, not to single out Danny, but to remind us all, that all the while that he, and so many other Americans of Japanese descent like Danny, where fighting for us. Their families were in internment camps, where they had been placed because of their ancestry during World War II, having been torn from their homes at the beginning of the war. In combat, these men learned a valuable lesson that shaped their work in the Senate. In the foxhole, there are no Democrats and Republicans, liberals or conservatives. There are only Americans. Having fought to defeat those who would steal our nation's freedom, each of them, in their Senate careers, sought to ensure that all Americans would continue to realize the promise of justice and liberty, a promise in our Constitution.

Tom Brokaw's name has been mentioned and I just wanted to read for you a short excerpt for an interview that Tom Brokaw had with Larry King:

Tom Brokaw: ''Difficult conditions are a test for great people. About whether they can measure up to it or not. And a lot of these veterans that I have written about'', referring to his book, ''said that it made a man out of me, or a young woman would say I went from being a giddy teenager to being a mature woman overnight.''

And then Brokaw went on, ''I'll just tell you one quick story. I've been talking about the renewed need for public service and having a sense that you do owe your country something. In one hospital ward in Michigan, there was a young man from Kansas who had had his arm shattered in combat in Italy, and in the next bed was a young man from Honolulu who was a Japanese American, who had lost his arm in the 442nd, and in the third bed was a young man from a family in Michigan who was also wounded. And he was able to get out of the hospital, to get theatre tickets and other things. Bob Dole was one. Danny Inouye was the other one. And Phil Hart, for whom the largest Senate office building is now named, was the third one. And they talked about their future lives, and they all decided it would be public service. They had just given up their youth in combat, but they came back and said they wanted to get involved running for public office. And they all ended up in the Senate.''

Larry King said, ''Who could write that? That's fiction.'' And Tom Brokaw said, ''I know, it's amazing.''

This building has helped define our nation for one hundred years, and how truly fitting it is that three of our nations heroes, in war and in peace, whose lives were first intertwined so closely here, whose friendships were forged here, who had a seminal life experience here, who were later united in the Senate, are reunited again in the naming, and renaming, of this federal building. They gained strength here, and then they gave again of that strength to brighten the future of the nation that they loved. The renaming of this building after them is icing on the 100th birthday cake of this wonderful, historic building.

Thank you.

## TRIBUTE TO AMBASSADOR JACQUES PAUL KLEIN

Mr. WARNER. Mr. President, I rise today to honor a friend and an outstanding citizen of the Commonwealth of Virginia, Ambassador Jacques Paul Klein, on the occasion of his retirement from the U.S. Foreign Service.

Ambassador Klein was born in Selestat in the Alsace region of France in 1939 and spent the first 5 years of his life living in a war zone. When World War II ended, Ambassador Klein and his mother came to the United States in search of a better life and a brighter future. They settled in Chicago, where Mr. Klein worked his way through school and eventually joined the U.S. Air Force, volunteering to serve his new country in Vietnam. In so doing, he realized a dream that started as a young boy when he watched victorious allied fighter planes flying over France.

In 1971 Mr. Klein joined the Foreign Service. His initial tour of duty was in the Center of the Executive Secretariat, Office of the Secretary of State. He was posted abroad to serve as Consular Officer at the American Consulate General in Bremen, Germany. In 1979 he was selected to attend the National War College and upon graduation served as a Senior Advisor for International Affairs to the Secretary of the Air Force. In 1990 he once again answered the call of his country returning to Europe to serve as Senior Political Advisor to the Commander and Chief of the United States European Command in Stuttgart, Germany.

In 1996 United Nations Secretary General Boutros Boutros Ghali selected him to serve as Transitional Administrator for Eastern Slavonia and Baranya with the rank of Under Secretary-General. After directing another successful international mission, Ambassador Klein once again answered the call of his country—accepting the nomination of the U.S. Government as the Principal Deputy High Representative in Bosnia and Herzegovina.

In 1999 after more then 2 years of dedicated work to rebuild the war-torn Bosnia and Herzegovina, Mr. Klein was named by United Nations Secretary General Kofi Annan as Under Secretary General to the United Nations Mission in Bosnia and Herzegovina. Under the direction of Ambassador Klein, the UN Mission in Bosnia and Herzegovina completed the most extensive police reform and restructuring mission ever undertaken at the United Nations.

Ambassador Klein's distinguished career in the U.S. Foreign Service and U.S. Air Force and Air Force Reserve demonstrates his continued willingness to valiantly serve his country. In addition to retiring as Major General of the U.S. Air Force, Ambassador Klein has been awarded the Secretary of Defense Outstanding Public Service award, the Air Force Distinguished Service Medal, and a Bronze Star.

I am particularly proud of Ambassador Klein for his service to the United States and to the international community. His hard work and commitment to further the cause of international peace, to alleviate suffering, and to help those affected by international conflict have made him a respected member of the U.S. Foreign Service. His central goal in life has been to give something back, through his military and government service, to the country that took him in after World War II and provided him with so many opportunities. To that end, he has been a success that all Virginians and all Americans can be proud of.

I wish to extend my sincerest congratulations to Ambassador Jacques Paul Klein and his family on the occasion of his retirement. I am honored to recognize his many accomplishments and applaud his distinguished service to our great Nation.

## IN REMEMBRANCE OF JANINE LOUISE JOHNSON

● Mr. LEAHY. Mr. President, I am here to remember the life of Janine Johnson—formerly with the Senate's Office of Legislative Counsel—who sadly passed away last month while still in the prime of her young life of 37 years.

Janine served in the Senate for 13 years. Some of her major responsibilities included drafting child nutrition and agriculture legislation for me, and for many other Senators.

After beginning her work for the Senate, she had a hand in crafting every major child nutrition law while I was chairman of the Agriculture, Nutrition, and Forestry Committee, when Senator LUGAR took over as chairman after me, and for Chairman TOM HARKIN.

She will be sorely missed as the Senate prepares to complete the child nutrition reauthorization this year.

She was a careful, creative, and precise drafter of some of America's most important nutrition laws, which stand now in silent testament to her life.

She was as cheerful and careful at 2:00 p.m. working out complicated drafts, as she was at 2:00 a.m. working on even more complicated drafts. My senior nutrition counsel for many years, Ed Barron, drove her home more than once after the metro closed at midnight.

I know how hard this tragic loss weighs on her friends and colleagues at the Senate Legislative Counsel's Office.

She was admired by her peers, her friends, and her Senate clients.

It was clear from an early age that Janine would be a star. She graduated first in her class from Winchester High School in Massachusetts.

In 1986, she graduated with high honors from Harvard Law School. She clerked for the Honorable Cecil Poole on the U.S. Court of Appeals for the Ninth Circuit.

Following her clerkship, she came to the Senate Office of Legislative Counsel.

According to Janine's friends here in the Senate, she loved life outside the Senate as much as her work within it. Janine loved theater, music, and swing dancing.

Of Janine it can truly be said, that there has ''passed away a glory from the Earth.''

The poet Wordsworth continues—

''Though nothing can bring back the hour
Of splendor in the grass, of glory in the flower;
We will grieve not, rather find
Strength in what remains behind.''

Janine has touched many of our lives and honored the Senate with her dedicated and outstanding service.●

## HONORING OUR ARMED FORCES

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Indianapolis, IN. Private Jesse M. Halling, 19 years old, was killed in Tikrit, Iraq on June 7, 2003 when his military police station came under grenade and small-arms fire. Jesse joined the Army with his entire life before him. He chose to risk everything to fight for the values Americans hold close to our hearts, in a land halfway around the world from home.

Jesse was the sixth Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. Today, I join Jesse's family, his friends, and the entire Indianapolis community in mourning his death. While we struggle to bear our sorrow over his death, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is this courage and strength of character that people will remember when they think of Jesse, a memory that will burn brightly during these continuing days of conflict and grief.

Jesse Halling was a hard-working student, admired by all who knew him for his strong work ethic and remembered by both friends and teachers as a well-liked young man. Friends recall that Jesse always wanted to be a soldier, to follow in the footsteps of his father, who had served for 4 years in the Air Force.

Jesse graduated from Ben Davis High School in 2002, where he was a member of the weighlifting and Spanish clubs. After graduating high school, where he served as part of his school's ROTC unit, Jesse joined the Army in the military police division.

Jesse leaves behind his father, Alma Halling, and his mother, Pamela Halling. As I search for words to do justice in honoring Jesse Halling's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: ''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.'' This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jesse Halling's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Jesse M. Halling in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jesse's can find comfort in the words of the prophet Isaiah who said, ''He will swallow up death in victory; and the Lord God will wipe away tears form off all faces.''

May God grant strength and peace to those who mourn, and may God bless the United States of America.

## ADDITIONAL STATEMENTS

### HONORING JESSICA COLLINS

● Mr. BUNNING. Mr. President, I have the privilege and honor of rising today to recognize Miss Jessica Collins of Brandenburg, KY. Jessica was selected as Kentucky's winner of the 2003 Future Farmers of America Award. Jessica was recognized at an awards gala hosted by the Louisville Courier-Journal Newspaper as part of their 2003 Salute to Young Achievers.

Jessica earned this distinguished honor by sharing her commitment to agricultural development through a written essay reviewed and selected by the Kentucky Association of Future Farmers of America and the Kentucky Department of Education. The thoughts conveyed in her essay are not empty words, but instead, hours of hard work show her commitment to excellence.

A graduate of Meade County High School, Jessica's future plans include pursuing a college degree and continuing her passion of ranching. Currently, over 19 Angus cows and numerous farming equipment fall under her ownership and direction. This strong business interest was first sparked in her local 4–H chapter and will aid her as she seeks an economics degree at Western Kentucky University.

I am pleased that Jessica takes such an interest in her community and in agriculture. Her expertise and experience will serve Kentucky well. I want to thank the Senate for allowing me to congratulate Jessica Collins. She is one of Kentucky's finest gems.●

### IN HONOR OF NIRMAL K. SINHA OF OHIO

● Mr. VOINOVICH. Mr. President, I rise today to congratulate and pay tribute to Mr. Nirmal K. Sinha of Worthington, OH, as a 2003 Ellis Island Medal of Honor recipient.

The prestigious Ellis Island Medal of Honor award is presented annually to ''remarkable Americans who exemplify outstanding qualities in both their personal and professional lives,'' and ''who have distinguished themselves as citizens of the United States, while continuing to preserve the richness of their particular heritage.''

Nirmal Sinha is such an American. In addition to creating a business in Ohio and being active in numerous civic organizations. Nirmal and his wife Tripta have maintained strong ties to the Asian Indian American community. I have often said, ''show me someone who is proud of their ethnic heritage and I'll show you a great American!''

I am proud to say I have worked with Nirmal Sinha for many years. In 1992, as Governor of Ohio, I appointed him to the Ohio Civil Rights Commission. I reappointed him in 1997, and I am gratified that Mr. Sinha served two 5-year terms, helping to enforce State laws prohibiting discrimination in housing, employment, credit, and higher education. He has worked with the U.S. Department of Housing and Urban Development and the U.S. Equal Employment Opportunity Commission to develop outreach programs, particularly to Hispanic and Asian Americans.

As mayor of Cleveland and as Governor of Ohio, I was close to the Asian Indian American community and knew of Nirmal's distinguished record as a business leader and someone who was active in a variety of civic organizations. Some of those organizations include the Asian Indian American Business Group, AIABG, of Columbus, founding member of the Global Organization of People of Indian Origin, GOPIO, the Asian Indian Alliance of Ohio, and the Asian Indian Forum for Political Education.

Mr. Sinha also has served as a member of the Ameritech Consumer Advisory Board, Columbus International Program, and Main Street Business Association, member of the advisory board to the Ohio State University's Department of Communications, and a director of the Central Ohio March of Dimes and the International Center in Columbus.

Nirmal Sinha is an accomplished professional who always makes time to give to others. Mr. Sinha is active in

both the National Association of Human Rights Workers, NAHRW, and the International Association of Official Human Rights Agencies, IAOHRA.

In 1998, the Columbus Dispatch awarded Mr. Sinha the Outstanding Community Service Award. In 1989, he received the Outstanding Community Service Award from the mayor of Columbus.

Mr. Sinha's record in human rights is exceptional. In 1998, he initiated the first ever ''Asian Roundtable'' discussion on Civil Rights with joint efforts involving the Equal Employment Opportunity Commission and the Ohio Rights Commission. Also in 1998, Mr. Sinha received the Dr. Martin Luther King, Jr. Award for Community Service to the State of Ohio.

In his profession, Mr. Sinha is an accomplished mechanical engineer and has been involved in the design and construction of large electric power plants. He holds a bachelor's degree in mechanical engineering from Jadavapur University in Calcutta, India, and a master's degree from the Polytechnic University of New York. He also studied management at the Ohio State University and computer science at Franklin University. Currently, he is president of Marketing USA Group, a consulting firm he founded which advises clients on energy, telecommunications, technology, and global business.

As a humanitarian, Mr. Sinha is known for his quiet leadership. He has been called ''a humble man with a compassion for human and civil rights.'' Throughout his career, Nirmal Sinha has exemplified the highest American values, including good citizenship, and responsibility to his fellow man.

Nirmal Sinha is very deserving of the Ellis Island Medal of Honor. America is a nation of immigrants, and I believe our cultural and ethnic diversity helps make us strong.

When I was Governor of Ohio, one of the goals that I set for my administration was to celebrate the cultural diversity of our State by seeking out individuals from nontraditional ethnic groups and giving them an opportunity to serve. I am proud that I appointed a number of Asian Indian Americans, such as Nirmal Sinha, to various boards and commissions, particularly in such fields, as medicine, manufacturing, and higher education.

Mr. Sinha is in good company as a recipient of the Ellis Island Medal of Honor. Former recipients include four Presidents, several Senators and Congressmen, and Nobel Prize winners.

As someone who has had the pleasure of knowing and working with Mr. Sinha, I can guarantee that his significant contributions to his community and to the State of Ohio will not stop, but will continue to grow. I also know that he does not seek recognition for his humanitarian service. Instead, he lives in accordance with his strong faith, and his commitment to education, his family, and his community.

Nirmal Sinha is someone all of us would do well to emulate and I am pleased and proud to salute him and his wife Tripti and their two daughters.

I congratulate Nirmal Sinha as a 2003 Ellis Island Medal of Honor winner. He is an outstanding American whose dedicated service to others helps improve the quality of life for his fellow Americans every day.●

## MESSAGE FROM THE HOUSE

At 3:30 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 925. An act to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office''.

H.R. 1086. An act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes.

H.R. 1529. An act to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases.

H.R. 2030. An act to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''.

H.R. 2143. An act to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes;

The message also announced that pursuant to 22 U.S.C. 6913, and the order of the House of January 8, 2003, the Speaker appoints the following Members of the House of Representatives to the Congressional-Executive Commission on the People's Republic of China: Mr. LEVIN of Michigan; Ms. KAPTUR of Ohio; Mr. BROWN of Ohio.

## MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 925. An act to redesignate the facility of the United States Postal Service located at 1859 South Ashland Avenue in Chicago, Illinois, as the ''Cesar Chavez Post Office''; to the Committee on Governmental Affairs.

H.R. 1086. An act to encourage the development and promulgation of voluntary consensus standards by providing relief under the antitrust laws to standards development organizations with respect to conduct engaged in for the purpose of developing voluntary consensus standards, and for other purposes; to the Committee on the Judiciary.

H.R. 1529. An act to amend title 11 of the United States Code with respect to the dismissal of certain involuntary cases; to the Committee on the Judiciary.

H.R. 2030. An act to designate the facility of the United States Postal Service located at 120 Baldwin Avenue in Paia, Maui, Hawaii, as the ''Patsy Takemoto Mink Post Office Building''; to the Committee on Governmental Affairs.

H.R. 2143. An act to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 11, she had presented to the President of the United States the following enrolled bills:

S. 222. An act to approve the settlement of the water rights claims of the Zuni Indian Tribe in Apache County, Arizona, and for other purposes.

S. 273. An act to provide for the expeditious completion of the acquisition of land owned by the State of Wyoming within the boundaries of Grand Teton National Park, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2657. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Rock Rapids, IA; Docket No. 03–ACE–28 (2120–AA66) (2003–0097)'' received on June 9, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2658. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace Crete, NE; Docket No. 03–ACE–33 (2120–AA66) (2003–0096)'' received on June 9, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2659. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Saginaw, MI; Docket No. 02–AGL–17 (2120–AA66) (2003–0095)'' received on June 9, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2660. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Berrien Springs, MI; Docket No. 02–AGL–20 (2120–AA66) (2003–0094)'' received on June 9, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2661. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Greenfield; IA; Docket No. 03–ACE–19 (2120–AA66) (2003–0093)'' received on June 9, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2662. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; St. Louis, MO; Docket No. 03–ACE–26 (2120–AA66) (2003–0092)''; to the Committee on Commerce, Science, and Transportation.

EC–2663. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace

Marshalltown, IA; Docket No. 03–ACE–24 (2120–AA66) (2003–0091)''; to the Committee on Commerce, Science, and Transportation.

EC–2664. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas model MD 90–30 Airplanes; Docket No. 2001–NM–173 (2120–AA64) (2003–0215)''; to the Committee on Commerce, Science, and Transportation.

EC–2665. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 90–30 Airplanes; Docket No. 2001–NM–386 (2120–AA64) (2003–0214)''; to the Committee on Commerce, Science, and Transportation.

EC–2666. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 757–200, 200CB, and 200PF Series Airplanes; Docket No. 2001–NM–329 (2120–AA64) (2003–0213)''; to the Committee on Commerce, Science, and Transportation.

EC–2667. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes; Docket No. 2000–NM–343 (2120–AA64) (2003–0212)''; to the Committee on Commerce, Science, and Transportation.

EC–2668. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Model 1900D Airplanes; Docket No. 2002–CE–26 (2120–AA64) (2003–0211)''; to the Committee on Commerce, Science, and Transportation.

EC–2669. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: General Electric CF34–8C1 Turbofan Engines; Docket No. 2002–NE–23 (2120–AA64) (2003–0210)''; to the Committee on Commerce, Science, and Transportation.

EC–2670. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: New Poper Aircraft, Inc. Models PA 23, 160, 235, 250, and PA–E23–250 Airplanes; Docket No. 2002–CE–44 (2120–AA64) (2003–0209)''; to the Committee on Commerce, Science, and Transportation.

EC–2671. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Aircraft Company Beech Models C35, D35, E35, F35, G35, H35, J35, K35, M35, N35, P35, S35, V35, V35A, and V35B Airplanes; Docket No. 93–CE–37 (2120–AA64) (2003–0208)''; to the Committee on Commerce, Science, and Transportation.

EC–2672. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportion, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce plc RB211 Series Turbofan Engines; Docket No. 2003–NE–15 (2120–AA64) (2003–0207)''; to the Committee on Commerce, Science, and Transportation.

EC–2673. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes; Docket No. 2001–NM–245 (2120–AA64) (2003–0206)''; to the Committee on Commerce, Science, and Transportation.

EC–2674. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model 717–200 Airplanes; Docket No. 309 (2120–AA64) (2003–0205)''; to the Committee on Commerce, Science, and Transportation.

EC–2675. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Raytheon Model Beech 400A and 400T Series Airplanes; Docket No. 2001–NM–335 (2120–AA64) (2003–0204)''; to the Committee on Commerce, Science, and Transportation.

EC–2676. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: MORAVAN a.s. Model Z 242L Airplanes; Docket No. 2003–CE–24 (2120–AA64) (2003–0203)''; to the Committee on Commerce, Science, and Transportation.

EC–2677. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200 and 300 Series Airplanes; Docket No. 2002–N–10 (2120–AA64) (2003–0202)''; to the Committee on Commerce, Science, and Transportation.

EC–2678. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (19); Amdt. No. 3060 (2120–AA65) (2003–0025)''; to the Committee on Commerce, Science, and Transportation.

EC–2679. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bombardier Model CL 600–IA11, CL 600 2A12, and CL600–2B16, Series Airplanes: Docket No. 2002–NM–317 (2120–AA64) (2003–0183)''; to the Committee on Commerce, Science, and Transportation.

EC–2680. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 737–200, 200C, 300, 400, and 500 Series Airplanes; Docket No. 2002–NM–329 (2120–AA64) (2003–0182)''; to the Committee on Commerce, Science, and Transportation.

EC–2681. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pilatus Aircraft Ltd., Models PC–12 and PC 12/45 Airplanes; Docket No. 2003–CE–02 (2120–AA64) (2003–0181)''; to the Committee on Commerce, Science, and Transportation.

EC–2682. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopter Textron Canada Model 222, 22b, 22u, and 230 Helicopters; Docket No. 2003–SW–01 (2120–AA64) (2003–0178)''; to the Committee on Commerce, Science, and Transportation.

EC–2683. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 10–10, 10F, 15, 30, 30, 40, 40F, 10F, 30, MD–11 and MD–11F Airplanes; Docket No. 2003–NM–42 (2120–AA64) (2003–0180)''; to the Committee on Commerce, Science, and Transportation.

EC–2684. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model MD 11 and 11F S Airplanes; Docket No. 2001–NM–62 (2120–AA64) (2003–0198)''; to the Committee on Commerce, Science, and Transportation.

EC–2685. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Aerospatiale Model ATR 42 500 Airplanes; and Model ATR72–102, 202, 212, and 212A Series Airplanes; Docket No. 2002–NM–73 (2120–AA64) (2003–0197)'' received on June 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2686. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC 10–10F, 15, 30, 30F (KC10A and KDC 10), 40, 40F, MD 10 10F and 10 30F Airplanes; Docket No. 2001–NM–99 (2120–AA64) (2003–0196)'' received on June 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2687. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pilatus Aircraft Ltd. Models PC 12 and PC 12/45 Airplanes; Docket No. 2003–CE–06 (2120–AA64) (2003–0195)'' received on June 3, 2003; to the Committee on Commerce, Science, and Transportation.

EC–2688. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767–200, 300 and 300F Series Airplanes; Docket No. 2002–NM–158 (2120–AA64) (2003–0194)'' received on June 3, 2003; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 686. A bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers (Rept. No. 108–68).

## EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. GREGG for the Committee on Health, Education, Labor, and Pensions.

*Anne Rader, of Virginia, to be a Member of the National Council on Disability for a term expiring September 17, 2004.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FRIST (for himself, Mr. GRASSLEY, and Mr. BAUCUS):

S. 1. A bill to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. ALLARD:

S. 1230. A bill to provide for additional responsibilities for the Chief Information Officer of the Department of Homeland Security relating to geospatial information; to the Committee on Governmental Affairs.

By Mr. SCHUMER:

S. 1231. A bill to eliminate the burdens and costs associated with electronic mail spam by prohibiting the transmission of all unsolicited commercial electronic mail to persons who place their electronic mail addresses on a national No-Spam Registry, and to prevent fraud and deception in commercial electronic mail by imposing requirements on the content of all commercial electronic mail messages; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 1232. A bill to designate the newly-constructed annex to the E. Barrett Prettyman Courthouse located at 333 Constitution Ave., N.W. in Washington D.C., as the ''James L. Buckley Annex to the E. Barrett Prettyman United States Courthouse''; to the Committee on Environment and Public Works.

By Ms. MIKULSKI (for herself, Mr. HATCH, Mr. SARBANES, Mr. EDWARDS, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. CORZINE):

S. 1233. A bill to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. SMITH):

S. 1234. A bill to reauthorize the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. EDWARDS (for himself, Mr. REED, and Mr. ROBERTS):

S. 1235. A bill to increase the capabilities of the United States to provide reconstruction assistance to countries or regions impacted by armed conflict, and for other purposes; to the Committee on Foreign Relations.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1236. A bill to direct the Secretary of the Interior to establish a program to control or eradicate tamarisk in the western States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT (for himself, Mr. HATCH, Mr. CRAPO, Mr. CRAIG, and Mr. DORGAN):

S. 1237. A bill to amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself, Mrs. MURRAY, Ms. LANDRIEU, and Ms. CANTWELL):

S. 1238. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve women's health, and for other purposes; to the Committee on Finance.

By Mr. CRAIG:

S. 1239. A bill to amend title 38, United States Code, to provide special compensation for former prisoners of war, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. LUGAR:

S. 1240. A bill to establish the Millennium Challenge Corporation, and for other purposes; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 1241. A bill to establish the Kate Mullany National Historic Site in the State of New York, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DODD:

S. 1242. A bill to designate the Department of Veterans Affairs outpatient clinic in New London, Connecticut, as the ''John J. McGuirk Department of Veterans Affairs Outpatient Clinic''; to the Committee on Veterans' Affairs.

By Mr. SCHUMER (for himself and Mr. DURBIN):

S. 1243. A bill to amend section 924, title 18, United States Code, to increase the maximum term of imprisonment for interstate firearms trafficking and to include interstate firearms trafficking in the definition of racketeering activity, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mrs. HUTCHISON):

S. 1244. A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 and 2005; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORNYN:

S. Res. 166. A resolution recognizing the United States Air Force's Air Force News Agency on the occasion of its 25th anniversary and honoring the Air Force personnel who have served the Nation while assigned to that agency; to the Committee on the Judiciary.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. Con. Res. 53. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; to the Committee on the Judiciary.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. Con. Res. 54. A concurrent resolution commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams for their lives and accomplishments, designating a Medgar Evers National Week of Remembrance, and for other purposes; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 56

At the request of Mr. JOHNSON, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 56, a bill to restore health care coverage to retired members of the uniformed services.

S. 68

At the request of Mr. INOUYE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 68, a bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes.

S. 98

At the request of Mr. ALLARD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 136

At the request of Mrs. LINCOLN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 136, a bill to amend the Tariff Act of 1930 to provide for an expedited antidumping investigation when imports increase materially from new suppliers after an antidumping order has been issued, and to amend the provision relating to adjustments to export price and constructed export price.

S. 340

At the request of Mr. BUNNING, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 340, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

S. 448

At the request of Mr. DODD, the names of the Senator from California (Mrs. BOXER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 448, a bill to leave no child behind.

S. 481

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 481, a bill to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

S. 493

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 493, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 517

At the request of Mrs. MURRAY, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. 517, a bill to amend title 38, United States Code, to provide improved benefits for veterans who are former prisoners of war.

S. 518

At the request of Ms. COLLINS, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 518, a bill to increase the supply of pancreatic islet cells for research, to provide better coordination of Federal efforts and information on islet cell transplantation, and to collect the data necessary to move islet cell transplantation from an experimental procedure to a standard therapy.

S. 620

At the request of Mr. EDWARDS, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 620 , a bill to amend title VII of the Higher Education Act of 1965 to provide for fire sprinkler systems, or other fire suppression or prevention technologies, in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 640

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 640, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Montana (Mr. BURNS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 684

At the request of Mr. SMITH, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 684, a bill to create an office within the Department of Justice to undertake certain specific steps to ensure that all American citizens harmed by terrorism overseas receive equal treatment by the United States Government regardless of the terrorists' country of origin or residence, and to ensure that all terrorists involved in such attacks are pursued, prosecuted, and punished with equal vigor, regardless of the terrorists' country of origin or residence.

S. 700

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 700, a bill to provide for the promotion of democracy, human rights, and rule of law in the Republic of Belarus and for the consolidation and strengthening of Belarus sovereignty and independence.

S. 736

At the request of Mr. ENSIGN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 736, a bill to amend the Animal Welfare Act to strengthen enforcement of provisions relating to animal fighting, and for other purposes.

S. 854

At the request of Mr. DAYTON, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Washington (Mrs . MURRAY) were added as cosponsors of S. 854, a bill to authorize a comprehensive program of support for victims of torture, and for other purposes.

S. 854

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 854, supra.

S. 884

At the request of Ms. LANDRIEU, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 884, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 902

At the request of Ms. LANDRIEU, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 902, a bill to declare, under the authority of Congress under Article I, section 8, of the Constitution to ''provide and maintain a Navy'', a national policy for the naval force structure required in order to ''provide for the common defense'' of the United States throughout the 21st century.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 990

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 990, a bill to amend title 32, United States Code, to increase the maximum Federal share of the costs of State programs under the National Guard Challenge Program, and for other purposes.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1121

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1121, a bill to extend certain trade benefits to countries of the greater Middle East.

S. 1138

At the request of Mr. COLEMAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1138, a bill to amend the Employee Retirement Income Security Act of 1974, Public Health Service Act, and the Internal Revenue Code of 1986 to provide parity with respect to substance abuse treatment benefits under group health plans and health insurance coverage.

S. 1146

At the request of Mr. CONRAD, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1146, a bill to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota.

S. 1155

At the request of Mr. GRASSLEY, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1155, a bill to repeal section 801 of the Revenue Act of 1916.

S. 1182

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mrs. CLINTON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 1182, a bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

S. 1215

At the request of Mr. MCCONNELL, the names of the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. CAMPBELL) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 1215, a bill to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

S. 1215

At the request of Mr. KERRY, his name was added as a cosponsor of S. 1215, supra.

S. 1215

At the request of Mr. NICKLES, his name was added as a cosponsor of S. 1215, supra.

S. CON. RES. 40

At the request of Mrs. CLINTON, the name of the Senator from Maryland

(Ms. MIKULSKI) was added as a cosponsor of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. RES. 164

At the request of Mr. ENSIGN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. Res. 164, a resolution reaffirming support of the Convention on the Prevention and Punishment of the Crime of Genocide and anticipating the commemoration of the 15th anniversary of the enactment of the Genocide Convention Implementation Act of 1987 (the Proxmire Act) on November 4, 2003.

AMENDMENT NO. 876

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of amendment No. 876 proposed to S. 14, a bill to enhance the energy security of the United States, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FRIST (for himself, Mr. GRASSLEY, and Mr. BAUCUS):

S. 1. A bill to amend title XVIII of the Social Security Act to make improvements in the medicare program, to provide prescription drug coverage under the medicare program, and for other purposes; to the Committee on Finance.

S. 1

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

**SECTION 1. SHORT TITLE; SENSE OF THE CONGRESS.**

(a) SHORT TITLE.—This Act may be cited as the ''Prescription Drug and Medicare Improvement Act of 2003''.

(b) SENSE OF THE CONGRESS.—It is the Sense of the Congress that the Congress should enact, and the President should sign, legislation to amend title XVIII of the Social Security Act to make improvements in the medicare program and to provide prescription drug coverage under the medicare program.

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By Mr. HATCH:

S. 1232. A bill to designate the newly-constructed annex to the E. Barrett Prettyman Courthouse located at 333 Constitution Ave., NW., in Washington, DC., as the ''James L. Buckley Annex to the E. Barrett Prettyman United States Courthouse''; to the Committee on Environment and Public Works.

Mr. HATCH. Mr. President, I rise today to introduce a bill to designate the newly-constructed annex to the E. Barrett Prettyman United States Courthouse as the ''James L. Buckley Annex.'' As members of this body well know, Judge Buckley served in this Senate from 1971–77, as a trusted colleague from the State of New York. During his tenure here, Judge Buckley was greatly admired for his dedication, integrity, and professionalism.

Judge Buckley's lengthy public service career is one of great distinction. In addition to the time he spent here in the Senate, Judge Buckley served in the United States Navy during World War II, as Undersecretary of State for Security Assistance, and as President of Radio Free Europe. Most recently, he served for more than a decade as a Circuit Judge on the United States Court of Appeals for the District of Columbia Circuit, in the E. Barrett Prettyman courthouse.

Earlier this Congress, we honored Judge Buckley, on the celebration of his 80th birthday, by passing unanimously a resolution, S. Res. 88, acknowledging his distinguished career in the executive, legislative, and judicial branches of the United States.

Naming the new annex to the E. Barrett Prettyman courthouse after Judge Buckley would be a fitting tribute to our former colleague and prominent jurist. I am honored to offer this legislation, and I urge my colleagues to support this well-deserved commendation.

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By Ms. MIKULSKI (for herself, Mr. HATCH, Mr. SARBANES, Mr. EDWARDS, Mr. LAUTENBERG, Mrs. CLINTON, and Mr. CORZINE):

S. 1233. A bill to authorize assistance for the National Great Blacks in Wax Museum and Justice Learning Center; to the Committee on the Judiciary.

Ms. MIKULSKI. Mr. President, I rise to introduce the National Great Black Americans Commemoration Act. I am proud to sponsor this legislation. Black Americans have a rich history that must be cherished and remembered. This bill will honor African American leaders from across the country—some who are well known, and others who are almost forgotten—by helping to preserve their names, faces, and stories for generations to come.

This legislation will provide Federal assistance to expand exhibits and educational programs at the National Great Blacks in Wax Museum and Justice Learning Center in Baltimore, Maryland. The museum showcases the lives of great Black Americans who have proudly served the United States—from civil servants like Mary McLeod Bethune, to military heroes like Colin Powell, to Congressional leaders like Senator Edward Brooke, R-MA, and civil rights leaders like Rosa Parks. Some are household names, like Frederick Douglass and Dr. Martin Luther King, Jr. Yet many more are unfamiliar, like the 22 African Americans who served in Congress in the 1800s. It's time we give these pioneers the recognition they deserve.

Maryland is proud to be home to so many important figures in black history. From the dark days of slavery through the civil rights movement, Marylanders have led the way. The brilliant Frederick Douglass was the voice of the voiceless in the struggle against slavery. The courageous Harriet Tubman delivered 300 slaves to freedom on the Underground Railroad. The great Thurgood Marshall argued the Brown v. Board of Education Case before the Supreme Court, and later became a Supreme Court Justice himself.

Maryland is home to contemporary leaders, too. The dynamic Kweisi Mfume, president of the NAACP, who, like me, came out of the Baltimore City Council. The passionate ELIJAH CUMMINGS, Chair of the Congressional Black Caucus. Clarence Mitchell who was called by many the 101st Senator. Parren Mitchell and AL WYNN, fighting for their constituents. And all the members of the NAACP, which calls Baltimore home.

It is fitting that the national Great Blacks in Wax Museum and Justice Learning Center also calls Baltimore home. The museum and learning center is a popular and respected black history museum. Approximately 300,000 people a year from around the country and the world visit the museum. Many are school children, who can see historical figures come to life in the museum's exhibits. Expansion will allow the museum to teach even more visitors about the important contributions of Black Americans. It will also help revitalize a poor neighborhood in East Baltimore. There will be new jobs. There will be more tourists. There will be new small businesses. And most important, there will be new inspiration for our young people.

The State of Maryland and City of Baltimore have already contributed over $5 million toward this expansion project. Private donors are contributing too. Now it's time for the Federal Government to do its part. Let's help make this museum a treasure for the entire Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1233

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''National Great Black Americans Commemoration Act of 2003''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Black Americans have served honorably in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, yet their record of service is not well known by the public, is not included in school history lessons, and is not adequately presented in the Nation's museums.

(2) The Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, a nonprofit organization, is the Nation's first wax museum presenting the history of great Black Americans, including those who have served in Congress, in senior executive branch positions, in the law, the judiciary, and other fields, as well as others who have made significant contributions to benefit the Nation.

(3) The Great Blacks in Wax Museum, Inc. plans to expand its existing facilities to establish the National Great Blacks in Wax

Museum and Justice Learning Center, which is intended to serve as a national museum and center for presentation of wax figures and related interactive educational exhibits portraying the history of great Black Americans.

(4) The wax medium has long been recognized as a unique and artistic means to record human history through preservation of the faces and personages of people of prominence, and historically, wax exhibits were used to commemorate noted figures in ancient Egypt, Babylon, Greece, and Rome, in medieval Europe, and in the art of the Italian renaissance.

(5) The Great Blacks in Wax Museum, Inc. was founded in 1983 by Drs. Elmer and Joanne Martin, 2 Baltimore educators who used their personal savings to purchase wax figures, which they displayed in schools, churches, shopping malls, and festivals in the mid-Atlantic region.

(6) The goal of the Martins was to test public reaction to the idea of a Black history wax museum and so positive was the response over time that the museum has been heralded by the public and the media as a national treasure.

(7) The museum has been the subject of feature stories by CNN, the Wall Street Journal, the Baltimore Sun, the Washington Post, the New York Times, the Chicago Sun Times, the Dallas Morning News, the Los Angeles Times, USA Today, the Afro American Newspaper, Crisis, Essence Magazine, and others.

(8) More than 300,000 people from across the Nation visit the museum annually.

(9) The new museum will carry on the time honored artistic tradition of the wax medium; in particular, it will recognize the significant value of this medium to commemorate and appreciate great Black Americans whose faces and personages are not widely recognized.

(10) The museum will employ the most skilled artisans in the wax medium, use state-of-the-art interactive exhibition technologies, and consult with museum professionals throughout the Nation, and its exhibits will feature the following:

(A) Blacks who have served in the Senate and House of Representatives of the United States, including those who represented constituencies in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Virginia during the 19th century.

(B) Blacks who have served in the judiciary, in the Department of Justice, as prominent attorneys, in law enforcement, and in the struggle for equal rights under the law.

(C) Black veterans of various military engagements, including the Buffalo Soldiers and Tuskegee Airmen, and the role of Blacks in the settlement of the western United States.

(D) Blacks who have served in senior executive branch positions, including members of Presidents' Cabinets, Assistant Secretaries and Deputy Secretaries of Federal agencies, and Presidential advisers.

(E) Other Blacks whose accomplishments and contributions to human history during the last millennium and to the Nation through more than 400 years are exemplary, including Black educators, authors, scientists, inventors, athletes, clergy, and civil rights leaders.

(11) The museum plans to develop collaborative programs with other museums, serve as a clearinghouse for training, technical assistance, and other resources involving use of the wax medium, and sponsor traveling exhibits to provide enriching museum experiences for communities throughout the Nation.

(12) The museum has been recognized by the State of Maryland and the city of Baltimore as a preeminent facility for presenting and interpreting Black history, using the wax medium in its highest artistic form.

(13) The museum is located in the heart of an area designated as an empowerment zone, and is considered to be a catalyst for economic and cultural improvements in this economically disadvantaged area.

**SEC. 3. ASSISTANCE FOR NATIONAL GREAT BLACKS IN WAX MUSEUM AND JUSTICE LEARNING CENTER.**

(a) ASSISTANCE FOR MUSEUM.—Subject to subsection (b), the Attorney General, acting through the Office of Justice Programs of the Department of Justice, shall, from amounts made available under subsection (c), make a grant to the Great Blacks in Wax Museum, Inc. in Baltimore, Maryland, to pay the Federal share of the costs of expanding and creating the National Great Blacks in Wax Museum and Justice Learning Center, including the cost of its design, planning, furnishing, and equipping.

(b) GRANT REQUIREMENTS.—

(1) IN GENERAL.—To receive a grant under subsection (a), the Great Blacks in Wax Museum, Inc. shall submit to the Attorney General a proposal for the use of the grant, which shall include detailed plans for the design, construction, furnishing, and equipping of the National Great Blacks in Wax Museum and Justice Learning Center.

(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a) shall not exceed 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000, to remain available until expended.

Mr. HATCH. Mr. President, I am proud to join Senator MIKULSKI as cosponsor of the ''National Great Black Americans Commemoration Act of 2003.'' This legislation will help offer a more complete portrayal of our Nation's proud history—one that includes an increased awareness of the contributions made by many great black Americans of various fields and accomplishments.

This legislation seeks to recognize the contributions of African Americans who have served in Congress or other government capacities, in the military, or in other important roles as educators, authors, scientists, inventors, athletes, clergy and civil rights leaders. Clearly, there are few, if any, areas of American culture and history that have not been touched and improved upon by the impact of black individuals. As we recognize this, it is important that we also recognize those whose goal is to make available the history of these outstanding people.

One such institution is The Great Blacks in Wax Museum, a nonprofit organization in Baltimore, MD, whose mission is to present the history of black Americans and to highlight their contributions to our nation. I believe that this institution's work thus far and its goals for the future make it worthy of our support. This legislation not only commends the efforts made by this museum to date, but authorizes the appropriation of funds that will help the museum to improve and expand. Appropriate Federal assistance, coupled with other funding raised by the museum, will allow the current institution to become the National Great Blacks in Wax Museum and Justice Learning Center, which will be better equipped to serve its purposes. This improved museum will be a bright example for projects with similar goals and will provide an excellent source of historical education for all who visit.

I am a strong believer that our history should be presented in a complete and accurate manner. Where we have understated in the past, we should make amends. The development of the National Great Blacks in Wax Museum and Justice Learning Center will be a valuable statement recognizing the contributions of so many great African Americans. I hope that my colleagues will see the merit in this endeavor and will lend their support to the National Great Black Americans Commemoration Act.

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By Mr. MCCAIN (for himself and Mr. SMITH):

S. 1234. A bill to reauthorize the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, today I am joined by the Chairman of the Senate Commerce Committee's Competition, Foreign Commerce, and Infrastructure Subcommittee, Senator SMITH, in introducing the Federal Trade Commission Reauthorization Act of 2003. This legislation is designed to reauthorize the Federal Trade Commission, FTC or Commission, in furtherance of its mission to enhance the efficient operation of the marketplace by both eliminating acts or practices that are unfair or deceptive and preventing anti-competitive conduct. This vital consumer protection agency has not been reauthorized since 1996.

Title I of the bill is nearly identical to legislation that was reported by the Commerce Committee last year. It would authorize funding for Fiscal Years 2004 through 2006. In addition, this portion of the bill would authorize the FTC to provide investigative and other services to a requesting law enforcement agency and receive from that agency, if offered, reimbursement for the FTC's involvement. This part of the bill also would grant the Commission the authority it has requested to receive gifts or items that would be useful to the Commission as long as a conflict of interest is not created by such receipt.

The second title of the bill is designed to mitigate the challenges that the FTC currently faces in combating cross-border fraud. The FTC's responsibility to protect consumers is essential, particularly in today's global climate of high-speed information and marketing, which knows no international borders. This title would improve the Commission's ability to: share information involving cross-border fraud with foreign consumer protection agencies; secure confidential

information from those foreign agencies; take legal action in foreign jurisdictions; seek redress on behalf of foreign consumers victimized by U.S.-based wrongdoers; make criminal referrals for cross-border criminal activity; and strengthen its relationship with foreign consumer protection agencies. The Competition Subcommittee will hold a hearing later today on the FTC's reauthorization and will consider a number of issues including the Commission's cross-border fraud proposal.

Not included in the bill is language that was reported by the Commerce Committee last Fall that would repeal the ''common carrier'' exemption in the FTC's organizing statute that currently precludes the Commission from exercising authority over certain activities of telecommunications common carriers. The Federal Communications Commission, FCC, currently has jurisdiction over these common carriers.

While I fully support any effort to combat entities that perpetrate fraud on consumers, and I respect the expertise and ability of the FTC and FCC to seek redress for victims of such fraud, I made it clear during the Commerce Committee's executive session last Fall that a discussion was necessary between the two agencies to resolve any overlap in jurisdiction that may exist. It is our understanding that the FTC and FCC are in the process of negotiating an agreement that would satisfy the objectives of both agencies to further their respective consumer protection missions. Thus, for now, we will reserve judgment as to whether such a repeal is necessary.

Meanwhile, I look forward to working on this important consumer protection legislation and I hope that my colleagues will agree to join us in expeditiously moving this reauthorization through the legislative process. Reauthorizing the FTC is important if the agency is to continue to successfully carry out its many responsibilities.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1234

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Federal Trade Commission Reauthorization Act of 2003''.

## TITLE I—REAUTHORIZATION

**SEC. 101. REAUTHORIZATION.**

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

''There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $194,742,000 for fiscal year 2004, $224,695,000 for fiscal year 2005, and $235,457,000 for fiscal year 2006.''.

**SEC. 102. AUTHORITY TO ACCEPT REIMBURSEMENTS, GIFTS, AND VOLUNTARY AND UNCOMPENSATED SERVICES.**

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended—

(1) by redesignating section 26 as section 28; and

(2) by inserting after section 25 the following:

**''SEC. 26. REIMBURSEMENT OF EXPENSES.**

''The Commission may accept payment or reimbursement, in cash or in kind, from a domestic or foreign law enforcement authority, or payment or reimbursement made on behalf of such authority, for expenses incurred by the Commission, its members, or employees in carrying out any activity pursuant to a statute administered by the Commission without regard to any other provision of law. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Commission.

**''SEC. 27. GIFTS AND VOLUNTARY AND UNCOMPENSATED SERVICES.**

''(a) IN GENERAL.—In furtherance of its functions the Commission may accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property and, notwithstanding section 1342 of title 31, United States Code, accept voluntary and uncompensated services.

''(b) LIMITATIONS.—

''(1) CONFLICTS OF INTEREST.—Notwithstanding subsection (a), the Commission may not accept, hold, administer, or use a gift, donation, or bequest if the acceptance, holding, administration, or use would create a conflict of interest or the appearance of a conflict of interest.

''(2) VOLUNTARY SERVICES.—A person who provides voluntary and uncompensated service under subsection (a) shall not be considered a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and section 2671 through 2680 of title 28, United States Code, (relating to tort claims).''.

## TITLE II—INTERNATIONAL CONSUMER PROTECTION

**SEC. 201. FINDINGS.**

The Congress finds the following:

(1) The Federal Trade Commission protects consumers from fraud and deception. Cross-border fraud and deception are growing international problems that affect American consumers and businesses.

(2) The development of the Internet and improvements in telecommunications technologies have brought significant benefits to consumers. At the same time, they have also provided unprecedented opportunities for those engaged in fraud and deception to establish operations in one country and victimize a large number of consumers in other countries.

(3) An increasing number of consumer complaints collected in the Consumer Sentinel database maintained by the Commission, and an increasing number of cases brought by the Commission, involve foreign consumers, foreign businesses or individuals, or assets or evidence located outside the United States.

(4) The Commission has legal authority to remedy law violations involving domestic and foreign wrongdoers, pursuant to the Federal Trade Commission Act. The Commission's ability to obtain effective relief using this authority, however, may face practical impediments when wrongdoers, victims, other witnesses, documents, money and third parties involved in the transaction are widely dispersed in many different jurisdictions. Such circumstances make it difficult for the Commission to gather all the information necessary to detect injurious practices, to recover offshore assets for consumer redress, and to reach conduct occurring outside the United States that affects United States consumers.

(5) Improving the ability of the Commission and its foreign counterparts to share information about cross-border fraud and deception, to conduct joint and parallel investigations, and to assist each other is critical to achieve more timely and effective enforcement in cross- border cases.

(6) Consequently, Congress should enact legislation to provide the Commission with more tools to protect consumers across borders.

**SEC. 202. FOREIGN LAW ENFORCEMENT AGENCY DEFINED.**

Section 4 of the Federal Trade Commission Act (15 U.S.C. 44) is amended by adding at the end the following:

'' 'Foreign law enforcement agency' means—

''(1) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters;

''(2) any multinational organization, to the extent that it is acting on behalf of an entity described in paragraph (1); or

''(3) any organization that is vested with authority, as a principal mission, to enforce laws against fraudulent, deceptive, misleading, or unfair commercial practices affecting consumers, in accordance with criteria laid down by law, by a foreign state or a political subdivision of a foreign state.''.

**SEC. 203. SHARING INFORMATION WITH FOREIGN LAW ENFORCEMENT AGENCIES.**

(a) IN GENERAL.—Section 21(b)(6) of the Federal Trade Commission Act (15 U.S.C. 57b–2(b)(6)) is amended by adding at the end ''The custodian may make such material available to any foreign law enforcement agency upon the prior certification of any officer of any such foreign law enforcement agency that such material will be maintained in confidence and will be used only for official law enforcement purposes, provided that the foreign law enforcement agency has set forth a legal basis for its authority to maintain the material in confidence. Nothing in the preceding sentence authorizes disclosure of material obtained in connection with the administration of Federal antitrust laws or foreign antitrust laws (within the meaning of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

(b) PUBLICATION OF INFORMATION; REPORTS.—Section 6(f) of the Federal Trade Commission Act (15 U.S.C. 46(f)) is amended—

(1) by striking ''agencies or to any officer or employee of any State law enforcement agency'' and inserting ''agencies, to any officer or employee of any State law enforcement agency, or to any officer or employee of any foreign law enforcement agency'';

(2) by striking ''Federal or State law enforcement agency'' and inserting ''Federal, State, or foreign law enforcement agency''; and

(3) by adding at the end ''Such information shall be disclosed to an officer or employee of a foreign law enforcement agency only if the foreign law enforcement agency has set forth a legal basis for its authority to maintain the information in confidence. Nothing in the preceding sentence authorizes the disclosure of material obtained in connection with the administration of Federal antitrust

laws or foreign antitrust laws (within the meaning of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)) to any officer or employee of a foreign law enforcement agency.''.

**SEC. 204. OBTAINING INFORMATION FOR FOREIGN LAW ENFORCEMENT AGENCIES.**

Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended by adding at the end the following:

''(j)(1) Upon request from a foreign law enforcement agency, to provide assistance in accordance with this subsection if the requesting agency states that it is investigating, or engaging in enforcement proceedings against, possible violations of laws prohibiting fraudulent, deceptive, misleading, or unfair commercial conduct, or other conduct that may be similar to conduct prohibited by any provision of the laws administered by the Commission, other than Federal antitrust laws (within the meaning of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)), the Commission may, in its discretion—

''(A) conduct such investigation as the Commission deems necessary to collect information and evidence pertinent to the request for assistance, using all investigative powers authorized by this Act; and

''(B) seek and accept appointment by a United States district court of Commission attorneys to provide assistance to foreign and international tribunals and to litigants before such tribunals on behalf of a foreign law enforcement agency pursuant to section 1782 of title 28, United States Code.

''(2) The Commission may provide assistance under paragraph (1) without regard to whether the conduct identified in the request would also constitute a violation of the laws of the United States.

''(3) In deciding whether to provide such assistance, the Commission shall consider—

''(A) whether the requesting agency has agreed to provide or will provide reciprocal assistance to the Commission; and

''(B) whether compliance with the request would prejudice the public interest of the United States.

''(4) If a foreign law enforcement agency has set forth a legal basis for requiring execution of an international agreement as a condition for reciprocal assistance, or as a condition for disclosure of materials or information to the Commission, the Commission, after consultation with the Secretary of State, may negotiate and conclude an international agreement, in the name of either the United States or the Commission and with the final approval of the agreement by the Secretary of State, for the purpose of obtaining such assistance or disclosure. The Commission may undertake in such an international agreement—

''(A) to provide assistance using the powers set forth in this subsection;

''(B) to disclose materials and information in accordance with subsection (f) of this section and section 21(b)(6) of this Act; and

''(C) to engage in further cooperation, and protect materials and information received from disclosure, as authorized by this Act.

''(5) The authority in this subsection is in addition to, and not in lieu of, any other authority vested in the Commission or any other officer of the United States.''.

**SEC. 205. INFORMATION SUPPLIED BY AND ABOUT FOREIGN SOURCES.**

Section 21(f) of the Federal Trade Commission Act (15 U.S.C. 57b-2(f)) is amended—

(1) by inserting ''(1) before ''Any''; and adding at the end the following:

''(2)(A) Except as provided in subparagraph (C) of this paragraph, the Commission shall not be compelled to disclose—

''(i) material obtained from a foreign law enforcement agency or other foreign government agency, if the foreign law enforcement agency or other foreign government agency has requested confidential treatment as a condition of disclosing the material;

''(ii) material reflecting consumer complaints obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of disclosing the material; or

''(iii) material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign law enforcement agencies or other foreign government agencies.

''(B) For purposes of section 552 of title 5, this paragraph shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(C) Nothing in this paragraph shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.''.

**SEC. 206. CONFIDENTIALITY AND DELAYED NOTICE OF PROCESS.**

(a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21 (15 U.S.C. 57b-2) the following:

**''SEC. 21A. CONFIDENTIALITY AND DELAYED NOTICE OF COMPULSORY PROCESS FOR CERTAIN THIRD PARTIES.**

''(a) CONFIDENTIALITY OF COMPULSORY PROCESS ISSUED BY THE COMMISSION.—

''(1) This subsection shall apply only in connection with compulsory process issued by the Commission where the recipient of such process is not a subject of the investigation or proceeding at the time such process is issued.

''(2) Notwithstanding any law or regulation of the United States, any constitution, law or regulation of any State or political subdivision of any State or any Territory or the District of Columbia, or any contract or other legally enforceable agreement, the Commission may seek an order requiring the recipient of compulsory process described in paragraph (1) to keep such process confidential, upon an ex parte showing to an appropriate United States district court that there is a reason to believe that disclosure may—

''(A) result in the transfer of assets or records outside the territorial limits of the United States;

''(B) impede the ability of the Commission to identify or trace funds;

''(C) endanger the life or physical safety of an individual;

''(D) result in flight from prosecution;

''(E) result in destruction of or tampering with evidence;

''(F) result in intimidation of potential witnesses;

''(G) result in the dissipation or concealment of assets; or

''(H) otherwise seriously jeopardize an investigation or unduly delay a trial.

''(3) Upon a showing described in paragraph (2), the presiding judge or magistrate judge shall enter an ex parte order prohibiting the recipient of process from disclosing that information has been submitted or that a request for information has been made, for such period as the court deems appropriate.

''(b) MATERIALS SUBJECT TO GOVERNMENT NOTIFICATION UNDER THE RIGHT TO FINANCIAL PRIVACY ACT.—

''(1) When section 1105 or 1107 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3405 or 3407) would otherwise require notice, notwithstanding such requirements, the Commission may obtain from a financial institution access to or copies of financial records of a customer, as these terms are defined in section 1101 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401), through compulsory process described in subsection (a)(1) or through a judicial subpoena, without prior notice to the customer, upon an ex parte showing to an appropriate United States district court that there is reason to believe that the required notice may cause an adverse result described in subsection (a)(2).

''(2) Upon such showing, the presiding judge or magistrate judge shall enter an ex parte order granting a delay of notice for a period not to exceed 90 days and an order prohibiting the financial institution from disclosing that records have been submitted or that a request for records has been made.

''(3) The court may grant extensions of the period of delay of notice provided in paragraph (2) of up to 90 days, upon a showing that the requirements for delayed notice under subsection (a)(2) continue to apply.

''(4) Upon expiration of the periods of delay of notice ordered under paragraphs (2) and (3), the Commission shall serve upon, or deliver by registered or first-class mail, or as otherwise authorized by the court to, the customer a copy of the process together with notice that states with reasonable specificity the nature of the law enforcement inquiry, informs the customer or subscriber when the process was served, and states that notification of the process was delayed under this subsection.

''(c) MATERIALS SUBJECT TO GOVERNMENT NOTIFICATION UNDER THE ELECTRONIC COMMUNICATIONS PRIVACY ACT.—

''(1) When section 2703(b)(1)(B) of title 18 would otherwise require notice, notwithstanding such requirements, the Commission may obtain, through compulsory process described in subsection (a)(1) or through judicial subpoena,

''(A) from a provider of remote computing services, access to or copies of the contents of a wire or electronic communication described in section 2703(b)(1) of title 18, and as those terms are defined in section 2510 of title 18, or

''(B) from a provider of electronic communications services, access to or copies of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than 180 days, as those terms are defined in section 2510 of title 18,

without prior notice to the customer or subscriber, upon an ex parte showing to an appropriate United States district court by a Commission official that there is reason to believe that notification of the existence of the process may cause an adverse result described in subsection (a)(2). Upon such a showing, the presiding judge or magistrate judge shall issue an exparte order granting a delay of notice for a period not to exceed 90 days. A court may grant extensions of the period of delay of notice of up to 90 days, upon application by the Commission and a showing that the requirements for delayed notice under subsection (b)(2) continue to apply.

''(2) The Commission may apply to a court for an order prohibiting a provider of electronic communications service or remote computing service to whom process has been issued under this subsection, for such period as the court deems appropriate, from disclosing that information has been submitted or that a request for information has been made. The court shall enter such an order if it has reason to believe that such disclosure may cause an adverse result described in subsection (b)(2).

''(3) Upon expiration of the periods of delay of notice ordered under subparagraph (1), the Commission shall serve upon, or deliver by registered or first-class mail, or as otherwise authorized by the court to, the customer or subscriber a copy of the process together with notice that states with reasonable specificity the nature of the law enforcement inquiry, informs the customer or subscriber when the process was served, and states that notification of the process was delayed under this subsection.

''(4) Nothing in the Electronic Communications Privacy Act shall prohibit a provider of electronic communications services or remote computing services from disclosing complaints received by it from a customer or subscriber or information reflecting such complaints to the Commission.

''(d) LIABILITY LIMITATION.—The recipient of compulsory process under subsections (a), (b), or (c) shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State or any Territory or the District of Columbia, or under any contract or other legally enforceable agreement, for failure to provide notice that such process has been issued or that the recipient has provided information in response to such process. The preceding sentence does not provide any exemption from liability for the underlying conduct reported.

''(e) IN-CAMERA PROCEEDINGS.—Upon application by the Commission, all judicial proceedings pursuant to this section shall be held in camera and the records thereof sealed until expiration of the period of delay or such other date as the presiding judge or magistrate judge may permit.

''(f) PROCEDURE INAPPLICABLE TO CERTAIN PROCEEDINGS.—This section shall not apply to compulsory process issued in an investigation or proceeding related to the administration of Federal antitrust laws or foreign antitrust laws (within the meaning of section 12 of the International Antitrust Enforcement Assistance Act of 1994 (15 U.S.C. 6211)).''.

(b) Section 16(a)(2) of the Federal Trade Commission Act (15 U.S.C. 56(a)(2)) is amended—

(1) by striking ''or'' after the semicolon in subparagraph (C);

(2) by striking ''Act;'' in subparagraph (D) and inserting ''Act; or''; and

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

''(E) under section 21a of this Act;''.

**SEC. 207. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.**

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 21a, as added by section 206 of this title, the following:

**''SEC. 21B. PROTECTION FOR VOLUNTARY PROVISION OF INFORMATION.**

''(a) IN GENERAL.—An entity described in subsection (d)(1) that voluntarily provides material to the Commission that it reasonably believes is relevant to—

''(1) a possible unfair or deceptive act or practice, as defined in section 5(a) of this Act, or

''(2) assets subject to recovery by the Commission, including assets located in foreign jurisdictions,

shall not be liable to any person under any law or regulation of the United States, or any constitution, law, or regulation of any State or political subdivision of any State or any Territory or the District of Columbia, for such disclosure or for any failure to provide notice of such disclosure. The preceding sentence does not provide any exemption from liability for the underlying conduct reported.

''(b) LIABILITY LIMITATION.—An entity described in subsection (d)(2) that makes a voluntary disclosure to the Commission regarding the subjects described in subsection (a)(1) and (2) shall be exempt from liability in accordance with the provisions of section 5318(g)(3) of title 31, United States Code.

''(c) FOIA EXEMPTION.—Material submitted pursuant to this section with a request for confidential treatment shall be exempt from disclosure under section 552 of title 5, United States Code.

''(d) ENTITIES TO WHICH SECTION APPLIES.—This section applies to the following entities, whether foreign or domestic:

''(1) A courier service, a commercial mail receiving agency, an industry membership organization, a payment system provider, a consumer reporting agency, a domain name registrar and registry, a provider of remote computing services or electronic communication services, to the limited extent such a provider is disclosing consumer complaints received by it from a customer or subscriber, or information reflecting such complaints; and

''(2) a bank or thrift institution, a commercial bank or trust company, an investment company, a credit card issuer, an operator of a credit card system, and an issuer, redeemer, or cashier of travelers' checks, checks, money orders, or similar instruments.''.

**SEC. 208. INFORMATION SHARING WITH FINANCIAL REGULATORS.**

Section 1112(e) of the Right to Financial Privacy Act (12 U.S.C. 3412(e)) is amended by inserting ''the Federal Trade Commission,'' after ''the Securities and Exchange Commission,''.

**SEC. 209. REPRESENTATION IN FOREIGN LITIGATION.**

Section 16 of the Federal Trade Commission Act (15 U.S.C. 56) is amended by adding at the end the following:

''(c)(1) The Commission may designate Commission attorneys to assist the Department of Justice in connection with litigation in foreign courts in which the Commission has an interest, pursuant to the terms of a memorandum of understanding to be negotiated by the Commission and the Department of Justice.

''(2) The Commission is authorized to expend appropriated funds for the retention of foreign counsel for consultation and for litigation in foreign courts, and for expenses related to consultation and to litigation in foreign courts in which the Commission has an interest.''.

**SEC. 210. AVAILABILITY OF REMEDIES.**

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end the following:

''(o) UNFAIR OR DECEPTIVE ACTS OR PRACTICES INVOLVING FOREIGN COMMERCE.—

''(1) IN GENERAL.—For purposes of subsection (a), the term'unfair or deceptive acts or practices' includes such acts or practices involving foreign commerce that—

''(A) cause or are likely to cause reasonably foreseeable injury within the United States; or

''(B) involve material conduct occurring within the United States.

''(2) APPLICATION OF REMEDIES TO SUCH ACTS OR PRACTICES.—All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in paragraph (1), including restitution to domestic or foreign victims.''.

**SEC. 211. CRIMINAL REFERRALS.**

Section 6 of the Federal Trade Commission Act (15 U.S.C. 46), as amended by section 204 of this title, is amended by adding at the end the following:

''(k) REFERRAL OF EVIDENCE FOR CRIMINAL PROCEEDINGS.—Whenever the Commission obtains evidence that any person, partnership or corporation, either domestic or foreign, may have engaged in conduct that could give rise to criminal proceedings, to transmit such evidence to the Attorney General who may, in his discretion, institute criminal proceedings under appropriate statutes. Provided that nothing in this subsection affects any other authority of the Commission to disclose information.''.

**SEC. 212. STAFF EXCHANGES.**

The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 25 (15 U.S.C. 57c) the following:

**''SEC. 25A. STAFF EXCHANGES.**

''(a) IN GENERAL.—The Congress consents to—

''(1) the retention or employment of officers or employees of foreign government agencies on a temporary basis by the Commission under section 3109 of title 5, United States Code, section 202 of title 18, United States Code, or section 2 of this Act (15 U.S.C. 42); and

''(2) the retention or employment of officers or employees of the Commission on a temporary basis by such foreign government agencies.

''(b) FORM OF ARRANGEMENTS.—Staff arrangements under subsection (a) need not be reciprocal. The Commission may accept payment or reimbursement, in cash or in kind, from a foreign government agency to which this section is applicable, or payment or reimbursement made on behalf of such agency, for expenses incurred by the Commission, its members, and employees in carrying out such arrangements.''.

**SEC. 213. EXPENDITURES FOR COOPERATIVE ARRANGEMENTS.**

(a) IN GENERAL.—Section 6 of the Federal Trade Commission Act (15 U.S.C. 46) as amended by section 211 of this title, is further amended by adding at the end the following:

''(p) To expend appropriated funds for—

''(1) operating expenses and other costs of bilateral and multilateral cooperative law enforcement groups conducting activities of interest to the Commission and in which the Commission participates; and

''(2) expenses for consultations and meetings hosted by the Commission with foreign government agency officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to the Commission's mission, development and implementation of cooperation agreements, and provision of technical assistance for the development of foreign consumer protection or competition regimes, such expenses to include necessary administrative and logistic expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including—

''(A) such incidental expenses as meals taken in the course of such attendance;

''(B) any travel and transportation to or from such meetings; and

''(3) any other related lodging or subsistence.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—The Federal Trade Commission is authorized to expend appropriated funds not to exceed $100,000 per fiscal year for purposes of section 6(p) of the Federal Trade Commission Act (15 U.S.C. 46(p)), including operating expenses and other costs of the following bilateral and multilateral cooperative law enforcement groups:

(1) The International Consumer Protection and Enforcement Network.

(2) The International Competition Network.

(3) The Mexico-U.S.-Canada Health Fraud Task Force.

(4) Project Emptor.

(5) The Toronto Strategic Partnership and other regional partnerships with a nexus in a Canadian province.

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By Mr. EDWARDS (for himself, Mr. REED, and Mr. ROBERTS):

S. 1235. A bill to increase the capabilities of the United States to provide reconstruction assistance to countries or regions impacted by armed conflict, and for other purposes; to the Committee on Foreign Relations.

Mr. EDWARDS. Mr. President, today I am proud to join with two of my colleagues—Senator REED and Senator ROBERTS—to introduce legislation that will help America meet a critical challenge that, during the past decade, it has faced over and over: helping countries that have suffered from conflict work to rebuild their societies.

Over the past two years, America has proved again that we have the finest military force in the world. In Afghanistan and Iraq, the men and women of America's military performed with great bravery and skill. By defeating the Taliban and removing Saddam Hussein's regime from power, they showed that they are the world's best trained troops using the world's most sophisticated weapons. This is a powerful example of the leadership and commitment both here in the Congress and in successive Administrations—both Democrat and Republican—to ensure that our military remains the best equipped, best trained, most prepared fighting force in the world.

But these decisive military victories have been followed by a peace where success has not been so clear. First in Afghanistan, and now in Iraq, our efforts to help these societies get back on their feet have produced mixed results. To be sure, the challenges in both countries are profound: Afghanistan suffered from nearly a quarter-century of civil war, and Iraq suffered for more than two decades under the thumb of Saddam Hussein and his brutal regime. Both countries have deep internal divisions and little experience with representative government. While it is reasonable to assume post-conflict reconstruction efforts in both nations will take considerable time, these realities cannot be an excuse for the overall shortcoming in our own efforts, especially because we have the resources and capabilities to do better.

This is not the first time we have faced such challenges. Since the end of the Cold War, thousands of American military, diplomatic and humanitarian personnel have also been involved in major post-conflict reconstruction efforts in such places as Bosnia, Kosovo, Somalia, Rwanda, Haiti, and East Timor. Each of these efforts has had varying degrees of success, but on balance, I think we all can agree that we could have done better.

Too often, our response to post-conflict situations has been haphazard and slow to start. And once underway, our efforts often suffer from a cumbersome chain-of-command, lack of resources, and inadequate accountability.

The problem is that our government is still not well organized to deal with such situations. Each time we get involved in a post-conflict reconstruction effort we end up making it up as we go. We waste valuable time reinventing the bureaucratic wheel. And we get in unnecessary arguments about who should do what and who should be in charge.

It is remarkable that even with all the commitments we have made during the past decade, next to nothing has been done to reform the way our government works to enhance our capacity to deal with these situations effectively. Governmental mechanisms developed during the Cold War are outdated and not suited to addressing the complex set of challenges created by failed states.

We must do better. After more than ten years of improvising our responses to these challenges, it is time to change the way we do things. We need to improve our ability to plan, coordinate, and organize U.S. government resources to assist with post-conflict reconstruction. We need to train our people more effectively. We need a better sense of what works and what does not. We need greater accountability. And we need to promote the means for involving other countries in these efforts, including through institutions like NATO.

I believe that the ''Winning the Peace Act'' is an important step toward accomplishing these goals. This legislation is based upon the work of the bipartisan ''Commission on Post-Conflict Reconstruction,'' convened by the Association of the U.S. Army and the Center for Strategic and International Studies, CSIS. This Commission was very ably led by Dr. John Hamre, the former Deputy Secretary of Defense, and General Gordon Sullivan, the former Army Chief of Staff. The Commission was composed of twenty-seven distinguished military, diplomatic and humanitarian experts, including myself and my two Senate co-sponsors.

The legislation includes five key proposals:

First, it calls on the President to appoint a Director of Reconstruction for areas where the U.S. will assist with post-conflict reconstruction. These Directors will provide oversight, help coordinate, and have decision-making authority for all U.S. government reconstruction activities in a particular country. They will also coordinate with the representatives of the country in question, other foreign governments, multilateral organizations, and relevant NGOs.

Second, it establishes a permanent office within the State Department to provide support to Directors of Reconstruction, ensuring that these Directors can hit the ground running and not waste valuable time hiring staff and getting office space.

Third, it establishes within USAID an Office of International Emergency Management. This new office will develop and maintain a database of individuals with expertise in reconstruction, and provide support for mobilizing these experts.

Fourth, it calls on NATO to develop an ''Integrated Security Support Component'' to assist with reconstruction. This NATO-led force will help provide security, including assistance with policing ensuring that America will not be forced to shoulder these burdens alone.

Finally, this bill establishes an interagency training center for post-conflict reconstruction. This will be run by the State Department, and will help train personnel in assessment, strategy development, planning, and coordination related to providing reconstruction services. It will also develop and certify experts in the field, and conduct lesson-learned reviews of operations.

Having these resources in place will enhance America's capacity to assist reconstruction in four critical areas: Security and public safety, such as assisting with disarmament and training of police forces; Justice, such as developing the rule of law, preventing human rights violations, and bringing war criminals to justice; Governance, such as reforming civil administration, restoring basic civil functions, and establishing processes of governance and participation; and Economic and Social Well-being, such as providing humanitarian assistance and developing national economic institutions.

With these changes, we will not only make America's efforts to assist in post-conflict reconstruction more efficient and accountable. We will also make our efforts more effective contributing more to the safety and security of the people we are trying to help, and helping them run their countries on their own.

By ensuring that we maintain the best military in the world, we have made a full commitment to winning wars. It is now time to ensure that we are capable of winning the peace.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Winning the Peace Act of 2003''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) President George W. Bush has stated that the United States security strategy takes into account the fact that ''America is now threatened less by conquering states than we are by failing ones''.

(2) Failed states can provide safe haven for a diverse array of transnational threats, including terrorist networks, militia and warlords, global organized crime, and narcotics traffickers who threaten the security of the United States and the allies of the United States.

(3) The inability of the authorities in a failed state to provide basic services can create or contribute to humanitarian emergencies.

(4) It is in the interest of the United States and the international community to bring conflict and humanitarian emergencies stemming from failed states to a lasting and sustainable close.

(5) Since the end of the Cold War, United States military, diplomatic, and humanitarian personnel have been engaged in major post-conflict reconstruction efforts in such places as Iraq, Bosnia, Kosovo, Somalia, Haiti, Rwanda, East Timor, and Afghanistan.

(6) Assisting failed states in emerging from violent conflict is a complex and long-term task, as demonstrated by the experience that 50 percent of such states emerging from conditions of violent conflict slip back into violence within 5 years.

(7) In 2003, the bipartisan Commission on Post-Conflict Reconstruction created by the Center for Strategic and International Studies and the Association of the United States Army, released a report explaining that ''United States security and development agencies still reflect their Cold War heritage. The kinds of complex crises and the challenge of failed states encountered in recent years do not line up with these outdated governmental mechanisms. If regional stability is to be maintained, economic development advanced, lives saved, and transnational threats reduced, the United States and the international community must develop a strategy and enhance capacity for pursuing post-conflict reconstruction.''.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the United States Agency for International Development.

(2) DIRECTOR.—The term ''Director'' means a Director of Reconstruction for a country or region designated by the President under section 4.

(3) RECONSTRUCTION SERVICES.—The term ''reconstruction services'' means activities related to rebuilding, reforming, or establishing the infrastructure processes or institutions of a country that has been affected by an armed conflict, including services related to—

(A) security and public safety, including—

(i) disarmament, demobilization, and reintegration of combatants;

(ii) training and equipping civilian police force; and

(iii) training and equipping of national armed forces;

(B) justice, including—

(i) developing rule of law and legal, judicial, and correctional institutions;

(ii) preventing human rights violations;

(iii) bringing war criminals to justice;

(iv) supporting national reconciliation processes; and

(v) clarifying property rights;

(C) governance, including—

(i) reforming or developing civil administration and other government institutions;

(ii) restoring performance of basic civil functions, such as schools, health clinics, and hospitals; and

(iii) establishing processes of governance and participation; and

(D) economic and social well-being, including—

(i) providing humanitarian assistance;

(ii) constructing or repairing infrastructure;

(iii) developing national economic institutions and activities, such as a banking system; and

(iv) encouraging wise stewardship of natural resources for the benefit of the citizens of such country.

**SEC. 4. DIRECTOR OF RECONSTRUCTION POSITIONS.**

(a) AUTHORIZATION OF POSITIONS.—The President is authorized to designate an individual who is a civilian as the Director of Reconstruction for each country or region in which—

(1) units of the United States Armed Forces have engaged in armed conflict; or

(2) as a result of armed conflict, the country or region will receive reconstruction services from the United States Government.

(b) AUTHORITY TO PROVIDE RECONSTRUCTION SERVICES.—Notwithstanding any provision of law, other than section 553 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003 (division E of Public Law 108–7; 117 Stat. 200), the President is authorized to provide reconstruction services for any country or region for which a Director has been designated under subsection (a).

(c) DUTIES.—A Director who is designated for a country or region under subsection (a) shall provide oversight and coordination of, have decision making authority for, and consult with Congress regarding, all activities of the United States Government that are related to providing reconstruction services in such country or region, including implementing complex, multidisciplinary post-conflict reconstruction programs in such country or region.

(d) COORDINATION.—A Director shall coordinate with the representatives of the country or region where the Director is overseeing and coordinating the provision of reconstruction services, and any foreign government, multilateral organization, or nongovernmental organization that is providing services to such country or region—

(1) to avoid providing reconstruction services that duplicate any such services that are being provided by a person or government other than the United States Government;

(2) to capitalize on civil administration systems and capabilities available from such person or government; and

(3) to utilize individuals or entities with expertise in providing reconstruction services that are available through such other person or government.

(e) SUPPORT SERVICES.—The Secretary of State is authorized to establish within the Department of State a permanent office to provide support, including administrative services, to each Director designated under subsection (a).

**SEC. 5. INTERNATIONAL EMERGENCY MANAGEMENT OFFICE.**

(a) AUTHORIZATION.—The Administrator is authorized to establish within the United States Agency for International Development an Office of International Emergency Management for the purposes described in subsection (b).

(b) PURPOSES.—

(1) IN GENERAL.—The purposes of the Office authorized by subsection (a) shall be—

(A) to develop and maintain a database of individuals or entities that possess expertise in providing reconstruction services; and

(B) to provide support for mobilizing such individuals and entities to provide a country or region with services applying such expertise when requested by the Director for such country or region.

(2) EXPERTS.—The individuals or entities referred to in paragraph (1) may include employees or agencies of the Federal Government, any other government, or any other person, including former Peace Corps volunteers or civilians located in the affected country or region.

**SEC. 6. INTEGRATED SECURITY SUPPORT COMPONENT.**

(a) SENSE OF CONGRESS REGARDING THE CREATION OF AN INTEGRATED SECURITY SUPPORT COMPONENT OF NATO.—It is the sense of Congress that—

(1) the Secretary of State and the Secretary of Defense should present to the North Atlantic Council a proposal to establish within the North Atlantic Treaty Organization an Integrated Security Support Component to train and equip selected units within the North Atlantic Treaty Organization to assist in providing security in countries or regions that require reconstruction services; and

(2) if such a Component is established, the President should commit United States personnel to participate in such Component, after appropriate consultation with Congress.

(b) AUTHORITY TO PARTICIPATE IN AN INTEGRATED SUPPORT COMPONENT.—

(1) IN GENERAL.—If the North Atlantic Council establishes an Integrated Security Support Component, as described in subsection (a), the President is authorized to commit United States personnel to participate in such Component, after appropriate consultation with Congress.

(2) CAPABILITIES.—The units composed of United States personnel participating in such Component pursuant to the authority in paragraph (1) should be capable of—

(A) providing for security of a civilian population, including serving as a police force; and

(B) providing for the performance of public functions and the execution of security tasks such as control of belligerent groups and crowds, apprehending targeted persons or groups, performing anti-corruption tasks, and supporting police investigations.

**SEC. 7. TRAINING CENTER FOR POST-CONFLICT RECONSTRUCTION OPERATIONS.**

(a) ESTABLISHMENT.—The Secretary of State shall establish within the Department of State an interagency Training Center for Post-Conflict Reconstruction Operations for the purposes described in subsection (b).

(b) PURPOSES.—The purposes of the Training Center authorized by subsection (a) shall be to—

(1) train interagency personnel in assessment, strategy development, planning, and coordination related to providing reconstruction services;

(2) develop and certify experts in fields related to reconstruction services who could be called to participate in operations in countries or regions that require such services;

(3) provide training to individuals who will provide reconstruction services in a country or region;

(4) develop rapidly deployable training packages for use in countries or regions in need of reconstruction services; and

(5) conduct reviews of operations that provide reconstruction services for the purpose of—

(A) improving subsequent operations to provide such services; and

(B) developing appropriate training and education programs for individuals who will provide such services.

**SEC. 8. REPORTS TO CONGRESS.**

Not later than 180 days after the date of the enactment of this Act, the President shall submit to Congress a report on the actions planned to be taken to carry out the provisions of this Act.

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By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1236. A bill to direct the Secretary of the Interior to establish a program to control or eradicate tamarisk in the

western States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CAMPBELL. Mr. President, I rise today to introduce the Tamarisk Control & Riparian Restoration Act.

Tamarisk is a noxious weed that is not native to the Americas, but has spread across 11 States, from California to Oklahoma, like a plague. Many westerners consider Tamarisk, also known as Salt Cedar, to be one of the West's most significant natural resources problems for a variety of reasons.

Tamarisk's major threat is that it uses a significant amount of water, far more water than many realize. Yet, folks out West know all too well that we have been and are still experiencing one of the worst droughts in the West's recorded history. People who have been farming and ranching for generations have been forced to sell their homesteads and give up the life they love because there just hasn't been enough water for crops or to maintain livestock. I've personally felt the effects of the drought as my wife and I have had to sell our little cow/calf operation.

I mentioned earlier that Tamarisk uses significant amounts of water, but I want to speak a little bit now about just how much water it uses. Studies have found that Tamarisk uses from 2 to 4½ million acre feet of water each year, water we frankly cannot afford to lose.

To put that in perspective, several other States and the Republic of Mexico are delivered 10 million acre feet from all of Colorado's rivers and streams, including the mighty Colorado River. California is allotted 4½ million acre feet of Colorado water per year. That means that Tamarisk, a noxious, nonnative weed, uses the same amount of water flowing from Colorado to California. We must address the preventable loss of this most valuable resource before it's too late.

My bill seeks to begin get the Tamarisk problem under control in a few innovative ways. First, my bill requires the Secretary of the Interior to assess the extent of Tamarisk invasion, identifying where it is in each affected State, and estimate the costs to restore the land.

Second, my bill establishes a State Tamarisk Assistance Program to provide States the needed funds to control or eradicate Tamarisk. Grant funds will be distributed to states in accordance with the severity of the Tamarisk problem they have.

The Governor of each State will appoint a state lead agency to administer the program in the State, working with Indian Tribes, colleges and universities, nonprofit organizations, soil and water conservancy districts, and Federal partners. This coordinate approach provides sufficient flexibility to deal with Tamarisk's spread and to reduce duplicative efforts.

A watershed or basin can stretch across all kinds of land, including Federal, State, or tribal lands. Noxious weeds don't recognize those ownership boundaries and neither can we.

Since my bill's focus is on getting rid of this water-sucking weed, it requires that 90 percent of the Federal funds must be used for eradiction or rehabilitation.

This legislation authorizes $20 million for 2004 and such sums as necessary thereafter. States must share the burden by ponying up 25 percent of the costs. The Tamarisk problem hurts everyone and the non-Federal share can come from counties, municipalities, special districts, nongovernmental entities, or the States themselves.

Our Nation is in a deficit, and every state is experiencing money shortages. Americans demand to know that their hard earned money is being spent wisely and in the most effient way possible. That is why my bill requires that each participating State must submit a report of the Secretary describing the purpose and results of the project in order to receive funding. In the West, water is more precious and scarce than elsewhere in our great nation. To do nothing about the preventable loss of precious water by the spread of this noxious plant and the loss of native habitat will cost us untold millions more in the future.

Back in my State of Colorado, constituents tell me how the drought has affected them, even devastated their livelihoods. No one can control the weather and bring rain. However, getting a handle on the water-sucking Tamarisk plaguing the West is possible—if we act now.

My bill provides the necessary tools to deal with this problem so that ther will be enough water for all of us, and habitat suitable for native species of plants and animals.

I ask unanimous consent that the next of the bill be printed in the RECORD.

S. 1236

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Tamarisk Control and Riparian Restoration Act''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) the western United States is currently experiencing its worst drought in modern history;

(2) the drought in the western United States has caused—

(A) severe losses in rural, agricultural, and recreational economies;

(B) detrimental effects on wildlife; and

(C) increased risk of wildfires;

(3) it is estimated that throughout the western United States tamarisk, a noxious and non-native plant—

(A) occupies between 1,000,000 and 1,500,000 acres of land; and

(B) is a nonbeneficial user of 2,000,000 to 4,500,000 acre-feet of water per year;

(4) the amount of nonbeneficial use of water by tamarisk—

(A) is greater than the amount that valuable native vegetation would have used; and

(B) represents enough water for—

(i) use by 20,000,000 or more people; or

(ii) the irrigation of over 1,000,000 acres of land;

(5) scientists have established that tamarisk infestations can—

(A) increase soil and water salinity;

(B) increase the risk of flooding through increased sedimentation and decreased channel conveyance;

(C) increase wildfire potential;

(D) diminish human enjoyment of and interaction with the river environment; and

(E) adversely affect—

(i) wildlife habitat for threatened and endangered species; and

(ii) the abundance and biodiversity of other species; and

(6) as drought conditions and legal requirements relating to water supply accelerate water shortages, innovative approaches are needed to address the increasing demand for a diminishing water supply.

**SEC. 3. DEFINITIONS.**

In this Act:

(1) PROGRAM.—The term ''program'' means the Tamarisk Assistance Program established under section 5.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(3) STATE.—The term ''State'' means—

(A) each of the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oklahoma, Texas, Utah, and Wyoming; and

(B) any other State that is affected by tamarisk, as determined by the assessment conducted under section 4.

**SEC. 4. TAMARISK ASSESSMENT.**

(a) IN GENERAL.—Not later than 180 days after the date on which funds are made available to carry out this section, the Secretary shall complete an assessment of the extent of tamarisk invasion in the western United States.

(b) COMPONENTS.—The assessment under subsection (a) shall—

(1) address past and ongoing research on tested and innovative methods to control tamarisk;

(2) estimate the costs for destruction of tamarisk, biomass removal, and restoration and maintenance of land;

(3) identify the States affected by tamarisk; and

(4) include a gross-scale estimation of infested acreage within the States identified.

**SEC. 5. STATE TAMARISK ASSISTANCE PROGRAM.**

(a) ESTABLISHMENT.—Based on the findings of the assessment under section 4, the Secretary shall establish the Tamarisk Assistance Program to provide grants to States to carry out projects to control or eradicate tamarisk.

(b) AMOUNT OF GRANT.—The amount of a grant to a State under subsection (a) shall be determined by the Secretary, based on the estimated infested acreage in the State.

(c) DESIGNATION OF LEAD STATE AGENCY.—On receipt of a grant under subsection (a), the Governor of a State shall designate a lead State agency to administer the program in the State.

(d) PRIORITY.—

(1) IN GENERAL.—The lead State agency designated under subsection (c), in consultation with the entities described in paragraph (2), shall establish the priority by which grant funds are distributed to projects to control or eradicate tamarisk in the State.

(2) ENTITIES.—The entities referred to in paragraph (1) are—

(A) the National Invasive Species Council;

(B) the Invasive Species Advisory Committee;

(C) representatives from Indian tribes in the State that have weed management entities or that have particular problems with noxious weeds;

(D) institutions of higher education in the State;

(E) State agencies;

(F) nonprofit organizations in the State; and

(G) soil and water conservation districts in the State that are actively conducting research on or implementing activities to control or eradicate tamarisk.

(e) CONDITIONS.—A lead State agency shall require that, as a condition of receipt of a grant under this Act, a grant recipient provide to the lead State agency any necessary information relating to a project carried out under this Act.

(f) ADMINISTRATIVE EXPENSES.—Not more than 10 percent of the amount of a grant provided under subsection (a) may be used for administrative expenses.

(g) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of carrying out a project under this section shall be not more than 75 percent.

(2) NON-FEDERAL SHARE.—The non-Federal share may be paid by a State, county, municipality, special district, or nongovernmental entity.

(h) REPORT.—To be eligible for additional grants under the program, not later than 180 days after the date of completion of a project carried out under this Act, a lead State agency shall submit to the Secretary a report that describes the purposes and results of the project.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act—

(1) $20,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each fiscal year thereafter.

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By Mr. BENNETT (for himself, Mr. HATCH, Mr. CRAPO, Mr. CRAIG, and Mr. DORGAN):

S. 1237. A bill to amend the Rehabilitation Act of 1973 to provide for more equitable allotment of funds to States for centers for independent living; to the Committee on Health, Education, Labor, and Pensions.

Mr. BENNETT. Mr. President, today I am introducing The Independent Living Improvement Act of 2003, a bill to provide a more equitable allotment of funds to States for Centers for Independent Living.

Centers for Independent Living, CILs, are non-profit organizations that assist people with significant disabilities who want to live more independently. CILs are primarily staffed by people with disabilities who act as role models, mentors, and counselors to other individuals with disabilities. Each center not only offers fundamental services such as information referral, and independent living skills training, it also tailors its services to the particular needs of its community. The ultimate goal of these centers is to help individuals become more independent and decrease the need for institutional care.

Currently, funds authorized for CILs under Title VII, Part C of the Rehabilitation Act are essentially allocated to States on the basis of their share of the total population. States with small populations are guaranteed the larger of $450,000 or ⅓ of 1 percent of the funds available for the fiscal year in which the allocation is made, with a guaranteed minimum at the fiscal 1992 funding level for each State.

While the Federal appropriation to CILs has increased over the last five years, the growing disparity between funding for small States and larger States is problematic. The proposed formula change would amend the current funding formula for CILs to provide for more equitable distribution of future funds to each state. Fifty percent of any increase in CILs appropriated fund would be allocated according to population, as is currently done, and the remaining fifty percent would be divided equally among all States. The formula would only be applicable to any future increases in funding. This more equitable sharing of funds ensures that each State's CILs will receive additional funding each time there is an increase in funding and programs will be developed for people with disabilities regardless of where they live in the country.

This bill is supported by the National Council on Independent Living. I believe this a reasonable approach to solving this problem and look forward to working with my colleagues on this issue.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 1237

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Independent Living Improvement Act of 2003''.

**SEC. 2. STATE ALLOTMENTS FOR CENTERS FOR INDEPENDENT LIVING.**

Section 721 of the Rehabilitation Act of 1973 (42 U.S.C. 796f) is amended by striking subsection (c) and inserting the following:

''(c) ALLOTMENTS TO STATES.—

''(1) DEFINITIONS.—In this subsection:

''(A) ADDITIONAL APPROPRIATION.—The term 'additional appropriation' means the amount (if any) by which the appropriation for a fiscal year exceeds the total of—

''(i) the amount reserved under subsection (b) for that fiscal year; and

''(ii) the appropriation for fiscal year 2003.

''(B) APPROPRIATION.—The term 'appropriation' means the amount appropriated to carry out this part.

''(C) BASE APPROPRIATION.—The term 'base appropriation' means the portion of the appropriation for a fiscal year that is equal to the lesser of—

''(i) an amount equal to 100 percent of the appropriation, minus the amount reserved under subsection (b) for that fiscal year; or

''(ii) the appropriation for fiscal year 2003.

''(2) ALLOTMENTS TO STATES FROM BASE APPROPRIATION.—After the reservation required by subsection (b) has been made, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount that bears the same ratio to the base appropriation as the amount the State received under this subsection for fiscal year 2003 bears to the total amount that all States received under this subsection for fiscal year 2003.

''(3) ALLOTMENTS TO STATES ADDITIONAL APPROPRIATION.—From any additional appropriation for each fiscal year, the Commissioner shall allot to each State whose State plan has been approved under section 706 an amount equal to the sum of—

''(A) an amount that bears the same ratio to 50 percent of the additional appropriation as the population of the State bears to the population of all States; and

''(B) 1/56 of 50 percent of the additional appropriation.

''(4) MAINTENANCE OF EFFORT.—

''(A) IN GENERAL.—The Commissioner shall not make a payment for the allotments described in this subsection to any State for a fiscal year unless the Commissioner—

''(i) determines that the State independent living expenditure for the first preceding fiscal year is not less than the State independent living expenditure for the second preceding fiscal year; or

''(ii) reduces the amount of the payment by the amount by which the State independent living expenditure for the second preceding fiscal year exceeds the State independent living expenditure for the first preceding fiscal year.

''(B) DEFINITION.—In this subsection, the term 'State independent living expenditure', used with respect to a fiscal year, means the total expenditure in the State of other Federal funds (other than funds made available to carry out this part), State funds, and local funds for that fiscal year to provide assistance for centers for independent living.''.

**SEC. 3. REPORT.**

Section 704(m)(4)(D) of the Rehabilitation Act of 1973 (42 U.S.C. 795c(m)(4)(D)) is amended by inserting '', including reports indicating the manner in which and extent to which the State complied with the maintenance of effort requirement specified in section 721(c)(4)(A)(i)'' before the semicolon.

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By Mrs. LINCOLN (for herself, Mrs. MURRAY, Ms. LANDRIEU, and Ms. CANTWELL):

S. 1238. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to improve women's health, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I am pleased to introduce the Improving Women's Health Act of 2003, which seeks to make Medicare, Medicaid, and S–CHIP better programs for women. I am pleased to be joined in this effort today by my friends Senators MURRAY, LANDRIEU, and CANTWELL.

Women are the majority of Medicare recipients, and, at age 85, women make up 71 percent of the Medicare population. By adding several modern treatments to the list of Medicare benefits, we will begin to address some of the most prominent, underlying risk factors for illness that face women Medicare beneficiaries today. These new benefits represent the highest recommendations for Medicare beneficiaries in the U.S. Preventive Services Task Force and the Institute of Medicine. These benefits can help reduce Medicare beneficiaries' risk for health problems such as diabetes, stroke, cancer, osteoporosis, and heart disease.

This bill would also eliminate all cost-sharing for these and existing preventive health benefits to encourage women to get screened for diseases such as osteoporosis and breast cancer. We need to get rid of all barriers to preventative services. Studies have

shown that cost-sharing deters beneficiaries, especially those with low-incomes, from getting screened.

Because heart disease is the number one killer of women, this bill would add new preventive services to Medicare, such as cholesterol screening, medical nutrition therapy services for beneficiaries with cardiovascular disease, counseling for cessation of tobacco use, and diabetes screening.

In addition, this bill provides for coverage of annual pap smear and pelvic exams and boosts the payment amount for screening mammography under Medicare. Numerous reports in the media have indicated that screening mammography is not adequately reimbursed and, as a result, facilities are closing or ending their service. Facilities are saying that they are losing money on every patient that comes through the door, and patient load is rising.

Recognizing the role women play as caregivers for aging family members, this bill provides Medicare beneficiaries with a new option of receiving home health services in an adult day care setting. Adult day centers enable family caregivers to continue working or simply take a break from their caregiving duties. Most importantly, adult day care patients benefit from social interaction, therapeutic activities, nutrition, health monitoring, and medication management.

More than 22 million families nationwide, or nearly 1 in 4 families, serve as caregivers for aging seniors, providing close to 80 percent of the care of to individuals requiring long-term care. Nearly 75 percent of people providing care for aging family members are women who also maintain other responsibilities, such as working outside of the home and raising young children. The average loss of income to these caregivers has been shown to be over $650,000 in wages, pension, and Social Security benefits. The loss of productivity in U.S. businesses ranges from $11 to $29 billion a year. The services offered in adult day care facilities provide continuity of care and an important sense of community for both the senior and the caregiver. This important provision will benefit women of all ages.

Finally, this legislation provides States with the flexibility and Federal resources to improve and expand prenatal care for low-income pregnant women. It gives States new options to cover pregnant women under their State Children's Health Insurance Program, S–CHIP, to cover low-income legal immigrant pregnant women and children under Medicaid and S–CHIP, and to cover tobacco cessation counseling services for pregnant women under the Medicaid program. The bill also gives States the option to provide family planning services and supplies to low-income women. In recent years, a number of States, including Arkansas, have sought and received Federal permission in the form of waivers to provide Medicaid-financed family planning services and supplies to lower income, uninsured residents whose incomes are above the state's regular Medicaid eligibility ceilings. Under this section, States would no longer have to seek a waiver to extend Medicaid coverage for family planning services; instead they could establish these programs at their option.

I encourage my colleagues to join me by supporting this important legislation that will make Medicare, Medicaid, and S–CHIP better programs for all women.

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By Mr. LUGAR:

S. 1240. A bill to establish the Millennium Challenge Corporation, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce legislation that is intended to unite Senators behind the President's bold new commitment to international development. As my colleagues are aware, the President has offered a plan called the Millennium Challenge Corporation that will focus U.S. energy and resources on countries that, while very poor, show commitment to economic reform and development. It is a unique plan that would reward and showcase what we Americans believe to be the essential ingredients for success: good government, investments in people, and a reliance on free markets.

My colleagues on the Senate Foreign Relations Committee strongly supported the goals of the President's initiative and applauded his enthusiasm and personal commitment. But, when we considered the MCC legislation a few weeks ago, organizational issues divided the Committee. The Committee voted 11 to 8 against creating the MCC as an independent agency. Instead the functions of the MCC were integrated into the State Department.

This outcome did not capture the President's vision of a fresh start for a unique approach to development assistance. The Secretary of State himself argued against the Committee's majority on that vote. Secretary Powell said that the President's plan would be best achieved through the establishment of an innovative, flexible, narrowly targeted and highly visible separate organization that can complement other assistance provided through more traditional means.

I believe the Senate should work for a consensus on this issue. This important initiative cannot be allowed to founder on a question of organization.

I have been working to develop a middle ground that will satisfy the basic goals of all sides. My bill creates the needed ingredients for interagency coordination, a top priority among a majority on the Committee. But it does not undermine the integrity of the President's concept. It puts the MCC under the authority of the Secretary of State and has the MCC's Chief Executive Officer report to the Secretary. It gives the MCC the same status within the State Department as the U.S. Agency for International Development, with the right to manage itself, hire staff, and create its own culture. It mandates coordination between the MCC and USAID in the field and give USAID the primary role in preparing countries for MCC eligibility. It also includes the Administrator of USAID on the MCC board to ensure that the perspective of USAID is considered.

Through these means, I believe that the MCC can be substantially independent, as envisioned by the President, while preserving the leadership of the Secretary of State and the input of USAID.

I would emphasize that the President has invested his personal attention and time in the MCC concept. It is rare for a President of either party to provide such strong leadership in the area of development assistance. President Bush's advocacy is critical to the success of this initiative. I believe Congress will regret its actions if we undercut this opportunity for U.S. foreign policy by failing to reach a workable consensus on the MCC's organization.

I am hoping for a strong Senate vote on the MCC and will bring up my compromise proposal at an appropriate time. The MCC provides a way to focus single-mindedly on economic development that is results-based and meets clear benchmarks of success. We can have the coordination we seek while also insulating it from short-term political considerations so that it can focus on widening the universe of countries that live in peace and look to a prosperous and stable future.

I ask unanimous consent that the two accompany pages be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MILLENNIUM CHALLENGE CORPORATION

ORIGINAL PROPOSAL

MCC is an independent agency.

President of the United States—Appoints MCC Chief Exec. Officer subject to advice and consent.

MCC Board Composition—Secretary of the Treasury, Director of OMB, Secretary of State, Chrman.

MCC Board Responsibilities—Directs all MCC activities, Develops indicators, Determines eligible countries, Writes contracts with MCC countries, Selects proposals for funding.

Secretary of State—Serves as Chairman of the MCC Board.

MCC Chief Exec. Officer—Shall exercise the functions and powers vested in him/her by the President and the Board.

USAID Administrator—Role not mentioned.

MARKED-UP VERSION

MCC does not exist; functions integrated into State.

President has no direct role.

MCC Board does not exist.

MCC Board does not exist.

Secretary of State—

Coordinates all MCA assistance.

Designates appropriate officer as coordinator.

Determines eligible countries.
Writes contracts with MCC countries.
Coordinator/Millennium Challenge Acct.—
Develops indicators.
Coordinates MCA aid with other govt. agencies.
Pursues MCA coordination with int'l donors.
Oversees other govt. agencies doing MCA work.
Resolves disputes amg agencies doing MCA work.
USAID Administrator—Role not mentioned.

COMPROMISE

MCC in State but has same autonomy as USAID.
President—Same as in Original Proposal.
MCC Board Composition.
Secretary of the Treasury.
Administrator of USAID.
US Trade Representative.
MCC Chief Exec. Officer.
Secretary of State, Chrmn.
MCC Board Responsibilities.
Develops indicators.
Determines eligible countries.
Writes contracts with MCC countries.
Select proposals for funding.
Secretary of State.
Coordinates all US foreign assistance.
Oversees the MCC Chief Exec. Officer.
Provides foreign policy guidance to the MCC.
Suspends MCC assistance in certain cases.
Serves as Chairman of the MCC Board.
MCC Chief Exec. Officer.
Manages the MCC.
Serves on the MCC board.
Coordinates MCC aid with other govt. agencies.
Pursues MCC coordination with int'l donors.
Oversees MCC work done by other govt. agencies.
Resolves disputes amg. agencies doing MCC work.
USAID Administrator.
Sits on the MCC board.
MCC required to coordinate with USAID in field.
USAID has primary role in preparing countries for MCC eligibility.

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By Mr. MCCAIN (for himself, Mr. HOLLINGS, and Mrs. HUTCHISON):

S. 1244. A bill to authorize appropriations for the Federal Maritime Commission for fiscal years 2004 and 2005; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, I am pleased to be joined by Senator HOLLINGS, the Ranking Member of the Senate Commerce Committee; and Senator HUTCHISON, the Chairman of the Surface Transportation and Merchant Marine Subcommittee, in introducing a bipartisan bill to reauthorize the Federal Maritime Commission, FMC.

The Federal Maritime Commission is an independent agency comprised of five commissioners. Its primary responsibility is administering the Shipping Act of 1984 and enforcing the Foreign Shipping Practices Act and Section 19 of the Merchant Marine Act of 1920. The work carried out by the FMC is critical to protecting shippers and carriers from restrictive or unfair practices by foreign-flag carriers.

This legislation would authorize funding for the Commission to continue its important work through fiscal year 2005. Specifically, the bill would authorize $18.5 million for fiscal year 2004, which is the level requested by the Administration, and $19.5 million for fiscal year 2005. The bill also would amend Section 102(b) of the Reorganization Plan No. 7 of 1961 to require that the Commission's chairman be subject to Senate confirmation. Additionally, the bill would require the Commission to report to Congress on the status of any agreements or discussions with other Federal, State, or local governmental agencies concerning issues dealing with the sharing of ocean shipping information for the purpose of assisting law enforcement or anti-terrorism efforts. The Commission also would be directed to make recommendations on how the Commission's ocean shipping information could be better utilized to improve port security efforts.

I look forward to working with my colleagues in moving this bill through the legislative process in the weeks ahead.

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## SUBMITTED RESOLUTIONS

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### SENATE RESOLUTION 166—RECOGNIZING THE UNITED STATES AIR FORCE'S AIR FORCE NEWS AGENCY ON THE OCCASION OF ITS 25TH ANNIVERSARY AND HONORING THE AIR FORCE PERSONNEL WHO HAVE SERVED THE NATION WHILE ASSIGNED TO THAT AGENCY

Mr. CORNYN submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 166

Whereas the Air Force News Agency has served as the primary news and information organization for the United States Air Force since the agency was organized on June 1, 1978;

Whereas the Air Force News Agency currently has more than 480 personnel stationed around the world in 28 locations gathering news, information, and images about United States military missions;

Whereas the Air Force News Agency is capable of providing news, information, and images in the widest array of formats to the American public and the world, including print, television, radio, Internet, and telephone formats;

Whereas the Air Force News Agency provides a critical service to senior leaders and commanders of the Department of Defense and the United States Air Force by providing news, information, and images to service members wherever they are stationed around the world;

Whereas the Air Force News Agency helps ensure the morale and readiness of the members of the United States Armed Forces around the world by covering and reporting on the critical services they provide in service to the Nation, to their remote locations, to their family members, and to the American public;

Whereas the Air Force News Agency has recently contributed significantly in Operation Enduring Freedom, Operation Noble Eagle, Operation Anaconda in Afghanistan, and Operation Iraqi Freedom;

Whereas during Operation Desert Shield and Operation Desert Storm, the Air Force News Agency's Air Force Broadcasting Service delivered continuous radio and television news and information to coalition forces through the American Forces Desert Network;

Whereas the Air Force News Agency's Air Force News Service provides news, information, and images about the United States Air Force through its official web site, Air Force Link, to more than 3,700,000 Internet users every week, biweekly television news programs to more than 800 television stations and cable systems, and print news stories and images to more than 30,000 subscribers every weekday;

Whereas the Air Force News Agency's Army and Air Force Hometown News Service annually provides more than 800,000 news releases to 12,000 daily and weekly hometown newspapers of active, Reserve, and Guard service members and distributes more than 13,500 Holiday Greetings to 1,085 television stations and 2,906 radio stations each holiday season; and

Whereas the year 2003 marks the 25th anniversary of the Air Force News Agency: Now, therefore, be it

*Resolved,* That the Senate—

(1) recognizes the United States Air Force's Air Force News Agency on the occasion of its 25th anniversary; and

(2) honors the Air Force personnel who have served the Nation while assigned to that agency.

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### SENATE CONCURRENT RESOLUTION 53—HONORING AND CONGRATULATING CHAMBERS OF COMMERCE FOR THEIR EFFORTS THAT CONTRIBUTE TO THE IMPROVEMENT OF COMMUNITIES AND THE STRENGTHENING OF LOCAL AND REGIONAL ECONOMIES

Mr. LEVIN (for himself, and Ms. STABENOW) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 53

Whereas chambers of commerce throughout the United States contribute to the improvement of their communities and the strengthening of their local and regional economies;

Whereas in the Detroit, Michigan area, the Detroit Regional Chamber, originally known as the Detroit Board of Commerce, typifies the public-spirited contributions made by the chambers of commerce;

Whereas, on June 30, 1903, the Detroit Board of Commerce was formally organized with 253 charter members;

Whereas the Detroit Board of Commerce played a prominent role in the formation of the United States Chamber of Commerce;

Whereas the Detroit Board of Commerce participated in the Good Roads for Michigan campaign in 1910 and 1911, helping to gain voter approved of a $2,000,000 bond proposal to improve the roads of Wayne County, Michigan;

Whereas, in 1925, the Safety Council of the Detroit Board of Commerce helped develop the first traffic lights in Detroit;

Whereas, in 1927, the Detroit Board of Commerce brought together all of the cities, villages, and townships in southeast Michigan to tentatively establish boundaries for a metropolitan district for Detroit, embracing all or parts of Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties at the request of the United States Census Bureau in advance of the 1930 census;

Whereas, in 1932, the Federal Home Loan Bank Board designated the Detroit Board of Commerce as the authorized agent for stock subscriptions in the Federal Home Loan Bank, as an early response to the Great Depression;

Whereas, in 1945, the Detroit Board of Commerce promoted the making of Victory Loans to veterans returning from service in the United States Armed Forces during World War II as a way of expressing thanks for the veterans' wartime service, and raised more than half of the total amount contributed in Wayne County, Michigan, to fund Victory Loans;

Whereas, in 1969, the Detroit Board of Commerce, then known as the Greater Detroit Chamber of Commerce, was instrumental in the establishment of a bus network connecting inner-city workers and jobs, which resulted in the creation of the Southeast Metropolitan Transportation Authority, now known as SMART;

Whereas the Detroit Board of Commerce has been known by several names during its century of existence, eventually becoming known as the Detroit Regional Chamber in November 1997;

Whereas the Detroit Regional Chamber is the largest chamber of commerce in the United States and has been in existence for over 100 years;

Whereas more than 19,000 businesses across southeast Michigan have decided to make an initial investment in the Detroit Regional Chamber to help develop the region;

Whereas the Detroit Regional Chamber has supported the concept of regionalism in southeast Michigan, representing the concerns of business and the region as a whole;

Whereas the mission of the Detroit Regional Chamber is to help power the economy of southeastern Michigan;

Whereas the Detroit Regional Chamber successfully advocates public policy concerns on behalf of its members at the local, regional, State, and national levels;

Whereas the Detroit Regional Chamber has implemented programs promoting diversity in its work force and has won recognition for such efforts;

Whereas the Detroit Regional Chamber is committed to promoting the interests of its members in the global marketplace through economic development efforts; and

Whereas, on June 30, 2003, the Detroit Regional Chamber celebrates its 100th anniversary: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* that Congress honors and congratulates chambers of commerce for their efforts that contribute to the improvement of their communities and the strengthening of their local and regional economies.

## SENATE CONCURRENT RESOLUTION 54—COMMENDING MEDGAR WILEY EVERS AND HIS WIDOW, MYRLIE EVERS-WILLIAMS FOR THEIR LIVES AND ACCOMPLISHMENTS, DESIGNATING A MEDGAR EVERS NATIONAL WEEK OF REMEMBRANCE, AND FOR OTHER PURPOSES

Mr. COCHRAN (for himself and Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 54

Whereas a pioneer in the fight for racial justice, Medgar Wiley Evers, was born July 2, 1925, in Decatur, Mississippi, to James and Jessie Evers;

Whereas, to faithfully serve his country, Medgar Evers left high school to join the Army when World War II began and, after coming home to Mississippi, he completed high school, enrolled in Alcorn Agricultural and Mechanical College, presently known as Alcorn State University, and majored in business administration;

Whereas, as a student at Alcorn Agricultural and Mechanical College, Evers was a member of the debate team, the college choir, and the football and track teams, was the editor of the campus newspaper and the yearbook, and held several student offices, which gained him recognition in Who's Who in American Colleges;

Whereas, while a junior at Alcorn Agricultural and Mechanical College, Evers met a freshman named Myrlie Beasley, whom he married on December 24, 1951, and with whom he spent the remainder of his life;

Whereas, after Medgar Evers received a bachelor of arts degree, he moved to historic Mound Bayou, Mississippi, became employed by Magnolia Mutual Life Insurance Company, and soon began establishing local chapters of the National Association for the Advancement of Colored People (referred to in this resolution as the ''NAACP'') throughout the Delta region;

Whereas, moved by the plight of African-Americans in Mississippi and a desire to change the conditions facing them, in 1954, after the United States Supreme Court ruled school segregation unconstitutional, Medgar Evers became the first known African-American person to apply for admission to the University of Mississippi Law School, but was denied that admission;

Whereas, as a result of that denial, Medgar Evers contacted the NAACP to take legal action;

Whereas in 1954, Medgar Evers was offered a position as the Mississippi Field Secretary for the NAACP, and he accepted the position, making Myrlie Evers his secretary;

Whereas, with his wife by his side, Medgar Evers began a movement to register people to vote in Mississippi and, as a result of his activities, Medgar Evers received numerous threats;

Whereas, in spite of the threats, Medgar Evers persisted, with dedication and courage, to organize rallies, build the NAACP's membership, and travel around the country with Myrlie Evers to educate the public;

Whereas Medgar Evers' passion for quality education for all children led him to file suit against the Jackson, Mississippi public schools, which gained him national media coverage;

Whereas Medgar Evers organized students from Tougaloo and Campbell Colleges, coordinated and led protest marches, organized boycotts of Jackson businesses and sit-ins, and challenged segregated bus seating, and for these heroic efforts, he was arrested, beaten, and jailed;

Whereas the violence against Medgar Evers came to a climax on June 12, 1963, when he was shot and killed in front of his home;

Whereas, after the fingerprints of an outspoken segregationist were recovered from the scene of the shooting, and 2 juries deadlocked without a conviction in the shooting case, Myrlie Evers and her 3 children moved to Claremont, California, where she enrolled in Pomona College and earned her bachelor's degree in sociology in 1968;

Whereas, after Medgar Evers' death, Myrlie Evers began to create her own legacy and emerged as a national catalyst for justice and equality by becoming active in politics, becoming a founder of the National Women's Political Caucus, running for Congress in California's 24th congressional district, serving as Commissioner of Public Works for Los Angeles, using her writing skills to serve as a correspondent for Ladies Home Journal and to cover the Paris Peace Talks, and rising to prominence as Director of Consumer Affairs for the Atlantic Richfield Company;

Whereas Myrlie Evers became Myrlie Evers-Williams when she married Walter Williams in 1976;

Whereas, in the 1990's, Evers-Williams convinced Mississippi prosecutors to reopen Medgar Evers' murder case, and the reopening of the case led to the conviction and life imprisonment of Medgar Evers' killer;

Whereas Evers-Williams became the first female to chair the 64-member Board of Directors of the NAACP, to provide guidance to an organization that was dear to Medgar Evers' heart;

Whereas Evers-Williams has published her memoirs, entitled ''Watch Me Fly: What I Learned on the Way to Becoming the Woman I Was Meant to Be'', to enlighten the world about the struggles that plagued her life as the wife of an activist and empowered her to become a community leader;

Whereas Evers-Williams is widely known as a motivational lecturer and continues to speak out against discrimination and injustice;

Whereas her latest endeavor has brought her home to Mississippi to make two remarkable contributions, through the establishment of the Evers Collection and the Medgar Evers Institute, which advance the knowledge and cause of social injustice and which encompass the many lessons in the life's work of Medgar Evers and Myrlie Evers-Williams;

Whereas Evers-Williams has presented the extraordinary papers in that Collection and Institute to the Mississippi Department of Archives and History, where the papers are being preserved and catalogued; and

Whereas it is the policy of Congress to recognize and pay tribute to the lives and accomplishments of extraordinary Mississippians such as Medgar Evers and Myrlie Evers-Williams, whose life sacrifices have contributed to the betterment of the lives of the citizens of Mississippi as well as the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That—

(1) Congress commends Medgar Wiley Evers and his widow, Myrlie Evers-Williams, and expresses the greatest respect and gratitude of Congress, for their lives and accomplishments;

(2) the Senate—

(A) designates the period beginning on June 9, 2003, and ending on June 16, 2003, as the ''Medgar Evers National Week of Remembrance''; and

(B) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities; and

(3) copies of this resolution shall be furnished to the family of Medgar Wiley Evers and Myrlie Evers-Williams.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 878. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table.

SA 879. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 14, supra; which was ordered to lie on the table.

SA 880. Mr. ALEXANDER (for himself, Mr. SANTORUM, Mr. CORNYN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. DOMENICI, Mr. GRASSLEY, and Ms. MURKOWSKI) proposed an amendment to the bill S. 14, supra.

SA 881. Mr. BINGAMAN (for himself, Mr. INOUYE, and Mr. DASCHLE) proposed an amendment to the bill S. 14, supra.

SA 882. Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRAHAM of Florida, Mr. BAUCUS, and Mr. CAMPBELL) proposed an amendment to the bill S. 1215, to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes.

SA 883. Mr. MCCONNELL (for himself, Mr. GRASSLEY, and Mr. BAUCUS) proposed an amendment to amendment SA 882 proposed by Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRAHAM of Florida, Mr. BAUCUS, AND Mr. CAMPBELL) to the bill S. 1215, supra.

SA 884. Mr. GRAHAM of Florida (for himself, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. WYDEN, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. EDWARDS, Mr. KERRY, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Mr. LEAHY, Ms. SNOWE, Mr. DODD, Mr. CHAFEE, Mrs. DOLE, Mr. KENNEDY, Mr. CORZINE, and Ms. COLLINS) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes.

SA 885. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 14, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 878.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

On page 150, after line 14, insert the following:

**SEC. 443. PLAN FOR WESTERN NEW YORK SERVICE CENTER.**

Not later than December 31, 2003, the Secretary of Energy shall transmit to the Congress a plan for the transfer to the Secretary of title to, and full responsibility for the possession, transportation, disposal, stewardship, maintenance, and monitoring of, all facilities, property, and radioactive waste at the Western New York Service Center in West Valley, New York. The Secretary shall consult with the President of the New York State Energy Research and Development Authority in developing such plan.

**SA 879.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. ___. SUSTAINABILITY GRANTS FOR WOMEN'S BUSINESS CENTERS.**

Section 29(k)(4)(A)(iv) of the Small Business Act (15 U.S.C. 656(k)(4)(A)(iv)) is amended by striking ''30.2 percent'' and inserting ''36 percent''.

**SA 880.** Mr. ALEXANDER (for himself, Mr. SANTORUM, Mr. CORNYN, Ms. LANDRIEU, Mr. BINGAMAN, Mr. DOMENICI, Mr. GRASSLEY, and Ms. MURKOWSKI) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 52, after line 22, insert:

**''SECTION . NATURAL GAS SUPPLY SHORTAGE REPORT.**

''(a) REPORT.—Not later than six months after the date of enactment of this act, the Secretary of Energy (''Secretary'') shall submit to the Congress a report on natural gas supplies and demand. In preparing the report, the Secretary shall consult with experts in natural gas supply and demand as well as representatives of State and local units of government, tribal organizations, and consumer and other organizations. As the Secretary deems advisable, the Secretary may hold public hearings and provide other opportunities for public comment. The report shall contain recommendations for federal actions that, if implemented, will result in a balance between natural gas supply and demand at a level that will ensure, to the maximum extent practicable, achievement of the objectives established in subsection (b).

''(b) OBJECTIVES OF REPORT.—In preparing the report, the Secretary shall seek to develop a series of recommendations that will result in a balance between natural gas supply and demand adequate to—

''(1) provide residential consumers with natural gas at reasonable and stable prices;

''(2) accommodate long-term maintenance and growth of domestic natural gas dependent industrial, manufactured and commercial enterprises;

''(3) facilitate the attainment of national ambient air quality standards under the Clean Air Act;

''(4) permit continued progress in reducing emissions associated with electric power generation; and

''(5) support development of the preliminary phases of hydrogen-based energy technologies.

''(c) CONTENTS OF REPORT.—The report shall provide a comprehensive analysis of natural gas supply and demand in the United States for the period from 2004 and 2015. The analysis shall include, at a minimum—

''(1) estimates of annual domestic demand for natural gas that take into account the effect of federal policies and actions that are likely to increase and decrease demand for natural gas;

''(2) projections of annual natural gas supplies, from domestic and foreign sources, under existing federal policies;

''(3) an identification of estimated natural gas supplies that are not available under existing federal policies;

''(4) scenarios for decreasing natural gas demand and increasing natural gas supplies comparing relative economic and environmental impacts of federal policies that—

''(A) encourage or require the use of natural gas to meet air quality, carbon dioxide emission reduction, or energy security goals;

''(B) encourage or require the use of energy sources other than natural gas, including coal, nuclear and renewable sources;

''(C) support technologies to develop alternative sources of natural gas and synthetic gas, including coal gasification technologies;

''(D) encourage or require the use of energy conservation and demand side management practices; and

''(E) affect access to domestic natural gas supplies; and

''(5) recommendations for federal actions to achieve the objectives of the report, including recommendations that—

''(A) encourage or require the use of energy sources other than natural gas, including coal, nuclear and renewable sources;

''(B) encourage or require the use of energy conservation or demand side management practices;

''(C) support technologies for the development of alternative sources of natural gas and synthetic gas, including coal gasification technologies; and

''(D) will improve access to domestic natural gas supplies.''.

**SA 881.** Mr. BINGAMAN (for himself, Mr. INOUYE, and Mr. DASCHLE) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Page 101, line 1, strike ''electrify Indian tribal land'' and all that follows through page 128, line 24, and insert:

''(4) electrify Indian tribal land and the homes of tribal members.''

(b) CONFORMING AMENDMENTS.—

(1) The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended—

(A) in the item relating to section 209, by striking ''Section'' and inserting ''Sec.''; and

(B) by striking the items relating to sections 213 through 216 and inserting the following:

''Sec. 213. Establishment of policy for National Nuclear Security Administration.
''Sec. 214. Establishment of security, counterintelligence, and intelligence policies.
''Sec. 215. Office of Counterintelligence.
''Sec. 216. Office of Intelligence.
''Sec. 217. Office of Indian Energy Policy and Programs

(2) Section 5315 of title 5, United States Code, is amended by inserting ''Director, Office of Indian Energy Policy and Programs, Department of Energy.'' after ''Inspector General, Department of Energy.''.

**SEC. 303. INDIAN ENERGY.**

(a) Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended to read as follows:

**''TITLE XXVI—INDIAN ENERGY**

**''SEC. 2601. DEFINITIONS.**

''For purposes of this title:

''(1) The term 'Director' means the Director of the Office of Indian Energy Policy and Programs, Department of Energy.

''(2) The term 'Indian land' means—

''(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

''(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

''(i) in trust by the United States for the benefit of an Indian tribe;

''(ii) by an Indian tribe, subject to restriction by the United States against alienation; or

''(iii) by a dependent Indian community; and

''(C) land conveyed to a Native Corporation under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

''(3) The term 'Indian reservation' includes—

''(A) an Indian reservation in existence in any State or States as of the date of enactment of this paragraph;

''(B) a public domain Indian allotment;

''(C) in Oklahoma, all land that is—

''(i) within the jurisdictional area of an Indian tribe, and

''(ii) within the boundaries of the last reservation of such tribe that was established by treaty, executive order, or secretarial order; and

''(D) a dependent Indian community located within the borders of the United States, regardless of whether the community is located—

''(i) on original or acquired territory of the community; or

''(ii) within or outside the boundaries of any particular State.

''(4) The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b), except the term, for the purpose of Section 2604, shall not include any Native Corporation.

''(5) The term 'Native Corporation' has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

''(6) The term 'organization' means a partnership, joint venture, limited liability company, or other unincorporated association or entity that is established to develop Indian energy resources.

''(7) The term 'Program' means the Indian energy resource development program established under section 2602(a).

''(8) The term 'Secretary' means the Secretary of the Interior.

''(9) The term 'tribal energy resource development organization' means an organization of 2 or more entities, at least 1 of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other guarantee authorized by sections 2602 or 2603 of this title.

''(10) The term 'tribal land' means any land or interests in land owned by any Indian tribe, band, nation, pueblo, community, rancheria, colony or other group, title to which is held in trust by the United States or which is subject to a restriction against alienation imposed by the United States.

''(11) The term 'vertical integration of energy resources'' means any project or activity that promotes the location and operation of a facility (including any pipeline, gathering system, transportation system or facility, or electric transmission facility), on or near Indian land to process, refine, generate electricity from, or otherwise develop energy resources on, Indian land.

**''SEC. 2602. INDIAN TRIBAL ENERGY RESOURCE DEVELOPMENT.**

''(a) DEPARTMENT OF THE INTERIOR PROGRAM.—

''(1) To assist Indian tribes in the development of energy resources and further the goal of Indian self-determination, and with the consent of any affected Indian tribe, the Secretary shall establish and implement an Indian energy resource development program to assist Indian tribes and tribal energy resource development organizations in achieving the purposes of this title.

''(2) In carrying out the Program, the Secretary shall—

''(A) provide development grants to Indian tribes and tribal energy resource development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;

''(B) provide grants to Indian tribes and tribal energy resource development organizations for use in carrying out projects to promote the vertical integration of energy resources, and to process, use, or develop those energy resources, on Indian land; and

''(C) provide low-interest loans to Indian tribes and tribal energy resource development organizations for use in the promotion of energy resource development and vertical integration of energy resources on Indian land.

''(3) There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2004 through 2014.

''(b) INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE.—

''(1) The Director shall establish programs to assist Indian tribes in meeting energy education, research and development, planning, and management needs.

''(2) In carrying out this section, the Director may provide grants, on a competitive basis, to an Indian tribe or tribal energy resource development organization for use in carrying out—

''(A) energy, energy efficiency, and energy conservation programs;

''(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

''(C) planning, construction, development, operation, maintenance, and improvement of tribal electrical generation, transmission, and distribution facilities located on Indian land; and

''(D) development, construction, and interconnection of electric power transmission facilities located on Indian land with other electric transmission facilities.

''(3)(A) The Director may develop, in consultation with Indian tribes, a formula for providing grants under this section.

''(B) In providing a grant under this subsection, the Director shall give priority to an application received from an Indian tribe with inadequate electric service (as determined by the Director).

''(4) The Secretary of Energy may promulgate such regulations as necessary to carry out this subsection.

''(5) There is authorized to be appropriated to carry out this subsection $20,000,000 for each of fiscal years 2004 through 2011.

''(c) LOAN GUARANTEE PROGRAM.—

''(1) Subject to paragraph (3), the Secretary of Energy may provide loan guarantees (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development.

''(2) A loan guaranteed under this subsection shall be made by—

''(A) a financial institution subject to examination by the Secretary of Energy; or

''(B) an Indian tribe, from funds of the Indian tribe.

''(3) The aggregate outstanding amount guaranteed by the Secretary of Energy at any time under this subsection shall not exceed $2,000,000,000.

''(4) The Secretary of Energy may promulgate such regulations as the Secretary of Energy determines are necessary to carry out this subsection.

''(5) There are authorized to be appropriated such sums as are necessary to carry out this subsection, to remain available until expended.

''(6) Not later than 1 year from the date of enactment of this section, the Secretary of Energy shall report to the Congress on the financing requirements of Indian tribes for energy development on Indian land.

''(d) INDIAN ENERGY PREFERENCE.—

''(1) In purchasing electricity or any other energy product or byproduct, a Federal agency or department may give preference to an energy and resource production enterprise, partnership, consortium, corporation, or other type of business organization the majority of the interest in which is owned and controlled by 1 or more Indian tribes.

''(2) In carrying out this subsection, a Federal agency or department shall not—

''(A) pay more than the prevailing market price for an energy product or byproduct; and

''(B) obtain less than prevailing market terms and conditions.''.

**''SEC. 2603. INDIAN TRIBAL ENERGY RESOURCE REGULATION.**

''(a) GRANTS.—The Secretary may provide to Indian tribes and tribal energy resource development organizations, on an annual basis, grants for use in developing, administering, implementing, and enforcing tribal laws (including regulations) governing the development and management of energy resources on Indian land.

''(b) USE OF FUNDS.—Funds from a grant provided under this section may be used by an Indian tribe or tribal energy resource development organization for—

''(1) the development of a tribal energy resource inventory or tribal energy resource on Indian land;

''(2) the development of a feasibility study or other report necessary to the development of energy resources on Indian land;

''(3) the development and enforcement of tribal laws and the development of technical infrastructure to protect the environment under applicable law; or

''(4) the training of employees that—

''(A) are engaged in the development of energy resources on Indian land; or

''(B) are responsible for protecting the environment.

''(c) OTHER ASSISTANCE.—To the maximum extent practicable, the Secretary and the Secretary of Energy shall make available to Indian tribes and tribal energy resource development organizations scientific and technical data for use in the development and management of energy resources on Indian land.

**''SEC. 2604. LEASES, BUSINESS AGREEMENTS, AND RIGHTS-OF-WAY INVOLVING ENERGY DEVELOPMENT OR TRANSMISSION.**

''(a) LEASES AND AGREEMENTS.—Subject to the provisions of this section—

''(1) an Indian tribe may, at its discretion, enter into a lease or business agreement for the purpose of energy development, including a lease or business agreement for—

''(A) exploration for, extraction of, processing of, or other development of energy resources on tribal land; and

''(B) construction or operation of an electric generation, transmission, or distribution facility located on tribal land; or a facility to process or refine energy resources developed on tribal land; and

''(2) such lease or business agreement described in paragraph (1) shall not require the approval of the Secretary under section 2103 of the Revised Statutes (25 U.S.C. 81) or any other provision of Title 25, U.S. Code, if—

''(A) the lease or business agreement is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

''(B) the term of the lease or business agreement does not exceed—

''(i) 30 years; or

''(ii) in the case of a lease for the production of oil and gas resources, 10 years and as long thereafter as oil or gas is produced in paying quantities; and

''(C) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

''(b) RIGHTS-OF-WAY FOR PIPELINES OR ELECTRIC TRANSMISSION OR DISTRIBUTION LINES.—An Indian tribe may grant a right-of-way over tribal land for a pipeline or an electric transmission or distribution line without specific approval by the Secretary if—

''(1) the right-of-way is executed in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e);

''(2) the term of the right-of-way does not exceed 30 years;

''(3) the pipeline or electric transmission or distribution line serves—

''(A) an electric generation, transmission, or distribution facility located on tribal land; or

''(B) a facility located on tribal land that processes or refines energy resources developed on tribal land; and

''(4) the Indian tribe has entered into a tribal energy resource agreement with the Secretary, as described in subsection (e), relating to the development of energy resources on tribal land (including an annual trust asset evaluation of the activities of the Indian tribe conducted in accordance with the agreement).

''(c) RENEWALS.—A lease or business agreement entered into or a right-of-way granted by an Indian tribe under this section may be renewed at the discretion of the Indian tribe in accordance with this section.

''(d) VALIDITY.—No lease, business agreement, or right-of-way relating to the development of tribal energy resources pursuant to the provisions of this section shall be valid unless the lease, business agreement, or right-of-way is authorized in accordance with a tribal energy resource agreement approved by the Secretary under subsection (e)(2).

''(e) TRIBAL ENERGY RESOURCE AGREEMENTS.—

''(1) On promulgation of regulations under paragraph (8), an Indian tribe may submit to the Secretary for approval a tribal energy resource agreement governing leases, business agreements, and rights-of-way under this section.

''(2)(A) Not later than 180 days after the date on which the Secretary receives a tribal energy resource agreement submitted by an Indian tribe under paragraph (1) (or one year if the Secretary determines such additional time is necessary to comply with applicable federal law), the Secretary shall approve or disapprove the tribal energy resource agreement.

''(B) The Secretary shall approve a tribal energy resource agreement submitted under paragraph (1) if—

''(i) the Secretary determines that the Indian tribe has demonstrated that the Indian tribe has sufficient capacity to regulate the development of energy resources of the Indian tribe; and

''(ii) the tribal energy resource agreement includes provisions that, with respect to a lease, business agreement, or right-of-way under this section—

''(1) ensure the acquisition of necessary information from the applicant for the lease, business agreement, or right-of-way;

''(II) address the term of the lease or business agreement or the term of conveyance of the right-of-way;

''(III) address amendments and renewals;

''(IV) address consideration for the lease, business agreement, or right-of-way;

''(V) address technical or other relevant requirements;

''(VI) establish requirements for environmental review in accordance with subparagraph (C);

''(VII) ensure compliance with all applicable environmental laws;

''(VIII) identify final approval authority;

''(IX) provide for public notification of final approvals;

''(X) establish a process for consultation with any affected States concerning potential off-reservation impacts associated with the lease, business agreement, or right-of-way;

''(XI) describe the remedies for breach of the lease, agreement, or right-of-way; and

''(XII) describe tribal remedies, if any, against the United States for breach of any duties of the United States under such tribal energy resource agreement.

''(C) Tribal energy resource agreements submitted under paragraph (1) shall establish, and include provisions to ensure compliance with, an environmental review process that, with respect to a lease, business agreement, or right-of-way under this section, provides for—

''(i) Except as provided in clause (ii) of this subparagraph, the preparation of a document comparable to an environmental assessment as provided for in existing regulations issued by the President's Council on Environmental Quality, including brief discussions of the need for the proposal and the environmental impacts (including impacts on cultural resources) of the proposed action and alternatives (which may be limited to a no-action alternative except in circumstances in which section 102(2)(E) of the National Environmental Policy Act (42 U.S.C. 4332(2)(E)) would require a broader consideration of alternatives if such action were proposed by a federal agency);

''(ii) in the event that the environmental analysis specified in clause (i) leads to a determination by the responsible tribal official that the impacts of the proposed action will be significant, the tribe will prepare an environmental impact statement comparable to that required pursuant to existing regulations of the Council on Environmental Quality, provided that the preparation of an environmental assessment pursuant to clause (i) is not required if the responsible tribal official makes a threshold determination that an environmental impact statement pursuant to this clause (ii) will be required;

''(iii) the identification of proposed mitigation and mechanisms to ensure that any mitigation measures that are incorporated into the environmental documents required pursuant to clause (i) or (ii) will be enforceable;

''(iv) a process for ensuring that the public is informed of and has an opportunity to comment on the environmental impacts of any proposed lease, business agreement, or right-of-way before the issuance of a final document under clauses (i) or (ii), and before tribal approval of the lease, business agreement, or right-of-way (or any amendment to or renewal of the lease, business agreement, or right-of-way); and

''(v) sufficient administrative support and technical capability to carry out the environmental review process.

''(D) A tribal energy resource agreement negotiated between the Secretary and an Indian tribe in accordance with this subsection shall include—

''(i) provisions requiring the Secretary to conduct an annual trust asset evaluation to monitor the performance of the activities of the Indian tribe associated with the development of energy resources on tribal land by the Indian tribe; and

''(ii) in the case of a finding by the Secretary of imminent jeopardy to a physical trust asset, provisions authorizing the Secretary to reassume responsibility for activities associated with the development of energy resources on tribal land.

''(3) The Secretary shall provide notice and opportunity for public comment on tribal energy resource agreements submitted under paragraph (1).

''(4) If the Secretary disapproves a tribal energy resource agreement submitted by an Indian tribe under paragraph (1), the Secretary shall—

''(A) notify the Indian tribe in writing of the basis for the disapproval;

''(B) identify what changes or other actions are required to address the concerns of the Secretary; and

''(C) provide the Indian tribe with an opportunity to revise and resubmit the tribal energy resource agreement.

''(5) If an Indian tribe executes a lease or business agreement or grants a right-of-way in accordance with a tribal energy resource agreement approved under this subsection, the Indian tribe shall, in accordance with the process and requirements set forth in the Secretary's regulations adopted pursuant to subsection (e)(8), provide to the Secretary—

''(A) a copy of the lease, business agreement, or right-of-way document (including all amendments to and renewals of the document); and

''(B) in the case of a tribal energy resource agreement or a lease, business agreement, or right-of-way that permits payment to be made directly to the Indian tribe, documentation of those payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under applicable law.

''(6)(A) Nothing in this section shall absolve the United States from any responsibility to Indians or Indian tribes, including those which derive from the trust relationship as set forth in treaties, statutes, regulations, Executive Orders, court decisions, and agreements between the United States and any Indian tribe; provided further that the Secretary shall carry out the actions required in this section in a manner consistent with the trust responsibility to protect and conserve the trust resources of Indian tribes and individual Indians, and shall act in good faith in upholding such trust responsibility.

''(B) The Secretary shall continue to have a trust obligation to ensure that the rights of an Indian tribe are protected in the event of a violation of federal law or the terms of any lease, business agreement or right-of-way under this section by any other party to any such lease, business agreement or right-of-way.

''(7)(A) In this paragraph, the term 'interested party' means any person or entity the interests of which have sustained or will sustain an adverse environmental impact as a result of the failure of an Indian tribe to comply with a tribal energy resource agreement of the Indian tribe approved by the Secretary under paragraph (2).

''(B) After exhaustion of tribal remedies, and in accordance with the process and requirements set forth in regulations adopted by the Secretary pursuant to subsection (e)(8), an interested party may submit to the Secretary a petition to review compliance of an Indian tribe with a tribal energy resource agreement of the Indian tribe approved under this subsection.

''(C) If the Secretary determines that an Indian tribe is not in compliance with a tribal energy resource agreement approved

under this subsection, the Secretary shall take such action as is necessary to compel compliance, including—

''(i) suspending a lease, business agreement, or right-of-way under this section until an Indian tribe is in compliance with the approved tribal energy resource agreement; and

''(ii) rescinding approval of the tribal energy resource agreement and reassuming the responsibility for approval of any future leases, business agreements, or rights-of-way described in subsections (a) and (b).

''(D) If the Secretary seeks to compel compliance of an Indian tribe with an approved tribal energy resource agreement under subparagraph (C)(ii), the Secretary shall—

''(i) make a written determination that describes the manner in which the tribal energy resource agreement has been violated;

''(ii) provide the Indian tribe with a written notice of the violation together with the written determination; and

''(iii) before taking any action described in subparagraph (C)(ii) or seeking any other remedy, provide the Indian tribe with a hearing and a reasonable opportunity to attain compliance with the tribal energy resource agreement.

''(E) An Indian tribe described in subparagraph (D) shall retain all rights to appeal as provided in regulations promulgated by the Secretary.

''(F) Any decision of the Secretary with respect to a review or appeal described in this paragraph (7) shall constitute a final agency action.

''(8) Not later than 180 days after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall promulgate regulations that implement the provisions of this subsection, including—

''(A) criteria to be used in determining the capacity of an Indian tribe described in paragraph (2)(B)(i), including the experience of the Indian tribe in managing natural resources and financial and administrative resources available for use by the Indian tribe in implementing the approved tribal energy resource agreement of the Indian tribe; and

''(B) a process and requirements in accordance with which an Indian tribe may—

''(i) voluntarily rescind an approved tribal energy resource agreement approved by the Secretary under this subsection; and

''(ii) return to the Secretary the responsibility to approve any future leases, business agreements, and rights-of-way described in this subsection.

''(f) NO EFFECT ON OTHER LAW.—Nothing in this section affects the application of—

''(1) any Federal environmental law;

''(2) the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); or

''(3) except as otherwise provided in this title, the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $2,000,000 for each of fiscal years 2004 through 2010 to make grants or provide other appropriate assistance to Indian tribes to assist them in the implementation of any tribal energy resource agreements entered into pursuant to this section.

''(h) EXPIRATION OF AUTHORITY.—The authority of an Indian tribe to enter into, or issue, leases, business agreements or rights-of-way pursuant to this section, and the Secretary's authority to approve tribal energy resource agreements pursuant to this section, shall expire seven years after the date of enactment of the Indian Energy Development and Self-Determination Act of 2003, unless reauthorized by a subsequent Act of Congress.

**''SEC. 2605. FEDERAL POWER MARKETING ADMINISTRATIONS.**

''(a) DEFINITIONS.—In this section:

''(1) The term 'Administrator' means the Administrator of the Bonneville Power Administration and the Administrator of the Western Area Power Administration.

''(2) The term 'power marketing administration' means—

''(A) the Bonneville Power Administration;

''(B) the Western Area Power Administration; and

''(C) any other power administration the power allocation of which is used by or for the benefit of an Indian tribe located in the service area of the administration.

''(b) ENCOURAGEMENT OF INDIAN TRIBAL ENERGY DEVELOPMENT.—Each Administrator shall encourage Indian tribal energy development by taking such actions as are appropriate, including administration of programs of the Bonneville Power Administration and the Western Area Power Administration, in accordance with this section.

''(c) ACTION BY THE ADMINISTRATOR.—In carrying out this section, and in accordance with existing law—

''(1) each Administrator shall consider the unique relationship that exists between the United States and Indian tribes.

''(2) power allocations from the Western Area Power Administration to Indian tribes may be used to meet firming, supplemental, and reserve needs of Indian-owned energy projects on Indian land;

''(3) the Administrator of the Western Area Power Administration may purchase power from Indian tribes to meet the firming, supplemental, and reserve requirements of the Western Area Power Administration; and

''(4) each Administrator shall not pay more than the prevailing market price for an energy product nor obtain less than prevailing market terms and conditions.

''(d) ASSISTANCE FOR TRANSMISSION SYSTEM USE.—

''(1) An Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power.

''(2) The costs of technical assistance provided under paragraph (1) shall be funded by the Secretary of Energy using nonreimbursable funds appropriated for that purpose, or by the applicable Indian tribes.

''(e) POWER ALLOCATION STUDY.—Not later than 2 years after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary of Energy shall submit to the Congress a report that—

''(1) describes the use by Indian tribes of Federal power allocations of the Western Area Power Administration (or power sold by the Southwestern Power Administration) and the Bonneville Power Administration to or for the benefit of Indian tribes in service areas of those administrations; and

''(2) identifies—

''(A) the quantity of power allocated to Indian tribes by the Western Area Power Administration;

''(B) the quantity of power sold to Indian tribes by other power marketing administrations; and

''(C) barriers that impede tribal access to and use of Federal power, including an assessment of opportunities to remove those barriers and improve the ability of power marketing administrations to facilitate the use of Federal power by Indian tribes.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $750,000, which shall remain available until expended and shall not be reimbursable.

**''SEC. 2606. INDIAN MINERAL DEVELOPMENT REVIEW.**

''(a) IN GENERAL.—The Secretary shall conduct a review of all activities being conducted under the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.) as of that date.

''(b) REPORT.—Not later than 1 year after the date of enactment of the Indian Tribal Energy Development and Self-Determination Act of 2003, the Secretary shall submit to the Congress a report that includes—

''(1) the results of the review;

''(2) recommendations to ensure that Indian tribes have the opportunity to develop Indian energy resources; and

''(3) an analysis of the barriers to the development of energy resources on Indian land (including legal, fiscal, market, and other barriers), along with recommendations for the removal of those barriers.

**''SEC. 2607. WIND AND HYDROPOWER FEASIBILITY STUDY.**

''(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming and supplemental power to the Western Area Power Administration.

''(b) SCOPE OF STUDY.—The study shall—

''(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

''(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

''(3) assess the wind energy resource potential on tribal land and projected cost savings through a blend of wind and hydropower over a 30-year period;

''(4) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

''(5) include an independent tribal engineer as a study team member.

''(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary and Secretary of the Army shall submit to Congress a report that describes the results of the study, including—

''(1) an analysis of the potential energy cost or benefits to the customers of the Western Area Power Administration through the blend of wind and hydropower;

''(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production, and provide Missouri River management flexibility;

''(3) recommendations for a demonstration project that could be carried out by the Western Area Power Administration in partnership with an Indian tribal government or tribal energy resource development organization to demonstrate the feasibility and potential of using wind energy produced on Indian land to supply firming energy to the Western Area Power Administration or any other Federal power marketing agency; and

''(4) an identification of—

''(A) the economic and environmental costs or benefits to be realized through such a Federal-tribal partnership; and

''(B) the manner in which such a partnership could contribute to the energy security of the United States.

''(d) FUNDING.—

''(1) There is authorized to be appropriated to carry out this section $500,000, to remain available until expended.

''(2) Costs incurred by the Secretary in carrying out this section shall be nonreimbursable.''.

(b) CONFORMING AMENDMENTS.—The table of contents for the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.) is amended by striking items relating to Title XXVI, and inserting:

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**SA 882.** Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, MR. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRAHAM of Florida, Mr. BAUCUS, and Mr. CAMPBELL,) proposed an amendment to the bill S. 1215, to sanction the ruling Burmese military junta, to strengthen Burma's democratic foreces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Burmese Freedom and Democracy Act of 2003''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) The State Peace and Development Council (SPDC) has failed to transfer power to the National League for Democracy (NLD) whose parliamentarians won an overwhelming victory in the 1990 elections in Burma.

(2) The SPDC has failed to enter into meaningful, political dialogue with the NLD and ethnic minorities and has dismissed the efforts of United Nations Special Envoy Razali bin Ismail to further such dialogue.

(3) According to the State Department's ''Report to the Congress Regarding Conditions in Burma and U.S. Policy Toward Burma'' dated March 28, 2003, the SPDC has become ''more confrontational'' in its exchanges with the NLD.

(4) On May 30, 2003, the SPDC, threatened by continued support for the NLD throughout Burma, brutally attacked NLD supporters, killed and injured scores of civilians, and arrested democracy advocate Aung San Suu Kyi and other activists.

(5) The SPDC continues egregious human rights violations against Burmese citizens, uses rape as a weapon of intimidation and torture against women, and forcibly conscripts child-soldiers for the use in fighting indigenous ethnic groups.

(6) The SPDC has demonstrably failed to cooperate with the United States in stopping the flood of heroin and methamphetamines being grown, refined, manufactured, and transported in areas under the control of the SPDC serving to flood the region and much of the world with these illicit drugs.

(7) The SPDC provides safety, security, and engages in business dealings with narcotics traffickers under indictment by United States authorities, and other producers and traffickers of narcotics.

(8) The International Labor Organization (ILO), for the first time in its 82-year history, adopted in 2000, a resolution recommending that governments, employers, and workers organizations take appropriate measures to ensure that their relations with the SPDC do not abet the government-sponsored system of forced, compulsory, or slave labor in Burma, and that other international bodies reconsider any cooperation they may be engaged in with Burma and, if appropriate, cease as soon as possible any activity that could abet the practice of forced, compulsory, or slave labor.

(9) The SPDC has integrated the Burmese military and its surrogates into all facets of the economy effectively destroying any free enterprise system.

(10) Investment in Burmese companies and purchases from them serve to provide the SPDC with currency that is used to finance its instruments of terror and repression against the Burmese people.

(11) On April 15, 2003, the American Apparel and Footwear Association expressed its ''strong support for a full and immediate ban on U.S. textiles, apparel and footwear imports from Burma'' and called upon the United States Government to ''impose an outright ban on U.S. imports'' of these items until Burma demonstrates respect for basic human and labor rights of its citizens.

(12) The policy of the United States, as articulated by the President on April 24, 2003, is to officially recognize the NLD as the legitimate representative of the Burmese people as determined by the 1990 election.

**SEC. 3. BAN AGAINST TRADE THAT SUPPORTS THE MILITARY REGIME OF BURMA.**

(a) GENERAL BAN.—

(1) IN GENERAL.—Notwithstanding any other provision of law, until such time as the President determines and certifies to Congress that Burma has met the conditions described in paragraph (3), no article may be imported into the United States that is produced, mined, manufactured, grown, or assembled in Burma.

(2) BAN ON IMPORTS FROM CERTAIN COMPANIES.—The import restrictions contained in paragraph (1) shall apply to, among other entities—

(A) the SPDC, any ministry of the SPDC, a member of the SPDC or an immediate family member of such member;

(B) known narcotics traffickers from Burma or an immediate family member of such narcotics trafficker;

(C) the Union of Myanmar Economics Holdings Incorporated (UMEHI) or any company in which the UMEHI has a fiduciary interest;

(D) the Myanmar Economic Corporation (MEC) or any company in which the MEC has a fiduciary interest;

(E) the Union Solidarity and Development Association (USDA); and

(F) any successor entity for the SPDC, UMEHI, MEC, or USDA.

(3) CONDITIONS DESCRIBED.—The conditions described in this paragraph are the following:

(A) The SPDC has made substantial and measurable progress to end violations of internationally recognized human rights including rape, and the Secretary of State, after consultation with the ILO Secretary General and relevant nongovernmental organizations, reports to the appropriate congressional committees that the SPDC no longer systematically violates workers rights, including the use of forced and child labor, and conscription of child-soldiers.

(B) The SPDC has made measurable and substantial progress toward implementing a democratic government including—

(i) releasing all political prisoners;

(ii) allowing freedom of speech and the press;

(iii) allowing freedom of association;

(iv) permitting the peaceful exercise of religion; and

(v) bringing to a conclusion an agreement between the SPDC and the democratic forces led by the NLD and Burma's ethnic nationalities on the transfer of power to a civilian government accountable to the Burmese people through democratic elections under the rule of law.

(C) Pursuant to the terms of section 706 of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228), Burma has not failed demonstrably to make substantial efforts to adhere to its obligations under international counternarcotics agreements and to take other effective counternarcotics measures, including the arrest and extradition of all individuals under indictment in the United States for narcotics trafficking, and concrete and measurable actions to stem the flow of illicit drug money into Burma's banking system and economic enterprises and to stop the manufacture and export of methamphetamines.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means the Committees on Foreign Relations and Appropriations of the Senate and the Committees on International Relations and Appropriations of the House of Representatives.

(b) WAIVER AUTHORITIES.—

(1) IN GENERAL.—The President may waive the prohibitions described in this section for any or all products imported from Burma to the United States if the President determines and notifies the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives that to do so is in the national security interest of the United States.

(2) INTERNATIONAL OBLIGATIONS.—The President may waive any provision of this Act found to be in violation of any international obligations of the United States pursuant to any final ruling relating to Burma under the dispute settlement procedures of the World Trade Organization.

**SEC. 4. FREEZING ASSETS OF THE BURMESE REGIME IN THE UNITED STATES.**

Not later than 60 days after the date of enactment of this Act, the Secretary of the Treasury shall direct, and promulgate regulations to the same, that any United States financial institution holding funds belonging to the SPDC or the assets of those individuals who hold senior positions in the SPDC or its political arm, the Union Solidarity Development Association, shall promptly report those assets to the Office of Foreign Assets Control. The Secretary of the Treasury may take such action as may be necessary to secure such assets or funds.

**SEC. 5. LOANS AT INTERNATIONAL FINANCIAL INSTITUTIONS.**

The Secretary of the Treasury shall instruct the United States executive director to each appropriate international financial institution in which the United States participates, to oppose, and vote against the extension by such institution of any loan or financial or technical assistance to Burma

until such time as the conditions described in section 3(a)(3) are met.

**SEC. 6. EXPANSION OF VISA BAN.**

(a) IN GENERAL.—

(1) VISA BAN.—The President is authorized to deny visas and entry to the former and present leadership of the SPDC or the Union Solidarity Development Association.

(2) UPDATES.—The Secretary of State shall coordinate on a biannual basis with representatives of the European Union to ensure that an individual who is banned from obtaining a visa by the European Union for the reasons described in paragraph (1) is also banned from receiving a visa from the United States.

(b) PUBLICATION.—The Secretary of State shall post on the Department of State's website the names of individuals whose entry into the United States is banned under subsection (a).

**SEC. 7. CONDEMNATION OF THE REGIME AND DISSEMINATION OF INFORMATION.**

(a) IN GENERAL.—Congress encourages the Secretary of State to highlight the abysmal record of the SPDC to the international community and use all appropriate fora, including the Association of Southeast Asian Nations Regional Forum and Asian Nations Regional Forum, to encourage other states to restrict financial resources to the SPDC and Burmese companies while offering political recognition and support to Burma's democratic movement including the National League for Democracy and Burma's ethnic groups.

(b) UNITED STATES EMBASSY.—The United States embassy in Rangoon shall take all steps necessary to provide access of information and United States policy decisions to media organs not under the control of the ruling military regime.

**SEC. 8. SUPPORT DEMOCRACY ACTIVISTS IN BURMA.**

(a) IN GENERAL.—The President is authorized to use all available resources to assist Burmese democracy activists dedicated to nonviolent opposition to the regime in their efforts to promote freedom, democracy, and human rights in Burma, including a listing of constraints on such programming.

(b) REPORTS.—

(1) FIRST REPORT.—Not later than 3 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a comprehensive report on its short- and long-term programs and activities to support democracy activists in Burma, including a list of constraints on such programming.

(2) REPORT ON RESOURCES.—Not later than 6 months after the date of enactment of this Act, the Secretary of State shall provide the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives a report identifying resources that will be necessary for the reconstruction of Burma, after the SPDC is removed from power, including—

(A) the formation of democratic institutions;

(B) establishing the rule of law;

(C) establishing freedom of the press;

(D) providing for the successful reintegration of military officers and personnel into Burmese society; and

(E) providing health, educational, and economic development.

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**SA 883.** Mr. MCCONNELL (for himself, Mr. GRASSLEY, and Mr. BAUCUS) proposed an amendment to amendment SA 882 proposed by Mr. MCCONNELL (for himself, Mrs. FEINSTEIN, Mr. MCCAIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BUNNING, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COLEMAN, Ms. COLLINS, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mrs. DOLE, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mr. FRIST, Mr. HAGEL, Mr. DORGAN, Mr. BURNS, Mr. KOHL, Mr. HARKIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SMITH, Mr. SPECTER, Ms. STABENOW, Mr. VOINOVICH, Mr. WYDEN, Mr. GRAHAM of Florida, Mr. BAUCUS, and Mr. CAMPBELL) to the bill S. 1215, to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, and for other purposes; as follows:

On page 5, line 5, insert ''and except as provided in section 9'' after ''law''.

Beginning on page 7, line 23, strike all through page 8, line 3, and insert the following:

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this Act, the term ''appropriate congressional committees'' means the Committee on Foreign Relations, the Committee on Finance, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on Ways and Means, and the Committee on Appropriations of the House of Representatives.

On page 8, beginning on line 5, strike all through line 13, and insert the following:

(1) IN GENERAL.—The President may waive the prohibitions described in this section for any or all products imported from Burma to the United States if the President determines and notifies the appropriate congressional committees that to do so is in the vital national security interest of the United States.

On page 11, beginning on line 16, strike ''Committees on Appropriations and Foreign Relations of the Senate'' and all that follows through ''House of Representatives'' on line 19, and insert ''appropriate congressional committees''.

On page 12, beginning on line 1, strike ''Committees on Appropriations and Foreign Relations of the Senate'' and all that follows through ''House of Representatives'' on line 4, and insert ''appropriate congressional committees''.

On page 12, after line 16, insert the following:

(3) REPORT ON TRADE SANCTIONS.—Not later than 90 days before the date that the import restrictions contained in section 3(a)(1) are to expire, the Secretary of State, in consultation with the United States Trade Representative and other appropriate agencies, shall submit to the appropriate congressional committees, a report on—

(A) conditions in Burma, including human rights violations, arrest and detention of democracy activists, forced and child labor, and the status of dialogue between the SPDC and the NLD and ethnic minorities;

(B) bilateral and multilateral measures undertaken by the United States Government and other governments to promote human rights and democracy in Burma; and

(C) the impact and effectiveness of the provisions of this Act in furthering the policy objectives of the United States toward Burma.

**SEC. 9. DURATION OF SANCTIONS.**

(a) TERMINATION BY REQUEST FROM DEMOCRATIC BURMA.—The President may terminate any provision in this Act upon the request of a democratically elected government in Burma, provided that all the conditions in section 3(a)(3) have been met.

(b) CONTINUATION OF IMPORT SANCTIONS.—

(1) EXPIRATION.—The import restrictions contained in section 3(a)(1) shall expire 1 year from the date of enactment of this Act unless renewed under paragraph (2) of this section.

(2) RESOLUTION BY CONGRESS.—The import restrictions contained in section 3(a)(1) may be renewed annually for a 1-year period if, prior to the anniversary of the date of enactment of this Act, and each year thereafter, a renewal resolution is enacted into law in accordance with subsection (c).

(c) RENEWAL RESOLUTIONS.—

(1) IN GENERAL.—For purposes of this section, the term ''renewal resolution'' means a joint resolution of the 2 Houses of Congress, the sole matter after the resolving clause of which is as follows: ''That Congress approves the renewal of the import restrictions contained in section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003.''

(2) PROCEDURES.—

(A) IN GENERAL.—A renewal resolution—

(i) may be introduced in either House of Congress by any member of such House at any time within the 90-day period before the expiration of the import restrictions contained in section 3(a)(1); and

(ii) the provisions of subparagraph (B) shall apply.

(B) EXPEDITED CONSIDERATION.—The provisions of section 152 (b), (c), (d), (e), and (f) of the Trade Act of 1974 (19 U.S.C. 2192 (b), (c), (d), (e), and (f)) apply to a renewal resolution under this Act as if such resolution were a resolution described in section 152(a) of the Trade Act of 1974.

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**SA 884.** Mr. GRAHAM of Florida (for himself, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. WYDEN, Mr. NELSON of Florida, Mrs. BOXER, Mr. LAUTENBERG, Mr. EDWARDS, Mr. KERRY, Mrs. MURRAY, Mr. LIEBERMAN, Mr. AKAKA, Mr. LEAHY, Ms. SNOWE, Mr. DODD, Mr. CHAFEE, Mrs. DOLE, Mr. KENNEDY, Mr. CORZINE, and Ms. COLLINS) proposed an amendment to the bill S. 14, to enhance the energy security of the United States, and for other purposes; as follows:

Beginning on page 23, strike line 20 and all that follows through page 25, line 8.

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**SA 885.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 14, to enhance the energy security of the United States, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**Subtitle I—Miscellaneous**

**SEC. 1195. ENERGY SECURITY OF ISRAEL.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the President may export oil to, or secure oil for, any country pursuant to a bilateral international oil supply agreement entered into by the United States with such nation before June 25, 1979,

or to any country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency.

(b) MEMORANDUM OF AGREEMENT.—The following agreements shall be deemed to have entered into force by operation of law and shall be deemed to have no termination date:

(1) The agreement entitled ''Agreement amending and extending the memorandum of agreement of June 22, 1979'', entered into force November 13, 1994 (TIAS 12580).

(2) The agreement entitled ''Agreement amending the contingency implementing arrangements of October 17, 1980'', entered into force June 27, 1995 (TIAS 12670).

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Wednesday, June 11, 2003. The following agenda will be considered:

S. 648, Pharmacy Education Aid Act of 2003.

S __, Greater Access to Affordable Pharmaceuticals Act.

Any nominees that have been cleared for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 11, 2003, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Charles W. Grim, D.D.S., to be the Director of the Indian Health Service at the Department of Health and Human Services; to be followed immediately by another hearing on S. 1146, to implement the recommendations of the Garrison Unit Joint Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, ND.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. THOMAS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on ''Judicial and Executive Nominations'' on Wednesday, June 11, 2003, at 9:30 a.m., in the Dirksen Senate Office Building Room 650.

Panel I: Senators.

Panel II: William H. Pryor, Jr., to be United States Circuit Judge for the Eleventh Circuit.

Panel III: Diane M. Stuart to be Director, Violence Against Women Office, United States Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in room 628 of the Dirksen Senate Office Building, Wednesday, June 11, 2003, from 9:30 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMPETITION, FOREIGN COMMERCE, AND INFRASTRUCTURE

Mr. THOMAS. Mr. President, I ask unanimous consent that the Subcommittee on Competition, Foreign Commerce, and Infrastructure be authorized to meet on Wednesday, June 11, 2003, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs be authorized to meet on Wednesday, June 11, 2003, at 9 a.m., for a hearing entitled ''Patient Safety: Instilling Hospitals with a Culture of Continuous Improvement.''

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. ENZI. Mr. President, I ask unanimous consent that Greg Dean of my office be given floor privileges during the debate on the Energy Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM of Florida. Mr. President, I ask unanimous consent that Mindy Yergin, an intern in my office, be granted floor privileges for the remainder of the consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Andrea Lee, a legislative fellow in my office, be granted the privilege of the floor for the remainder of the debate on S. 14, the Energy Bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

### NOMINATION DISCHARGED AND EXECUTIVE CALENDAR

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session and that the nomination of Clay Johnson, to be Deputy Director for Management, OMB, be discharged from the Governmental Affairs Committee; I further ask consent that the Senate proceed to its consideration and the consideration of Executive Calendar No. 224 en bloc; further, that the nominations be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Clay Johnson III, of Texas, to be Deputy Director of Management, Office for Management and Budget.

DEPARTMENT OF JUSTICE

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## COMMENDING MEDGAR WILEY EVERS AND HIS WIDOW, MYRLIE EVERS-WILLIAMS

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 54, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 54) commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams, for their lives and accomplishments, designating a Medgar Evers National Week of Remembrance, and for other purposes.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FITZGERALD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 54) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 54

Whereas a pioneer in the fight for racial justice, Medgar Wiley Evers, was born July 2, 1925, in Decatur, Mississippi, to James and Jessie Evers;

Whereas, to faithfully serve his country, Medgar Evers left high school to join the Army when World War II began and, after coming home to Mississippi, he completed high school, enrolled in Alcorn Agricultural and Mechanical College, presently known as Alcorn State University, and majored in business administration;

Whereas, as a student at Alcorn Agricultural and Mechanical College, Evers was a member of the debate team, the college choir, and the football and track teams, was the editor of the campus newspaper and the yearbook, and held several student offices, which gained him recognition in Who's Who in American Colleges;

Whereas, while a junior at Alcorn Agricultural and Mechanical College, Evers met a freshman named Myrlie Beasley, whom he married on December 24, 1951, and with whom he spent the remainder of his life;

Whereas, after Medgar Evers received a bachelor of arts degree, he moved to historic Mound Bayou, Mississippi, became employed by Magnolia Mutual Life Insurance Company, and soon began establishing local chapters of the National Association for the Advancement of Colored People (referred to in this resolution as the ''NAACP'') throughout the Delta region;

Whereas, moved by the plight of African-Americans in Mississippi and a desire to change the conditions facing them, in 1954, after the United States Supreme Court ruled school segregation unconstitutional, Medgar Evers became the first known African-American person to apply for admission to the University of Mississippi Law School, but was denied that admission;

Whereas, as a result of that denial, Medgar Evers contacted the NAACP to take legal action;

Whereas in 1954, Medgar Evers was offered a position as the Mississippi Field Secretary for the NAACP, and he accepted the position, making Myrlie Evers his secretary;

Whereas, with his wife by his side, Medgar Evers began a movement to register people to vote in Mississippi and, as a result of his activities, Medgar Evers received numerous threats;

Whereas, in spite of the threats, Medgar Evers persisted, with dedication and courage, to organize rallies, build the NAACP's membership, and travel around the country with Myrlie Evers to educate the public;

Whereas Medgar Evers' passion for quality education for all children led him to file suit against the Jackson, Mississippi public schools, which gained him national media coverage;

Whereas Medgar Evers organized students from Tougaloo and Campbell Colleges, coordinated and led protest marches, organized boycotts of Jackson businesses and sit-ins, and challenged segregated bus seating, and for these heroic efforts, he was arrested, beaten, and jailed;

Whereas the violence against Medgar Evers came to a climax on June 12, 1963, when he was shot and killed in front of his home;

Whereas, after the fingerprints of an outspoken segregationist were recovered from the scene of the shooting, and 2 juries deadlocked without a conviction in the shooting case, Myrlie Evers and her 3 children moved to Claremont, California, where she enrolled in Pomona College and earned her bachelor's degree in sociology in 1968;

Whereas, after Medgar Evers' death, Myrlie Evers began to create her own legacy and emerged as a national catalyst for justice and equality by becoming active in politics, becoming a founder of the National Women's Political Caucus, running for Congress in California's 24th congressional district, serving as Commissioner of Public Works for Los Angeles, using her writing skills to serve as a correspondent for Ladies Home Journal and to cover the Paris Peace Talks, and rising to prominence as Director of Consumer Affairs for the Atlantic Richfield Company;

Whereas Myrlie Evers became Myrlie Evers-Williams when she married Walter Williams in 1976;

Whereas, in the 1990's, Evers-Williams convinced Mississippi prosecutors to reopen Medgar Evers' murder case, and the reopening of the case led to the conviction and life imprisonment of Medgar Evers' killer;

Whereas Evers-Williams became the first female to chair the 64-member Board of Directors of the NAACP, to provide guidance to an organization that was dear to Medgar Evers' heart;

Whereas Evers-Williams has published her memoirs, entitled ''Watch Me Fly: What I Learned on the Way to Becoming the Woman I Was Meant to Be'', to enlighten the world about the struggles that plagued her life as the wife of an activist and empowered her to become a community leader;

Whereas Evers-Williams is widely known as a motivational lecturer and continues to speak out against discrimination and injustice;

Whereas her latest endeavor has brought her home to Mississippi to make two remarkable contributions, through the establishment of the Evers Collection and the Medgar Evers Institute, which advance the knowledge and cause of social injustice and which encompass the many lessons in the life's work of Medgar Evers and Myrlie Evers-Williams;

Whereas Evers-Williams has presented the extraordinary papers in that Collection and Institute to the Mississippi Department of Archives and History, where the papers are being preserved and catalogued; and

Whereas it is the policy of Congress to recognize and pay tribute to the lives and accomplishments of extraordinary Mississippians such as Medgar Evers and Myrlie Evers-Williams, whose life sacrifices have contributed to the betterment of the lives of the citizens of Mississippi as well as the United States: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That—

(1) Congress commends Medgar Wiley Evers and his widow, Myrlie Evers-Williams, and expresses the greatest respect and gratitude of Congress, for their lives and accomplishments;

(2) the Senate—

(A) designates the period beginning on June 9, 2003, and ending on June 16, 2003, as the ''Medgar Evers National Week of Remembrance''; and

(B) requests that the President issue a proclamation calling on the people of the United States to observe the week with appropriate ceremonies and activities; and

(3) copies of this resolution shall be furnished to the family of Medgar Wiley Evers and Myrlie Evers-Williams.

## ORDERS FOR THURSDAY, JUNE 12, 2003

Mr. FITZGERALD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m., Thursday, June 12. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 14, the Energy bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. FITZGERALD. For the information of all Senators, tomorrow morning the Senate will resume consideration of S. 14, the Energy bill. The Graham amendment relating to the Outer Continental Shelf is currently pending to the energy bill. Under a previous agreement, when the Senate resumes consideration of the bill tomorrow morning, there will be up to 90 minutes of debate prior to a vote on or in relation to the amendment. Therefore, the first vote of tomorrow's session will occur at approximately 11 a.m. In addition to the Graham amendment, the Senate will consider other amendments to the Energy bill, and Members should expect rollcall votes throughout the day.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FITZGERALD. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Thursday, June 12, 2003, at 9:30 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate June 11, 2003:

### EXECUTIVE OFFICE OF THE PRESIDENT

CLAY JOHNSON III, OF TEXAS, TO BE DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET.

### THE JUDICIARY

RICHARD C. WESLEY, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT.

J. RONNIE GREER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE.

MARK R. KRAVITZ, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

### DEPARTMENT OF JUSTICE

HARLON EUGENE COSTNER, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

# EXTENSIONS OF REMARKS

## IN RECOGNITION OF MORNINGSIDE-WESTSIDE COMMUNITY ACTION CORPORATION

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to the Morningside-Westside Community Action Corporation, MWCAC. For nearly a decade, MWCAC has worked tirelessly in order to serve the mental health community of New York City.

Founded in 1994, the Morningside Westside Community Action Corporation has been instrumental in advocating positive changes in governmental health programs, distributing information about issues facing the mental health community and promoting awareness and understanding towards those who suffer from mental illness. MWCAC strives to assist the mentally ill on their road to recovery and to help them achieve their goals and live productive lives.

Realizing that society has a place for all, the MWCAC has long been a proponent of helping the mentally disabled live normally within the mainstream. Morningside-Westside Community Action Corporation actively promotes reintegration, mainstream living, steady employment and recovery for all those who suffer from mental illness.

Over the last eight and a half years, under the leadership of Nancy Walder, their President, dedicated staff members have worked on mental health advocacy projects, and opened lines of communication between those who administer mental health services and those who require them.

In order to spread their message throughout the city and beyond, mental health service workers, members of the mentally disabled community and their friends and family members publish The Morningside-Westside Bulletin, an award-winning monthly mental health journal. Journal articles detail issues facing the mental health community and provide advice and avenues for help for those who are in need of assistance.

Under MWCAC's auspices, members of the mentally disabled community produce an annual Outsider Art Show, a forum that encourages members to contribute their own original pieces. The Morningside-Westside Community Action Corporation has also sponsored educational and informational events such as ''Harlem Mental Health Day'' and ''Healthy Mind, Healthy Body.'' Future events include ''Back to Work, Back to Life Day,'' an all day event to be held in Bryant Park, and a conference to be held in connection with the New York City Department of Health Federation.

A mental illness can be a paralyzing and debilitating condition. For years, many individuals have been forced to wander in the darkness of this disease without a helping hand. Thanks to MWCAC, those who need assistance in the New York area have a place to go for help.

In recognition of their outstanding contributions to the community and their commitment to the quality of life of the mentally disabled, I ask that my colleagues join me in saluting Nancy Walder and her dedicated staff at MWCAC.

## IN HONOR OF CAROL BARTZ

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Ms. ESHOO. Mr. Speaker, I rise to honor Carol Bartz, special guest and honoree at the June 18, 2003 Forum for Women Entrepreneurs Silent Auction and Awards Dinner.

Carol Bartz is the Board Chair, President and CEO of Autodesk, Inc., and she has earned an honors degree in computer science from the University of Wisconsin, and been granted honorary degrees from the New Jersey Institute of Technology, Worcester Polytechnic Institute and William Wood University. During her tenure at Autodesk the company has diversified and revenues have grown to more than $947 million in 2002.

Carol Bartz gives generously of her leadership skills, both in Silicon Valley and elsewhere through her service on the boards of organizations such as TEA Systems, Cisco Systems, Network Appliance, Technet, and the Foundation for the National Medals of Science and Technology. She serves on the Board of Directors of the New York Stock Exchange and is one of its 12 members who represent public companies. She was recently appointed to the President's Council of Advisors on Science and Technology where she will play a key role in setting our nation's high-tech agenda.

Carol Bartz has earned many well-deserved honors, including the Ernst and Young Northern California Master Entrepreneur of the Year Award, the Horatio Alger Award and the Donald C. Burnham Manufacturing Management Award and she's been named a member of the Women in Technology International Hall of Fame.

Mr. Speaker, I ask my colleagues to join me in honoring Carol Bartz for her extraordinary accomplishments and for the leadership she is known for in everything she does. It is a special privilege to represent her and to honor her for all she has done to make our country stronger and better.

## IN RECOGNITION OF THE MANY CONTRIBUTIONS OF ATHANASIOS (TOM) ALAFOGIANNIS, A LEADER IN QUEENS AND THE GREEK AMERICAN COMMUNITY

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mrs. MALONEY. Mr. Speaker, with great sadness I rise to pay tribute to Athanasios (Tom) Alafogiannis, a much admired and beloved leader of the Greek-American community in Queens. Unfortunately, Tom Alafogiannis passed away last week, leaving much of the community in mourning.

Tom was born in Dafno, Greece on February 28th, 1933. Talented with his hands, Tom completed the technical school of engineering. Although he was a hard worker who loved his family, he decided to leave Greece to seek a better life in America.

At the age of 36 he came to the United States, working his way over as a ship's engineer. In America, he attended school and became a licenced master plumber. His talents were quickly recognized and he built a successful business. In 1969 he married the love of his life, Rose Anne Benevento. They have four children: Apostolos (Paul), Jennifer, Joseph and Vasilios (Billy).

Understanding the responsibilities that come with prosperity, Tom devoted a great deal of time and attention to giving back to the community. His unwavering dedication and boundless energy made him a popular leader. He served as President of the Hermes Chapter of AHEPA, three time President of the Greek American Homeowners and President of Sterea Hellas. Concerned with the quality of life in Astoria, he became a member of Queens Community Board 1. As a successful business leader, he became a member of the Board of Directors of the Kiwanis Club.

Tom never became involved in anything halfway. In every organization in which he participated, he left his mark. Tom was, quite simply, a charming man of great energy and deep concern for others. He will be sorely missed.

I ask my colleagues to join me in celebrating the life and accomplishments of Tom Alafogiannis, a truly remarkable man.

## IN HONOR OF JAMES C. MORGAN

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Ms. ESHOO. Mr. Speaker, I rise to honor James C. Morgan who recently retired as Chief Executive Officer of Applied Materials, Inc., of Santa Clara, California.

Mr. Morgan was named Chairman of Applied Materials' Board of Directors in 1987 and continues to serve in that position today. He

joined Applied Materials as President in 1976, after serving as senior partner at WestVen Management.

Mr. Morgan received his B.S.M.E. and MBA degrees from Cornell University and has earned countless honors and awards. He received the National Medal of Technology in 1996 and is Vice-Chair of the President's Export Council. He was appointed to the 2002 U.S.-Japan Private Sector Government Commission and served on the Commission on U.S.-Pacific Trade and Investment Policy from 1996 to 1997. He serves on the boards of Cisco Systems, the National Center for Asia-Pacific Economic Cooperation, the California Nature Conservancy, and as a member of the Advisory Board of the Center for Science, Technology and Society at Santa Clara University.

Under Mr. Morgan's leadership Applied Materials has been recognized as one of our nation's leading corporations. Fortune Magazine named Applied Materials one of America's Most Admired Companies, one of the Top Ten in Total Return to Shareholders, one of the 100 Best Companies to Work For and one of the Best Companies for Asians, Blacks and Hispanics.

Mr. Speaker, I ask my colleagues to join me in honoring James C. Morgan for his extraordinary corporate leadership and corporate citizenship. Our community and our country have been strengthened by his countless contributions and his lifetime of service. How proud I am to know and represent Jim and his distinguished wife Becky, and wish them great health and every blessing.

## IN RECOGNITION OF BOB WILSON

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Bob Wilson, whose commitment to various organizations has helped make the local community a better place to live. In honor of his contributions, Mr. Wilson will be honored by the Dutch Kills Civic Association on June 12th, 2003.

A lifetime New Yorker, Mr. Wilson was born and raised in the Bronx. As a young man, Mr. Wilson joined the United States Navy during the Korean Conflict. After leaving the United States Navy, Mr. Wilson returned home and began a long and successful career of 38 years with Local 731 as a General Foreman, building and rebuilding many of New York City's highways and bridges.

An enthusiastic and dedicated community advocate, Mr. Wilson joined the Dutch Kills Civic Association upon his retirement, eventually becoming President of the organization.

As President of the Dutch Kills Civic Association for ten years, Mr. Wilson was dedicated to improving quality of life in the neighborhood. Through his efforts with Walter McCaffrey, a much-needed hockey rink was built in Dutch Kills Park. He worked with Tony Maloni in his fight to remove graffiti in the area. In addition, Mr. Wilson was a steady leader in calling the 114th Precinct to help rid the neighborhood of constant prostitution.

In typical fashion, Mr. Wilson was the 'go-to' guy for many of the concerns raised by the organization, including such problems as catch basins not being cleaned in the area. Recognizing that the organization would benefit from a strong revenue stream, he envisioned holding an annual street fair. His vision is now a reality that brings revenue to the organization each year.

Mr. Wilson is described by his peers as a man of boundless energy and commitment to the community he has been a part of for so many years. In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Bob Wilson for his spirit and dedication.

## IN SPECIAL RECOGNITION OF THE CITY OF BELLEVUE'S SESQUICENTENNIAL CELEBRATION

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. GILLMOR. Mr. Speaker, I rise today to pay special tribute to the City of Bellevue. This City in my congressional district was first settled in 1815. It is generally acknowledged that Mark Hopkins was its first resident, building a log cabin on East Main Street in 1816. The site is presently marked with a plaque first erected in 1915. Bellevue was known as Amsden's Corners after a prominent early settler, Thomas Amsden, who traded with the Indians and opened a general store at the site of present day City Hall.

Later in the 1830's, the City was known as York Roads and in 1839 it was named Bellevue in honor of James H. Belle, an engineer who surveyed the first railroad through the town. The first major road was constructed in 1823, which began at the town square and terminated at the Maumee River in Perrysburg. In 1839, the first railroad from Sandusky to Bellevue was completed and this began Bellevue's long history as a railroad center.

Bellevue was incorporated as a village in 1851 with a population of 300 and incorporated as a city in 1912. Early commerce and industry consisted of a sawmill, tannery, cabinet shop, cooperage, wagon shop, farm products, four mill, railroad, and Mill Pond liquor distillery.

The City's industrial base has developed steadily and is well diversified. Products range from aluminum windows and doors and heating/air conditioning equipment, to metal stamping, plastics and commercial balers.

Several subdivisions have been completed recently, and an additional allotment of apartments and single family dwellings are also in the works.

Area residents are served by an active central city business district. Recreational opportunities include numerous parks, a community center, golf course, as well as water recreation associated with Lake Erie, just 15 miles north.

Local educational facilities and programs include five elementary, one junior high, and one senior high school. This is supplemented by participation in the EHOVE vocational school district. Higher education is available at two branch universities, a technical college, three nursing schools, and two four-year colleges within 25 miles.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the City of Bellevue on the occasion of it Sesquicentennial celebration. I am proud to offer these sentiments today properly documenting this event in the record of the 108th Congress.

## TRIBUTE TO MATT JOHNSON

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Mr. Matt Johnson, a young man who served Michigan's First Congressional District well for nearly 9 years, and has now become Michigan Governor Jennifer Granholm's Upper Peninsula Representative.

Matt started working for me in May of 1994 as an intern while attending Northern Michigan University (NMU). Matt took on significant responsibility during his internship, working some extended hours and learning the ropes of how a congressional district office is run.

After completing his degree in Public Administration at NMU, Matt assumed a full-time position in my Marquette district office as a congressional aide. Another staff member in my Marquette office at the time, Brian Schlientz, unfortunately took ill with a brain tumor and passed away several months later. I mention this, Mr. Speaker, because Matt's new role as a congressional aide fresh out of college was no doubt a difficult enough adjustment, but when compounded with the tragedy of losing his mentor, Matt faced significant challenges.

After working as a congressional aide for nearly three years, Matt was promoted to the role of District Administrator when my District Administrator, Scott Schloegel, moved to Washington to become Chief of Staff. Matt was responsible for coordination and oversight of the staff in my six district offices. He also did outreach, grants, and special projects throughout Michigan's Upper Peninsula.

Mr. Speaker, I have had the pleasure of watching Matt Johnson grow from a fresh-faced college intern into a seasoned public servant. Along the way he has traveled tens of thousands of miles, held hundreds of meetings, assisted thousands of constituents, and learned volumes of information about federal—and now state—government. Matt has also taken time to settle down a bit with his wife, Cheri and their 1-year-old daughter, Jacey, on their horse farm in Skandia. On their farm, Matt and Cheri host various horse events, including a charity fund raiser each year. As anyone in public service knows, one's spouse often sacrifices as much as the public servant does. I would be remiss in not thanking Cheri for sharing Matt with us and being understanding on those dozens of occasions when duty called Matt to drive several hours away to attend meetings, dinners, and other functions on my behalf.

Thank you, Mr. Speaker, for this opportunity to publicly recognize a dedicated former employee, a good friend, and a wonderful human being for his contributions to Michigan's First Congressional District.

## TRIBUTE TO LIEUTENANT COLONEL MALCOM A SHORTER, UNITED STATES ARMY UPON HIS RETIREMENT AFTER 22 YEARS OF SERVICE

### HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. MEEHAN. Mr. Speaker, today, I am pleased to recognize the outstanding service to our Nation by Lieutenant Colonel Malcom A. Shorter, who will be retiring from the Army on September 30, 2003 after a distinguished career that has spanned over 22 years of dedicated service. Malcom Shorter distinguished himself as a leader who epitomized the modern American professional soldier.

Malcom Shorter's illustrious career as an Infantry Officer embodied all of the Army's values of Loyalty, Duty, Respect, Selfless Service, Honor, Integrity, and Personal Courage.

Throughout his career Lieutenant Colonel Shorter demonstrated his outstanding tactical and operational expertise in numerous command and staff positions both overseas and in the continental United States. Continually serving in positions of ever-increasing responsibility, highlights of his career include serving as an Infantry Company Commander twice, and as a Brookings Congressional Fellow for the United States Army in my office during the 1st session of the 106th Congress. Malcom also served as the Chief of Plans and Operations for the 3rd Brigade, 3rd Infantry Division (Mechanized) at Fort Benning, Georgia and was responsible for the development of worldwide contingencies and the training of a combined arms combat maneuver brigade focused on South West Asia.

Malcom's talent for solving complex management problems complemented his proven operational skill. While serving as my Military Legislative Assistant, he provided sound policy guidance and operational expertise on the Department of Defense Budget, Military Readiness and Veterans Affairs issues. Malcom's prudent opinions and sound judgment were invaluable in my making good decisions on issues that affect our Soldiers, Sailors, Airmen, Marines, and Veterans.

As evidence of the quality of Lieutenant Colonel Shorter's leadership, management, and interpersonal skills, he was specially selected to serve as the Deputy Chief of the Army's Congressional Liaison Office in the United States House of Representatives. He was responsible for maintaining liaison with 435 Members of Congress, their personal staffs, and twenty permanent or select legislative committees. During that period, Malcom personally escorted more than 200 Members of Congress on fact-finding missions to over 75 foreign countries. His dedication, candor and professionalism while serving in that capacity earned him the reputation as the best source on Capitol Hill to resolve issues pertaining to the Army.

Accordingly, I invite my colleagues to join in offering our heartfelt congratulations to Lieutenant Colonel Malcom A. Shorter on a career of selfless service marked by his resolute dedication and unwavering integrity. He represents the very best that our great Nation has to offer. We wish Malcom, his wife Joan, and his daughters, Alex and Tori, continued success and happiness in all of their future endeavors.

## A PROCLAMATION HONORING MR. AND MRS. MANIFOLD

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. NEY. Mr. Speaker, Whereas, Richard and Carol Manifold were united in marriage on June 13, 1953; and

Whereas, Richard and Carol Manifold are celebrating 50 years of marriage; and

Whereas, Richard and Carol Manifold have demonstrated a firm commitment to each other; and

Whereas, Richard and Carol Manifold should be commended for their loyalty and dedication to their family; and

Whereas, Richard and Carol Manifold have proven, by their example, to be a model for all married couples.

Therefore, I join with the residents of the entire 18th Congressional District of Ohio in congratulating Mr. and Mrs. Manifold as they celebrate their 50th Wedding Anniversary.

## RECOGNITION OF DR. DAVID HARMON

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize Dr. David Harmon of Jerseyville, Illinois for being honored as the Illinois Family Physician of the Year.

Inspired by a family doctor's kindness and compassion, Dr. Harmon went to medical school at Southern Illinois University in Springfield and Carbondale, then did a residency in Davenport, Iowa, spent some time in Roodhouse, Illinois, and moved to Jerseyville in 1987. He has treated patients there ever since.

Nominated for the award by both patients and colleagues, Dr. Harmon is now well known for his kindness and compassion, as well as his dedication to the community. Not only is Dr. Harmon a medical doctor, but he has also served as a professor at Saint Louis University and at the family practice department at Southern Illinois University School of Medicine. He is the medical director of the Jerseyville Manor Nursing Home, vice president of the Jersey County Board of Health, a volunteer with the Jerseyville Fire Department, an assistant hockey coach at Jersey High School, and a Sunday School teacher and board member at First United Methodist Church.

Dr. Michael McNair, one of his former students and now one of his partners at Illini Medical Associates praises Dr. Harmon in saying, ''He taught me that medicine is not about the technology. It's how you treat people and how much you listen to them.'' This commitment to the people is exemplary, and could be applied to almost every job in society.

While he admits that the business end of being a doctor has become more difficult in recent years, Dr. Harmon is not ready to retire anytime soon. He plans on being a doctor in Jerseyville for another 20 years, and I would like to wish him the best. The Illinois Family Physician of the Year deserves it.

## CELEBRATION OF BIRTH OF ISABELLA L. MESFUN

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. CONYERS. Mr. Speaker, I rise today to celebrate the healthy birth of Isabella L. Mesfun on Sunday, May 25, 2003. I hope Isabella has a life filled with happiness and success.

## HONORING GIDEON SOFER

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. PALLONE. Mr. Speaker, I would like to draw the attention of my colleagues to a remarkable constituent from the Sixth District of New Jersey, Gideon Sofer. This young man has tremendous determination and has recently been recognized as one of America's top ten youth volunteers by the Prudential Spirit of Community Awards. This distinction carries not only national recognition, but also a $5,000 award, and $25,000 in toys, clothing and other juvenile products donated in his name to needy children in his area by Kids in Distressed Situations, Inc.

Gideon has lived most of his formative years with an incredibly painful and often debilitating sickness, Crohn's disease. He has been living with this disease since he was diagnosed when he was twelve. During the last 6 years, he has been thorough numerous surgeries, and has often faced death during the painful procedures. Most people would have just been concerned with their survival, but Gideon has turned his personal suffering into a quest: to educate the public about Crohn's disease.

In 1932, Dr. Burrill B. Crohn, Dr. Leon Ginzburg, and Dr. Gordon D. Oppenheimer published a landmark paper describing the clinical features of what is known today as Crohn's disease.

Crohn's and a related disease, ulcerative colitis, are the main divisions of the group of illnesses called inflammatory bowel disease (IBD). Because the symptoms of these two illnesses are so similar, approximately 10 percent of cases are unable to be diagnosed definitively as either ulcerative colitis or Crohn's disease. In both illnesses, there is an abnormal immune response. White blood cells infiltrate the intestinal lining, causing chronic inflammation. These cells then produce noxious products that ultimately lead to tissue injury. When this happens, the patient experiences the symptoms of IBD. The precise cause of the chronic inflammation associated with IBD is not known.

Mr. Speaker, Gideon Sofer is an example to us all. He selflessly offers his energy to the education of the public about Crohn's. Please

join me in recognizing this young man and his achievements.

## COMMENDING OUR MILITARY FORCES, THEIR FAMILY MEMBERS AND THEIR SUPPORTERS

### HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. TANNER. Mr. Speaker, I wish to affirm my unwavering support for H. Con. Res. 177 and H. Res. 201, which this House of Representatives passed in tribute to the men and women who serve our nation, their families, and those businesses and other community members who have supported them through this difficult time in our nation's history.

The purpose of House Concurrent Resolution 177 is ''recognizing and commending the members of the United States Armed Forces and their leaders, and the allies of the United States and their armed forces, who participated in Operation Enduring Freedom in Afghanistan and Operation Iraqi Freedom in Iraq and recognizing the continuing dedication of military families and employers and defense civilians and contractors and the countless communities and patriotic organizations that lent their support to the Armed Forces during those operations.''

This body also passed, by a unanimous vote, House Resolution 201, ''expressing the sense of the House of Representatives that our Nation's businesses and business owners should be commended for their support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation and around the world.''

Tennessee has long been proud of its military heritage, having been nicknamed the ''Volunteer State'' when thousands of Tennesseans agreed to serve in the War of 1812. There are more than 14,000 men and women serving in the Tennessee National Guard under the leadership of Tennessee Adjutant General Gus Hargett. More than 20,000 additional troops are stationed at Fort Campbell Army Base, which straddles the border between Tennessee and Kentucky. Fort Campbell troops, including the 101st Airborne Screaming Eagles, and Guard members and reservists from our state have served proudly in Operation Enduring Freedom and Operation Iraqi Freedom.

I am proud to represent Naval Support Activity Mid-South in Millington, Tennessee. Under the direction of Captain Helen Dunn, this unit is very important to the operations of the United States Navy. Our district in Tennessee also includes the Milan Army Arsenal, whose facilities help manufacture much of the ammunition used by the United States Army. Tennessee has many such military and military-support institutions and is home to more than 500,000 military veterans who have served our nation honorably.

Our troops and their families are to be commended and thanked for the sacrifices they have made to protect our nation. Please join with me, Mr. Speaker, in expressing gratitude for employers who have made sacrifices to allow Guard and Reserve troops to leave their permanent positions to serve our country. We are also appreciative of those civic and community leaders who have come together to support our men and women in uniform and their families at this difficult time in our nation's history. In Tennessee, our communities have come together to show their patriotism and their appreciation for those who are making sacrifices to protect us all.

Mr. Speaker, I ask that you join me in praising the passage of House Concurrent Resolution 177 and House Resolution 201, saluting our troops, their families, our military-support staff, and community leaders who have shown their appreciation to the men and women who are performing their duty to protect our country.

## TRIBUTE TO KRYSTAL MIZE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. MCINNIS. Mr. Speaker, it is with great pleasure that I rise before this body of Congress to pay tribute to Krystal Mize of Pueblo, Colorado, for her incredible achievement at the University of Southern Colorado. Krystal is the deserving recipient of the Threlkeld Prize for Excellence for her success in the field of psychology and today I would like to recognize her accomplishment before this nation.

Krystal, a single mother of three boys, is not only dedicated to her education but also donates her time to work as a peer mentor, psychology lab assistant and tutor. Krystal is the true embodiment of the ''American Dream'', having overcome adversity to achieve the highest of goals. She has proven to her family, the community and most importantly, herself that she can succeed.

Mr. Speaker, I am proud to recognize Krystal Mize's achievements before this body of Congress. It is the work of people like Krystal that makes the community of Pueblo strong. It is truly an honor to praise Krystal's hard work, and I wish her the best in her future endeavors.

## DANIEL ESPINOZA, ''LABOR LEADER OF THE YEAR'' SAN DIEGO-IMPERIAL COUNTIES LABOR COUNCIL

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. FILNER. Mr. Speaker, I rise to salute Daniel Espinoza on receiving the ''Labor Leader of the Year'' Award from the San Diego-Imperial Counties Labor Council, in recognition of his outstanding contributions to the working women and men of our community.

From the age of eighteen, Daniel has participated in and supported organized labor. He joined Theatrical Stage Employees, IATSE Local 122, in 1977 and been an active officer for the past 16 years. In 1993, Daniel became the youngest elected Business Representative in the history of Local #122 and is currently serving his fifth term. In addition, he serves on the Executive Board for the San Diego-Imperial Counties Labor Council, and is a founding member of the United Labor Foundation.

Daniel has established a reputation of vigorously representing the members of Local 122 while still being responsive to the needs of the employer and their constant struggles with decreased funding for the arts. His commitment and dedication to the working men and women in the entertainment industry has led to successful organizational efforts at a number of San Diego area entertainment venues, including the La Jolla Playhouse, the California Center for the Arts Escondido, and the Audio Visual Technicians for the San Diego Marriott Marina and the Coronado Island Marriott Resort. Under his leadership, Theatrical Stage Employees #122 has increased its jurisdiction and stature in the San Diego entertainment community, and has more than doubled its membership.

Daniel Espinoza exemplifies the high values, standards, and principles of the hard-working men and women who are represented by the San Diego-Imperial Counties Labor Council. I offer my congratulations to him on his receipt of the ''Labor Leader of the Year'' Award.

## IN HONOR OF MONSIGNOR EDWARD J. HAJDUK

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Monsignor Edward J. Hajduk for his years of service to St. Henry's Church and the people of Bayonne, Newark, and Elizabeth. Monsignor Hajduk celebrated the 50th Anniversary of his ordination to the priesthood on Sunday, June 1 at St. Henry's Church in Bayonne, New Jersey.

Monsignor Hajduk has led a long life of commitment and service to congregations throughout Bayonne, Newark, and Elizabeth area. Ordained on May 30, 1953, Monsignor Hajduk first served at the Sacred Heart Church in Lyndhurst, New Jersey, where he was a parochial vicar for sixteen years. During his time at Sacred Heart, Monsignor Hajduk was the assistant director and moderator of the Catholic Youth Organization of Bergen County, a teacher at the Immaculate Conception High School, and a professor of Theology at Felician College.

In 1969, Monsignor Hajduk was appointed by Archbishop Boland to serve as the youth director of the Archdiocese of Newark, where he worked until 1971. The Monsignor then served as administrator of St. James Church in Newark, where he played a vital role in reorganizing the parish. In 1979, Monsignor Hajduk was named chaplain to Pope John Paul II and given the title of Reverend Monsignor. In 1984, Monsignor Hajduk became a pastor at St. Hedwig's Church in Elizabeth, where he served for twelve years. During his service at St. Hedwig's, Monsignor Hajduk undertook the task of renovating the interior of the church. The Monsignor was elected dean of the Elizabeth Deanery, and asked by Archbishop McCarrick to lead a city-wide study of the future of the church in Elizabeth.

Born and raised in Bayonne, Monsignor Hajduk returned to Bayonne in 1992 to serve

as pastor of St. Henry's Church, where he is currently serving his second term. At St. Henry's, Monsignor Hajduk has helped restore and renovate the interior of the church and upgrade some if its facilities. Under his leadership, the Religious and Youth Center at the Church has grown substantially, and now serves over 500 students.

Monsignor Hajduk continues to be an active member of the Bayonne community. He is currently a member of the Bayonne Faith Based Initiative Advisory Board, serves on the board of directors of the Bayonne Mental Health Center, is active in the Bayonne Interfaith Council, and was a representative to the Bayonne Census in 2000.

Today I ask my colleagues to join me in honoring Monsignor Edward J. Hajduk for his exceptional service and dedication to the people of New Jersey.

## TRIBUTE TO FRED CORTESE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Fred Cortese and thank him for his extraordinary contributions to his community and to his state. As a resident of Pueblo County, Colorado, Fred has dedicated himself to helping his community through his work as a law enforcement officer with the Pueblo County Sheriff's Office. It is with pride that I pay tribute to Fred today for the tremendous accomplishments for which he is being recognized by the Pueblo County Sheriff's Department with the Medal of Valor for saving the lives of two men, asleep as their home burned around them.

On February 22nd of this year, Fred and another officer, Jonathan Post, arrived at the scene of a house fire. Believing people to be trapped inside, they entered the burning building at great risk to their own lives. Inside, they found two men asleep, unaware of the imminent danger threatening them. Fred and Jonathan successfully persuaded the two residents to leave their burning home through a window, until one of them disregarded orders and reentered the house, necessitating another dangerous rescue. Fred then assisted Jonathan, who was suffering from smoke inhalation, out of the building.

Mr. Speaker, I ask you to join me in recognizing Fred Cortese upon the receipt of the Medal of Valor from the Pueblo County Sheriff's Department. Fred's courage and selflessness serve as an inspiration to the citizens of Colorado, his peers and his country. With men like Fred in the Pueblo County Sheriff's Department, the citizens of Pueblo County can rest assured that their lives are and their neighborhoods are well protected. Congratulations, Fred, and good luck.

## JOHN D. HULL, ''FRIEND OF THE LABOR COUNCIL WARD'', SAN DIEGO-IMPERIAL COUNTIES LABOR COUNCIL

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. FILNER. Mr. Speaker, I rise to salute John D. Hull on receiving the ''Friend of the Labor Council Award'' from the San Diego-Imperial Counties Labor Council, in recognition of his outstanding contributions to the working women and men of our community.

John is Vice-President of SBC Communications, Inc. in San Diego, overseeing a region that includes San Diego, Orange and Imperial Counties, and the Inland Empire region of Southern California.

Mr. Hull joined Southwestern Bell Telephone Company in 1974 following his graduation from college. He has held numerous management positions during this career, culminating in his appointment as Regional President for the San Diego in May 2001. He represents SBC on the boards of the San Diego Regional Chamber of Commerce, the San Diego Regional Economic Development Corporation, United Way of San Diego County and the American Heart Association—San Diego Chapter.

During his career, John D. Hull has been an important friend of the hardworking men and women who are represented by the San Diego-Imperial Counties Labor Council. I offer my congratulations to him on his receipt of the ''Friend of the Labor Council Award.''

## IN HONOOR OF LARRY BARULLI, RECIPIENT OF THE LANCE CORPORAL STANLEY J. KOPCINSKI MEMORIAL AWARD

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Larry Barulli, recipient of the Lance Corporal Stanley J. Kopcinski Memorial Award. The Bayonne Detachment #191, Marine Corps League honored Mr. Barulli on May 26, 2003, at the VFW hall in Bayonne, New Jersey.

Mr. Barulli served with the United States Army from 1950 until 1952, and was stationed with the ''C'' Company 79th Engineers Battalion in Korea from September 1951 until September 1952. For the past seven years, Larry Barulli has been an active member of the Korean War Veterans Association of Hudson County 38th Parallel Chapter. He is currently a member of the Korean War Veterans Association of Hudson County, the Catholic War Veterans Assumption Post 1612, and the American Legion—Mackenzie Post 165.

Mr. Barulli played a critical role in establishing a monument in memory of the 126 Hudson County residents who gave their lives in the Korean War. The monument, which sits at the end of Washington Street in Jersey City, memorializes 126 men from twelve Hudson County communities who lost their lives during the Korean War. As the war often referred to as the ''Forgotten War,'' Mr. Barulli has helped ensure that the memory of these men will live on forever.

The Lance Corporal Stanley J. Kopcinski Award is given out each year by the Bayonne Detachment of the Marine Corps League in memory of Stanley J. Kopcinski, the first Marine from Bayonne killed in the Vietnam War. Lance Corporal Kopcinski was well revered by his fellow Marines and was voted ''most likely to receive the Medal of Honor.'' The award is presented to those who follow in the spirit of Lance Corporal Kopcinski's dedication and service.

A graduate of Bayonne High School, Mr. Barulli is now retired from Barulli's Deli Grocery, which he owned and ran with his father until 1980. Larry Barulli and his wife Elizabeth Ann Siwek Barulli will celebrate their 40th Wedding Anniversary in December, 2003.

Today, I ask my colleagues to join me in honoring Larry Barulli and congratulating him on receiving a well-deserved award. His continued service to the veterans of Bayonne and to the people of Hudson County is an inspiration for us all.

## TRIBUTE TO SUE PURVIS AND TASHA THE SEARCH DOG

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. MCINNIS. Mr. Speaker, I would like to pay tribute today to a woman and her dog who willingly give their time to provide assistance to others. Sue Purvis and her search dog Tasha of Crested Butte, Colorado volunteer to help locate victims of avalanches. In doing so, they help bring closure to victims' families and perform a public service to their community.

During one week in March of this year, Sue and Tasha were called to the scene of two avalanches. The first trapped a 33-year-old man who had been caught in a slide while snowmobiling. Some 30 rescuers searched unsuccessfully for several hours before calling in Sue and Tasha. Together, working with another canine search team, they found the man's body within half an hour.

A few days later, the pair received a call involving another snowmobiler. This time, the victim triggered a massive slide 10-feet deep and several hundred feet wide. The slide packed so much power that the debris field was 20 feet deep and contained chunks of snow and ice the size of a van. Despite working by themselves, Sue and Tasha found the man's body buried in six feet of snow about an hour later.

Mr. Speaker, when Sue and Tasha venture off into the Colorado backcountry to search for victims, they often enter very unstable and dangerous snow conditions. Still, they do so willingly to help bring closure to the victim's families as quickly as possible. That unselfish spirit of neighbor-helping-neighbor is what helped make this country great, and I am truly honored to have the opportunity to honor Sue and her amazing search dog Tasha here before this body of Congress today.

## FY04 DEPARTMENT OF DEFENSE AUTHORIZATION BILL (H.R. 1588)

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Ms. McCOLLUM. Mr. Speaker, I rise today in opposition to H.R. 1588, the fiscal year 2004 Defense Authorization bill. While I strongly believe we must support our armed servicemen and women around the world, this bill contains several unnecessary provisions intended to weaken employee protections and the environment while authorizing billions of dollars on a national missile defense policy that is unproven and untested. It is unfortunate that these controversial measures were included in such an important piece of legislation.

I agree that the Department of Defense (DOD) should have the flexibility to manage itself in an efficient manner and provide the strongest national defense. This flexibility, however, should not come at the expense of worker's protections. H.R. 1588 gives the DoD broad authority to strip almost 700,000 civilian employees of fundamental rights relating to due process, appeal and collective bargaining rights. This means the DoD will be able to fire employees with no notice and no opportunity to respond, prevent discrimination actions from being heard by the Equal Employment Opportunity Commission, strip employees of their right to join a union and repeal the laws preventing nepotism. Civil service employees at DoD have defended our Nation bravely and made enormous sacrifices to support the military effort in Iraq. DOD should not be given unlimited authority to trample on their basic rights.

H.R. 1588 also unnecessarily weakens longstanding environmental protections at our military facilities by lowering the accountability standard DoD must follow when recovering imperiled species under the Endangered Species Act. The new standard fails to ensure the DOD's conservation plans are actually effective in assisting the recovery of imperiled species. H.R. 1588 also creates a far less protective definition of 'harassment' of marine life by military activities under the Marine Mammal Protection Act. This new definition allows DoD to avoid ensuring its activities are conducted in a manner to minimize harm to marine life such as whales, dolphins and sea lions.

Although I fully appreciate the importance of military training and readiness, the DOD has not made the case that exemptions to important and long-standing environmental laws are necessary or that training is greatly impaired because of those laws. Furthermore, the President already has the authority to waive environmental laws if he deems it a matter of national security, and not once has a waiver requested by the President been turned down. Until our national security is at stake, no government agency—including the DOD—should be above laws that preserve our air and water and sustain America's wildlife.

This measure also authorizes $9.1 billion for the unproven and untested National Missile Defense system. This costly program fails to address the rising threat of a chemical or biological weapons attack by terrorists and will divert precious resources away from the very real human investments needed to keep our military, intelligence agencies and domestic security agencies strong. At a time when the Federal Government shortchanges our local communities and neighborhoods in their hometown security efforts, it is irresponsible to be adding billions of dollars to a risky National Missile Defense program. We must strengthen our home security and provide our citizens with the appropriate resources necessary to ensure a terrorist attack never happens again on American soil.

Although I oppose H.R. 1588, I am encouraged that the bill provides a significant boost for military salaries, health care, housing allowances and housing construction opportunities. We need to assure our military that as we continue to support their readiness capabilities, we remember the personal well being of the men and women in uniform as well as their families.

When the Conference Report on this bill between the House and Senate is addressed in the House, we will have another opportunity to pass a measure that reflects the critical needs of our military while protecting the civil service protections of our employees and our environment. I look forward to working with my colleagues on these efforts.

## CONCENTRATION OF OWNERSHIP IN MEDIA

SPEECH OF

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 2, 2003*

Ms. LEE. Mr. Speaker, The Federal Communications Commission (FCC) decision to allow for monopolies in media markets represents a grave day for free speech. It also represents the defeat of the belief that the American people will benefit from a variety of viewpoints on issues, not the few that will be ushered in by the huge media conglomerates.

The Bush Administration and FCC Chairman Michael Powell have bowed to the demands of giant media companies. These companies, in effect, claimed that they needed another government handout to remain ''viable,'' even though they have already been absorbing television stations and newspapers.

With this ruling, the Administration has also indicated that it is not interested in preserving multiple media voices and opinions in the electronic and print media industries. The old FCC rules protected the participation of minority-owned media outlets. In fact, with minorities owning only 3.8 percent of United States commercial radio and television stations, including 1.9 percent of the country's commercial television licenses, we need more protection, not less. Yet under the new rules, these minority-owned media outlets will be squeezed out by media conglomerates.

Mr. Powell also argued that new modes of communication, like the Internet and digital TV, reduce the need for these rules. Yet, television and newspapers remain the public's main sources of information. And while the Internet has certainly revolutionized our society, a look at the 20 most visited websites reveals that they are run by the same companies that own the most popular TV networks and newspapers. So Mr. Powell's argument holds no water.

Media ownership rules are actually more important now than they were 50 years ago because the power and resources of large media companies have grown exponentially over the last fifteen to twenty years. As a result, smaller, independent companies do not have the resources to compete with Viacom or Newscorp. These rules are needed to ensure that we don't lose what's left of our locally owned media and that we do have access to diverse sources of information.

By lifting these rules, we will lose our independent media watchdog. Americans don't want a handful of companies controlling their access to information.

We must now redouble our efforts to pass legislation that will ensure a democratic media. We must not only mobilize members of Congress but grassroots organizations to send a message that the exclusion of all other voices except those provided by the media giants is not acceptable for our society.

I am very disappointed that Mr. Powell and his allies on the FCC did not heed the American public's deep concerns and leave our media ownership rules intact.

## TRIBUTE TO DON AND KARYL DiPRINCE

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the fifty-seven years of public service Don and Karyl DiPrince have given to the public schools of La Junta, Colorado. Don and Karyl have made tremendous contributions in the lives of generations of La Junta's school children, serving as teachers, mentors, coaches and role models.

Don comes from a family of teachers and wanted to continue his family's tradition of helping youth, whereas Karyl decided to become a teacher because of her love of children. While Karyl has spent the majority of her career teaching fourth and fifth grades at West School, Don has spent many years teaching physical education and coaching baseball, basketball and football at the high school level. La Junta's children have benefited immensely from Don and Karyl's efforts both in and out of the classroom. Don and Karyl have shaped both the minds and the bodies of our children and we could not have entrusted this important responsibility to a more dedicated and beloved pair of public servants.

Mr. Speaker, it is with deep respect for Don and Karyl that I congratulate them before this body of Congress and this nation upon their retirement from La Junta public school system. They have dedicated over half a century of their lives to the advancement of Colorado's youth and their influence will not be forgotten. Don and Karyl, thank you and good luck to you in all of your future endeavors.

## INTRODUCTION OF A BILL TO AMEND THE ORGANIC ACT OF GUAM FOR THE PURPOSES OF CLARIFYING THE LOCAL JUDICIAL STRUCTURE OF GUAM

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Ms. BORDALLO. Mr. Speaker, today I am introducing legislation to amend the Organic Act of Guam to establish the Guam Judiciary as the third, co-equal and independent branch of the Government of Guam. My bill also clarifies that the Supreme Court of Guam shall have authority over all inferior courts in the Guam Judiciary.

Currently, the Guam Legislature and the Guam Executive Branch have the power to abolish the Supreme Court of Guam, and as such, may infringe upon the Judiciary's independence. This unequal balance of power was created by the 1984 Omnibus Territories Act which authorized the creation of an appellate court on Guam; however, this statute unintentionally left the newly created court subordinate to the powers of the Legislature and the Executive. My bill to amend the Organic Act of Guam remedies this unacceptable situation by making the Supreme Court of Guam an ''Organic'' court equal in stature to the other branches of government and providing the Guam Judiciary the same protection as the other branches have in their status under the Organic Act of Guam. Just as the Governor cannot disband the Legislature, and the Legislature cannot abolish the Executive, so too should the Judiciary be free from the threat of abolishment by the Legislative or Executive branches if their judicial decisions come under political fire. The Guam Judiciary needs to be insulated from the possibility of political interference by the Legislative and Executive branches, and the balance of power among these branches needs to be restored and protected.

This bill has received strong support from the Supreme Court of Guam, the Guam Bar Association, along with various members of the Guam Legislature, including Speaker Vicente (Ben) C. Pangelinan. In addition, Senator F. Randall Cunliffe, Chairman of the Committee on Judiciary and Transportation in the 27th Guam Legislature, fully supports this bill.

The bill I am introducing today is in the same form as reported out by the Committee on Resources in the 107th Congress. This bill has evolved since it was first introduced in the 105th Congress by former Congressman Robert Underwood, my predecessor, as the Guam Judicial Empowerment Act, and in its current form, this bill reflects improvements suggested by the U.S. District Court of Guam and the Committee.

I urge my colleagues to support this bill to amend the Organic Act of Guam in recognition of the importance of having a strong Judiciary and in furtherance of Guam's efforts to achieve the greatest amount of self-governance possible. I look forward to working with the leadership on this issue, and I hope that this legislation would be reported expeditiously to the House by the Committee on Resources for consideration on the floor.

## TRIBUTE TO DR. CHARLES NATHANSON

### HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mrs. DAVIS of California. Mr. Speaker, I rise to commemorate the life of a valuable San Diego leader, Dr. Charles Nathanson. He was a unique individual because he developed the capacity to create dialogue among important leaders of differing views on the critical issues of our region.

Chuck was valued not only by a host of San Diego's leading citizens but also by those in Baja California and our metropolitan partner Tijuana.

At the University of California San Diego in 1991, Chuck founded the San Diego Dialogue, which brought over 150 regional leaders together on a frequent basis for panel discussions on the challenges to our community. He fostered the binational Forum Fronterizo Council, which held well-attended bilingual luncheon meetings to hear distinguished speakers from both sides of the border.

Baja California Governor Eugenio Elorduy Walther, co-Chairman of the Forum Fronterizo Council, quoted in a local newspaper obituary, recognized Dr. Nathanson as ''the spark plug'' of San Diego Dialogue as its Executive Director.

President of San Diego State University, Stephen Weber, also noted, ''He understood we can never be separated from our friends and neighbors in Mexico . . .''

While his work building human bridges across our international border was his best known focus, he also volunteered his skills to create dialogue between the opposing sides on San Diego issues and gave endless personal energy to resolve differences. He formed a distinguished panel of city leaders, leading educators, and legislators to develop a common understanding of the critical issues we faced locally in education.

As both a journalist and a professor of Sociology, Chuck understood the importance of facts and of making those results part of public discussion. Realizing that basic information was critical to good educational decisions, he found the resources to have his staff undertake an important study of how minority parents interact within their school community.

I particularly appreciate that Dr. Nathanson sponsored a study of the reasons people cross the border into San Diego. It showed that many people repeatedly enter San Diego for education and shopping, and this led to the development of a fast-track, electronic inspection lane called SENTRI. Indeed, I am currently working on legislation to expedite access to this successful program.

He was hailed in the local press by Robert Dynes, the Chancellor of the University of California San Diego, as serving ''town and gown superbly as strategist, ambassador, activist and taskmaster.''

Born in Detroit August 22, 1941, Charles E. Nathanson graduated from Harvard and worked as a journalist and manager of a chain of weeklies before earning a doctorate in sociology at Brandeis University.

The broad spectrum of his interests included serving on a number of cultural and civic boards addressing the breadth of issues affecting the future of the region including education, business, transportation, and housing. Typically, he had become a member of the advisory group for one of San Diego's newest projects, development of the Immigrant Museum of the New Americas.

San Diego and Baja California have been uniquely served by this determined visionary. Chuck Nathanson has left an indelible heritage for our region.

## TRIBUTE TO JONATHAN POST

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Jonathan Post from Colorado's Pueblo County Sheriff's Department. Jonathan was recently recognized with his department's Medal of Valor. Although he has worked with the Department only a short time, he has already served with great distinction and I would like to acknowledge Jonathan's service before this body of Congress and this nation.

In February of this year, Jonathan arrived at the scene of a fire where two men were trapped inside. Although the structure was in danger of collapse, Jonathan entered the building to save the two men alongside his fellow officer, Fred Cortese. Unfortunately, the men that Jonathan and Fred were attempting to rescue were not initially cooperative, being unaware of the imminent danger they faced. Even after successfully getting the men to safety through a window exit, it became necessary for Jonathan and Fred to rescue one of the men a second time when he disregarded their orders and rushed back into his burning home.

Mr. Speaker, it is dedicated men and women like Jonathan that work selflessly to protect our rights and freedoms. I would like to draw attention to the further service he has shown to our country as a Marine Reservist serving in Operation Iraqi Freedom. I extend my gratitude to Jonathan for the heroism he has shown and for the great services he has performed for Colorado and for this Nation.

## RECOGNIZING OF EVELYN H. LAUDER

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to Evelyn Lauder, who will be presented tonight with The Alice Award by the Sewall Belmont House and Museum. As founder and chairman of The Breast Cancer Research Foundation, Mrs. Lauder has devoted her life to the fight against breast cancer. She is a shining example of how much one individual with unrelenting passion can accomplish.

A woman of boundless compassion and generosity towards others, Mrs. Lauder has touched countless lives through her efforts in leading The Breast Cancer Research Foundation. She has spearheaded the growth of what

is today the largest national organization dedicated exclusively to funding exceptional research relating to the causes, treatment, and possible prevention of breast cancer. Since 1993, the Foundation has raised $70 million for research funding that has fueled some of the most innovative work on breast cancer in the country.

In October of 2002, the Foundation awarded an outstanding $11.7 million to 63 researchers at 41 leading institutions in the United States and abroad. Originally conferring eight research grants in its founding year, the Foundation is now able to award grants of approximately $250,000 to each of their research institutions. The core of the Foundation's mission is to direct a minimum of 85 cents of each dollar donated to the purpose of clinical and genetic research on breast cancer.

Breast cancer is an issue that affects both men and women of all walks of life. Mrs. Lauder's inspired leadership is the driving force behind the Foundation's many gains in the treatment and prevention of this disease. Her remarkable vision led her to establish the Pink Ribbon as the now globally recognized symbol of breast health, putting breast cancer awareness at the forefront of public attention.

Mrs. Lauder has every expectation that we will achieve the goal of ''prevention and a cure in our lifetime.'' With boundless enthusiasm and extraordinary dedication, she has made it possible for top notch research and diagnosis to be done all over the country. One prime example is located in my district, the first of its kind, the comprehensive breast and diagnostic center at Memorial Sloan-Kettering Cancer Center, which Mrs. Lauder was instrumental in creating. Mrs. Lauder was recently recognized by Rockefeller University with the Brooke Astor Award for Outstanding Contributions to the Advancement of Science for her incomparable role in creating the center as well as for the compassion and generosity with which she leads the Foundation in the fight against breast cancer.

In recognition of these outstanding achievements, I ask my colleagues to join me in honoring Evelyn H. Lauder for her indomitable spirit and tenacity in leading The Breast Cancer Research Foundation to fund the research that will conquer breast cancer.

## STATEMENT ON CHILD TAX CREDIT

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. REYES. Mr. Speaker, I wish to express my deep disappointment with the tax bill recently signed into law by the President. While providing approximately $350 billion in tax cuts, this law neglects many of our hard-working, low-income families. At the same time that the bill provides tax cuts of $93,500 to the 200,000 taxpayers making over $1 million in our country, this bill leaves behind 8 million children by denying their families full access to the child tax credit.

This law fails to apply the child tax credit to some of America's neediest families—those earning between $10,500 and $26,625 per year. Of the 8 million children left behind in this tax law, 1 million live with parents who are on active duty service or are veterans. The children of our working families, especially those of our armed services, deserve our greatest support.

There are approximately 16,500 military families with children at Fort Bliss in my district. Anxiously awaiting news about the status of the members of the 507th Maintenance Company in late March, these families understand, more than most, what it means to sacrifice for our nation. These are the families of the brave men and women who fight to defend our freedoms, and they certainly do not deserve to be left out of this tax cut. I urge my colleagues to pass legislation immediately to extend the child tax credit to families making between $10,500 and $26,625 a year. Let us send a message to our hard-working families that they count too and that we recognize their efforts.

It is my sincere hope that we can work together to provide our hard-working families with a fair and equitable child tax credit.

## TRIBUTE TO RICK ORESKEY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. MCINNIS. Mr. Speaker, it is with profound pleasure today that I pay tribute to Commander Rick Oreskey of the Pueblo County Sheriff's Department, who has recently been honored by the Department with its Medal of Valor. In his many years of dedication to the police force and to the Pueblo community, Rick has embodied the ideals of integrity and courage that make Coloradans and all Americans proud of their police men and women. I am proud to pay tribute to Rick for his contributions to his community, his state and his country.

Rick has served with distinction for many years, having previously earned the Silver Star of the American Law Enforcement Association for saving the lives of two police detectives. This incident occurred in 1977 when a man, disregarding orders to drop his gun, instead aimed it at the two police detectives attempting to apprehend him. Rick acted swiftly and professionally to protect the lives of the two detectives.

Mr. Speaker, Commander Rick Oreskey is a law enforcement officer of exemplary courage and commitment to his community. He has made Pueblo County a happier place to live and a safer community. It is Rick's unrelenting commitment to his community as well as his spirit of courage and integrity that I wish to bring to the attention of this body of Congress. It is my privilege to extend to Rick my heartfelt congratulations on his being honored with the Medal of Valor.

## RECOGNIZING GEORGINA SUAREZ GONZALEZ AND LUIS L. GONZALEZ

### HON. CHRIS BELL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. BELL. Mr. Speaker, I rise to honor Georgina Suarez Gonzalez and Luis L. Gonzalez on the occasion of their fortieth wedding anniversary.

Both Georgina and Luis Gonzalez were born in Havana, Cuba. Mrs. Gonzalez came to the United States in 1947 to enter into religious study. She graduated from the College of New Rochelle in New York, a college rich with Ursuline heritage. After completing her education, Georgina realized she had fallen in love with her new country and decided to stay to make a life in the United States. Although she dated Luis in her youth in Cuba, her determination to live the American dream and Luis's plans to stay in Cuba made marriage an unlikely scenario.

Luis Gonzalez attended the University of Havana in 1945, the same year Fidel Castro entered the university. Like so many Cuban patriots and students during the politically turbulent and corrupt years of General Fulgencio Batista, Luis fought for a more democratic and independent nation. As is known from history, the dictatorship of Batista was followed by the dictatorship of Fidel Castro.

Facing political persecution, Luis fled Cuba in December 1960 to begin his new life in America. Finally, Georgina and Luis found themselves in the same country and in love.

Mr. and Mrs. Gonzalez married on June 10, 1963 in Westphalia, Missouri. Monsignor Kutz performed the wedding ceremony. After they married, Georgina left her job on Wall Street to join her new husband in Houston where he was employed with Dow Chemical. They settled in Houston's Sharpstown area and began a family.

In addition to raising three children, Georgina enjoyed a successful career with Prudential Insurance Company of America. She became the first woman in the nation to lead the company in insurance sales. Luis joined Georgina at Prudential in 1967 where they worked together to build a strong family insurance business.

Georgina and Luis Gonzalez are true reminders of the power and promise of the American dream. The couple immigrated to this country, raised three loving children, and built a strong, flourishing business. Together with their children, John Michael, Ana Maria and Luis Gaston and grandchildren, Carolina Andrea Wood, William Alexander Wood, and Gabriella Grace Gonzalez, I congratulate Georgina and Luis Gonzalez on their fortieth wedding anniversary.

## BATTALION CHIEF HAL CHASE

### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. HONDA. Mr. Speaker, I rise today to honor the contributions and achievements of Battalion Chief Hal Chase on his retirement from the Santa Clara County Fire Department. Chief Chase has dedicated over thirty years to the community and fire department of Santa Clara County.

Chief Chase lives in Los Gatos, California, with his lovely wife, Karen, and three beautiful children, Brian, Christine, and Michael. He met his wife while serving as the President of the International Association of Fire Fighters Local 1165, during which he worked diligently to increase benefits and improve working conditions for his fellow fire fighters. Currently,

Chief Chase oversees Battalion 3 of the Santa Clara County Fire Department, consisting of seven stations and their heroic crews.

Affectionately referred to as ''The Senator'' by his peers, Chief Chase has served as the Program Facilitator for the Hazardous Materials Program. He is a member of the California State FIRESCOPE Task Force. In addition, Hal manages the Department's Response Map Program, Hose Program, and Hydrant Testing Program.

With these awesome responsibilities, it is a wonder how Chief Chase can reserve time for other commitments. But his contributions to his community are just as extensive. Chief Chase is committed to the high school anti-drinking campaign, ''Every 15 Minutes.'' Through his tireless efforts, much needed fire equipment was donated to Mexico, including coats, hats, and even fire engines. Hal is also a strong supporter of the Democratic Party.

On occasion, Chief Chase has been known to forego his fire fighting skills to purposely starting them, in the kitchen. He has applied his passion for cooking for not only the pleasure of his crew, but also for charity. Along with the raised monies, raffled dinners at the firehouse have promoted stronger relations with the community.

Mr. Speaker, I commend Battalion Chief Hal Chase for his magnanimous dedication to the community and fire department of Santa Clara County. Although we celebrate his retirement, I know Chief Chase will continue serving Santa Clara, even if only out of the kitchen.

## PAYING TRIBUTE TO BETTY PFISTER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. McINNIS. Mr. Speaker, I am honored to pay tribute today to a pioneer in the field of aviation. Betty Pfister of Aspen, Colorado has been named by Women in Aviation International as one of the 100 Most Influential Women in aviation history. Betsy joins well-known figures Amelia Earhart and Sally Ride, on the list, and it is easy to see why—her accomplishments are truly impressive.

Sally began flying while in high school and served as a Woman's Air Service Pilot (WASP) during World War II. WASPs piloted planes around the country to help free-up men to fly combat missions in Europe and Asia. After the war, Sally worked as both a pilot and flight attendant, getting in plenty of flying on her own time as well.

In 1950 and 1952 Sally won international air races, and in 1973 and 1978 she piloted for the United States in the World Helicopter Championships. Sally also piloted balloons, founded the Pitkin County Air Rescue, and created scholarships to enable flight instruction among high school age children. One of her former planes, a World War fighter she named ''Galloping Gertie,'' is on display at the Smithsonian's Air And Space Museum.

Mr. Speaker, Betty is more than a talented and versatile pilot. She is a leader who, through her remarkable success, helped motivate and inspire future generations of young male and female pilots alike. Betty embodies the competence and can-do spirit that helped make America great, and I am proud to recount her impressive story here today.

## HONORING MCLEAN COUNTY, ILLINOIS AS A COMMUNITY OF EXCELLENCE

### HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. WELLER. I rise today to congratulate McLean County, Illinois, recipient of the 2003 Communities Can! Community of Excellence Award. Communities Can! is a program initiated by the Department of Health and Human Services, coordinated by the Georgetown University Center for Child and Human Development.

The Community of Excellence Award is presented to only four communities each year for demonstrating their ability to efficiently collaborate and utilize resources provided by public and private programs for supporting young children and their families. McLean County has successfully tailored these complex programs to meet their specific needs.

McLean County, a community of 154,000 people located in Central Illinois, received this honor for their innovation, flexibility, and the broad range of service and support they provide. Their approach is to identify the needs of families in the community, match those needs with appropriate service, and do so in a cost effective manner, which has produced great results.

I am proud to represent McLean County, Illinois, and commend her citizens of for their hard work and the success it yielded, leading to their receiving the Community of Excellence award. I look forward to working with them as they enjoy future success, hopefully leading other communities to adopt the creative, effective service to needy families that our Nation needs to meet the challenges ahead.

## INFORMING THE HOUSE OF THE DEATH OF FORMER U.S. REPRESENTATIVE TOM GETTYS

### HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. SPRATT. Mr. Speaker, I have the sad duty of informing the House of the death of Tom S. Gettys, who served in the House of Representatives from 1964 to 1974, representing the Fifth District of South Carolina, and served even longer as administrative assistant to Rep. James P. Richards.

On Sunday, Tom Gettys and his wife, Mary Phillips, went a last time together to the First ARP Church in Rock Hill, South Carolina. On Sunday evening, he slipped quietly away, dying in the town he loved, where he had spent his life, much of it serving the people.

The term ''public servant'' is often misapplied, but in the case of Tom Gettys, it is a perfect fit. He was a school principal and coach; right-hand aide to a high-ranking congressman; a naval officer who volunteered for duty and served in the Pacific; a postmaster; a night-school, self-taught lawyer; and for ten years, a Member of Congress.

As congressman, he endeared himself to the people who elected him. If folks in the Fifth District revered Dick Richards and admired Bob Hemphill, they loved Tom Gettys. They loved him because he had an easy-going affinity for all sorts of people, and because he put his constituents first and worked hard for them, and they knew it.

When he was at the top of his form, Tom Gettys retired. He had the good grace not to hang on in Washington to capitalize on his relationships, but instead came back to Rock Hill, hung out his shingle and practiced law. As a young lawyer, I used to run into him checking titles with the rest of us in the clerk of court's office. This was the self-deprecating side of the man that people appreciated. He took his work seriously, but never himself.

I saw this side of Tom Gettys when I was in Washington in the 1970s and walked with him to the House floor. Tom knew the capitol police, the elevator operators, the doorkeepers, all by first name. He told me later that having been a staffer, he knew who ran the House.

I got an even better insight when Tom visited me soon after I was elected. I begged him to sit and talk, but could tell he had something else on his mind, and soon found out what it was. He wanted to go downstairs to the Longworth Cafeteria and speak to Odessa. Odessa ran the breakfast line, and was a spirited soul, full of chatter and advice, which she dished out freely while you decided how you wanted your eggs. Tom seldom came to Capitol Hill without visiting Odessa.

Tom Gettys belonged to the old school, to the era before pollsters, spin-masters, and 30-second spots, and he often told me, it was a good thing. He enjoyed introducing me as the ''second-best looking congressman to represent the 5th District.'' I enjoyed telling him, ''Tom, if good looks had anything to do with being elected to this office, you would have lost to Bate Harvey in 1964.'' He was not some political artifact, crafted to win elections. He was the genuine article—of the people, by the people, for the people. When many of his conservative colleagues voted against Medicare, Tom Gettys stood with his people. He voted for it, and was proud of it.

If he were to give his own farewell, he would tell us that marrying Mary Phillips White surpassed all of his achievements, and Julia and Beth were their crowning glory. He was a doting grandparent and used to say that if he had the chance to come back after dying, he would want come back as one of his grandchildren.

Those of us who learned from Tom Gettys and looked up to him will miss him. We will miss the wisdom he shared with us, and the stories that never grew old. He exemplified what life in a democracy is about. He earned the satisfaction every public servant wants: he left his country better than he found it.

## HONORING LADISLAV COLIN ''POPS'' BAUER

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. McINNIS. Mr. Speaker, I stand before the nation and this Congress with a heavy

heart, as the communities of Alamosa, Colorado and Adams State College have lost a tremendous human being. Ladislav Colin ''Pops'' Bauer is nothing short of a legend in Alamosa, particularly to the Adams State College cross-country team, where he served as a source of employment and motivation to numerous student athletes.

''Pops,'' as the students affectionately knew him, was the owner of the legendary Campus Café. This small restaurant served as a way for Colin to provide jobs to the school's student athletes, enabling them to earn a little extra money between classes and practice. It was here that Colin displayed incredible heart, and he was the type of guy that just kept on giving. When one of the Adams State runners could not find a sponsor to send him to the Olympic trials, it was Colin and the Campus Café who stepped forward with the money. This is just one example of the kindness and dedication that Colin displayed toward the Adams State Cross Country team.

Mr. Speaker, I am saddened by the loss of such a kind and caring individual. However, I am inspired to know that men like Ladislav Colin ''Pops'' Bauer were able to have an impact on America's youth. It is Colin's heart, modesty, and loyalty to the students of Adams State that garnered him respect, and it is for those very qualities that he has earned my respect here today.

## ESTABLISHING JOINT COMMITTEE TO REVIEW HOUSE AND SENATE MATTERS ASSURING CONTINUING REPRESENTATION AND CONGRESSIONAL OPERATIONS FOR THE AMERICAN PEOPLE

SPEECH OF

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 5, 2003*

Mr. PAUL. Mr. Speaker, while may seem reasonable to establish a Joint Committee on the Continuity of Congress, I wish to bring to my colleagues' attention my concerns relative to certain proposals regarding continuity of government, which would fundamentally alter the structure of our government in a way detrimental to republican liberty.

In particular, I hope this Committee does not endorse the proposal contained in ''Preserving our Institutions, The Continuity of Government Commission'' which recommends that state governors appoint new representatives. Appointing representatives flies in the face of the Founders' intention that the House of Representatives be the part of the federal government most directly accountable to the people. Even with the direct election of Senators, the fact that members of the House are elected every two years while Senators run for statewide office every six years, means members of the House of Representatives are still more accountable to the people than any other part of the federal government.

Therefore, any action that abridges the people's constitutional authority to elect members of the House of Representatives abridges the people's ability to control their government. Supporters of this plan claim that the appointment power will be necessary in the event of an emergency and that the appointed representatives will only be temporary. However, Mr. Speaker, the laws passed by these ''temporary'' representatives will be permanent.

I would remind my colleagues that this country has faced the possibility of threats to the continuity of this body several times throughout our history, yet no one suggested removing the people's right vote for members of Congress. For example, the British in the War of 1812 attacked the city of Washington, yet nobody suggested the states could not address the lack of a quorum in the House of Representatives though elections. During the Civil War, the neighboring state of Virginia, where today many Capitol Hill staffers and members reside, was actively involved in hostilities against the United States Government, yet Abraham Lincoln never suggested that non-elected persons serve in the House. Forty-two years ago, Americans wrestled with a hostile superpower that had placed nuclear weapons just 90 miles off the Florida coast, yet no one suggested we consider taking away the people's right to elect their representatives in order to ensure ''continuity of government!''

I have no doubt that the people of the states are quite competent to hold elections in a timely fashion. After all, isn't it in each state's interest to ensure it has adequate elected representation in Washington as soon as possible? Mr. Speaker, there are those who say that the power of appointment is necessary in order to preserve checks and balances and thus prevent an abuse of executive power. Of course, I agree that it is very important to carefully guard our constitutional liberties in times of crisis, and that an over-centralization of power in the Executive Branch is one of the most serious dangers to that liberty. However, I would ask my colleagues who is more likely to guard the people's liberties, representatives chosen by, and accountable to, the people, or representatives hand-picked by the executive of their state?

Finally, Mr. Speaker, I wish to question the rush under which this bill is being brought to the floor. Until this morning, most members had no idea this bill would be considered today! The rules committee began its mark-up of the bill at 9:15 last night and by 9:31 the report was filed and the bill placed on the House Calendar. Then, after Congress had finished legislative business for the day and with only a handful of members on the floor, unanimous consent was obtained to consider this bill today.

It is always disturbing when bills dealing with important subjects are rushed through the House before members have adequate time to consider all the implications of the measure. I hope this does not set a precedent for shutting members of Congress out of the debate on this important issue.

In conclusion, Mr. Speaker, while there is no harm in considering ideas for continuity of Congress, I hope my colleagues will reject any proposal that takes away the people's right to elect their representatives in this chamber.

## COMMEMORATING THE 25TH ANNIVERSARY OF THE PASSAGE OF PROPOSITION 13

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. OSE. Mr. Speaker, twenty-five years ago, on June 6, 1978, California voters made history when they passed Proposition 13.

Millions of Californians can still remember the condition of our state in 1978, and the irresponsible government actions that moved people to create a new and better way. Skyrocketing property taxes literally drove people from their homes, and a similar fate would surely have been visited on thousands more. Many complained, but few in Sacramento heeded their plight, and this sparked the citizen movement that swept our state and demonstrated the best traditions of direct democracy.

The landslide vote that approved the initiative validated what Howard Jarvis himself said at the time: Californians from all regions of the state believed the time had come for serious reform, and they could simply wait no longer.

Proposition 13 was a voter-approved proposal that cut California's property taxes by 30 percent and then limited future increases. Other opponents of high taxes used Proposition 13 as a model that led many additional states to institute similar reforms. Almost all of these reforms are still in effect today.

The passage of Proposition 13 has resulted in a reduction in property taxes of approximately 57 percent in California. It has been an indispensable element in the way that our state moved forward to outperform the rest of the country in personal income growth, employment growth, and appreciation of real property values.

As we again face tough financial decisions and rising tax burdens, I am encouraged when I recall 1978, a time when Californians seized control of their own fate and reformed a runaway tax system. I hope Californians and all Americans will remember on this day that we can control our government and our own destinies.

## HONORING BILL HARDING

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. McINNIS. Mr. Speaker, I am honored to stand before this body of Congress to recognize a man who has served as a chief and mentor for many of Colorado's brave young firefighters. Bill Harding of Glenwood Springs, Colorado, will be leaving the Glenwood Springs Fire Department soon to pursue his career as the Fire Marshal for the Basalt and Rural Fire Department.

In his 19 years of service in Glenwood Springs, Bill has been instrumental in stopping fires such as Storm King, and Coal Seam Fire. His knowledge, hard work and expertise have allowed him to occupy a variety of positions, such as battalion chief, training captain, EMT, and fire inspector.

However, if you ask his co-workers, it is not Bill's knowledge that makes him a great firefighter. What makes him stand out is his ability

to teach others. Bill has been instrumental in the training and development of firefighters all over Colorado. He was never too busy to help a firefighter who wanted to learn and his passion and determination brought out the best in everyone.

Mr. Speaker, I am proud to stand before this Congress and this nation to pay tribute to Chief Bill Harding. Bill's diligence, hard work, and positive attitude have helped develop a group of well-trained, hard-working individuals who protect our cities, homes, and families. Thank you, Bill, for your years of outstanding service.

## RECOMMENDATIONS FROM TRIP REPORT ON VISIT TO IRAQ

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. WOLF. Mr. Speaker, I recently shared with our colleagues observations following my recent two-day trip to southern Iraq. I was there Sunday, May 25, and Monday, May 26. I also spent a day, Tuesday, May 27, in Kuwait, where I met with Kuwaiti government officials, members of the U.S. military, State Department officials and staff from the U.S. Agency for International Development (USAID).

Today I want to share with our colleagues a number of recommendations concerning the reconstruction of Iraq.

Recommendations: these recommendations are based on my observations and conversations with the people I met during the course of my visit. Some were discussed in greater detail in the observations section of my trip report.

Security: security is priority one. While the coalition forces have made great strides in trying to improve security in recent weeks, there is still a long way to go. Security is the linchpin to winning the peace in Iraq. That means security for coalition forces. Security for the NGOs. Security for the contractors. And security for the Iraqi people so they can go about their life. The gun turn-back program recently announced by Ambassador Bremer is a positive step but many are concerned that people may turn in only one gun and keep two. In addition to concerns about personal safety, looting remains a problem. I was told that looters continue to target electrical substations in southern Iraq, stealing the copper wire to sell on the black market. These substations provide much of the power for Baghdad. Coalition forces should provide security until it can be provided by the Iraqis.

Justice System: re-establishing a fair and just judicial system in a timely fashion is critical. Figuring out what to do with locals who break the law, such as looters, but are not a threat to U.S. security must be addressed as soon as possible. The laws need to be clear and must be enforced.

'Play to Win': ''Play to Win,'' the final report of the bipartisan Commission on Post-Conflict Reconstruction, should be used as the blueprint for rebuilding Iraq.

The report, released in January, was produced jointly by the Association of the United States Army and the Center for Strategic and International Studies. Its 17 recommendations provide an excellent model to follow. The commission is made up of 27 distinguished individuals with extensive experience in government, the military, non-governmental organizations and international aid groups. It met throughout 2002 to ''consider recommendations that surfaced over two years of research, expert working groups, and vetting with current policymakers and practitioners.'' The report can be found on the Internet at *http://www.pcrproject.org*

Commission Visits: a select group of the Commission on Post Conflict Reconstruction should travel to Iraq.

The panel's co-chairmen, Dr. John Hamre, former deputy secretary of defense, and Gen. Gordon Sullivan, former chief of staff of the U.S. Army, should appoint a select number of commissioners to travel to Iraq to assess how the reconstruction efforts are going. Their assessment, a second opinion, if you will, would be impartial and could prove to be invaluable. They should travel in a small group with a military escort to ensure their safety.

Congressional Oversight: small groups of members of Congress should make the trip to Iraq. They should go without publicity to ensure their safety and the safety of those who would be providing protection. Their visit to learn more about what is happening in the country and what it is going to take to rebuild the country would be helpful in their oversight responsibility in Congress. The chairmen and ranking Members—or their designees—of the House and Senate Armed Services committees, Appropriations committees and International Relations/Foreign Relations committees should consider going.

In addition to meeting with military commanders, the members should meet with Ambassador Bremer and other officials in the Office of Reconstruction and Humanitarian Assistance (ORHA), USAID officials, representatives from the NGO community and other international organizations, and Iraqi citizens.

Partnering with Iraqi People: every effort must be made to involve the Iraqi people in rebuilding their country, from governance to security to repairing the country's infrastructure. The Iraqi people must be an equal partner in the process.

''Play to Win'' is instructive on this point: ''. . . every effort must be taken to build (or rebuild) indigenous capacity and governance structures as soon as possible. Leadership roles in the reconstruction effort must be given to host country nationals at the earliest possible stage of the process. Even if capacity is limited, host country representatives should chair or co-chair pledging conferences, priority-setting meetings, joint assessment of needs, and all other relevant processes.''

American companies awarded contracts to rebuild Iraq's infrastructure should hire locals whenever possible. There are many skilled and educated people in Iraq and they should be tapped to help rebuild their country.

Reconstruction Support: the sooner the Office of Reconstruction and Humanitarian Assistance, now called the Coalition Provisional Authority, is completely operational the better. Every effort should be made to ensure that Ambassador Bremer and his staff have the necessary tools and resources to successfully complete the job.

Provincial Officers: the military's Civil Affairs detachments in Iraq have worked diligently to help restore order and are making more and more progress every day. Consideration should be given to providing the officer in charge of each of the 18 provinces in Iraq with access to a ready cash account—perhaps up to $500,000—so they can more quickly hire translators, laborers and other locals to assist in their efforts in putting together a government without having to get every expenditure signed off by headquarters or Washington.

The money also could be used to purchase goods and services in-country, such as generators, pumps or even a trash truck, on a more timely basis rather than waiting for it to be brought in by coalition forces.

Government on any level needs money to operate. Clearly, this money must be accounted for, but it would greatly assist in the efforts to rebuild the country.

Civilian Expertise: consideration also should be given to helping augment the work of the Civil Affairs detachments by bringing in U.S. civilians with expertise in local government, such as county administrators and city managers, as well as experts in agriculture and public works. In each of the 18 provinces, the head of each military Civil Affairs detachment acts like a governor. They need experts—much like a cabinet—at their disposal who can advise them on issues like banking, education, public works and health care.

For example, the National Association of County Administrators could assist in rotating in civilian administrators to work with the military and local Iraqis in setting up and running local governments. There could be one for each of the 18 provinces. Some of the leading agriculture companies in the country could lend their expertise on irrigation and production. The head of the public works department in any large county or city in the country would bring an inordinate amount of experience to the table. There also is a great deal of expertise in the Federal Government which can be tapped. Again, these individuals would work hand-in-hand with the military and the locals.

Post-Combat Skills: the U.S. military has to begin thinking about training more of its soldiers for a postcombat environment to help fill any void until the necessary Civil Affairs and Military Police units can be put in place. I realize this is asking our war fighters to take on a new mission, but in this new world environment, I believe this skill is necessary.

Communications Systems: communications and communication systems remain a problem for both the military and the aid organizations working in Iraq. I was told that not all of the Civil Affairs detachments are readily able to communicate with each other or with the Humanitarian Assistance Center in Kuwait, which is coordinating all the civil affairs and humanitarian assistance in Iraq. Contacting U.S. officials in Baghdad also is problematic. I was told part of the problem is that most Civil Affairs detachments are made up of reserve units which do not always have compatible communications equipment. This needs to be addressed. It is imperative that all 18 provinces be linked with each other and headquarters. Congress should provide DOD with the necessary funding to ensure that these detachments have radios, computers and other communications equipment that are interoperable.

Aid organizations also are encountering problems communicating with their staff in southern Iraq because telephone and other

data transmission lines have yet to be repaired. This presents a problem, especially for sharing data and supplying information.

Iraq's banking system: the issue of Iraqi currency must be dealt with immediately. Many people in Iraq will not accept payment with the old regime's currency. The World Bank should provide its expertise in helping get Iraq's banking system back up and running.

The Story of Democracy: the State Department working with the National Endowment for Democracy and other groups with similar expertise should develop a program on democracy and how a democratic government works.

I was told that Iraqis watch a great deal of television. Perhaps whatever program is developed should be put on videotapes and tailored to specific age groups so that all Iraqis can understand the democratic process. This program must be made available to the Civil Affairs units in each of the 18 provinces. I understand money already has been appropriated and some contracts have been let. This program must be put into place as soon as possible.

A pro-democracy newspaper also should begin to be published on a daily basis in Iraq.

Ordnance Removal: finding and removing unexploded ordnance needs to be a priority. Sadly, many Iraqi children have been seriously hurt by exploding weapons while playing outdoors. When I visited the General Hospital in Nasiriyah, a young boy had just been brought into the emergency room after either a mine or unexploded ordnance blew up near him. He was severely burned and there was a piece of shrapnel in his right eye. Clearing this ordnance will be a long and laborious process.

Health Care: while great progress has been made to improve health care in southern Iraq since the war ended, there is still a long way to go. While the major hospitals in southern Iraq used to bear Saddam Hussein's name—and are all identically constructed—there was little or no medicine and the conditions inside are deplorable. One NGO that is providing invaluable assistance is the International Medical Corps (IMC). Their doctors, nurses, nutritionists and other health care professionals are making great strides in assessing the health care needs of Iraq. They are also helping provide care. I was told that IMC has helped distribute more than two tons of donated medicine to hospitals and clinics in southern Iraq. There is concern, however, that diseases like malaria and visceral leishmaniasis—also called Dum Dum Fever or Black Fever—could ravage the region this summer because no spraying was done this spring to kill the mosquito larvae or sand flea larvae. Bites from sand fleas are the cause of visceral leishmaniasis, which attacks internal organs. This disease has an 80 percent fatality rate for young children unless treated with a 21-day shot routine. Cholera is another concern. Area hospitals and American drug companies should work with medical NGOs in Iraq to ensure they have an adequate drug supply and the necessary equipment to provide medical services. Any assistance must be coordinated with NGOs on the ground so there is not any duplication of efforts or unnecessary equipment donated.

Women's Health: improving health services for women will be particularly important as the reconstruction of Iraq moves forward. More focus is needed on pre- and post-natal care. The surgical capabilities in the country are seriously lacking. Special instruments for delivering babies and performing cesarean sections are needed. So are the proper medications for delivery. More nurses also need to be trained.

Religious Freedom: as a new government is established in Iraq, care must be given to protect the rights of religious minorities. I urge the Bush Administration to develop a strategy and governance structure within the new Iraqi government to ensure that the hard won freedoms of the Iraqi people also will include the right and protection of religious liberties.

Quality of Life for Troops: the troops serving in the Gulf region are outstanding. The ones I spoke with were highly skilled, highly motivated and extremely professional. They all have made great sacrifices to serve their country. In turn, we should do everything possible to make sure their morale remains high. Hearing from home is a big part of that. Congress should provide DOD with the necessary resources to ensure these service men and women serving in the Gulf, and around the globe for that matter, are able to get messages from home, whether by phone, e-mail or regular mail.

Commendation for Kuwait: Congress should approve a resolution thanking the government and people of Kuwait for their assistance in helping to provide humanitarian relief to Iraq. The Kuwaiti government has provided millions of dollars in assistance, both in-kind and in material goods. The United States' Humanitarian Operations Center is run out of a former government facility in Kuwait City.

NGOs Valuable Role: the NGOs on the ground in the region also have done a tremendous job responding to the needs of the Iraqi people. From helping provide food to medical care to caring for orphans, their experience and expertise has proven invaluable. I was told some of the NGOs in the region are concerned that the humanitarian assistance is being coordinated by the U.S. military. Some of their misgivings may be justified. As the ORHA/CPA gets up and running, however, I suspect many of their concerns will be alleviated. Care must be given though to ensure that ORHA/CPA does not duplicate efforts that are already underway.

Conclusion: in closing, I want to thank all those who helped make my trip possible. For security reasons I cannot mention people by name, but I am forever grateful for their assistance.

I also want to thank all the NGOs who are providing humanitarian assistance in Iraq. The people who work and volunteer for these organizations are extremely dedicated. They work long hours and give up the many comforts of home to serve others, often in very dangerous places around the globe, like Iraq and Afghanistan. They are a special breed and deserve our thanks and praise.

Finally, I want to thank several members of my staff for their help in putting together this report. Dan Scandling, my chief of staff, accompanied me on the trip and served as photographer. Janet Shaffron, my legislative director, edited the report and Colin Samples did the layout and design.

## IN HONOR OF DR. ALFRED O. HEATH

### HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to salute a true renaissance man of the U.S. Virgin Islands, Dr. Alfred O. Heath. Mr. Speaker, Dr. Heath is being honored this weekend in St. Thomas with the Alexander A. Farrelly Public Service Award, given by Virgin Islanders for Responsible Government, an honor of which he is more than deserving.

A fellow physician, Dr. Heath is also renowned in the territory as a businessman, educator, health care administrator, musician and licensed pilot. Dr. Heath is most recognized for performing one of the territory's earliest heart surgeries, and for restoring the operable use of a patient's severed arm. In addition to the many ''medical miracles'' that he performed, Dr. Heath served as the Attending Senior Surgeon at the Roy Schneider Hospital and as a General Surgeon at the U.S. Army Hospital in Heidelberg, Germany.

Mr. Speaker, Dr. Heath has also served as the Medical Director of Sea View Nursing and Rehabilitation Facility, as Commissioner of Health of the Government of the U.S. Virgin Islands, and Professor of Surgery at American University of the Caribbean in St. Maarten, West Indies.

His business pursuits include the founding of the Seaview facility, Heath Health Enterprises, the Medical Arts Complex of St. Thomas, Medical Arts Slender You Salon, and St. Thomas Health Care Management, Inc.

An all around gentleman, Dr. Heath's voice can be heard in local chorales and choirs, and entertaining a spellbound audience with his violin. He is also an adept pilot, and an avid boater.

Mr. Speaker, Dr. Heath has been toasted by the Rotary International as the Man of the Year, the Paul Harris Fellow, and the Costas Coulianos Fellow. The Business and Professional Women, the Virgin Islands Toastmasters, the National Guard, the Virgin Islands Medical Society and the American Cancer Society have all at various times noted his talents and his willingness to share them with his community.

Mr. Speaker, Dr. Alfred O. Heath was born and raised in St. Thomas to Mr. and Mrs. Oswald Heath. Upon graduation from Charlotte Amalie High School in 1947, he attended the University of Puerto Rico's School of Pharmacy for two years from 1947 to 1949. He later graduated from Temple University's School of Pharmacy with a Bachelor of Science degree in 1953. He received a Medical Degree from Jefferson Medical College followed by a surgical residency, which focused on general, thoracic and cardiovascular surgery between 1953 and 1960. He also attended the University of Heidelberg from 1962 to 1963.

Married to Geraldine Cheatham, they are the parents of one son, Alfred, Jr., and two daughters, Anita and Judy.

Dr. Heath's military career culminated with 50 years of service to the U.S. Army and the U.S. Army National Guard at the rank of Brigadier General.

Finally, Mr. Speaker, I had the honor of serving under this outstanding individual in

good times and bad. I will never forget his strength, endurance and leadership during the evacuation of the St. Croix Hospital after Hurricane Hugo. That experience and the emergency delivery that he performed during the crisis demonstrated the measure of this great man.

Mr. Speaker, the people of my district, the U.S. Virgin Islands are grateful to Dr. Heath for his many years of dedicated service to our islands. His selfless example of excellence, foresight and commitment is one that we hope will be emulated by our young people.

Mr. Speaker, it is my hope that my colleagues will join me in honoring a man so deserving as Dr. Heath.

## PAYING TRIBUTE TO BILL MASHAW

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. McINNIS. Mr. Speaker I rise today to pay tribute to the exemplary efforts of Bill Mashaw of Durango, Colorado. Bill has been awarded the Community Builder Award by the La Plata County Community Summit Coordinating Committee for going far beyond the call of duty. Today I wish to recognize the accomplishments and character of this great citizen before this body of Congress and this Nation.

Bill has proven his commitment to the community by organizing the Big Brothers, Big Sisters program and through his involvement in the Community Development Corporation, which works on affordable housing projects. In addition, Bill has served with the Red Cross and the Salvation Army and currently serves on the board of directors for the Fort Lewis College Foundation. Bill also reaches out to children in the Durango area by helping with the D.A.R.E. program, and a number of other programs geared towards youth.

Mr. Speaker, the work of Bill Mashaw has touched the lives of many in his community. It is with great pride that I stand to honor a man who has lived a life of love, service and passion. I add my voice to that of the Durango Area Chamber Resort Association, who has named Bill Mashaw both Citizen and Volunteer of The Year. Thank you, Bill, for your dedication.

## BUSH ADMINISTRATION DECEPTIONS ABOUT IRAQ THREATEN CONSTITUTIONAL DEMOCRACY

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. CONYERS. Mr. Speaker, my service in this House has often shown me the profound tension between government secrecy and democratic decision-making. Rarely however, has that tension been as starkly posed as in the current revelations of divergence between President Bush's assertions based on ''secret information'' about the alleged threat to America posed by Iran and the actual assessment of that threat by America's intelligence professionals.

I have seen the American people apparently deceived into supporting invasion of sovereign nation, in violation of UN charter and international law, on the basis of what now appear to be false assurances. The power of the Congress to declare war was usurped. The consent of the governed was obtained by manipulation rather than candid persuasion.

Instead of conducting a sustained all-out war against the genuine terrorists behind 9/11, President Bush chose to terrorize the American people. The President, Vice President CHENEY and Secretary Rumsfeld painted lurid nightmares of al Qaeda's attacking U.S. cities with insidious anthrax or clouds of deadly nerve gas. All of this was portrayed as coming courtesy of Saddam Hussein, unless we destroyed the Iraq regime. They also wielded the ultimate threat that Iraq would imminently endanger America and our closest allies with nuclear weapons. Members of Congress who voiced deep distrust of those claims were privately briefed with even more vivid descriptions of the deadly threats that Saddam posed to American security.

In public speech after speech, the President and his supporting players assured America's anxious citizens that attacking Iraq was absolutely necessary to prevent the imminent threat of Iraq's weapons of mass destruction from harming them and their loved ones.

In addition, President Bush was determined to convince the public that Saddam was personally behind, or at least intimately involved in 9/11. He and Vice President CHENEY repeated that mantra incessantly. No wonder that about half of the country still believes that Saddam was involved, although our intelligence community has emphasized that there is no credible evidence that is true.

The manipulation was massive and malicious. The motive was simple. The Administration wanted to attack Iraq for a variety of ideological and geopolitical reasons. But the President knew that the American people would not willingly risk shedding the blood of thousands of Americans and Iraqis without the immediate threat of deadly attack on the United States. As Deputy Secretary of Defense Wolfowitz recently admitted to an interviewer in an unguarded moment, when the threat of weapons of mass destruction was chosen as the banner to lead a march to war, it was chosen for ''bureaucratic reasons,'' not because the danger was imminent or paramount.

The President and his Cabinet were well aware that these claims either rested on flimsy projections or came from sources that most of our Intelligence Community disdained. The President and his Cabinet knew that in some cases those discredited sources' assertions were flatly contradicted by the professional assessments of the intelligence Community experts at CIA, the Defense Intelligence Agency and the State Department, and were only supported by a rogue special office established under Secretary Rumsfeld precisely to ''find'' or reinterpret intelligence in order to support the Administration's determination to invade Iraq.

When war came, our own military field commanders were surprised by the fierce, often deadly, resistance that our troops faced from Saddam's ''militia.'' We, and our British allies, were surprised when the Iraqi people in Basra and elsewhere did not rise up to welcome our troops with open arms. Most of all, our military commanders, the Congress and the American people all were surprised when no weapons of mass destruction (WMD) were found. Now, as each day passes, and no WMD has been found, that surprise has turned to suspicion, to concern and finally to outrage at the deception practiced by the Bush Administration.

In response, President Bush, Vice President CHENEY, Secretary Rumsfeld, and their spokespersons have offered one excuse after another. As reporters and whistle-blowers have exposed the flaws in each excuse, the White House has scrambled to create another, with the confusing speed of a kaleidoscope's changing patterns. Law students are taught to plead in the alternative: ''I never borrowed your pot.'' ''Besides, it wasn't cracked when I returned it.'' ''Anyway, it was not cracked when I borrowed it in the first place.'' The Bush Administration has learned that lesson well:

> The Bush White House assures us that weapons of mass destruction will inevitably be found.
>
> At the same time, the Bush White House argues that they never really said Iraq had such weapons in 2002, only that they had programs to develop those weapons.
>
> Finally, the Bush White House argues that it doesn't matter whether Iraq did or did not have such weapons posing a threat to the United States, because Saddam was a repressive ruler and its good that the world is rid of him.

They cannot succeed with this shell game because they cannot outrun the truth. There are too many previous contradictory statements, too many reports leaked by outraged veteran intelligence analysts, and too great a record of established facts. The Administration's arrogantly crafted script is unraveling. President Bush and his courtiers now have learned the wisdom of the Scottish poet Robert Burns, who warned:

> ''Oh what a tangled web we weave, when first we practice to deceive.''

Now, the Administration's final refuge is that the public thinks the war was justified even if no weapons are found. Obviously, those poll results reflect the American people's relief that our military's losses, and the loss of Iraqi civilians, regrettable as they are, have not been even greater. They reflect understandable revulsion at the horrors of Saddam's regime. Nevertheless, continued ethnic conflict and violence, ambushes of American soldiers, political disarray, malnutrition and disease mount daily in the aftermath of this ''easy war.'' Also, the Bush White House is forced to acknowledge the re-emergence of al Qaeda's terrorist threat. So the American people have begun to focus on how badly it appears that they, and their congressional representatives, may have been misled by a president anxious to stampede America into war.

In any event, regardless of the final tally on the war in Iraq, there is a growing awareness that this disturbing presidential conduct raises issues that transcend any particular hostilities in which America might engage. It raises the most profound constitutional questions. How can the separation of powers and checks and balances designed to protect our Republic continue to do, if the Executive can work its will through falsehood, deception and concealment?

Equally pressing is a determination of the appropriate remedy, should the Administration's assurances to Congress and to the electorate prove to have been as knowingly false

as now seems to be the case. In the days ahead, I shall consult with my colleagues, with legal scholars, political scientists and historians, in order to weigh the appropriate actions necessary to prevent this or any future Administration from usurping the power of Congress and the power of the people to decide public policy on the basis of accurate knowledge.

An accurately informed public is the essence of our democracy. It is most essential on the ultimate question of peace or war. To deceive the Congress and the public about the facts underlying that momentous decision is to transgress one of the president's supreme constitutional responsibilities. I believe the House Committee on the Judiciary should consider whether this situation has reached that dimension.

That question is especially acute at this time because President Bush's disturbing doctrine of ''preventive war'' means he plans to persuade the Congress and the electorate that additional ''preventive wars'' are necessary. Will that advocacy be based on deception and false statements, too? The prospect is frightening.

Finally, I note the provocative analysis on this point recently offered by former Counsel to the President John Dean, who has carefully analyzed the nature and context of the President's many assertions about the threats allegedly posed by Iraq and the constitutional implications should they prove false upon further examination. It deserves wide dissemination.

## IN SUPPORT OF H.R. 1738, ''THE AMERICAN PARITY ACT''

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Ms. SLAUGHTER. Mr. Speaker, we all know that it will take years, if not decades, for Iraq to be restored and rebuilt in the wake of Operation Iraqi Freedom. Our nation's desire to restore and rebuild Iraq—for the Iraqi people—is to be commended. It reflects the most dearly held values in American society.

As Americans, we want to make the world a better place. We want people to live full, healthy lives without fear of violence and hunger. We want children to have full stomachs, clear heads and the educational resources to realize their potential. We believe that healthcare should not be available to only the rich.

Certainly, as a nation, we want to elevate the quality of life for the Iraqi people, who bear the scars of years of hunger, violence and fear. At the same time, we must ask, what is being done to end the hunger, violence and fear that dominates the lives of far too many Americans?

As USAID makes the first down-payment of $1.7 billion that the United States has dedicated to the housing, education, health care, and the infrastructure of rebuilding Iraq, we must ask—what is the Administration's plan to ''Rebuild America ''?

Here at home, our schools are closing, summer school activities are being shut down, hospitals are not able to provide the health care, and state and local first responder budgets are being stretched thin.

Over the past two years, 3.1 million Americans have lost their jobs, nearly 5 million Americans have lost their health care coverage, and 2 million families that were living the American Dream have dropped out of the middle class into poverty.

This is not progress. We need a plan to ''Rebuild America.''

Enacting more tax cuts, as the Administration favors, is illogical. How can a $550 billion tax cut that primarily changes the tax treatment of corporate dividends stimulate the economy? How will this tax cut help state and local authorities address the shortfalls in our nation's critical infrastructure? Twenty billion dollars, as provided in the tax package, is wholly inadequate. Moreover, it is a drop in the bucket as compared to our $1.7 trillion commitment to Iraq.

Mr. Speaker, while I believe that rebuilding Iraq will be important to secure lasting peace in the region, it must not come at the expense of rebuilding America.

My colleague, RAHM EMANUEL, has introduced legislation to require that for every dollar spent rebuilding Iraq, at least one dollar is spent addressing the health care crisis in America, urgent school construction, funding for first responders, and other domestic priorities.

In looking over USAID's plans for Iraq, I cannot understand how the Administration can justify building 12,500 new schools in Baghdad, without doing anything for children in America. Today, far too many America children are forced to study in trailers because their school districts simply do not have the funds to build a new school.

How can the Administration justify providing health care services to 13 million Iraqis while 42 million Americans struggle to live without health care? It's indefensible. Why, just today, Paul Bremer, the U.S. civil administrator of Iraq, announced plans to invest $100 million to create jobs in Iraq.

IN IRAQ?

Mr. Speaker, how can the Administration justify launching this ambitious initiative in Iraq when there are thousands of workers in Western New York that have been unemployed for over two years?

Mr. Speaker, the Administration must not sit idly by and let America fall apart, just as unprecedented resources are being dedicated to reconstructing Iraq. I strongly believe that enactment of H.R. 1738 will help us make significant strides in the effort to restore this nation.

We must rebuild America. We owe it to the men and women who fought in Iraq, risking their lives to protect our homeland. We owe it to our children. We owe it to our seniors. We owe it to all Americans.

## THE DEPARTMENT OF VETERANS AFFAIRS CHIROPRACTIC EMPLOYMENT ACT

### HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. MORAN of Kansas. Mr. Speaker, today I am introducing the Department of Veterans Affairs Chiropractic Employment Act. I do so to prompt the Department of Veterans Affairs to make chiropractic care available to America's veterans.

Currently, thousands of veterans enrolled in the VA health care system could benefit from chiropractic care. Millions of Americans use the services of chiropractors. However, veterans who are enrolled in VA's health care system are unable to receive this specialty care. Numerous studies have shown that chiropractic is an effective therapy, and can be an effective approach to low back pain, spasm, and other maladies of the spinal region, including health problems caused by the aging process and physical exertion. This bill would grant specific employment authority in VA for chiropractors as clinicians under Title 38 of the United States Code.

Signed into law in 1999, section 303 of Public Law 106–117, the Veterans Millennium Health Care and Benefits Act, required the VA Under Secretary for Health to establish a defined policy regarding the role of chiropractic care for veterans enrolled in the Veterans Health Administration. Issued almost a year later, VHA Directive 2000–014, established what the Department deemed a policy on chiropractic care. However, the Committee on Veterans' Affairs found that declaration to be woefully inadequate and less than a policy. It was a way for VA to further delay the advent of VA chiropractic services for veterans. As a result, Congress enacted section 204 of the Department of Veterans Affairs Health Care Programs Act of 2001 (Public Law 107–135). This statute required the Secretary of VA to create a program to provide chiropractic care and services for veterans who are enrolled in VA's health care system, and specified that each of VA's 21 Veterans Integrated Service Networks put at least one chiropractic care program in place. This law also required the establishment of a Chiropractic Advisory Committee within the Department, and charged the Committee to provide assistance to the Secretary in the development and implementation of the chiropractic health program the law authorized, including recommendations on scope of practice, qualifications, privileging and credentialing matters, among other factors that might influence the employment of chiropractors and the deployment of the new program nationwide.

While some progress has been made by the advisory committee on chiropractic care, the Department is now contending that formal organizational, qualification, and classification studies are needed due to VA's lack of a specified employment authority in Title 38 of the United States Code for chiropractors. Other unnamed technical and professional fields are already specifically authorized. Such an undertaking by VA may require extensive usage of resources and much time investment on the part of the Central Office, advisory committee, Office of Personnel Management staffs, as well as outside consultants. A number of Members of the House Veterans' Affairs Committee believe we can remedy this situation with the bill I am introducing today, to speed VA's decision-making on establishing chiropractic clinical care positions within the staff of the Department.

Mr. Speaker, I am pleased today to introduce this legislation that would address the authority for VA to appoint chiropractors in the Veterans Health Administration of the Department so that those veterans who are in need of chiropractic care may indeed and at last receive it in VA facilities. This bill will allow a fair compensation schedule with other comparable

categorical providers already authorized in Title 38. Furthermore, this bill will permit the Secretary to appoint chiropractors on a full-time basis. Currently, chiropractors are only available to veterans on a fee or contract basis, thereby causing VA additional administrative expenses and inconveniencing the veterans who need this care. With this bill chiropractors may also be appointed to intern or residency positions, or on a part time or intermittent basis, as dictated by need. My bill will afford to chiropractors practicing in VA facilities the same privileges and responsibilities of other VA caregivers.

I urge my colleagues to support this important legislation. My bill will provide an additional, needed specialty care program for our nation's veterans, who are most deserving of this benefit.

## PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. BECERRA. Mr. Speaker, on Monday, June 9, 2003, I was unable to cast my floor vote on roll call numbers 249, 250, and 251. The votes I missed include rollcall vote 249 on Suspending the Rules and Passing H.R. 1610, the Walt Disney Post Office Building Designation Act; rollcall vote 250 on Suspending the Rules and Agreeing to H. Con. Res. 162, Honoring the city of Dayton, Ohio for hosting ''Inventing Flight: the Centennial Celebration;'' and rollcall vote 251 on Suspending the Rules and Passing S. 763, the Birch Bayh Federal Building and U.S. Court House Designation Act.

Had I been present for the votes, I would have voted ''aye'' on rollcall votes 249, 250, and 251.

## CONGRATULATING AETNA ON THE OCCASION OF ITS 150TH ANNIVERSARY

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today on behalf of the Connecticut delegation to congratulate Aetna as it celebrates a milestone. On June 14, 2003 Aetna Inc. will observe the 150th anniversary of its founding.

The year 1853 was an extraordinary one for America. Our country was 77 years old and on the brink of Civil War. Despite the strife of the times a handful of leading business, civic and cultural leaders founded a company that would evolve into Aetna Inc., one of the nation's largest health care and employee benefits companies serving over thirteen million Americans with medical coverage, over eleven million group customers and eleven million dental members, all served by over a half million health care service providers.

Since 1853 Aetna has never lost sight of its customers, always striving to meet their changing needs. The people of Aetna have been inspired by the fact that what they do is truly important: helping people protect against the risks and uncertainties of life and promising to be there when needed the most.

Today Aetna is one of the nation's premier providers of health care and related benefits, dedicated to helping people achieve health and financial security. This occasion offers us the opportunity to thank Aetna for this commitment.

It is with great pleasure that we commend the employees of Aetna for their excellence and determination with which they perform their work. In its 150 years of existence Aetna has become an indispensable asset to the people and culture of Connecticut. Its contributions to both the business world and the fabric of life in our home state of Connecticut have been tremendous. It is therefore with great appreciation that we offer congratulations to Aetna on the occasion of its 150th Anniversary and wish Aetna and all those associated with it continued success for many years to come.

## A TRIBUTE TO JOHN SEHE JONG HA

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. TOWNS. Mr. Speaker, I rise in honor of John Sehe Jong Ha in recognition of his dedication to his community and his commitment to world peace.

John's life is best defined by his service to both his immediate community and the global community. John is currently an Ambassador for Peace for the Inter-religious and International Federation for World Peace. The goal of the organization is to develop world peace by harmonizing both the spiritual and material dimensions of life. He is also a member of the Global Cooperation Society Club. The goal of this group is to establish social harmony and friendship among nations around the world. Additionally, he is a member of the Advisory Council on Democratic and Peaceful Unification U.S.A New York Area Councils. The Council advises the president of The Republic of Korea on issues pertaining to the unification of North and South Korea.

John is the CEO of Korean American Senior Citizens Society of Greater New York. He is responsible for overseeing the operation for the benefit of its 2400 members. He is also on the senior advisory council of The Korean-American Youth Foundation. John also serves as president of the Korean-American Traditional Art Development Association. This organization preserves traditional Korean Art and develops talent among the 1st, 2nd and 3rd Korean generations throughout the United States. He is also the chairman of the Greater New York TaeKwon-Do Association. He is responsible for the association's membership of 300 grandmasters.

John has been honored by the Republic of Korea with a Certificate of Official Commendation and a Certificate of Appreciation. Our government has awarded him a certificate of Appreciation as well.

John came to the United States in 1956 and became a citizen in 1972. He began his professional career at McCann-Erickson Advertising, Inc. in 1962. He followed this position as the CEO/President/Producer of Korean Television Broadcasting Corporation of New York from 1974 to 1983. For his last professional job, John was CEO/President of Galaxy Children's Shoes, Inc. from 1984 to 1995. Currently, he is retired.

John is married and has two sons. He enjoys golf, table tennis, and travel. He is fluent in English and Korean and speaks some Spanish.

Mr. Speaker, John Sehe Jong Ha is committed to assisting the Korean-American community in New York and working toward world peace. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

## HONORING THE LIFE OF VICENTA B. PEREDO

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Ms. BORDALLO. Mr. Speaker, I rise today to inform the House that Vicenta B. Peredo recently passed away. She was also known as ''Seabee Betty'' and for years she had provided a home away from home for the Seabees in Guam. She frequently held fiestas for the deployed battalions, which were always well attended, and gave her world renowned status within the Seabees. She was also annually crowned queen of the Seabees Ball. It was said that stories circulated about Seabee Betty even in Gulf Port, Mississippi.

Vicenta Peredo lived in the village of Yona, where she held these fiestas since 1951. At the fiestas she served all different types of local food to give the Seabees the experience of Chamorro hospitality and to make them feel right at home.

Even the Seabees helped to make sure the fiestas would continue when her house was damaged by a typhoon. After the roof of her kitchen collapsed, one of her daughters jokingly said that the Seabees might fix it tomorrow. It actually took the Seabees two days to fix her kitchen.

Vicenta Peredo also had fiestas that coincided with the birthdays of the Saints. She would pray for nine days, a novena, then cook a large amount of food and invite the Seabees over to enjoy the fiesta. She also wanted to give the Seabees a place to get away from the Naval Base and enjoy the rest of the island. She was a woman who always thought about the Seabees first and in return she received the rare distinction of being named an honorary Navy Seabee.

I join the Peredo family and all the people of Guam in sorrow that Vicenta Peredo is no longer with us, but I am proud to say that she touched so many people during her life. I am also very proud of the way that she reached out to the Seabees and her ability to be a great symbol of the generosity that the people of Guam have to extend to the visitors of the island.

We love you Vicenta and our thoughts and prayers are with your family. I am sure she will be remembered by the Seabees with the honor and generosity she showed them in life. She showed us all that one person can make a difference, that one person can affect many lives.

PERSONAL EXPLANATION

## HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. FLETCHER. Mr. Speaker, on Tuesday, June 10, 2003, had I been present for rollcall vote Nos. 252, 253, 254, 255, and 256, I would have voted the following way: Rollcall vote No. 252—''aye''; rollcall vote No. 253—''aye''; rollcall vote No. 254—''nay''; rollcall vote No. 255—''aye''; rollcall vote No. 256—''aye.''

THE BENEFITS OF FACILITIES-BASED COMPETITION

## HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. REYES. Mr. Speaker, there is little doubt that true head-to-head facilities-based competition benefits consumers. This is certainly true in the cable industry, where prices in areas where there are two facilities-based cable systems competing head-to-head are 17 percent lower than in areas where there is only one cable system.

In the world of residential high-speed Internet access, facilities-based competition is coming. Right now, cable dominates the market. Cable serves about two out of every three broadband consumers. One reason cable dominates the market is because cable broadband is essentially unregulated, where as broadband provided by telephone companies, called DSL, is regulated as if it were regular telephone service.

The Federal Communications Commission is in the process of creating regulatory parity between the two competitors. I encourage the FCC to continue down this road towards regulatory parity among broadband providers. We are seeing the benefits of this deregulation already. For example, Verizon just announced a 40 percent price cut in the cost of their DSL product. Consumers will have a real choice between two distinct head-to-head competitors.

In the regular telephone world, however, the FCC decided not to stimulate head-to-head facilities-based competition. Instead, the FCC left in place rules that permit a competitor to use the existing telephone network at a substantial discount, up to 55 percent. The problem with this is that it lacks a sufficient incentive for a competing telephone company to build any facilities because it costs less to use the existing network at these below-cost prices. Regulatory pricing arbitrage does not result in true competition. The FCC needs to stop making the incumbent telephone companies subsidize long distance carriers' entry into the local markets. If the long distance carriers want to use the incumbent's network, they should do so at a reasonable price, not one that shifts money from the local telephone company to the long distance carriers. This system cannot be maintained.

The FCC should adopt rules that give incentives for long distance carriers and others to build their own infrastructure. Then, there will be true head-to-head facilities-based competition. Consumers will benefit with lower prices, better service and more choices.

In addition, there are national security and safety benefits to multiple networks. If one network is knocked out, communications can be routed over the other network.

I urge the FCC to adopt rules that ensure the existence of true, head-to-head facilities-based competition for all types of communications services, especially voice telephony and broadband.

IN RECOGNITION OF THE RARITAN HIGH SCHOOL BOYS BASEBALL TEAM

## HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. PALLONE. Mr. Speaker, I rise today to acknowledge the members of the Raritan High School Boys Baseball team from Hazlet, New Jersey in the 6th district of New Jersey. On Tuesday June 10, 2003, they completed a season of hard work and personal sacrifice with the first State Baseball Championship in school history. Two weeks prior they won their first Central New Jersey Sectional Championship in over a decade continuing their improbable underdog journey defeating Spotswood High School. The true measure of their achievement came this past Tuesday when this Cinderella story finally was granted the glass slipper. Down for much of the game, the team rallied to defeat statewide ranked Hanover Park to win the school's first ever state championship.

This occasion cannot be fully appreciated unless I recognize the graduating seniors and leaders of this gifted group of student athletes. Two of the team's coaches, T.J. O'Donnell and Tim Hildner, members of previous Raritan championship teams, returned to their alma mater to guide this team to the state championship never realized during their tenure as players. Remaining coaches, long time teachers at the school, Andrew Milewski and Robert Generelli gave this group the extra guidance that made them champions. Though the team's full potential was put into motion by the group's undisputed leaders, such as first basemen Gregory Casha, shortstop Alex Mautone, pitcher Sean Walsh, left fielder Steve Plagianakos, utility fielder Ernie Scelia, first basemen Patrick Wood, and center fielder Jared Pflug all of who which will be graduating this June, moving on to several of our state's great universities and leaving their current teammates with a title to defend. The contributions of underclassmen such as second basemen Sal Straniero, catcher Sean Hanrahan, designated hitter Ricky Russomano, center fielder Steve Bilowus, right fielder Andrew Mandeville, and third basemen Michael Nunes were the extra pieces to the puzzle that together turned a small high school on the Jersey Shore into a state powerhouse in one short season.

Today I speak to you as a proud representative of the 6th district of New Jersey due to the inspiration that these young men have contributed to the residents in Township of Hazlet. So on this day, June 11, 2003 I wish congratulations to the players, coaches, and parents of the 2003 Group II State Champions, the Raritan High School Rockets!

RECOGNIZING MEN'S HEALTH WEEK

## HON. RANDY ''DUKE'' CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. CUNNINGHAM. Mr. Speaker, on May 10, 1972 I flew my 300th mission over North Vietnam. I shot down three MIGs that day to become the first Ace of the Vietnam War. Shortly after my third kill, I was hit by enemy fire and forced to eject along with my backseat, Willie Driscoll. As we parachuted down into enemy territory, I did not know whether I was going to live, die, or possibly be taken as a prisoner of war. It was indeed the scariest moment in my life—until the day my doctor looked me in the eye and told me that I had cancer.

I am one of thousands of men who was diagnosed following a simple prostate-specific antigen (PSA) test. During my annual examination in the summer of 1998, my doctor noted a slight elevation in my PSA test. He followed up with a sonogram and an MRI, neither of which revealed the disease. It was only after a prostate biopsy that it was determined that I had cancer. Following the diagnosis, in consultation with my family, I decided to pursue surgery as my treatment option. I am fortunate—early detection saved my life. My doctor was familiar with PSA results, and I had healthcare coverage for my treatments. Early detection and treatment meant the difference between life and death.

This year, 198,100 men will be diagnosed with prostate cancer and 31,500 will die from this terrible disease. But prostate cancer is only a small component of the men's health crisis: Men have a higher death rate than women do for every single one of the ten leading causes of death in this country. We're twice as likely to die of heart disease—the number one killer—and 40 percent more likely to die of cancer. Life expectancy has been longer for women than for men for several decades. Sadly, the largest part of the problem is that men do not take particularly good care of themselves. Only one-half of all men have received preventative health care services in the past year.

I am proud to work with the Men's Health Network to raise awareness regarding the need for regular health screenings, and it is an honor for me to host the annual men's health screenings on Capitol Hill. I urge my colleagues to visit the screenings, and to help me raise awareness about the fact that screenings like these can save lives.

HONORING CORNELIA GRUMMAN OF THE CHICAGO TRIBUNE

## HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay special tribute to Cornelia Grumman of the Chicago Tribune, winner of the 2003 Pulitzer Prize for editorial writing.

A native of Evanston, a resident of Chicago, a graduate of Duke, Cornelia Grumman has graced the Chicago Tribune for many years

with her thought provoking, influential editorials on the reform of the death penalty. As a veteran reporter whose journalistic prowess earned her much recognition, Cornelia was made a member of the Chicago Tribune editorial board in 2000.

Cornelia's Pulitzer citation reads: For distinguished editorial writing, the test of excellence being clearness of style, moral purpose, sound reasoning, and power to influence public opinion in what the writer conceives to be the right direction. Awarded to Cornelia Grumman of the Chicago Tribune for her powerful, freshly challenging editorials on reform of the death penalty.

Mr. Speaker, I ask that my colleagues join me in honoring Cornelia Grumman on her achievements and wish Cornelia many years of future success.

## A TRIBUTE TO JUAN GUILLEN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. TOWNS. Mr. Speaker, I rise in honor of Juan Guillen in recognition of his significant and diverse contributions to his community in the fields of media, business, and arts.

Representing and reaching out to the Dominican community, Juan is currently publisher and Chief Executive Officer of the Dominican Times Magazine, La Revista Offical de Dominicanos. From his office in the East New York section of Brooklyn, New York, he heads the regional, bi-lingual publication, Dominican Times, which targets Dominican-Americans. This publication is distributed in seven states in the northeast and its voice is very influential in the Dominican-American community.

In the world of enterprise, Juan has owned and operated various businesses from 1982 through 2002 throughout Brooklyn and Queens. He has developed diverse companies, ranging from three successful dry cleaning businesses to a fitness club and a retail store for clothing and sneakers.

Juan has also made a contribution to the arts in his community through his independent feature film, ''A Madness in Brooklyn.'' This comedy, filmed entirely on location in Brooklyn, was written, directed and produced by Juan.

Mr. Speaker, Juan Guillen has made several important contributions to his community. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

## INTRODUCTION OF THE INSULAR AREAS COMMUNITY DEVELOPMENT ACT

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Ms. BORDALLO. Mr. Speaker, today I am introducing legislation that will authorize qualified public housing entities in Guam, the Virgin Islands, American Samoa and the Commonwealth of the Northern Mariana Islands to participate in the ''Section 108 Loan Guarantee Program.'' Congresswoman DONNA CHRISTENSEN of the Virgin Islands and Congressman ENI FALEOMAVAEGA of American Samoa have joined me as original co-sponsors of this legislation, which is important to the economic development of the insular areas.

Currently, all qualified entitlement public housing entities in the States are authorized to apply for government-backed loans to finance long-term projects under the Community Development Assistance Act of 1974 (P.L. 93–383), which established the Section 108 Loan Guarantee Program. Under ''Section 108,'' the States and their local governments may apply for amounts up to five times their annual allotments of Community Development Block Grant (CDBG) funding.

Guam receives CDBG funding on an annual basis from the Department of Housing and Urban Development (HUD). However, many projects for which the funding could be utilized cost more than the annual allotment. My bill would authorize the insular areas that receive CDBG funding to apply for government-backed loans to help finance more expensive long-term projects. Future CDBG grant money could then be used as collateral in the insular areas, similar to how it is currently used in several of the States.

Officials at HUD have informed me that Guam, the Virgin Islands, American Samoa and the Commonwealth of the Northern Mariana Islands are excluded on the basis that their CDBG grant funds are authorized under a separate sub-section from the States. My bill would clarify that States and Territories would have access to the HUD financing program irrespective of this technical distinction.

My bill, the Insular Areas Community Development Act of 2003, would strengthen the law to provide for the same flexibility for the insular areas as is currently granted to the States in using CDBG funds. Support for this bill would recognize the need for long-term financing of community development projects important to the economic progress of the insular areas, and will result in improved planning and more efficient use of limited resources.

## PERSONAL EXPLANATION

### HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. FLETCHER. Mr. Speaker, on Thursday, June 5, 2003, had I been present for rollcall vote No. 248, I would have voted the following way: Rollcall vote No. 248 ''aye''.

## CHILD TAX CREDIT

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. REYES. Mr. Speaker, I wish to express my deep disappointment with the tax bill recently signed into law by the President. While providing approximately $350 billion in tax cuts, this law neglects many of our hard-working, low-income families. At the same time that the bill provides tax cuts of $93,500 to the 200,000 taxpayers making over $1 million in our country, this bill leaves behind 8 million children by denying their families full access to the child tax credit.

This law fails to apply the child tax credit to some of America's neediest families—those earning between $10,500 and $26,625 per year. Of the 8 million children left behind in this tax law, one million live with parents who are on active duty service or are veterans. The children of our working families, especially those of our armed services, deserve our greatest support.

There are approximately 16,500 military families with children at Fort Bliss in my district. Anxiously awaiting news about the status of the members of the 507th Maintenance Company in late March, these families understand, more than most, what it means to sacrifice for our nation. These are the families of the brave men and women who fight to defend our freedoms, and they certainly do not deserve to be left out of this tax cut. I urge my colleagues to pass legislation immediately to extend the child tax credit to families making between $10,500 and $26,625 a year. Let us send a message to our hard-working families that they count too and that we recognize their efforts.

It is my sincere hope that we can work together to provide our hard-working families with a fair and equitable child tax credit.

## IN RECOGNITION OF THE REVEREND DR. HENRY P. DAVIS, JR.

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. PALLONE. Mr. Speaker, I proudly pause to recognize an exemplary individual, Reverend Dr. Henry P. Davis, Jr. This year marks Reverend Davis's 30th Anniversary as Pastor for the Saint Paul Baptist Church of Atlantic Highlands, New Jersey. On July 13, 2003 Reverend Davis will be honored for his commitment and extraordinary service to his community over the past 30 years.

Reverend Davis's educational achievement has aided him tremendously in serving his congregation and surrounding communities. After earning his Bachelor of Science degree from Huston-Tillotson College in Austin, Texas, the Reverend went on to receive a Master of Education degree from Prairie View A&M University. He was later awarded a Master of Divinity degree from the New Brunswick Theological Seminary and a honorary Doctor of Divinity degree from Rankin's Theological Clinic. Reverend Davis is also the recipient of a Doctor of Ministry degree from Drew University.

Reverend Davis has stood out amongst his peers for his exceptional leadership skills. Over the past few years Reverend Davis has served as the Moderator of the Seacoast Missionary Baptist Association, which consists of 32 churches throughout Monmouth and Ocean counties. He is the former Treasurer of the General Baptist Convention of New Jersey and served as the Secretary of the Moderator's Auxiliary of the National Baptist Convention, for over a decade. Presently, Reverend Davis serves on the Executive Board of the

Hampton University Ministers Conference and the New Jersey Council of Churches.

Reverend Davis has also devoted much of his time to various youth, community service, and civil rights organizations. He currently serves as a Trustee of the Brookdale Community College Foundation and member of the Youth Services Commission of Monmouth County. He is the Vice-President of the Monmouth County Board of Alcohol and Drug Abuse Service. At present Reverend Davis is the Chairman of the Monmouth County Minority Youth Vicinage Committee and is a life member of the NAACP. Through his work with these different groups Reverend Davis has positively influenced the lives of countless individuals.

In addition to the award he will receive on July 13, 2003 Reverend Davis has been the recipient of a number of previous awards for the remarkable work he does. Those awards include the Seacoast Association's Outstanding Service Award; New Jersey's State Federation of Colored Women's Club's Outstanding Community Service Award and Humanitarian Award; as well as recognition from the greater Red Bank NAACP.

Mr. Speaker, on this day I rise up to acknowledge a truly remarkable individual and I ask that my colleagues join me in honoring the distinguished Reverend Dr. Henry P. Davis, Jr. for his 30 years of devoted service to his community.

## CONGRATULATING PACIFICARE HEALTH SYSTEMS ON THEIR 25TH ANNIVERSARY

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to congratulate PacifiCare Health Systems on their 25th anniversary as one of the nation's largest consumer health organizations. PacifiCare's primary operations include health insurance products for employer groups and Medicare beneficiaries in eight states and Guam. Currently, PacifiCare has approximately $11 billion in annual revenues, and serves more than 3 million health plan members and over 9 million specialty company members nationwide with dental, vision, behavioral health and pharmacy benefit management services. PacifiCare Health Systems also operates a nonprofit organization, called the PacifiCare Foundation, that is devoted to charitable and educational causes that enhance the health, wellness and welfare of individuals, families, and the public at large.

On June 16, 2003, PacifiCare will celebrate its 25th anniversary as one of the nation's largest consumer health organizations, offering individuals, employers, and Medicare beneficiaries the best in consumer-driven health care and insurance products. PacifiCare Health Systems is also celebrating another important milestone—the 10th anniversary of the PacifiCare Foundation. The PacifiCare Foundation has donated more than 17 million dollars during the past 10 years to charitable and educational causes, with a focus on specific community needs in several areas, including: Health Promotion, Human/Social Service Programs; Senior Programs; Education Programs and Child/Youth Programs.

I take great pleasure in congratulating PacifiCare and its 7,500 employees on the occasion of its 25th anniversary of service to its beneficiaries, and I commend PacifiCare for its outstanding record of contributions to the health and welfare of the people of California.

## HONORING JOHN McCORMICK OF THE CHICAGO TRIBUNE

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay special tribute to John McCormick, winner of the Walker Stone Award for editorial writing from the Scripps Howard Foundation.

John McCormick is the deputy editorial page editor of the Chicago Tribune. He joined the Chicago Tribune editorial board in 2000 and was promoted to deputy editor the following year. Prior to joining the Tribune, John worked for several years as the Chicago bureau chief for Newsweek magazine.

A native of Iowa, a graduate of Northwestern University, John gained recognition for his series of editorials on how and why Chicago must respond to its high murder rate. Once a small-town boy, John tackled big city crime head-on, proving to be a highly regarded and influential asset to Chicago's political leaders, law enforcement officers, and neighborhood groups.

Mr. Speaker, I ask that my colleagues join me in honoring John McCormick on his achievements and wish John many years of future success.

## A TRIBUTE TO ROLAND JEROME HILL

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. TOWNS. Mr. Speaker, I rise in honor of Roland Jerome Hill in recognition of his service to his nation and his community.

Roland was born in Mount Carmel, Lancaster County, South Carolina. He began his schooling in a one-room schoolhouse. Later, he attended Mather Academy. Through his participation in various civic and political causes, Roland has continued to learn throughout his entire adult life.

Roland also coached high school football, baseball, and track for two years as an official in the South Atlantic Colored Intercollegiate Athletic Association (SACIAA). More importantly, he served his country for three and a half years in WWII in the 183rd Aviation Engineers Battalion in the China-India-Burma theatre.

After arriving in New York he became involved in a long list of political and civic affairs. He has served his community through a wide range of activities that include: Master Plumber Licensing and Control Board; Fire Suppression Board; Vice President of the Local Two of the Hotel and Restaurant Employees Union; Vice-President of the 45th Assembly Democratic Club; Co-Chairman of the Federal Government Scatter Housing Program; Chairman of the South Shore Fair Housing Committee; Coney Island Hospital Advisory Board; Sixty on Aging; HRA Advisory Board and HRA Subcommittee on Social Services; and as an Elder in the Homecrest Presbyterian Church.

Some of the positions he has filled in the political arena include: Co-Chairman of the Finance Committee for Shirley Chisholm for Congress, Co-Chairman of the Mel Durbin and Eugene McCarthy campaign, and Director of Senior Citizen Groups in the 10th Congressional District.

Mr. Speaker, Roland Jerome Hill is committed to improving the lives of the elderly population in his community. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable gentleman.

## TRIBUTE TO SUSAN S. LAFFOON

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the outstanding service of Susan Laffoon, a friend and distinguished constituent, who is stepping down from her duties as Vice President for Public Affairs at the Greater Cincinnati Chamber of Commerce on June 13, 2003.

Susan is a Cincinnati native, graduated from the University of Cincinnati with a BA in History, and has served our community with distinction all her adult life.

For over a quarter century, Susan has dedicated herself to the Greater Cincinnati Chamber of Commerce, where her accomplishments are impressive. She began at the Chamber in 1977 as a Specialist for Minority Business Development, took over as Program Director for Leadership Cincinnati in 1978, and became Group Executive for Administration in 1982. In 1984, she was promoted to Vice President of Government and Community Affairs. Her title changed in 2002 to Vice President, Public Affairs. In 1997, Susan was appointed Acting President of the Chamber for three months. Her commitment to the Chamber and our community is outstanding. Michael Fisher, the Chamber's President and CEO, says it best: ''Susan leads by example in her collaborative style, willingness to go the extra mile, and enthusiasm for her work. She has built strong relationships with key volunteers, government officials and her staff. Equally important, she has helped deliver impressive results for our region—from State Capital bill funding wins to revised environmental policies that better balance the needs of all stakeholders.''

In addition to her service at the Chamber, Susan has been active with a number of other important community organizations. Past and current leadership posts include: Trustee of the United Way and Community Chest of Greater Cincinnati; Trustee of WGUC-FM; founding Trustee and officer of the Cincinnati Horticultural Society; Trustee and alumna of the Seven Hills School; Trustee of the American Red Cross, Cincinnati Area Chapter; and Trustee of the Cincinnati Arts Festival, Inc. Susan also has been Trustee of the Cincinnati Symphony Orchestra for 20 years, and has given a great deal of time (over 15 years) to

the Fine Arts Fund, where she was elected a Life Trustee last year.

Mr. Speaker, I hope my colleagues will join me in recognizing Susan's many accomplishments as she steps down as Vice President for Public Affairs at the Greater Cincinnati Chamber of Commerce on June 13, 2003. I know Susan will continue to make a difference in our community. All of us in the Cincinnati area thank her for her dedication to improving our community and wish her the very best in her future endeavors.

## HONORING ANDREW T. RINGGOLD

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mrs. THOMPSON of California. Mr. Speaker, I rise today to recognize Andrew T. Ringgold, Superintendent, Redwood National and State Parks, Crescent City, California, who is being honored on the occasion of his retirement after 36 years with the National Park Service.

A native of Washington, D.C., Andy Ringgold grew up in Williamsburg, Virginia and received his Bachelors Degree from Bucknell University. He began his outstanding career in the National Park Service as a Park Ranger at Sequoia National Park in California in 1967. In 1972 Andy became District Ranger at Lassen Volcanic National Park and then served as Chief Ranger at Petrified Forest National Park in Arizona from 1976 to 1979. After serving as Chief Ranger at New River Gorge in West Virginia, he became Staff Park Ranger, Division of Ranger Activities at the Headquarters Office in Washington, D.C. in 1984. In 1987 Andy Ringgold served as Chief of the Branch of Resource and Visitor Protection at the Headquarters Office and then, in 1989, became Superintendent at Cape Cod National Seashore in Massachusetts. In 1995 he assumed the duties of Superintendent at Redwood National Park in California.

In 2002, Mr. Ringgold received the United States Department of the Interior Honor Award for Meritorious Service in recognition of his contributions to the management and protection of resources at Redwood National Park. He spearheaded the use of alternative methods and partnerships to achieve park goals. He has received numerous awards in recognition of his outstanding and innovative leadership.

Andrew Ringgold has guided the management of Redwood National and State Parks, which includes three California state parks and the national park as one unit, a precedent setting agreement that has evolved into a model partnership of cooperation and efficiency. It is a model that has set the standard for similar partnerships in other regions across the nation.

Andrew Ringgold has served the National Park Service with honesty, integrity and expertise. His high standards and dedication to his profession are widely recognized.

Mr. Speaker, it is appropriate at this time that we recognize Andrew T. Ringgold for his vision and leadership and for his contributions to the preservation of the natural resources of our Nation.

## WOMEN PIONEERING THE FUTURE

### HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mrs. WILSON of New Mexico. Mr. Speaker, in honor of Women's History Month, I asked New Mexicans to send me nominations of women in New Mexico who have given special service to our community, but may have never received recognition for their good deeds.

On Thursday, April 17, 2003, I had the honor and privilege of recognizing forty-five worthy nominations describing sacrifices and contributions these women have made for our community. The people who nominated the women describe the dedication they have witnessed: volunteer hours for veterans services, service on nonprofit boards, homeless programs, mentors for young women, healthcare providers going above the call of duty, child advocates, volunteers at churches and synagogues, successful business woman, wives, mothers and friends.

Allow me to share information about this year's nominees:

Jan Dodson Barnhart—Jan recently retired as a 30 year employee of the University of New Mexico's General Library. She has worked diligently to promote historic preservation and recognition of the cultural treasures that exist in New Mexico's built environment. She served on the Governor's committee on historical records, with the Oral History Association, and with the Albuquerque Museum Foundation.

Dian Baughman—Dian is a nurse at Paloma Blanca Nursing and Rehab Center. She works numerous hours dedicating time and service to residents of the center to ensure good care and quality of life. During her off hours, she travels the state with her husband to provide medical assistance to homeless veterans during veterans functions.

Tess Ruiz Burleson—Tess is the Chief Financial Officer for Lovelace Respiratory Research and Director of Lovelace Scientific Research. She is also an active Board Member of many community organizations, such as Next Generation Economy Initiative, Behavior Health Research, Wells Fargo Leadership Council, Performance Arts Charter School, and Magnifico/Festival of Arts.

Joann Castillo—Joann is the Library Director at Carnegie Public Library in Las Vegas, NM. Joann is very involved in community activities, such as the Las Vegas San Miguel Literacy Volunteers, Communities that Care and the Las Vegas Youth Commission. She feels that these young men and women are our future and need to be active in community events also.

Alvorn Clifton—Mrs. Clifton has provided the Trumbull Village with a legacy of working for the betterment of children, families and our community. She is a leader making a difference. As the President of the Trumbull Village Neighborhood Association, she advances the lives of children through support and guidance. Each year, she hosts Halloween, Christmas and Easter parties so the neighborhood kids have a safe place to celebrate.

Leslie Cunningham-Sabo—Leslie works tirelessly as a doctor at Pediatrics Department at UNM for obesity and diabetes prevention program which works with the pueblos and the Navajo Nation. She volunteers at Project Share, Asbury Pie Café, and for anybody that needs a helping hand.

Kathy Cyman—Kathy is an Instructor and Adjunct Faculty Member at UNM. As a teacher and practicing artist, she maintains a high standard of professionalism. She is a tireless worker and role model for women who struggle to make a living. She gives her all to her community and to aspiring educators.

Rebecca Dakota—Rebecca is the former Director of the NM Commission on the Status of Women. She is supportive of women and works diligently to address the issue of domestic violence. She has helped to make police departments around NM more aware of the problem so that training could be implemented for officers. She has worked to assist poor women with job training partnerships and scholarship assistance.

Brenda Delaurentis—Brenda is Manager of the Payroll Services and Financial Training Organization at Sandia National Labs. She has worked with ''Shared Vision,'' spearheaded Sandia's involvement in the Science and Technology Magnet School initiative sponsored by DOE, and helped organize the first ''School to World'' event, a career fair targeting 8th graders. Brenda has also been a Girl Scout Leader for seven years.

Gail Doherty—Gail is the state coordinator for Project Linus, which provides handmade blankets for needy children. In her 5 years, 5000 blankets have been distributed to fire victims in Los Alamos, September 11 Pentagon families and numerous others. Each week, she visits the Senior Centers to work with the knitters and weavers to make blankets and she takes their therapy-trained dog to Carrie Tingley to visit the children.

Viola Edwards—Mrs. Edwards works tirelessly each month to provide food boxes with the Share Program for needy or low income families. Monthly, she orders 16–17 food boxes and distributes them to families that can use it. She has also collected and recycled clothing to provide for the clothing needs of children and families.

Shannon Enright Smith—As the Executive Director of Resources, Inc., Shannon has been a passionate voice for victims of domestic violence, especially for the children who witness domestic violence. In a typical day, Shannon performs duties from walking a victim through the legal system, doing interviews for local media, to testifying before the state legislature.

Deirdre Firth—Deirdre, a Senior Economic Developer for the City of Albuquerque, works tirelessly to bring economic vitality to New Mexico. She represents the City in the development of the Sandia Science and Technology Park, a public/private partnership which is bringing thousands of high-paying technology jobs to New Mexico.

Linda Flanigan—Linda has lived in Albuquerque for most of her life. She has helped teenagers with career and life decisions. She was a Brownie Troop Sponsor and she helps people recover from various addictions and through family problems through her activity and her community church.

Linda Fleisher—Linda is a Crime Free Multi-Housing Coordinator. Her inspiration and driving force were instrumental in bringing a ''rebirth'' to the Alta Monte Neighborhood. She has inspired many landlords to participate in the program, making great strides in improving

the quality of life for the residents of the neighborhood.

Annabell Gallegos—Annabell manages the ''Keep Albuquerque Beautiful/Keep America Beautiful'' program for the City of Albuquerque. The department tries to change customer behavior and get the public to ''recycle'' and be aware of what a clean environment means for our future. Teacher and student training, field trips and community clean-ups are just a few of Annabell's many accomplishments.

Cindy Hansen—Cindy is the Resident Care Director at the Cottages of Albuquerque for Alzheimer's Specialty Care. She cares and helps the families get through the ''long death.'' She spends what little free time she has talking to and holding the hands of residents. Her love for both the residents and their families is apparent.

Blesila Hartom—Blesila has served as a registered nurse for Presbyterian, Health South and University Hospitals for fifteen years. She is also a proud member of the Filipino-American Association, serving on several committees and participating in numerous fundraising activities. She has become a part of the Filipino Historical Society to establish a foundation that recognizes the importance of Filipino heritage.

Elizabeth Holm—Elizabeth is a computational materials scientist at Sandia National Labs. She is active in the Albuquerque Chapter of the American Society for Metals and she is a mentor of many young women in the sciences. She is very involved in the Albuquerque schools, serving as a guest science speaker, science instructor, book fair host, and debate and speech tournament judge.

Kathleen Holt—Kathleen is a Technologist in the Environmental Decisions and WIPP Support organization. As an adviser to the La Cueva Key Club, she has involved students in leadership training and strategic planning experiences as well as mentoring many of the kids. She teaches students mediation and arbitration techniques and has organized day-long experiential leadership training events for high school students.

Debbie Hughes—Debbie is the dynamic force behind the rise of the New Mexico Agricultural community to the status it is beginning to enjoy today. As Executive Director of the NM Association of Conservation Districts, she has been instrumental in bringing agricultural issues and solutions to the forefront. She has been a leader in crafting and executing this most prominent New Mexico water conservation project.

Diana Jackson—Diana is an Administrator in the Attorney General's office and she manages her tasks with skill and grace. She is also quite active in her church, First United Methodist, taking on many volunteer efforts. Through her commitment to community and church, she has become increasingly involved in the social dilemmas confronting our society and works behind the scenes to make a difference.

Elsie Kear—Elsie came to NM as an R.N. and decided to start nursing at the OB/GYN ward at the Base Hospital (run by the Army at the time). Elsie soon became acquainted with the other 3 major hospitals in Albuquerque by becoming a ''Pool Nurse.'' One of her biggest challenges was flying out of the local airport, picking up patients in NM and Texas and bringing them back to the Veteran's Hospital in Albuquerque.

Blanche Lange—Mrs. Lange served WWI, WWII, Korea, and Vietnam veterans. She also taught nursing at Einstein Medical Center, Philadelphia, and at UNM. At the age of 84, she still provides comfort and support to all who ask. She is an Associate Professor at UNM's College of Nursing, was published in the Journal of Nursing, and she has received commendations from UNM, the VA, and other Veterans organizations.

Dr. Mary Lipscomb—Dr. Lipscomb is the chair of Pathology at the University of New Mexico. In addition, she is the principal investigator for a National Institutes of Health (NIH) Asthma Specialized Center of Research (SCOR) grant. She is an internationally recognized expert in pulmonary immunity who has mentored numerous students, fellows, and faculty.

Laurel Moore—Laurel Moore is the Project Manager for Strengthening Quality in Schools, an initiative that has improved the New Mexico K–12 education system. Laurel has worked tirelessly to improve New Mexico's schools through the use of Quality principles and the Malcolm Baldridge Criteria for Performance Excellence.

Carolyn Moralez—Carolyn has been the primary caregiver for the past two and a half years for her mother who has ALS (Lou Gehrig's Disease). This terminal illness has touched Carolyn's life so deeply that she has dedicated herself to raising money to find a cure for the disease, building awareness, and helping other caregivers cope with the life changes this disease has on its victims and their families.

Christine Morgan—Chris is a Distinguished Member of the Technical Staff Systems in the Adaptive Cyber Systems Deployment and Control Organization at Sandia Laboratories. She is a trained facilitator; a Master Trainer for adults and girls for the Girl Scouts; member of the Board of Directors for Girl Scouts of Chaparral Council; and an advisor/leader/Assistant Scoutmaster for Girl Scouts, Boy Scouts and Cub Scouts.

Tina Nenoff—Tina is a Materials Chemist at Sandia National Laboratories. She is active in mentoring numerous students through Women in Science and Engineering at the University of New Mexico. Tina served as the past President and is currently a volunteer for the Women's Community Association, helping women subjected to domestic violence. Tina also volunteers at St. Martin's Hospitality Center for the homeless.

Carolyn Olona—Carolyn is one of our nursing unsung heroines. Carolyn began her nursing career as a student nurse in September 1961 and has continued to this day in various areas of nursing. Finally, she spent the last twenty one years at Sandia Laboratory as an Occupational Health Nurse. Carolyn is a highly dedicated, professional Registered Nurse. Her focus is always the welfare of the patient, above all else.

Dr. Renee Ornelas—Dr. Ornelas examines children suspected to have been sexually abused. She has been a child sex abuse expert since 1990 and uses her expertise to ensure sex offenders are convicted and the children they scar are well taken care of. Presently, Doctor Ornelas serves as the Director of Para Los Ninos, a specialized clinic which handles the medical exams for children who are victims of sexual abuse.

Georgianna Pena-Kues—Georgianna is recognized for her years of commitment to the well-being of her neighborhood, community, and the Bataan Corrigedor Veterans Association. In addition, as a board member of the Bataan Corrigedor Veterans Association, Georgianna was instrumental in the planning, funding, and publicizing the new memorial in Bataan Park.

Wynona Ratliff—She and her late husband, Jack, were missionaries to South America for almost 20 years. In 1975, they bought Sunset Mesa Schools and turned it into one of the best private schools in New Mexico. They have been involved in a multitude of charitable and community activities including the New Mexico Boys and Girls Ranches.

Martha Romero—Martha has been nominated to be recognized as a ''Hometown Hero'' with KOB–TV Channel 4. She raised 9 children. She is most famous for her Annual Chili Roasting sales and the hundreds of beautiful quilts that she makes. She gives endlessly to her children, her extended family, her friends and her community.

Patsy Sanchez—Patsy serves as the Lincoln County Planning Director with tremendous responsibilities. Her greatest strength is her unwavering goal toward an accurate accounting of the water resources in the county. She urges commissioners to seek legislative allocations for water and for changing rules regarding land and water issues.

Kaye Sinclair—Kaye has held central positions in Albuquerque Radio Emergency Services, which handles all communications for any Search and Rescue emergency in the state. She has also served on the board of the Emergency Services Council, a meeting of all rescue groups in New Mexico and surrounding areas. Kaye has given at least a decade and a half to rescue and emergency service for New Mexico.

Jackie Lee Barnes Brown Soderstrom—Jackie is known for being a loving and caring person who gives of herself without asking for anything in return. She cared for her mother as she was dying and she is the caregiver to her husband. Among Jackie's accomplishments, she was crowned Miss New Mexico in 1957 and Mrs. New Mexico in 1979.

Amy Tapia—Amy is a Program Manager in the corporate Outreach Organization at Sandia National Laboratories. As the project Leader for School to World, she led a team of business and education representatives in putting on the most successful career familiarization event in the state. Amy also developed the CroSSlinks program to match Sandia scientists, engineers and technicians with schools, teachers, and students to help them appreciate the wonders of science and technology.

Tia Turco—Tia is a teacher at La Cueva High School. She works tirelessly for the benefit of others. In addition to teaching 6 classes a day, Tia serves as the sponsor and coach of the La Cueva High School Speech and Debate team. Her responsibilities include organizing a team of over 30 members.

Jennifer Wade—Jennifer works more than full-time as an officer of a locally headquartered, publicly traded technology company, SBS Technologies. She also serves on her Church's Council, prepares meals for the UNM Campus Ministry. Jennifer also donates her time to Project Share.

Patsy Welch—Patsy works on Kirtland Air Force Base. A few months ago, she noticed that some of the Security Force entry controllers (gate guards) didn't have gloves on during

cold days and she felt sorry for their freezing hands. She went to Wal-Mart and bought every black pair of gloves they had and put them in her car. Now, every time she goes through the gate, if the guard doesn't have gloves, she asks if they want a pair.

Dominique Wilson—As the program coordinator for Critical Skills Development at Sandia National Laboratories, Dominique advances workforce development by merging critical skills needs of the national laboratories with the resources of APS, TVI, UNM and Sandia technical staff to create pipeline programs to benefit middle and high school students. She has established advanced learning academies for Albuquerque students, creating opportunities for post-secondary education and technical internships in math and science.

Anne Haines Yatskowitz—Anne is the President and CEO and one of the ACCION New Mexico principal founders. She served on boards of Jewish Family Services and Jewish Federation of Greater Albuquerque. She was a member of the Greater Albuquerque Chamber of Commerce Leadership Albuquerque program and she served as Chair of the Chamber's Maxie Anderson Award Selection Committee.

Elisabeth Zimmer—Elisabeth gives her time to help young pregnant girls and young mothers in Albuquerque. Following a successful career with Intel, she has done volunteer work at Maria Amadea Shelter. Last year, she started a non-profit organization to create a residential program for pregnant teens and mothers. Life Options Academy is the projected goal and it will help many young women in our community.

Lt. Katherine Zimmerman—Kate is an outstanding Air Force Officer supporting Ballistic Missile Defense development. She is the Detachment's blood drive organizer and she collected over 180 pints. She is also a Big Brother/Big Sister volunteer, and recruited 18 volunteers from UNM. Kate was the UNM Spring Storm organizer, recruiting over 700 students, faculty and alumni to perform 82 community service projects.

## PERSONAL EXPLANATION

### HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of Thursday, June 5, 2003, the House voted on H. Res. 258 that provided for the consideration of S. 222 and S. 273. On House rollcall vote No. 245, I was unavoidably detained. Had I been present, I would have voted ''yea.''

## A TRIBUTE TO MARA ROSKE

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. TOWNS. Mr. Speaker, I rise in honor of Mara Roske in recognition of her dedication to improving her community through both her professional and personal endeavors.

The youngest of four children, Mara was born and raised in Brooklyn, New York. She is married and the mother of one daughter. Her interests include sewing, gardening, and cooking. Growing vegetables in her yard to use in her Southern European cuisine makes Sundays at her home a popular place for friends and family.

Mara joined the New York City Police Department in 1987, and the following year she was assigned to the 75th Precinct in East New York. She patrolled the area for ten years before entering the Anti-Crime plain clothes unit. During this time, her lieutenant noticed that she had a flair for calming certain situations and a sincere interest in community relations. It was suggested that Mara join community affairs She is currently serving East New York in this capacity.

Mara is also active in various advisory boards and community projects. She has been instrumental in closing the gap that often exists between the community and the police. She encourages her fellow officers to become more involved and concerned with community issues in the area in which they serve.

Mr. Speaker, Mara Roske is committed to making a positive difference in her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

## HONORING CLARA CORRIN FOR 29 YEARS OF TEACHING REDLANDS SCHOOLCHILDREN

### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. LEWIS of California. Mr. Speaker, I would like today to pay a special tribute to a very special teacher, Clara Corrin, who is retiring after 48 years in education—including 3 decades molding thousands of fourth graders into knowledgeable and confident youngsters at Kimberly Elementary School in my hometown of Redlands.

Clara Corrin got her start working with children even before she finished her own education, starting in 1955 as a nursery school teacher in Orange, NJ. She taught at a number of nursery schools and eventually became assistant director of the Head Start program in Springfield, MA.

Showing a lifelong dedication to improving her teaching expertise, Mrs. Corrin earned a bachelor's degree in elementary education in 1970, and went on to get her Masters of Arts in Education in 1976. She has continued her training with an administrative credential in 1977 and received a Mott Fellowship for studies in Educational Counseling at the University of Redlands.

A generation of fourth graders has now benefited from that expertise at Kimberly Elementary. Mrs. Corrin began her career with Redlands Unified as a substitute in 1972, and began full time the next year. In recent years, many of her former students, who have gone on to become doctors, lawyers, teachers and successful business owners, have been delighted to find that their own children are also in Mrs. Corrin's classroom and capable hands.

Her dedication led to a nomination for Teacher of the Year for the Redlands Unified School District in 1993, and she was appointed Summer School principal at Cram School in Redlands. Going beyond the classroom, Mrs. Corrin coordinated the district's ''Here's Looking at You 2000'' drug abuse prevention program, and has been an active member in the Redlands Teachers' Association and the State teachers association. She is also active in the Phi Delta Kappa and Pi Lambda Theta teachers' sororities.

Outside of the school, Mrs. Corrin has served as chapter president for the California Association of Neurologically Handicapped Children, and has been a board member for the Redlands Valley Rehabilitation Workshop. She is an active member of The Links, Incorporated and raised more than $19,000 for scholarships awarded by the San Bernardino Valley Chapter.

Mr. Speaker, the thousands of students who passed through Clara Corrin's door learned well the motto posted there: ''Enter to Learn, Exit to Lead.'' Please join me in congratulating this exemplary leader of youth for a lifetime of public service, and wish her well in her well-deserved retirement.

## INTRODUCTION OF THE INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION IN FY 2003

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to introduce amendments to the Indian Health Care Improvement Act. I am pleased to be joined in the co-sponsorship of this measure by both Republican and Democratic members of the U.S. House of Representatives.

The Indian Health Care Improvement Act (IHCIA) became Public Law 94–437 in the 94th Congress (September 30, 1976), and was amended by:

P.L. 96–537—December 17, 1980;
P.L. 100–579—October 31, 1988;
P.L. 100–690—November 18, 1988;
P.L. 100–713—November 23, 1988;
P.L. 101–630—November 28, 1990;
P.L. 102–573—October 29, 1992; and
P.L. 104–313—October 19, 1996.

The purpose of the Act is to implement the Federal responsibility for the care and education of the Indian people by improving the services and facilities of Federal Indian health programs and encouraging the maximum participation of American Indians and Alaska Natives in such programs, and other purposes.

The IHCIA provides for health care delivery to over 2 million American Indians and Alaska Natives. Congress enacted a one-year extension to extend the life of the Act through FY 2001 but efforts at further extensions were interrupted due to 9/11/01 events. Appropriations for Indian health have continued through authorization of the Snyder Act, a permanent law authorizing expenditures of funds for a variety of Indian programs, including health. For FY 2003, Congress appropriated $2.9 billion to help provide health care services to American Indians and Alaska Natives. The IHCIA requires Reauthorization this year.

Since 1998, the Indian Health Service (IHS) started the reauthorization process under the IHS's Tribal Consultation Policy by conveying

a Roundtable to begin the discussion of the reauthorization and to give guidance to the consultation process which included all stakeholders, I/T/U (Indian Health Service/Tribes/Urban).

Coordinators from the 12 IHS areas formed workgroups of I/T/U and National Indian Health Board (NIHB) representatives. These meetings were to inform the I/T/U's about the reauthorization process, and provide opportunities to discuss and reach consensus on recommendations for the Act.

Four regional consultation meetings were held to provide further opportunities for I/T/U's to provide input, share recommendations from the 12 IHS Areas, and build consensus among participants for a unified position. The final report entitled ''Speaking with One Voice'' identified areas of consensus and differences.

The IHS Director convened a National Steering Committee (NSC) to be responsible for the final drafting of the report on the IHCIA recommendations. The NSC is composed of one elected and one alternative tribal representative from each of the 12 IHS Areas, a representative from the National Indian Health Board, National Council of Urban Indian Health, and the Self-Governance Advisory Committee. During the course of the 4 meetings, this group's responsibility evolved from compiling a final report of recommendations to the drafting of the actual IHCIA reauthorization bill language.

During the last year and a half, House Resources Committee, Office of Native American and Insular Affairs Committee staff, Cynthia A. Ahwinona, has traveled to ''American Indian and Alaska Natives country'' to observe the work of the NSC of the tribal leaders comprised to propose IHCIA reauthorization revisions to Congress. The draft bill was drafted by dozens of tribal attorneys and had technical, legal citation errors and, in some instances, was drafted very poorly and did not accomplish what was intended by the NSC.

As consensus was arrived, House Resources Committee and several members of the NSC met with House Legislative Counsel, Lisa Daly, Edward Grossman and Pierre Poisson in person and via teleconference to start the redrafting of the bill. Invited participants included both the Republican and Democratic health staff of the House Resources Committee and the Senate Committee on Indian Affairs, a representative from the National Indian Health Board, representatives of the IHS, and tribal attorneys from the NSC.

I want to personally thank Lisa Daly, Edward Grossman and Pierre Poisson of the House Legislative Counsel, Myra Munson of Sonosky, Chambers, Sachse, Endrieson and Perry, LLP. and Carol Barbero of Hobbs, Straus, Dean and Walker for all their efforts in the drafting of this bill. Thank you all, you have done a wonderful job. Attached is brief summary of each Title of the Indian Health Care Improvement Act Reauthorization of FY 03.

INDIAN HEALTH CARE IMPROVEMENT ACT REAUTHORIZATION OF FY 03

Section 1. Short Title.

Section 2. Findings. Sets forth the national goal of the U.S. in providing the quantity and quality of health services to bring the health status of Indians to the highest possible level.

Section 3. Declaration of Health Objectives. Sets forth 6 Health Status Objectives to be reached by the year 2010.

Section 4. Definitions. States the definitions of terms used throughout the Act.

TITLE I. INDIAN HEALTH MANPOWER

The purpose of this title is to increase, to the maximum extent feasible, the number of American Indians and Alaska natives entering the health professions. It also seeks to assure an adequate supply of health professionals to the Service, Indian tribes, tribal organizations, and urban Indian organizations involved in the delivery of health care to American Indians and Alaska natives. This title covers recruitment, scholarships, extern programs, continuing education, community health representatives, loan repayment, advanced training and research, nursing, tribal cultural and history, inmed, health training, incentives, residency, community health aide for Alaska, and a University of South Dakota pilot project.

TITLE II. HEALTH SERVICES

The purpose of this title is to establish programs that respond to the health needs of American Indians and Alaska natives. For example, American Indians and Alaska natives have a disproportionately high rate of diabetes (death rate for this disease is more than 300% of the rate for the U.S. population generally), so this title has a specific diabetes provision. It also includes the Indian Health Care Improvement Fund through which the Appropriation Acts supply funds to eliminate health deficiencies and disparities in resources made available to American Indians and Alaska Native tribes and communities. This title contains catastrophic health emergency fund; health promotion and disease prevention services; diabetes prevention, treatment and control; hospice feasibility; research; mental health; managed care feasibility; Arizona, North Dakota, South Dakota, Trenton and California contract health services programs; mammography; patient travel; epidemiology; school health education; Indian youth; psychology; tuberculosis; environmental and nuclear health hazards and women's health.

TITLE III. FACILITIES

The purpose of this title relates to the construction of health facilities, including hospitals, clinics, and health stations including necessary staff quarters, and of sanitation facilities for Indian communities and homes. It also would require the IHS to annually report on Indian Health Service/Tribes/Urban (ITU's) needs for inpatient, outpatient and specialized care facilities, including renovation of existing facilities. It also would require newly-constructed/renovated facilities, whenever practicable, to meet the construction standards of any nationally recognized accrediting bodies. There is also a provision to waive the Davis-Bacon when a tribe has its own wage law and performs the construction project instead of IHS.

TITLE IV. ACCESS TO HEALTH SERVICES

The purpose of this title is to address payments to the IHS and tribes for services covered by Social Security Act Health Care programs, and to enable Indian health programs to access reimbursements from third party collections. This title states that any payments received by a hospital or skilled nursing facility of the IHS for services provided to American Indians and Alaska Natives eligible for benefits under the Social Security Act Health Care programs will not be considered in determining appropriations for health care of American Indians or Alaska Natives.

Requires the Secretary to enter into agreements with tribes, tribal organizations and urban Indian organizations to assist them in enrolling qualified Indians in Medicare, Medicaid and SCHIP (State children's health insurance program), and to enable tribes to pay premiums for coverage. Authorizes the Secretary to enter into agreements with I/T/U's for receipt/processing of Medicaid/Medicare/SCHIP applications. Condition continuing approval of State Medicaid plan on taking steps to provide for Medicaid enrollment on reservations, and to obtain input from tribes in the State on matters relating to impact of changes in the State plan on Indian health programs. If tribe/tribal organizations performs outreach, the agreement may provide for 100% reimbursement of costs and assures that 100% FMAP (Federal Medical Assistance Payment) continues to apply to Medicaid and SCHIP services provided by tribes/tribal organizations who directly bill for the services they provide. Ensures that insurance companies must reimburse I/T/U's for the services they provide. Ensure that managed care plans must reimburse I/T/U's for the services they provide.

Authorize IHS and tribal programs to receive reimbursement for all Medicare Part B services and eliminates ambiguity about Medicaid coverage. Authorizes Federal/State/tribal agreements for tribal operation of Indian SCHIP programs; places a Medicare-like rate ceiling on hospital services purchased under the IHS's Contract Health Service program; directs the Secretary of HHS to study the Medicare and Medicaid payment methodology for Indian health programs and report to Congress; and directs the Secretary to establish a National Indian Technical Advisory Group to assist the Secretary in identifying and addressing issues regarding the health care programs under the Social Security Act (including medicare, medicaid and SCHIP) that have implications for Indian Health Programs or Urban Indian Organizations.

TITLE V. HEALTH SERVICES FOR URBAN INDIANS

The purpose of this title is to establish programs in urban centers to make health services more accessible to Indians who live in urban areas rather than on reservations or Alaska Native villages. The Secretary through the IHS is authorized to enter into contracts or grants to urban Indian organizations to help these agencies with establishing and administering health programs which meet the requirements of the IHCIA and will require evaluations renewals. Authorizes the establishment of an Office of Urban Indian Health which shall be responsible for carrying out the provisions of this title, providing central oversight of the programs and services authorized under this title and, providing technical assistance to Urban Indian Organizations. The bill would also extend FTCA (Federal Tort Claims Act) coverage to urban Indian organizations (Federal law already extends FTCA coverage to tribally-operated health programs).

TITLE VI. ORGANIZATIONAL IMPROVEMENTS

This title addresses the establishment of the IHS as an agency of the PHS(Public Health Service). It covers the appointment of the Director of IHS by the President and confirmed by the Senate. This title also authorizes the Secretary through the Director of IHS to establish an automated management information system as well as other duties as assigned by the Secretary for the IHS. Authorizes appropriations to carry out this title.

TITLE VII. BEHAVIORAL HEALTH PROGRAMS

This title is revised from current law (which only addresses substance abuse programs) in order to focus on behavioral health. It combines all substance abuse, mental health and social service programs in one title and integrates these programs to enhance performance and efficiency. The title addresses the responsibilities of the IHS as outlined by the Memorandum of Agreement pursuant to the section 402 of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986. The IHS will

determine the scope of the alcohol and substance abuse among Indian people; they must assess the existing and needed resources for prevention of alcohol and substance abuse and the treatment of Indians affected. Finally, IHS must estimate the funding necessary to adequately support a program of prevention of alcohol and substance abuse and treatment of Indians affected. The IHS will also provide a comprehensive alcohol and substance abuse prevention and treatment programs, a rehabilitation and aftercare services, IHS youth program, and training and community education. In this section demonstration projects are outlined as well as grants focusing of Fetal Alcohol Syndrome and Fetal Alcohol effect. It also expands the authorization to establish inpatient mental health facilities in each Area. Authorizes funding for development of innovative community-based behavioral health services. The requirement of matching funds has been eliminated here. Allows the Fetal Alcohol Disorder programs to be funded under the ISDEAA (Indian Self-Determination and Education Assistance Act). Provides for a program to treat both the victims and the perpetrator of child sexual abuse. And, has been expanded to allow Indian Tribes and Tribal Organizations to obtain funding for behavioral health research.

TITLE VII. MISCELLANEOUS

The purpose of this title is to address various topics including the President's reporting of the progress made in meeting the objectives of this Act to Congress at the time of submitting the budget. It also applies the Negotiated Rulemaking Act to the development of IHCIA regulations. Other provisions require the Secretary to develop a plan of implementation to submit to Congress; describe the eligibility of California Indians for IHS services and sets out the conditions for the issue of Indian health funding as an entitlement.

AMENDMENTS TO THE SOCIAL SECURITY ACT

Amendments to the Social Security Act appear at the end of the bill. These provisions are necessary to reflect a number of the objectives described above in the Title IV summary.

## HONORING THE 80TH BIRTHDAY OF SID YUDAIN

### HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to Sid Yudain upon his 80th birthday for his long, distinguished, and dedicated service to the world of journalism.

''At every dramatic turning point of our long national nightmare known as Watergate, Roll Call was there. Sid Yudain reported the Watergate break-in a full three days before Nixon's resignation,'' quipped Washington's favorite political satirist, Mark Russell some twenty years ago.

Russell's dig was aimed at the man credited with discovering him, Sid Yudain, founder, publisher, editor, and even occasional delivery boy of Capitol Hill's own newspaper, Roll Call. This weekend Mark and his wife Ali will host—and perhaps roasting—Sid at a party celebrating his 80th birthday.

Sid, who spent several years in Hollywood following World War II as a columnist and raconteur for movie stars, came to Washington in the early 1950's to work as press secretary for Congressman Al Morano of his home state of Connecticut. He soon noticed a general lack of information about the happenings of the Capitol Hill community. In 1955, Sid was inspired to create his own newspaper, Roll Call, when he overheard an Ohio Congressman's shocked exclamation at learning that a member of his state legislation had passed away.

As Mr. Yudain envisioned it, Roll Call was not to be a newspaper about Capitol Hill, but as its masthead boldly proclaimed, ''The newspaper of Capitol Hill.'' Judging by the names of those, including Members of Congress and staffers, who contributed early columns and stories to the newspaper, it lived up to the assertion. Vice President Richard Nixon insisted on writing a piece about a doorman who had passed away, and Senate Majority Leader Lyndon Johnson related through the pages of Roll Call his experiences and thanks following his recovery from a recent heart attack.

Throughout the 32 years that Sid owned Roll Call, the paper chronicled life on the Hill and promoted a community spirit where Members and staffers of all political persuasions could come together to celebrate their common service to the American people. Roll Call nurtured clubs and organizations, issued the ''Outstanding Staffer'' award each year, sponsored Congress' annual baseball game, and gave gifted and often famous writers of all backgrounds the opportunity to inform and entertain arguably the most influential readership on the planet.

In 1988, after owning Roll Call for over 32 years, Mr. Yudain sold his newspaper in order to devote more time to his family, friends, and saxophone.

Mr. Speaker, I heartily commend Mr. Sid Yudain for his initiative and his commitment to serving his government and his country. His distinguished career is truly impressive and inspiring. I wish Mr. Yudain all the best on his 80th birthday and many more to come. I call upon my colleagues to join me along with Sid's wife Lael, their children Rachel (and husband Amar Kuchinad) and Raymond, and family and friends in applauding Sid Yudain for all he has done.

## IN CELEBRATION OF FOSTER'S DAILY DEMOCRAT'S 130TH ANNIVERSARY

### HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. BASS. Mr. Speaker, I rise today in honor of the management, staff, and readers of Foster's Daily Democrat as they prepare to celebrate the newspaper's 130th anniversary. Since June 18, 1873, Foster's Daily Democrat has provided readers with credible, fair, and balanced coverage of local, state, and national news and world events. Foster's Daily Democrat currently serves residents of Southeastern New Hampshire and Southern Maine.

For five generations, the Foster family has operated in the public's interest by providing extensive coverage of the local community. The paper's thorough local coverage, thoughtful editorials, and the family's involvement in the community it serves have helped Foster's Daily Democrat thrive for 130 years as an independently owned and operated newspaper, which is a laudable achievement in an industry dominated by major media chains.

I commend the Publisher, Robert H. Foster; his wife and Editor, Therese Foster; their daughter and Vice President of Administration, Patrice Foster; and all members of the Foster Family and their employees for the service they have provided to their readers through 130 years of daily publication. I offer them my sincere congratulations on this momentous occasion and I look forward to their continued success.

## HONORING SERGEANT NORM ROSS

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Sergeant Norm Ross, on the occasion of his retirement from the Mariposa County Sheriff's Department. His retirement will be honored on July 12, 2003 at a community event in Coulterville.

Sergeant Ross has been a dedicated community servant since 1960. Norm was educated in Los Angeles and in 1960 joined the Army National Guard. He began to work in law enforcement in 1963 for the L.A. Police Department until 1983. After a short retirement from the police department, he returned to help others and began to work in the Mariposa County Sheriff's Department. He worked with the department to make sure the community was involved in their safety and quality of life. Norm became a Sergeant in 1986, because of his undying commitment to the people of North County. One of the many reasons he received the promotion came from his evaluations which stated, ''When it comes to intervention and prevention, Norm established a standard that is unmatched in the department.'' A leader in Mariposa County, Sergeant Ross has been an active member of the community and is very deserving of a comfortable retirement. We are truly grateful for everything he has accomplished.

Mr. Speaker, I urge my colleagues to join me in recognizing Sergeant Norm Ross for his significant and steadfast efforts for the betterment of Mariposa County.

## A TRIBUTE TO AL DAVIS

SPEECH OF

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Mr. KLECZKA. Mr. Speaker, on May 30th the House of Representatives lost one of its most brilliant and dedicated employees when Al Davis died of complications resulting from a traffic accident. We remember him today and offer our sincere condolences to his family, loved ones, and especially his long-time companion Mary Bielefeld.

As my colleagues before me have attested, the facts and figures produced by Al Davis have provided an immeasurable benefit to the

Democratic Members of the Ways and Means Committee—and often proved to be a thorn in the side of my friends across the aisle. What most of my colleagues don't know is that I was the beneficiary of Al's budgetary wisdom long before he came to Washington to work on the staff of the Ways and Means Committee or the House Budget Committee before that. In the late 1970s when I served as Chairman of the Wisconsin Legislature's Joint Committee on Finance Al was toiling away as an economist for the Wisconsin Department of Revenue.

In his work for the Ways and Means Committee Al himself was often unseen and unheard by the public, but the information he produced was routinely cited in the media. Not only did Al author remarkably insightful memos and produce easy-to-understand charts for us to use in debate on the floor and in the Ways and Means Committee, he frequently briefed reporters and opinion leaders about the effects of arcane budget and tax matters before Congress. Even though Al routinely prepared Ranking Member RANGEL and numerous other Members of Congress for television and radio interviews, I'm sure that his most proud achievement was coming up with the chart I used in my Spring 2001 newsletter to the constituents of Wisconsin's 4th District.

Al Davis was a kind and public-spirited man whose good work in this institution will not soon be forgotten. He was an expert in his field and earned the respect of his colleagues through his thoughtful analysis and wise counsel. Al simply had an answer for every conceivable question. One of his greatest attributes was his skill at explaining how tax and budget proposals would affect the working families and average Americans that we represent.

His dedication to his work was unmatched. He would often e-mail memos to staff late into the night so that Members of the Committee would prepared for debate first thing in the morning. The Ways and Means Committee and this Congress as a whole will be at a loss without his vast expertise.

I am proud to stand with my colleagues in the House today to honor and recognize the career of our friend Al Davis. His integrity, character, and expertise in all matters related to the tax code and the federal budget will be sorely missed by this body.

## TRIBUTE TO GUADALUPE SANCHEZ DE OTERO

### HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. PEARCE. Mr. Speaker, I rise today to acknowledge the work of Guadalupe Sanchez de Otero, the director of the Andrew Sanchez Memorial Youth Center. Ms. Otero was recently selected as a 2003 Robert Wood Johnson Community Health Leader. She was one of ten people nationally to be selected for this prestigious award, which includes a grant of over $100,000 to enhance her work.

Ms. Otero is the founder and director, without pay, of the Andrew Sanchez Memorial Youth Center in Columbus, New Mexico. The center provides a safe play space for local children, many of whose parents are farm laborers who work long hours and cannot afford childcare. The center's programs also include health fairs, community meetings, sewing classes, and craft activities. Ms. Otero expanded the center's services when she saw growing numbers of senior residents suffering from isolation and poor nutrition. To combat this problem, she and her mother cashed in hundreds of aluminum cans to be able to serve seniors hot meals at the center. They also organized young people to deliver food to homebound seniors.

Ms. Otero founded the center in 1996 in an old fire station after launching the Health Promotores program in 1995. Through her work with the Health Promotores program, Ms. Otero quickly saw the many needs of the rural area on the U.S.-Mexican border, an area where more than half of the families live below the poverty line.

In addition to founding the Andrew Sanchez Memorial Youth Center, Ms. Otero helped launch a mobile health clinic, created a bilingual support group for diabetics, provided farm worker health and pesticide safety education, and assisted with the effort to turn around an abandoned tavern into the Columbus Public Library.

Mr. Speaker, I am honored to congratulate Ms. Guadalupe Sanchez de Otero on this well-earned distinction, and express my gratitude for her determination and leadership. I commend Ms. Otero and her staff for the hard work they continue to perform, and I am proud to recognize her today before my colleagues a model of commitment to human service.

Ms. Otero's nominator for the award put it best by saying, ''Lupe doesn't just talk about what's needed, but rather recognizes it and takes action in her own special way.''

## RECOGNIZING CLEVELAND, TENNESSEE AS ''FLAG CITY''

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. WAMP. Mr. Speaker, I rise today to honor the city of Cleveland, Tennessee, which I have the awesome privilege to represent and join them in celebrating the upcoming Flag Day ceremonies on June 14th.

Beginning in the late 1800s, communities across the nation began envisioning a special day for celebrating our flag and the freedoms we enjoy as Americans. In 1949, President Harry Truman signed a Congressional Resolution designating June 14th of each year as Flag Day.

The ''Stars and Stripes'' is a symbol to the world of the eternal principles that our nation was founded upon. Our flag is also a powerful reminder that our freedoms and liberties exist only because of the incredible sacrifices made by countless Americans in defense of our country. It is for that reason we must honor and pay tribute to our flag.

I invite my colleagues to join me in commending the work of a very special group of individuals from Cleveland, Tennessee who came together as a community to find a truly patriotic way to celebrate Flag Day. Members of the Cleveland Kiwanis Club raised over $22,000 from community businesses and volunteers and organized efforts to fly over 500 American flags on the streets of Cleveland.

It is a humbling sight and a perfect tribute to America and to the veterans who defended her. When a noble idea is coupled with a dedicated group of people—great things can happen.

I would like to personally thank Mayor Tom Rowland, State Senator Jeff Miller, State Representatives Dewayne Bunch and Chris Newton, the Cleveland Kiwanis Club, and the citizens of Cleveland and Bradley County, Tennessee for their efforts in this endeavor. It is an honor to represent and serve a ''flag city.''

## HONORING THE 50TH WEDDING ANNIVERSARY OF JOSEPH AND CLARA LEE

### HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. GORDON. Mr. Speaker, I rise today to congratulate Joseph and Clara Lee for 50 years of marriage, a remarkable milestone and testament to their love for each other. The Nashville, Tennessee, couple will celebrate their 50th wedding anniversary on July 12.

Joseph and Clara's marriage has been blessed. They have five children, six grandchildren, one great-grandchild, five step-grandchildren and six step-great-grandchildren, as well as countless friends. The Lees place a strong emphasis on family and friends, which is evident in their everyday deeds. And they made sure each of their children had the opportunity to get a college education, with all five receiving college degrees. And they have striven to help friends in any way they could.

Joseph was a longtime educator and counseled many children during his work with several youth programs over the years. Clara helped countless people during her work as a nurse. Both are very active in their church and community and have garnered a wealth of respect along the way.

I cordially congratulate Joseph and Clara for their commitment to one another, their family and their community. All of us should follow the example of Joseph and Clara, whose entire existence exudes compassion, loyalty and service to others. I wish them the very best on their 50th wedding anniversary and hope more of us can follow in their footsteps.

## TRIBUTE TO COACH LELAND YOUNG

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to pay tribute to the life and accomplishments of Mr. Leland Young of Rosedale, Mississippi. He dedicated his life to serving Mississippi's local youth athletes for 61 years.

Mr. Young was born July 28, 1941, in Ripley, Mississippi to Leland and Willie Young. He married Mary Katherine Jacob of Clarksdale on June 6, 1964. Together they had one daughter.

During his coaching career he built an impressive record of 221–63–2. He led Rosedale High School to four North Mississippi State

Championships and three State Championships in football. His team also won the Delta Valley Conference Football Championship. At the time of his retirement, Rosedale High School held the state record for the most consecutive wins.

Mr. Young also led the track team to a State Track Championship in 1983. He won the ''DVC Track Coach of the Year'' award in 1983 and the ''State Track Coach of the Year'' award the same year.

Mr. Young was inducted into the Delta State University Alumni Coaches Hall of Fame in 1999 and the Mississippi High School Coaches Hall of Fame in 2001. The Phi Beta Sigma Fraternity awarded him in 2001 with a plaque for distinguished service rendered in the field of sports. He was the 2002 Bolivar Commercial Coach of the Year and was in The Bolivar Commercial Quarter Century Club in 2000. He was also Co-Coach of Year for the Delta Democrat Times in 2002.

He was an avid golfer and outdoorsman. He was a member of the Delta State University Athletic Alumni Association, Mississippi Association of Coaches, Donaldson Point Hunting Club, Rosedale Country Club and Rosedale Methodist Church. Mr. Leland Young will be dearly missed by his community.

## INTRODUCING THE CHILD PROTECTION SERVICES WORKFORCE IMPROVEMENT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. STARK. Mr. Speaker, I rise today to introduce the Child Protection Services Workforce Improvement Act. This bill is aimed at helping states improve their child protection services through grants and assistance that allow them to expand and enhance their child welfare workforce.

Many State child protection agencies are the last line of defense in caring for abused and neglected children. Today, these agencies are suffering from staffing problems that have been compounded by budget cuts and inadequate funding. The result in many cases is a failure to meet the needs of the most vulnerable children in our society.

I am sure that many of my colleagues have seen in their local newspapers or heard of a case where a child was severely abused or killed because a child protection agency ignored dangers posed to a child by their foster family or adoptive parents. Just look at the case of Indiana. A total of 70 kids died there from abuse and neglect in July 2001 to July 2002—this was a new State record. The U.S. Department of Health and Human Service Children Family and Service Review found that the cause of this was in part due to the state child protection agencies failure to sufficiently reduce incidences of repeated mistreatment. It also warned that state budget cuts will further impact Indiana's limited ability to track such incidences.

In Colorado, State budget cuts have reduced the size of foster care review teams to the point that the State won't be able to meet federal requirements that foster children be checked on at least twice a year. In Arizona, budget cuts there have led to 32 percent of children in State custody being stuck in temporary placements for over 2 years. In South Carolina, some 500 positions in the State's social service agency—many involving child welfare—have been zeroed out. The same is true for many other States. There is no question that States need federal help to improve their ability to help and care for children in need.

These nationwide problems are why I am introducing the Child Protection Services Workforce Improvement Act. It provides States with $500 million in matching grants over 5 years to improve these services where it is needed most: Increasing the number of qualified child welfare workers. States can use these matching grants for their private and public child welfare agencies to: Reduce the turnover and vacancy rate of child welfare agencies, increase education and training of child welfare workers, attract and retain qualified candidates and coordinate services with other agencies, improve child welfare workers' wages, and increase the number of child welfare workers,

To retain qualified child welfare workers, my bill also allows student loan forgiveness for those who have been with an agency for at least two years. In order to improve the availability of quality services, this legislation provides a 75 percent federal match to pay for training of private child welfare workers, which is the same match rate provided to public child welfare agencies. My bill also allocates funding for child welfare agencies to provide short-term mental health training to caseworkers.

A recent General Accounting Office (GAO) report found that child welfare workers are leaving the child welfare profession because of low wages, risk of on the job violence, staff shortages, high caseloads, administrative burdens, lack of support from supervisors, and lack of proper training for child welfare workers and their supervisors.

The high turnover rate and high caseloads of child welfare workers limits the ability and efficiency of agencies to investigate and solve problems of child abuse and neglect. For instance, the study found that the above staff problems: Provides insufficient time for remaining staff to establish critical trusting relationships with the families and children which are important to make the necessary decisions to ensure safe and stable permanent placements; delays the timeliness of child abuse and neglect investigation; limits the frequency of worker visits with children who are the victims or alleged victims of child abuse or neglect; and hampers agencies' attainment of some key federal goals of ensuring the safety of children and placing them in permanent homes either through adoption, kinship care or reuniting them with their families.

The Child Welfare League of America, the Alliance for Children and Families, the National Association of Social Workers, the Lutheran Services in America and the Catholic Charities of America have endorsed this bill. These organizations understand the needed support this legislation will provide State efforts to help abused and neglected children.

Please join with us in supporting the Child Protection Services Workforce Improvement Act and provide much needed financial resources to our child welfare workforce to protect the most vulnerable children in our society. Congress has a responsibility to respond to this urgent need.

## RECOGNIZING SCIENTIFIC SIGNIFICANCE OF SEQUENCING OF HUMAN GENOME AND EXPRESSING SUPPORT FOR GOALS AND IDEALS OF HUMAN GENOME MONTH AND DNA DAY

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 10, 2003*

Ms. JACKSON-LEE of Texas, Mr. Speaker, let me join in with the gentleman from Florida and the gentleman from Ohio for their wisdom in bringing this legislation to the floor, and certainly to the gentlewoman from New York, who I enthusiastically join, along with the gentleman from Louisiana and the gentleman from Michigan on this important legislative initiative.

H. Con. Res. 110 is a resolution that helps to educate our colleagues but also it speaks truth to the American people, and gives due recognition to a great accomplishment for humankind. As a member of the House Committee on Science, we spent many, many hours on the question of the human genome and the Human Genome Project in particular. Sequencing of the human genome as one of the most significant scientific accomplishments of the past 100 years and expressing support of the goals and ideals of the Human Genome Month and DNA Day really is a statement about life.

It is a statement about the ability of the new science to be able, Mr. Speaker, to understand life, to help us understand where we came from, and how we fit into the world. It will also create improved health where that was not a possibility 10, 15, or 50 years ago.

It is crucial as the human genome project achieves its goal, and the essential completion of the reference sequence of the human genome carrying, that we begin to put our new knowledge to work. This has been a great investment, and the payoffs should benefit all of the American people. However, we must move thoughtfully and cautiously. One of the challenges that we have in this Congress is the whole question of human cloning. It is important not to equate these projects—research on the human genome DNA with the idea of the creation of a human being. We can have one without the other. We should not be so afraid of creating monsters, that we do not attempt to create cures.

It is important now as we have begun or understand the sequence that we allow this project to grow and to be utilized to help us determine the cures for diseases such as Parkinson's, Alzheimer's disease, diabetes, stroke, and yes, HIV/AIDS. The more we understand about the human being and its makeup, the more we can create a better way of life.

We well know of our renowned fictional character Superman. Christopher Reeves, who was the embodiment of the man of steel, has become a different kind of superman today. He may be in a wheelchair, but he is still making great bounds, trying time after time with a number of efforts to find the cure for those who suffer spinal injuries, some of the most devastating injuries that we will face. As we look to the wounded who will be coming home from the war in Iraq and Afghanistan, they will be coming home with major injuries, some continuing to be life-threatening.

The greater knowledge of our ability to be able to respond to those kinds of devastating injuries, physical injuries through weapons, the better off we will be. The more we can find a way to determine and fight against the war against bioterrorism, the better off we will be. Advances in these and many other fields will hinge on our ability to understand and manipulate the human genome and its products. That is why the Human Genome Project was such a great accomplishment, and why we should continue to draw attention to this critical research through Human Genome Month and DNA Day.

This is an excellent resolution, Mr. Speaker, because it educates my colleagues and educates the public.

## PERSONAL EXPLANATION

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during the following rollcall votes. Had I been present I would have voted: No. 244—''no''; No. 245—''no''; No. 246—''yes''; No. 247—''yes''; No. 248—''yes.''

## TRIBUTE TO THOMAS N. JACOBSON

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. BACA. Mr. Speaker, I rise to pay tribute to Thomas N. Jacobson, who recently won the Rabbi Norman F. Feldheym Award for service to our community. Mr. Jacobson is an individual of great distinction, and we join with family and friends in honoring his remarkable achievements and expressing pride in this recognition that has been afforded to him.

Thomas is a remarkable individual who has devoted his life to helping people throughout his community. His kindness and passionate spirit render him a vital resource to his congregation and beloved community member.

For the past 25 years, Thomas has dedicated himself to the Congregation Emanu El, serving as Commission Chair, Legal Counsel, member of the Board of Managers of the Home of Eternity Cemetery, Secretary, Treasurer, Vice President, and President. In these capacities, he has been an integral contributor to the management and administration of Congregational affairs, as well as a participant in raising crucial funds for the Congregation.

In addition to these contributions, Thomas has been a partner in the firm of Gresham, Savage, Nolan & Tilden, receiving the highest possible evaluation of his profession for integrity and performance, and has taken a proactive approach to leadership in the community.

Through his participation in countless activities and committees, Thomas has exhibited kindness, love, humility, and a deep resolve to ameliorate all aspects of community life, so it is only appropriate that he receive Rabbi Norman F. Feldheym Award.

I join today with his wife, Lorie, and his daughters, Jolene and Gretchen, in their joy at this wonderful honor he has received. He is a symbol of all that is good in his profession and an inspiration to his community.

And so, Mr. Speaker, we salute Thomas N. Jacobson. We express admiration he has received this wonderful and well-deserved honor and hope that others may recognize his good works in the community.

## REMEMBERING MR. ALDO PINESCHI, SR. OF ROSEVILLE, CALIFORNIA

### HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. DOOLITTLE. Mr. Speaker, today I wish to remember and honor an outstanding citizen, Mr. Aldo Pineschi, Sr., from the City of Roseville, California. Following a lifetime of dedication to family and community, Aldo Pineschi passed away on May 30, 2003. He was 79 years old.

After his parents emigrated from Northern Italy and settled in Chicago, Aldo was born in the Windy City in 1924. Three years later, the Pineschi family relocated to Roseville, which would remain Aldo's home for the rest of his life. Shortly after graduating from Roseville High School in 1942, he served in the United States Army during World War II in England and France. He returned home in 1945 and wed Claire Bertolucci a year later.

Aldo began his professional life by going to work for the Pacific Fruit Express (PFE) railroad just as his father did. During the nearly 20 years he was with PFE, he also helped raise his four children and attended college. He first attended Placer College (now Sierra College) and eventually completed his degree at California State University, Sacramento. He then went to work for Aerojet for several years.

In 1965, Aldo became the Personnel/Purchasing Manager for the City of Roseville. Then, from 1970 until his retirement in 1980, he served as Roseville's Assistant City Manager. In this capacity, he helped set the stage for Roseville's transformation from a once-sleepy railroad town to what is now a vibrant, well-planned community with award-winning parks, law enforcement, and city management. The City is also home to nationally-recognized, high-performing public schools. Its railroad past blends with its newer high-tech industry and thriving commercial centers. Its residential areas include dynamic new developments as well as historic neighborhoods. In short, Mr. Speaker, Roseville is a model community with a high quality of life and a bright horizon, and Aldo's vision and hard work are a large part of the reason why.

In addition to his professional accomplishments, Aldo left a legacy of volunteer service. Many remember his years-long participation with the George Buljian Cooking Crew, a group of community leaders headed by a former mayor, who helped raise over one million dollars for local charities by serving up steak dinners.

Aldo also played an active role in shaping local politics, helping to elect numerous candidates to local offices. In the late 1950s he himself served on the Roseville Joint Union School District Board of Trustees. He also made a run for the California State Senate, and in 1962, fell just 78 votes shy of becoming Placer County Clerk. His involvement in and discussion of politics was one of his loves.

However, his truest love remained his wife of 57 years, Claire. She survives him, along with their four children and seven grandchildren. These include daughter Leah and son-in-law Mario; son Alan and daughter-in-law Susan; son Aldo, Jr. and his wife Lesli; son Neil; and grandchildren Howard and Gina Gibson; Matt, Michael, and Alina Pineschi; and Evangeline and Anthony Pineschi.

Today, I join with Aldo Pineschi, Sr.'s family, friends, and community to commemorate his life of committed service, good citizenship, and uncommon decency. May he rest in peace.

## IN RECOGNITION OF VIC SOOD ON HIS SERVICE TO THE LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY

### HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mrs. TAUSCHER. Mr. Speaker, I rise to pay tribute to Vic Sood, General Manager of the Livermore Amador Valley Transit Authority (LAVTA), as he prepares to retire after 32 years of service in public transportation. For his unyielding commitment and dedication to running what has become one of the most effectively operated transit agencies in the entire Bay Area region, I would like to thank my good friend Vic Sood. The skillful craftsmanship of his work will endure far into the future.

Before moving to California, Vic Sood made many contributions to the public in the state of Washington. He was responsible for getting transit legislation passed into law in 1974 and 1975, which allowed for the formation and financing of new public transit systems, known as Public Transit Benefit Areas.

In September 1976, Vic Sood was appointed to serve as the first Executive Director of Community Transit after voters in Snohomish County, Washington, approved a sales tax increase to finance the Snohomish County Public Transit Benefit Area Corporation in June of that year. As a result of the legislation which he had labored to get passed, many new transit agencies were likewise created throughout the state of Washington.

While Executive Director of Snohomish County Community Transit, Vic Sood also served as President of the Washington State Transit Association in 1982 and 1983 and served as a regional representative to the American Public Transit Association's (APTA) Board of Directors in 1983 and 1984.

Subsequent to the formation of LAVTA in May 1986, as a Joint Powers Agency of the cities of Dublin, Pleasanton, Livermore and Alameda County for the provision of public transit in the area, Vic Sood was hired as the General Manager and started work in January 1986.

LAVTA began operating with only nine leased buses in 1986. Under Sood's management and with a quickly growing Livermore Valley, the system expanded to meet the area's needs and by 1990 the agency had

placed an order for 34 new buses. By 1996, LAVTA was serving one million passengers each year. In 2001, it was two million. LAVTA has grown to a fleet of 75 buses and 16 paratransit vehicles during Vic Sood's tenure.

Currently, Vic Sood serves as a member of APTA's Legislative Committee, Transportation Equity Act for the 21st Century (TEA–21) Task Force and the Small Operators Steering Committee. He is also a member of the Legislative Committee of the California Transit Association and a Board Member of RIDES for Bay Area Commuters, Inc., the San Francisco Bay Area Partnership Board and California Transit Insurance Pool.

It has been my great pleasure to have worked with Vic Sood over the past seven years on transit issues both local and regional in perspective. He has been a supportive colleague and a good friend. I wish him and his wife, Manu, good fortune in their future endeavors together.

Vic Sood has made a substantial and positive impact upon those communities for which he has worked during his remarkable career. He has been an invaluable servant to the public. His tireless efforts will not soon be forgotten by those who worked with him or for him. It is with honor that I commend Vic Sood for his service to the community and to the Livermore Amador Valley Transit Authority for over 17 years.

## COMMENDING BARRY B. ANDERSON, DEPUTY DIRECTOR, CONGRESSIONAL BUDGET OFFICE

### HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. NUSSLE. Mr. Speaker, I rise today to pay tribute to the longtime and exemplary public service of Barry B. Anderson, Deputy Director of the Congressional Budget Office, CBO. Barry is leaving CBO to pursue new challenges as a fiscal advisor to the International Monetary Fund.

Barry has been involved in Federal budgeting and program evaluation for more than 30 years. He began his career in 1972 with the General Accounting Office. In 1980, he moved to the Office of Management and Budget, OMB, where he was a budget examiner for various programs. In 1988, he was promoted to the senior career civil servant position in OMB, which he held for 10 years. He was responsible for directing the analysis and the production of the President's budget under the administrations of Presidents Reagan, Bush, and Clinton.

In 1999, Barry joined CBO as the Deputy Director under Dan L. Crippen. In that capacity, he directed the operations of the agency, helping CBO to build a stronger staff, obtain better access to data, and improve administrative processes. He testified on budget trends and conceptual budget issues, and represented the United States at the Organization of Economic Cooperation and Development. In January of this year, Barry served briefly as the Acting Director of CBO.

During his tenure as CBO's Deputy and Acting Director, Barry's expertise, experience, and broad knowledge of the Federal budget proved invaluable to the Budget Committee and to the Congress. Barry has built a reputation as a staunch guardian of budgetary integrity and honesty. He has helped to oversee CBO during a tumultuous period of Federal budgeting, and his advice and counsel will be greatly missed. So, on the occasion of Barry Anderson's departure from CBO, I want to commend his many accomplishments and wish him well in the new challenges that await him in the next phase of his distinguished career.

## PAPERWORK AND REGULATORY IMPROVEMENTS ACT OF 2003

### HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. OSE. Mr. Speaker, today, I rise to introduce a bill entitled the ''Paperwork and Regulatory Improvements Act of 2003.'' I am pleased to have six other original co-sponsors of this bi-partisan legislation, including: JOHN TANNER; TOM DAVIS, Chairman of Government Reform Committee; DENNIS MOORE; BILL JANKLOW, who is the Vice Chairman of my Subcommittee; JIM MATHESON; and, PAUL RYAN. The bill includes legislative changes to: (a) increase the probability of results in paperwork reduction, (b) assist Congress in its review of agency regulatory proposals, and (c) improve regulatory accounting.

Background: In Fall 2001, the Small Business Administration released a report which estimated that in 2000, Americans spent $843 billion to comply with Federal regulations. This report concluded, ''Had every household received a bill for an equal share, each would have owed $8,164.'' The Office of Management and Budget (OMB) estimates the Federal paperwork burden on the public at over 8 billion hours. The Internal Revenue Service (IRS) accounts for 81 percent of the total. In its March 2002 draft regulatory accounting report, OMB estimated that the price tag for all paperwork imposed on the public is $230 billion a year.

Because of Congressional concern about the increasing costs and incompletely estimated benefits of Federal rules and paperwork, in 1996 Congress required OMB to submit its first regulatory accounting report. In 1998, Congress changed the annual report's due date to coincide with the President's budget. Congress established this simultaneous deadline so that Congress and the public would have an opportunity to simultaneously review both the on-budget and off-budget costs associated with each Federal agency imposing regulatory or paperwork burdens on the public. In 2000, Congress required OMB to permanently submit an annual regulatory accounting report. This provision requires OMB to estimate the total annual costs and benefits for all Federal rules and paperwork in the aggregate, by agency, by agency program, and by major rule, and to include an associated report on the impacts of Federal rules and paperwork on certain groups, such as small business.

From September 1997 to February 2003, OMB issued five final and one draft regulatory accounting reports. All six failed to meet some or all of the statutorily-required content requirements. Part of the reason for this failure is that OMB has not requested agency estimates for each agency bureau and program, as it does annually for its Information Collection Budget (paperwork budget) and for the President's budget (fiscal budget).

In 1980, Congress passed the Paperwork Reduction Act (PRA) and established an Office of Information and Regulatory Affairs (OIRA) in OMB. By law, OIRA's principal responsibility is paperwork reduction. It is responsible for guarding the public's interest in minimizing costly, time-consuming, and intrusive paperwork burden. In 1995, Congress passed amendments to the PRA and set government-wide paperwork reduction goals of 10 or 5 percent per year from Fiscal Year (FY) 1996 to 2001. After annual increases in paperwork, instead of decreases, in 1998 Congress required OMB to identify specific expected reductions in FYs 1999 and 2000. OMB's resulting report was unacceptable. In response, in 2000, Congress required OMB to evaluate major regulatory paperwork and identify specific expected reductions in regulatory paperwork in FYs 2001 and 2002. Again, OMB's resulting report was unacceptable. The bottom line is that, despite explicit statutory directives to reduce paperwork burden on the public, there have been seven years of increases in paperwork burden.

Since I became Chairman of the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs in 2001, my Subcommittee has held multiple hearings that form the basis for the provisions in the bill. These include a March 11, 2003 hearing entitled ''How To Improve Regulatory Accounting: Costs, Benefits, and Impacts of Federal Regulations,'' and an April 11, 2003 hearing entitled ''Mid-Term Report Card: Is the Bush Administration Doing Enough on Paperwork Reduction?'' The witnesses at these hearings made several thoughtful recommendations, which are reflected in the bill.

Bill: My bi-partisan bill makes improvements in processes governing both paperwork and regulations. With respect to paperwork, the bill requires OMB to have at least two full-time staff working solely on tax paperwork reduction. Currently, there is only one OMB employee working part-time on tax paperwork even though IRS accounts for over 80 percent of all government-imposed paperwork. In July 2002, the Appropriations Committee included a directive to OMB in House Report 107–575, which accompanied its 2003 Treasury-Postal Appropriations bill, to focus more of OMB staff attention on reducing IRS paperwork. In addition, I have repeatedly asked OMB to increase its staff effort devoted to tax paperwork to no avail.

Also, the bill removes unjustified exemptions from various paperwork review and regulatory due process requirements in the Farm Security and Rural Investment Act of 2002. This law exempted certain Department of Agriculture regulations both from the Administrative Procedure Act's due process protections for affected parties and the PRA's required review and approval by OMB. Under the PRA, OMB is charged with assuring practical utility to all information collections imposed on the public. Also, the PRA includes a public protection clause, which assures that the public cannot be penalized for not providing information in unauthorized paperwork. The Department of Agriculture has one of the worst track records in terms of compliance with the PRA. The legislative history for this 2002 law includes no

justification for this significant change in regulatory and paperwork promulgation procedures.

With respect to regulations, the bill makes permanent the authorization for the General Accounting Office (GAO) to respond to Congressional requests for an independent evaluation of selective agency regulatory proposals. To date, GAO has not hired staff for this function since the law only authorized a 3-year pilot project. To assume oversight responsibility for Federal regulations, Congress needs to be armed with an independent evaluation. What is needed is an analysis of legislative history, e.g., to see if there is a non-delegation problem or backdoor legislating. Instructed by GAO's independent evaluations, Congress will be better equipped to review final agency rules under the Congressional Review Act. More importantly, Congress will be better equipped to submit timely and knowledgeable comments on proposed rules during the public comment period.

In addition, the bill requires certain changes to improve regulatory accounting. These include: (a) requiring Federal agencies to annually submit estimates of the costs and benefits associated with the Federal rules and paperwork for each of their agency programs; (b) requiring OMB's regulatory accounting statement to cover the same 7–year time series as the President's budget; (c) requiring integration into the President's budget; and (d) establishing pilot projects for regulatory budgeting. Currently, the economic impacts of Federal regulation receive much less scrutiny than programs in the fiscal budget. Requiring OMB presentation using the same time series as the fiscal budget and being fully integrated into the fiscal budget documents, Congress will be better able to simultaneously review both the on-budget and off-budget costs associated with each Federal agency imposing regulatory or paperwork burdens on the public. Lastly, the bill includes a pilot test to determine the feasibility of regulatory budgeting. This vehicle would help ensure that agencies address the worst societal problems first.

I believe that the public expects and deserves paperwork reduction results. In addition, I believe that the public has the right to know if it is getting its money's worth from Federal regulation.

## CLEMENT ZABLOCKI, THE ORIGINAL DEMOCRAT FROM THE REAGAN ERA

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. KLECZKA. Mr. Speaker, I wish to enter into the CONGRESSIONAL RECORD an article that appeared in the April 29, 2003 issue of The Hill. This piece, written by John Komacki details the career and legacy of my predecessor in Congress, U.S. Rep. Clem Zablocki.

CLEMENT ZABLOCKI: THE ORIGINAL DEMOCRAT FROM THE REAGAN ERA

He is now all but forgotten unless you stop at the branch public library on the corner of 35th and Oklahoma Avenue, just across the street from Villa Roma Pizza and Oak Park Lanes on Milwaukee's South Side. Or you might know of him if you visit the Ambulatory Care Wing at the Polish-American Hospital in Krakow, Poland.

Yet he left an important mark in U.S. foreign affairs that all presidents follow, in spirit if not approval. He was also a model for his party who predated the Sen. Henry ''Scoop'' Jackson (D-Wash.) pro-defense Democrats of the '70s and is again becoming fashionable in an age of terrorism and preemption.

The first thing most people noticed about Rep. Clement J. Zablocki (D-Wis.) was how unnoticeable he was. With a dark, Thomas Dewey-like mustache, the short, squat, reticent man looked more like a church organist or a high school teacher than a congressman.

He was, of course, both before being elected to the Wisconsin Senate in 1942. In 1948, he was elected to the U.S. House of Representatives, and he was re-elected by large majorities until his death in 1983.

Zablocki became one of Wisconsin's most popular and endearing politicians. His Milwaukee district was the core of city's Catholic. Polish-American community, and he reflected the working-class patriotism and morality of the second- and third-generation Eastern European-immigrant community.

As such, he valued hard work and was staunchly anti-Communist and religiously conservative. Yet his standing with liberal groups especially on economic matters and on important issues in foreign policy was generally higher than with conservative groups.

It is, however, in foreign policy that Zablocki's legacy remains.

Since his first term in Congress, Zablocki was a member of what was then called the Foreign Affairs Committee, not considered a prize committee assignment then—or now, for that matter. It remained his only major committee throughout his long tenure in the House.

He became an expert on a broad range of international issues and, over time, was able to blend his pro-Western, Cold War perspectives with an understanding of the more liberal views of Democrats who joined the committee in the '60s. Even so, he was an advocate of American intervention in Vietnam as chairman of the Subcommittee on Asian and Pacific Affairs between 1959 and 1969.

As escalation continued in Vietnam without appreciable results. Zablocki began to judiciously question the strategy and the information he and fellow committee members were receiving from the White House and the Defense Department. In the early '70s, he led the House effort to reassert congressional authority in foreign policy decision-making.

By then, Zablocki was chairman of the Subcommittee on National Security Policy and Scientific Developments. He became floor manager of a 1971 resolution directing the president to consult with Congress before committing troops ''whenever feasible.'' A year, later he sponsored another resolution without the qualifier. The House passed both but the Senate took no action.

In 1973, with President Nixon weakened from revelations of the Watergate scandal, the House and Senate passed the War Powers Resolution, restricting the executive warmaking power over Nixon's veto.

Though preferring close scrutiny of most presidential actions, Zablocki still favored executive flexibility, especially in intelligence and security matters. He supported President Jimmy Carter's position on limiting congressional oversight of the CIA yet disagreed with Carter's emphasis on human rights as a determining factor in providing foreign aid.

Zablocki became chairman of the full committee as Ronald Reagan became president in 1981. While Reagan stressed defense priorities in foreign assistance programs, Zablocki emphasized direct economic aid to the poorest regions. Eventually he provided a compromise on key issues that bolstered strategic concerns while building stronger economies abroad. Zablocki was also able to pass a rare two-year aid authorization package in 1981.

Though supportive of Reagan's Caribbean Basin Initiative, Zablocki differed with Reagan on nuclear-proliferation policy. Later, when it became apparent that the administration was supporting Nicaraguan insurgents, which the House majority felt was ill-conceived, he co-wrote the amendment that cut off assistance to the Contras. Though better known today as the Boland Amendment, it was officially the Boland-Zablocki Amendment. The administration's surreptitious reaction to that led to the Iran-Contra scandal that roiled the Gipper.

The unimposing, diminutive man from a working-class district tempered executive authority while increasing the prestige of both his committee and the House. He also provided a timeless lesson in how the opposition party may boldly assert itself in matters of foreign policy without sacrificing principle in matters of national security or compassion. The Reagan Democrats were named for voters such as his constituents, but they never left Clem Zablocki.

## RECOGNIZING SERGEANT ATANASIO HARO MARIN

### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Ms. SOLIS. Mr. Speaker, I rise today to honor and remember Sergeant Atanasio Haro Marin who lost his life in service to our nation during Operation Iraqi Freedom. Sergeant Haro Marin was a member of Battery C, 3rd Battalion, 16th Field Artillery, 4th Infantry Division (Mechanized) of Fort Hood, Texas, and was from Baldwin Park, CA.

Sergeant Haro Marin exemplified the very best of our great nation. He represents the spirit of the brave soldier, exhibiting courage, selfless service, and honor beyond measure. His heroic actions have contributed to the safety, freedom, and security of our nation, Iraq, and the world.

I would like to extend my sincerest sympathy and condolences to the family and friends of Sergeant Haro Marin, and would ask that all Americans join me in remembering our soldiers and their loved ones during these challenging times.

Though Sergeant Haro Marin has passed, his spirit remains in the freedom that each and every American enjoys. Through his valiancy, bravery, and fearless commitment to the Armed Services of our nation, many lives have been touched. Our nation is privileged to have service men and women like Sergeant Haro Marin willing to risk their lives for the greater good of our country. I urge my colleagues to join me in remembering the life of Sergeant Atanasio Haro Marin.

## HONORING THE LIFE AND ACCOMPLISHMENTS OF WILLIAM STILL, ''FATHER OF THE UNDERGROUND RAILROAD''

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. ANDREWS. Mr. Speaker, I rise today to pay tribute to the memory of Mr. William Still and to celebrate the upcoming National Underground Railroad Family Reunion Festival. Mr. Still, known as the ''Father of the Underground Railroad,'' was one of the primary architects of the legendary passage that assisted slaves in achieving their long sought freedom in the North.

From early childhood, William Still worked on his father's farm in Burlington County, New Jersey. When he was 23, he left the family farm for Philadelphia, arriving poor and friendless. But, as a testament to his determined nature and a foreshadowing of his future success, Mr. Still taught himself to read so by 1847, he was able to hold a secretarial position in the Pennsylvania Society for the Abolition of Slavery. While in this position, Mr. Still became directly involved in assisting African-Americans with their escape from the institution of slavery, and was able to provide boarding for many of the fugitives who rested in Philadelphia before continuing their journey to Canada.

William Still became well known for his hard work and dedication, and in 1951 when Philadelphia abolitionists organized the Vigilance Committee to assist fugitives traveling through the city, Mr. Still was elected chairman. During this time, Mr. Still used his house as one of the busiest stations on the Underground Railroad, being awoken endlessly and tirelessly throughout the night to provide fugitives with clothing and food. By some estimates, Mr. Still helped a total of 649 slaves obtain freedom. In addition, Mr. Still interviewed the fleeing slaves, including the famous conductor, Harriet Tubman, and kept careful records so that families and friends would be able to locate their relatives in the future. The result was his 1872 publication, The Underground Railroad; a seminal work documenting the perilous journeys slaves took for freedom.

In addition to his work on the Underground Railroad, Mr. Still, an active member of the Presbyterian Church, established a Mission School in North Philadelphia and organized one of the early YMCAs for black youth. Through these efforts, Mr. Still helped African-American youth embrace their newfound freedom, and it was with his strong leadership that the African-American community successfully made the difficult transition from the cruelty of slavery to the joys of emancipation.

In honor of his esteemed and gracious work, the William Still Underground Railroad Foundation, Inc., as requested by the Harriet Tubman Historical Society, is sponsoring the first annual National Underground Railroad Family Reunion Festival to take place in Camden, NJ and Philadelphia, PA from June 27–29, 2003. The three-day celebration will reunite descendants of conductors, abolitionists, stationmasters, fugitives, and all those whose ancestors were associated with the Underground Railroad in a public arena.

Mr. Speaker, I ask that my colleagues join me in honoring Mr. William Still, a man who dedicated his life to ensure the freedom and survival of others. In addition, I offer my sincere admiration and appreciation to the William Still Underground Railroad Foundation for planning and sponsoring the first annual National Underground Railroad Family Reunion Festival.

## COMMENDING ELROY CHRISTOPHER AND CLAYTON GUYTON FOR ACHIEVING A 2003 ROBERT WOOD JOHNSON COMMUNITY HEALTH LEADERSHIP PROGRAM (CHLP) AWARD

### HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. CUMMINGS. Mr. Speaker, I rise today to congratulate, Elroy Christopher and Clayton Guyton, who stood up to drug dealers and opened a community center in their Baltimore neighborhood to save it from the ravages of crime and addiction. Mr. Christopher and Mr. Guyton are among an elite group of individuals from across the country selected this year to receive a Robert Wood Johnson Community Health Leadership Program (CHLP) award of $120,000.

Elroy and Clayton met while doing volunteer grassroots work to change the environment of crime and drug abuse in Baltimore. In 1999, they combined forces to open the Rose Street Community Center in an abandoned row house and ''take back'' the predominantly African-American neighborhood from drug dealers who sold their wares openly on the street corner. Their goal was to create a ''civil life'' on the street where children could play safely and all residents could live without fear.

Despite regular threats, Elroy and Clayton continue to work with residents to help them get addiction treatment and job training. They run a tutoring program for youths in cooperation with nearby Johns Hopkins Hospital, they help organize computer workshops and Bible study classes, and sponsor community events such as cookouts and tree plantings.

They also created a program for court-ordered community service participants in which minor offenders clean up the streets in lieu of jail time. In the past two years, they have helped 100 men re-enter the community after being in prison.

''Before these two men began their work, Rose Street was a drug haven with open-air drug markets, intimidation of law-abiding citizens, and violence and murder,'' said their nominator, Polly Walker, Associate Director, Center for a Livable Future. ''Theirs is a single-minded commitment to help others escape the cycle of poverty, drug and alcohol addiction, and crime.''

Mr. Speaker, I proudly ask you to join me in commending Elroy Christopher and Clayton Guyton for their accomplishments in founding the Rose Street Community Center and for their efforts put forth in achieving a 2003 Robert Wood Johnson Community Health Leadership Program (CHLP) award.

## IN HONOR OF THE RETIREMENT OF DR. ANNA JOHNSON-WINEGAR

### HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. SAXTON. Mr. Speaker, today I rise to honor the retirement of Dr. Anna Johnson-Winegar after 3 years of public service. Dr. Johnson-Winegar led a distinguished career, culminating as the Deputy Assistant to the Secretary of Defense for Chemical and Biological Defense. In this position, Dr. Johnson-Winegar served as the focal point within the Office of the Secretary of Defense for all issues related to the highly critical Chemical and Biological Defense Program.

Dr. Johnson-Winegar received a Bachelor of Arts degree in Biology from Hood College, and Masters of Science and Ph.D. degrees in Microbiology from Catholic University of America. Along her career, she has served at the Army Medical Research and Materiel Command, the Office of the Director, Defense Research and Engineering, and the Office of Naval Research. She also participated as a biological weapons inspector in Iraq for the United Nations Special Commission, UNSCOM. In 1998 she received the Lifetime Achievement Award from Women in Science and Engineering. Dr. Johnson-Winegar came to her current position in October 1999.

In response to the President's emerging defense strategy, coupled with the events of September 11, 2001, Dr. Johnson-Winegar spearheaded a paradigm shift within the Department of Defense Chemical Biological Defense Program. Under her leadership and expertise, defending our men and women in uniform against the threat of biological and chemical attack has taken on a heightened priority at the forefront of defense planning. She has lead the effort to improve the overall capability to defend against weapons of mass destruction, from increasing and focusing research efforts which identify and mature promising new technologies, to fielding tested and proven equipment to the warfighter engaged in ongoing operations worldwide. In an era of increasing global threat, Dr. Johnson-Winegar has helped shape how this Nation will defend both itself and its soldiers, sailors, airmen and marines against the threat of chemical and biological warfare agents. We honor Dr. Johnson-Winegar as a true patriot whose many accomplishments serving our country have helped keep this Nation strong and secure.

## FACTS, NOT POLITICAL CORRECTNESS, SHOULD DETERMINE MILITARY PERSONNEL POLICIES

### HON. ROSCOE G. BARTLETT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. BARTLETT of Maryland. Mr. Speaker: The men and women who serve in America's Armed Services performed exceptionally well during Operation Iraqi Freedom.

During the three weeks of initial heavy combat, members of the Army's 507th Maintenance Unit were ambushed along the lengthy supply lines within Iraq. The death, brief imprisonment, and serious injuries to three

women in that unit briefly captured the attention of the world.

Pfc. Lori Piestewa, a single mother of two toddlers, a 3-year old and a 4-year old, was killed in the attack. Pfc. Piestewa had joined the military 2 years earlier after being divorced.

Spec. Shoshana Johnson, a single mother of a 2-year old, had joined the Army to gain experience as a cook. She was held briefly as a POW. In gross violation of the Geneva Convention, the Iraqis videotaped and distributed footage of the clearly terrified Spec. Johnson and her fellow American captives being interrogated.

Pfc. Jessica Lynch joined the military to earn educational benefits to fulfill her dream of becoming a teacher. She is now recovering from serious injuries following her rescue from an Iraqi hospital by American Special Forces.

Spec. Johnson's family was shocked to find out that her Army career as a cook for a Maintenance Unit placed her in harm's way within enemy territory during the invasion of Iraq. It was news to millions of Americans that military personnel policies deliberately assign women to serve in units that are routinely deployed in harm's way.

As a scientist, I believe that government policies should be based upon facts. The facts are that men and women are different. As the only Member of Congress with a Ph.D. in Human Physiology, I can assert this as a matter of scientific fact. However, you don't need to be a scientist to know this is true. It is basic common sense.

The military is a profession where the stakes involved are a matter of life and death. On a battlefield, the differences between men and women have potentially life and death consequences. I would like to submit for the record and edification of my colleagues and the nation a number of documents examining the evidence of the impact of the differences between men and women on the battlefield.

Most of the documents have been organized by Ms. Elaine Donnelly, the President of the Center for Military Readiness, an independent public policy organization that specializes in military personnel issues. Ms. Donnelly is also a former member of the 1992 Presidential Commission on the Assignment of Women in the Armed Forces, and of the Defense Advisory Committee on Women in the Services (DACOWITS, 1984–86). For additional information, you may log onto the CMR website: www.cmrlink.org.

Included among these documents are: ''Army Gender-Integrated Basic Training (GIBT)—Summary of Relevant Findings and Recommendations: 1993–2002.'' Additional articles from major news organizations include: ''No More GI Orphans,'' Editorial, The Boston Globe, April 9, 2003; ''Mothers at War,'' Editorial, The Washington Post, March 25, 2003; ''Mothers At Sea,'' Editorial, The Wall Street Journal, December 3, 1999.

I am also including an article by Anita Ramasastry, ''What Happens When GI Jane is Captured: Women Prisoners of War and the Geneva Conventions,'' April 2, 2003. Ms. Ramasastry is an Assistant Professor of Law at the University of Washington School of Law in Seattle and the Associate Director of the Shidler Center for Law, Commerce & Technology.

I hope these documents will encourage our nation and policy makers to address this important issue.

All of these documents ask tough questions about the impact, costs and consequences of current military personnel policies concerning the assignments of men and women. A number of significant changes in military personnel policies affecting men and women were adopted during the previous administration. These policy changes did not receive public attention or scrutiny until Operation Enduring Freedom and Operation Iraqi Freedom.

It is not an exaggeration to say that among policy makers, at least for the public record, there has been a reluctance to ask, let alone endeavor to discover the answers to these tough questions. This is a mistake.

The fear that the facts that we might discover about the real world impact of changes in military personnel policies might prove inconvenient or politically incorrect is no justification for ignoring the necessity to do so. From my previous work as a scientist and engineer and now as a Member of Congress, I believe public policies should be grounded in facts, not wishful thinking. This is especially true with respect to military personnel polices. We, as public policy makers, owe the individual men and women who sacrifice so much to serve in our military personnel policies that will enhance their capability to achieve the military's mission and to protect their lives. We can never forget that military service is a profession where the stakes can not be higher or have graver consequences.

I hope the material I have submitted for publication in the CONGRESSIONAL RECORD encourages a vigorous inquiry and debate about military personnel policies by both the public and government officials.

ARMY GENDER-INTEGRATED BASIC TRAINING (GIBT)—SUMMARY OF RELEVANT FINDINGS AND RECOMMENDATIONS: 1993–2002

In a slide presentation prepared for presentation to the Secretary of the Army on March 22, 2002, the Army Training and Doctrine Command claimed that GIBT is ''effective'' in terms of social benefits. TRADOC also conceded that gender-integrated basic training (GIBT) is an ''inefficient'' format for basic instruction of recruits. Inefficiencies associated with GIBT, some of which were admitted but downplayed by TRADOC in March 2002, include the following:

Less discipline, less unit cohesion, and more distraction from training programs.

Voluntary and involuntary misconduct, due to an emotionally volatile environment for which leaders and recruits are unprepared.

Higher physical injury and sick call rates that detract from primary training objectives.

Diversion from essential training time due to interpersonal distractions and the need for an extra week of costly ''sensitivity training.''

A perceived decline in the overall quality and discipline of GIBT; lack of confidence in the abilities of fellow soldiers; and the need to provide remedial instruction to compensate for military skills not learned in basic training.

Re-defined or lowered standards, gender-normed scores, and elimination of physically demanding exercises so that women will succeed.

Additional stress on instructors who must deal with different physical abilities and psychological needs of male and female recruits.

Contrivances to reduce the risk of scandal, such as changing rooms, extra security equipment and personnel hours to monitor barracks activities, and ''no talk, no touch'' rules, which interfere with informal contacts between recruits and instructors.

No evidence of objectively measured positive benefits from GIBT, and no evidence that restoration of separate gender training would have negative consequences for women or men.

An admittedly ''inefficient'' method of basic training that produces little or no tangible benefits cannot be described as ''effective'' in military terms. This is especially so when findings of two major blue ribbon commissions on co-ed basic training have indicated otherwise.

GIBT was implemented administratively in 1994. It is possible to restore superior gender-separate basic training, which is both efficient and effective in military terms, in the same way. For the sake of military efficiency and the best interests of Army men and women, this should be done without further delay.

1. The need for women in the military is unquestioned and not relevant to the issue of Gender-Integrated Training. The real question is whether it makes sense to retain an expensive, inefficient form of Army training that offers minimal benefits in terms of military necessity.

The Final Report of the 1999 Congressional Commission on Military Training and Gender-Related Issues noted that ''Whether [gender-integrated basic training] improves the readiness of the performance of the operational force is subjective.''

A close look at data and testimony gathered by this and other recent studies indicate that there are no significant benefits from gender integrated basic training, but many problems and complications that detract from the primary purpose of GIBT.

2. The only argument offered by TRADOC in 2002 in favor of retaining GIBT is that male and female recruits prefer training together for social reasons.

Young people entering the services today are more ''gender-aware'' than generations past, and making recruits happy is not the purpose of basic training. Three years after the return of GIBT, sensational sex scandals involving everything from sexual abuse to consensual but exploitive relationships between cadre and junior trainees made headlines nationwide.

The 1997 Federal Advisory Committee on Gender-Integrated Training and Related Issues, headed by former Kansas Senator Nancy Kassebaum Baker, found that ''. . . the present organizational structure in integrated basic training is resulting in less discipline, less unit cohesion, and more distraction from training programs.''

The Kassebaum Baker Commission, whose members were largely independent and free of conflicts of interest, voted unanimously that gender-integrated basic training should be discontinued.

3. The 1999 Congressional Commission reported abundant evidence of inappropriate relationships and distractions in GIBT.

The Congressional Commission report cataloged numerous policies and practices, made necessary by GIBT, which create inefficiencies and detract from concentration. These include separate changing rooms, loss of informal counseling opportunities (due to the need to meet in the presence of a ''battle buddy'' on neutral territory), differences in needs and abilities, the need to enforce ''no talk, no touch'' rules, and miscommunications due to lost messages between platoon leaders. All have placed great stress on already overburdened instructors.

Collateral policies introduced to cope with these distractions make it more difficult for instructors to enforce necessary discipline. For example, special ''hot lines'' set up to receive anonymous complaints have ruined careers, caused several suicides, and driven a

wedge between Army men and women. Tolerance of false or exaggerated accusations is as demoralizing as sexual misconduct itself.

4. Problems associated with gender-integrated basic training (GIBT) cannot be resolved with ''leadership'' or ''sensitivity training'' alone.

Continuing a program that increases costs and complicates the training mission, while providing minimal benefits, is not responsible leadership. Military policy makers should establish basic training programs that encourage discipline, rather than indiscipline.

Excessive ''sensitivity/diversity'' training has become a jobs program for civilian ''equal opportunity'' consultants, paid for with funds diverted from more essential military training. When the 1997 Army Senior Review Panel (SRP) recommended an extra week of sensitivity or ''values'' education to counter sexual harassment, Army Times estimated the cost to be equivalent to that of three battalions of soldiers in the field.

Given today's threat environment, the substantial amount of time devoted to sensitivity training in basic training might be better spent on potentially life-saving training in areas such as antiterrorism and force protection.

5. Higher physical injury and sick call rates among female trainees create serious ''inefficiencies'' that detract from the primary goal of basic training.

Prof. Charles Moskos, a respected military sociologist and member of the Congressional Commission, wrote in the panel's Final Report: ''I am particularly perturbed by the high physical injury rate of women trainees compared to men. Likewise, I am put off by the double-talk in training standards that often obscures physical strength differences between men and women. The extraordinarily high dropout rate of women in IET cannot be overlooked (nor should the fact that females are more than twice as likely to be non-deployable than are male servicemembers) The bottom line must be what improves military readiness.''

In Great Britain in 1997, Army commander noted that co-ed basic training was causing many young women to drop out early, due to injuries to their lower limbs. Restoration of all female platoons for a one-year trial in 1996 reduced women's injury rates by 50%, and first-time pass rates increased from 50% to 70%. Incidents of sexual misconduct between instructors and recruits also decreased significantly. Col. Simon Vandeleur, commanding officer of the Army Training Regiment at Pirbright, Surrey, said that the move to train women separately ''started as a trial, but has continued unquestioned, due to its success.''

Recent Army figures indicate that female soldiers take sick calls at rates double those of men.

Extensive tests conducted with ROTC cadets indicate that a wide gap exists between the physical performance and potential of men and women. Among other things, testimony and charts prepared by training expert Dr. William J. Gregor indicate that only 2.5% of female ROTC cadets were able to attain the male mean score on the 2-mile run, and only 4.5% could do so on the strength test. Only 19% of all cadet women achieved the minimum level of aerobic fitness set for men.

6. Every commission study since 1992, including the 2002 TRADOC report, found evidence that real or perceived double or relaxed standards are demoralizing to all who are aware of them.

In the aftermath of the 1996 Aberdeen scandals, then-Army Secretary Togo D. West, Jr., formed a Senior Review Panel (SRP) to study the issue of sexual harassment. The SRP was staunchly supportive of Secretary West's policies (which several members had helped to formulate), but nonetheless reported disturbing findings.

Among men surveyed, 60% were either ''not sure'' or ''disagreed'' that ''The soldiers in this company have enough skills that 1 would trust them with my life in combat. '' The combined figure for women was 74%. In response to ''If we went to war tomorrow, I would feel good about going with this company,'' 63% of the men said they weren't sure or disagreed, while 76% of the women said the same.

A 1997 congressionally authorized RAND study on GIBT was released in an edited version that differed greatly from the original draft. RAND originally found, for example, that gender-norming reduces female injuries but heightens resentment of double standards and degrades morale. In the chapter on ''cohesion,'' the study declared ''success'' under a civilianized ''workplace'' definition, instead of the classic principle that ''. . . group members must meet all standards of performance and behavior in order not to threaten group survival.''

7. There is no empirical evidence that GIBT improves the quality of military training for male or female trainees.

According to surveys conducted by the Congressional Commission, 48% of Army recruit trainers said that the quality of basic training declines when men and women are in the same units.

When asked about the current quality of entry-level graduates compared to five years ago, 74% of Army leaders who responded to the survey indicated that ''Overall quality'' had declined, and 80% said that ''Discipline'' had declined.

8. GIBT always requires adjustments in standards to accommodate physical differences. Gender-normed qualification requirements reduce excessive stress fractures and other injuries among female trainees, but also have the effect of making training less rigorous for men.

Training standards frequently measure ''team'' accomplishments rather than individual performance, which contributes to mutual trust, teamwork, and genuine unit cohesion. Under this concept, which is stressed in the TRADOC slide presentation, stronger members fill in for weaker ones, and recognition is given for ''equal effort'' rather than equal accomplishment.

This means that some trainees are allowed to graduate simply by trying to accomplish given training tasks, such as scaling high walls or throwing practice grenades, even if they do not succeed. Claims that women's training is ''exactly the same as men'' ignore the reality of gender-normed scores and qualification standards that are inherently demoralizing.

The concept is inherently dubious, since trainees know that there are extra step stools, protective barriers, or gender-normed scores on the battlefield. Attempts to ignore that reality have hurt the credibility of Army leadership.

9. There is no evidence that GIBT would be more successful if women are actually ''held to the same high standards as men.''

This argument disregards the effect of political pressures from feminists who demand ''equality,'' but are the first to demand ''fairer'' gender-normed standards so that women will not fail. In the past two decades, attempts to toughen training or match the person to the job were withdrawn because organized civilian feminists perceived them as threatening to women's ''career opportunities.''

The Army tried twice in the early 1980s to implement realistic strength standards, commensurate with wartime demands, in occupations rated from light to very heavy. In both instances, tests showed that most women were unable to meet the standards for nearly 70% of Army occupational specialties. The recommendations were never implemented as planned because the former Defense Advisory Committee on Women in the Services (DACOWITS) complained that such systems would have a ''disproportionate impact'' on the careers of female soldiers.

10. Numerous military and civilian studies done in the United States and in other countries have documented significant differences in male and female physiology that are relevant to military performance.

Numerous American studies have confirmed that in general, women are shorter, weigh less, and have less muscle mass and greater relative fat content than men. Women are at a distinct disadvantage because dynamic upper torso muscular strength is approximately 50–60% that of males, and aerobic capacity (important for endurance) is approximately 70–75% that of males.

A test of Army recruits found that women had a 2.13 times greater risk for lower extremity injuries and a 4.71 times greater risk for stress fractures. Men sustained 99 days of limited duty due to injury while women incurred 481 days of limited duty.

In the United Kingdom, major studies were ordered in 1998 to ascertain the feasibility of co-ed basic training. Army doctors found that eight times as many women as men were being discharged during basic training, due to injury rates that doubled following the introduction of identical training programs for both sexes. Differences in strength, bone mass, stride length and lower body bone structure caused women to suffer disproportionately from Achilles tendon problems, knee, back and leg pain, and fractures of the tibia, foot, and hip.

The ''gender-free'' system was ended in January 2002 because stress fractures for women rose from 4.6% to 11.1%, compared to less than 1.5% for male trainees.

11. Contrary to the claims of GIBT proponents, studies conducted by the Army Research Institute (ARI) in 1993–1995 did not confirm that mixed training produced better results.

After a 1993 pilot test at Fort Jackson, SC, commanders recommended the continuance of gender-separate training because they observed no improvements in fitness and military proficiency for men or women.

Later in 1993, the Army ordered a new 3-year study from ARI, this time to include an assessment of soldiers' attitudes toward mixed or separate training. Inquiries centered on measures of social/psychological interest (i.e., how well do people get along together?) instead of measures of military interest (i.e., how well will people trained in this way fulfill their duties, especially under crisis conditions?)

The latter 1993 ARI study proclaimed GIBT superior because it was found in separate-gender focus groups that the morale of women improved by 14 points. At the same time, however, the men's morale dropped by 17 points. The gap narrowed somewhat when subsequent focus groups were gender-mixed. ARI questions still focused on ''touchy-feely'' questions, i.e., whether others want to do a good job.''

12. There are no empirical studies showing that women perform better in GIBT than they formerly did in separate-gender training prior to 1994.

After the initial 1993 study, the Army never again compared results of mixed versus separate training formats. Tests thereafter were to determine the best mix of males and females in a platoon (75/25, a ratio

almost never observed). Even before the ARI surveys of ''attitudes'' were complete, the Army announced its decision to discontinue gender-separate training, except for ground combat trainees, in August 1994.

When GIBT was implemented in 1994, the training regimen was adjusted to reduce the risk of injuries among female recruits. Meanings of the words ''soldierization'' and ''proficiency'' were re-defined, physical requirements were de-emphasized, and ''success'' was measured with new training exercises that would not disadvantage women, such as map reading, first aid, and putting on protective gear.

The Army informed the Congressional Commission, in response to a specific demand by Congress, that it has not, and does not plan to, objectively measure or evaluate the effectiveness of GIBT. Many officials taking this position were responsible for implementing and making a ''success'' of GIBT in the first place.

13. The Army slogan ''Train as We Fight'' is an important goal in advanced training. For basic training, however, ''Train to Transform'' is a more appropriate slogan. Basic training is the first step in a progressive, building block process of training soldiers to serve, fight, and win.

Within only a few weeks, young civilian recruits must learn to wear a uniform properly, have respect for authority, observe proper customs and courtesies, and accept and live by the core values of the service. Operational commanders should not have to spend time for remedial training in these matters, due to inadequacies at the basic level.

Maj. Gen. William Keys, USMC (Ret.), a member of the Congressional Commission, wrote in a statement to Congress that ''Basic training teaches basic military skills such as physical fitness, close order drill and marksmanship. It is a military socialization process—civilians are transformed into soldiers, sailors, airmen and Marines. This training provides recruits the basic military skills needed to integrate into an operational unit. It does not teach war-fighting skills nor should it be the staging ground for ''gender'' etiquette skills.''

The slogan is also inconsistent with special ''lights out'' security alarms and other security measures, as described on Slide #18, which are not available in an operational environment, These include barracks guards who conduct ''bed-checks'' of GIBT trainees every 30 minutes and are changed every two hours.

14. The Marine Corps has demonstrated that a well-designed single-gender basic training program, with same-sex drill instructors, can be tailored to challenge male and female trainees to the limit.

Separate sex training increases ''rigor'' for all soldiers, forces female recruits to be self-reliant, and reduces the risk of demoralizing injuries that cause female recruits to drop out.

The Kassebaum Baker Commission found that the Marines' single sex approach was producing ''impressive levels of confidence, team building and esprit de corps in all female platoons at the Parris Island base.''

The Congressional Commission found that female Marine trainees scored significantly higher than any other group in commitment, group identity and respect for authority—all of which are important elements of military cohesion.

Separate housing and instruction improves the ability of male and female recruits to concentrate on transformation. As stated by then-Marine Assistant Commandant Richard I. Neal, ''We don't want them to think about anything else than becoming a Marine.''

15. There is no evidence that restoration of gender-separate basic training would ''reinforce negative attitudes and stereotypes,'' or hurt morale among female soldiers.

On the contrary, members of the Congressional Commission noticed that GIBT might be reinforcing, rather than eliminating, stereotypes. Female trainees frequently said that they liked training with the men because ''The guys really help us.'' When asked how, they typically answered, ''They motivate us. They lift heavy stuff for us. We trade—we do their ironing, and they clean our floors.'' Women Marines, by contrast, have to do every task themselves, without passing off dirty or difficult jobs to men. They must team up and find a way to lug heavy objects, and are motivated to climb walls by other women who have demonstrated that it can be done.

Separate-gender training develops self-reliance and confidence as well as teamwork. In the Marine Corps, female trainees must find ways to accomplish basic training tasks on their own, without assistance from male trainees to assist them with heavy loads.

Military historian S.L.A. Marshall has noted that ''Authentic morale does not grow in its own soil, [with] combat efficiency as a mysterious byproduct. . . . [Rather,] high morale flows when the ranks are at all times conscious that they are service in a highly efficient institution.'' Attorney Adam G. Mersereau amplified the point as follows:

''[M]orale without combat efficiency is most likely an inauthentic form of morale, brought on by false confidence. . . To try to build a military's morale without first, or at least concurrently, establishing a foundation of unshakable efficiency is a dangerous error.''

The Congressional Commission found that among male soldiers in training, the most frequently mentioned recommendations for change were to separate males and females during basic combat training (BCT), make the training harder; and require recruiters to tell the truth. Female recruits called for an end to ''battle buddy'' restrictions, improved barracks, and more sexual harassment training.

16. Army women deserve the same high quality training as women Marines have today, and Army women had prior to 1994.

The drawbacks of GIBT conflict with the tradition of Army discipline and the current concept of Transformation, which depends on personnel who are stronger, more versatile, and better prepared.

Short-term costs for returning to single sex basic training would be minimal, and long-term savings related to fewer disciplinary problems and injuries could be substantial.

Sound policies regarding basic training should not be based on unrealistic theories or feminist ideology, including the belief that men and women are interchangeable in all military roles. Nor should gender integration be considered an ''end'' in itself. The Army needs to encourage competence in training, not egalitarianism at all costs.

17. It is possible that restoration of separate gender training would have a positive effect on recruiting for the volunteer Army.

The 1998 Youth Attitudes Tracking Study (YATS) found that the great majority of both men (83%) and women (77%) said it would make no difference to them whether basic training was conducted with or without the opposite sex. The YATS also found that young men, who constitute 80% of enlistees, are more interested in seeking physical challenge than young women, and they perceive the Air Force and the Navy as less physically challenging than the Marine Corps and the Army. Members of the Congressional Commission concluded that: ''Only the Marine Corps and the Army have all-male training, and it is not unreasonable to suppose that this enhances their image of being physically challenging. Overall, the results of the 1998 YATS suggest that the Army, Navy, and Air Force probably would suffer no loss in terms of recruiting (and might gain) if they decided to change, in whole or in part, from gender-integrated training to gender-separate training.''

18. Military personnel policies are bi-partisan, but there is evidence of political support to ''fix the clock'' on this and other social policies implemented during the previous administration.

During the 2000 Presidential Campaign, the American Legion Magazine asked then-Texas Governor George W. Bush about his views on co-ed basic training. Candidate Bush replied, ''The experts tell me, such as Condoleezza Rice, that we ought to have separate basic training facilities. 1 think women in the military have an important and good role, but the people who study the issue tell me that the most effective training would be to have the genders separated.''

Dr. Rice, who is now National Security Advisor to President, Bush, voted with all other members of the 1998 Kassebaum Baker Commission to end co-ed basic training.

A mandate for change was evident in votes cast by military personnel, their families, and supporters, who were told by Governor Bush's running mate, Dick Cheney, that ''help is on the way.''

19. GIBT can and should be eliminated administratively, without further delay.

GIBT was not authorized by Congress after careful deliberation, but imposed by administrative directives written by former Assistant Secretary of the Army Sara Lister, a civilian lawyer who notoriously depicted the Marines as ''extremist.''

No one has seen a written order setting forth a logical rationale for the Army's action. Indications are, however, that the decision was accepted as a trade-off to head off even more egregious mandates being promoted by Sara Lister at the time; i.e., gender integration of multiple launch rocket systems (MLRS) and special operations helicopters.

In 1994, uniformed leaders of the Army implemented GIBT without dissent. One brigade training commander told the Washington Post that it was necessary to take the ''Attila the Hun approach'' with drill instructors that resisted. ''I told them that gender integration was our mission, and any outward manifestation of noncompliance would not be tolerated.''

Having invested so much in the process, some Army officials lobbied hard to defeat legislation, which passed the House in 1998, to implement recommendations of the Kassebaum Baker Commission. Nevertheless, during the March 17, 1998, HNSC hearing, senior officers representing the armed forces had difficulty making a convincing case for gender-mixed basic training.

20. This is not a question of turning the clock backward or forward. If the clock is broken, it should be fixed.

A five-year experiment with GIBT during the Carter Administration was summarily terminated in 1982 not because of lack of confidence in women's abilities to become soldiers, but because women were suffering injuries in far greater numbers, and men were not being challenged enough. Contemporaneous news reports indicated that GIBT was eliminated in order ''to facilitate the Army's toughening goals and enhance the soldierization process.''

Civilian oversight of the military includes the responsibility to set policies for the future, not to continue flawed policies of the past.

[From the New York Times, Apr. 9, 2003]

NO MORE GI ORPHANS

Lori Piestewa died in combat in the Iraq war's first week. She was a single parent who left two small children. Shoshana Johnson, who was taken prisoner in the same clash, is the single parent of a small child. It is high time the Defense Department redrew its policies to stop single custodial parents—female or male—from being deployed in harm's way. The military should not run the risk that children will be orphaned or face extended separations from their single parent.

During the first Gulf War, Senator Barbara Boxer of California was so concerned that she sponsored a Gulf orphan bill. Boxer's measure would also have kept the services from deploying both parents when both a father and mother were in the military. The Pentagon resisted, however, and before Congress could take any action the war ended. About 80,000 children have a single parent or both parents in the services. Women still cannot serve in ground combat infantry, tank, or artillery positions, but since 1991 the Defense Department has opened up more front-line opportunities to women, who are more likely than men to be single custodial parents. In light of the Piestewa and Johnson cases, Boxer and others in Congress should force the military to ask why its policies place so many children at risk of being orphaned.

The issue brings into conflict the interests of the parent-soldier, the commanding officer, and the child. A parent seeking advancement might be reluctant to accept limits on assignments that could slow promotions. A commanding officer does not want to have several positions filled by soldiers who have to stay at the base when the fighting starts.

But it is the interest of the child in not losing a custodial parent forever, or for a long time, that should be paramount. Instead, the Pentagon, in opposing bills like Boxer's, worried about the abstract unfairness of granting single-parent soldiers the full set of career and educational benefits without the obligation of front-line service. The military does require that parents submit ''family care plans'' for alternative caregivers when they are deployed. But an alternate caregiver, whether it is a grandparent, aunt, uncle, or family friend, is not the same as a parent.

The late senator John Heinz of Pennsylvania favored limits on single-parent deployment in 1991. To critics who said that parent-soldiers knew what they were getting into, Heinz replied that it was ''questionable whether an 18-year-old tantalized by offers of tuition money has any inkling; of what he or she is giving up in 'volunteering' to leave children yet to be born behind. Our righteous insistence that 'a deal is a deal' is reminiscent of the story of Rumpelstiltskin, the dwarf in German folklore who exacts a terrible price for helping a desperate young woman—her first-born child.'' A humane military would limit the sacrifices it asks of parents—and their children.

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[From the Washington Post, Mar. 25, 2003]

MOTHERS AT WAR

Yesterday morning relatives of one of the American prisoners of war in Iraq, Army Spc. Shoshawna Johnson, went on television to say how much everyone missed her: her parents, her cousins and especially her 2-year-old daughter, Janelle. Spc. Johnson is a single mother, one of about 90,000 in the active-duty service. Lately such women have been featured in heartbreaking photos in Air Force Times and Army Times: Staff Sgt. Rikki Hurston, for example, feeding her four-month-old while her 8-year-old daughter looks up with wide eyes, clutching her mother's kit bag. Sgt. Hurston was headed with her unit to the Persian Gulf. ''Who knows when I'll be back,'' she said to the reporter; with her children she strove for more cheerfulness. More than ever, women are crucial to the U.S. military; they make up 16 percent of the force and perform key front-line jobs. But the increased integration comes at a price, in the form of tens of thousands of temporary orphans.

Almost 10 percent of active-duty service members are either single with children or married to another active-duty person, which means both can be called up. In the first Persian Gulf war this produced 36,704 children who had no parent left at home; this time the number is expected to be much larger. These children range from infants to teenagers. In school, many act brave and resilient; anxieties come out obliquely. Boisterous ones retreat and want only to draw strange pictures; an 11-year-old in Colorado has suddenly started failing some of his classes.

Most militaries in the world do not have women serving; those that do make allowances for family circumstance, infant children at home or two parents away. But this is a touchy issue for the U.S. military. Integrationists have fought hard over the past two decades to win full acceptance of women, who in many cases bristle at any notion that they should be treated differently. No one would want to let down her unit; besides, downsizing in the volunteer force means that any no-show is disruptive. During the first Gulf war, a presidential commission tried to address this question, recommending flexibility for the primary caregivers of children under 2. Then there was resistance; women were still a fairly new and unproven presence in many jobs. Now, and especially following this war, they will be tested and no doubt proven: ''Now, you're the fighter pilot—not the female fighter pilot,'' Capt. ''Charlie'' recently told Time magazine.

If women are to continue their critical role in the armed services, which they should, perhaps it's time to loosen up a little on the deployment rule. Right now families are required to have a child-care plan in place in case of deployment. A commander can grant exceptions if no plan is available, but service spokesmen say they almost never do. Even if no family or friends are available, the Navy can place children in volunteer families resembling foster care, so it's difficult for parents to say no. Perhaps the flexibility could start slowly. For starters, the services could coordinate and try to stagger deployments of two parents; right now it's not even a consideration. Then maybe they could tackle the more sensitive issue of single mothers, giving, say, mothers of children under 2 a real option of deferring if they had no comfortable child-care available. Surely integration would survive that.

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[From the Wall Street Journal, Dec. 3, 1999]

MOTHERS AT SEA

Amid all the flotsam crossing our desk lately came one surprise: a new Defense Department report on women sailors. The study focuses on families in which the enlisted mothers of small children are away at sea five or six months at a stretch. Not surprisingly, small children who spend months without their mothers do not fare so very well.

As interesting as the findings has been the reaction: zilch. As it happens, these days a mom at sea is not so unusual. Of the 51,000 women in the Navy, 10,000 serve on shipboard. Many of them are single moms. The study, by Michelle Kelley of Old Dominion University, compared the children of women with land jobs to the kids of women who serve on extended tours. Turns out that half of these Navy women were single or divorced. This meant that when they were shipped off to sea, many of their children, whose ages ranged from one to three, had no parent at home.

If you didn't even know this was a problem, you're not alone. The idea seems to be that to admit even the slightest difficulty with women in the service threatens to drag women back to the 1950s. So instead of an open debate we get the movie version. In ''Courage Under Fire'' actress Meg Ryan plays a heroic Army helicopter captain who leaves her daughter behind with grandma as she goes off to die in the Gulf War—and feels just fine about it.

Unfortunately, no amount of Hollywood glitz is likely to console the real-world children of these military moms. And, by the way, it's not just those children. An earlier Navy study showed that four out of 10 pregnancies of women on sea duty culminated in abortion or miscarriage. That compares to two out of 10 for women sailors on shore duty. The news comes in the wake of a controversial 1995 ruling from the admirals saying that pregnancy was compatible with a Navy career, meaning that pregnant women could even serve aboard ships up to their 20th week. To put it harshly, there is a sense here that some babies are being thrown out with the seawater.

Of course, the problems of the extended tour are by no means confined to women. Military families have long suffered from the prolonged absence of fathers. In his memoir, John McCain notes that one reason he found it so easy, as a child, to idolize his father was that his father wasn't around enough to mar the golden image. What makes the Mom-Goes-to-Sea story different is the all-too-frequent absence of any parent.

Could it be that the unwillingness to address this issue signals a belief that women will suffer from any retreat from the feminist absolute? Perhaps. Whatever the reason, there is a noticeable slippery-slope effect. Thus we must have not only a woman in the military, but a mother; not only a mother but a single one; not only a trip abroad but an extended one, and so on. As the White House wonk bleats in ''Courage Under Fire'': ''She has to get the medal of honor. She's a woman. That's the point!''

Surely we are beyond that. The late 1990s are not, after all, the 1950s. No one is talking about keeping women out of the boardroom, or shutting them out of the officer's club. A little consideration for the realities of family life can only strengthen the cause of women. Owning up to the problem will, however, require courage. Maybe there should be a medal for that.

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WHAT HAPPENS WHEN GI JANE IS CAPTURED?

WOMEN PRISONERS OF WAR AND THE GENEVA CONVENTIONS

(By Anita Ramasastry)

Just over one week ago, American television viewers saw disturbing images of American soldiers who had become prisoners of war (POWs) in Iraq. Among those taken captive was Specialist Shoshana Johnson, an Army cook—America's first female POW in the Iraqi conflict. Meanwhile, two other women were missing in action—Privates First Class Jessica Lynch and Lori Piestewa. (Lynch was just rescued yesterday.)

Seeing Shoshana Johnson—thirty years old, and the single mother of a two-year old child—held captive in Iraq bothered me more than I would have imagined. Like the male soldiers held with her, she faces a ruthless regime. Unlike them, however, she may also be the target of misogynistic treatment, and a potential victim of sexual assault.

Anthony Dworkin recently discussed, in a column for this site, some of the protections the Geneva Conventions offer all POWs. But what, if anything, in the Geneva Conventions protects women POWs, in particular?

Before addressing that question, it's worth examining the history of women in the U.S. military in recent years, and of women as POWs, to provide some context for the Conventions' guarantees.

WOMEN'S ROLE IN THE U.S. MILITARY NOW AND IN THE PAST

Overall, more than 200,000 women currently serve in the armed forces. These women make up 15 percent of both the enlisted ranks and the officer corps, 6 percent of the Marines, and 19 percent of the Air Force.

These women serve in a wide variety of positions. In part, that is because in 1994, during the Clinton Administration, the Pentagon discarded the ''Risk Rule,'' and authorized women to serve in any military post other than in frontline infantry, Special Forces, or armor or artillery units.

As a result, women reportedly now are allowed to hold 52 percent of active-duty positions in the Marines—about a twofold increase since the 1994 rule change. Women in the Army can hold 70 percent of such positions. And women in the Air Force and Navy can perform in 99 percent of such positions. For example, women in the Navy can now serve on ships, though not on submarines. Women in the Air Force can now fly combat missions.

American women have been in combat ever since Margaret Corbin replaced her fallen husband behind cannon during the Revolution. But this war promises to involve more women in combat than ever before.

Meanwhile, due to the nature of modern warfare, and the war on Iraq in particular, a soldier can be in serious jeopardy whether or not he or she is technically in a combat unit. There is no longer a clear ''front'' line.

Thus, support units, whose job is maintenance or supply, can find themselves in grave danger. For instance, Shoshana Johnson and her fellow POWs were a maintenance crew in a convoy that got ambushed.

WOMEN AS POWS THROUGHOUT U.S. HISTORY

Long before the 1994 rule change, there were women POWs. During the Civil War, for example, Dr. Mary Walker was imprisoned for four months by the Confederacy, accused of spying for the Union Army. (Doctor Walker is the only woman to receive the Congressional Medal of Honor.)

During World War II, more than 80 military nurses, including 67 from the Army and 16 from the Navy, spent three years as prisoners of the Japanese. Many were captured when Corregidor fell in 1942. The nurses were subsequently transported to the Santo Tomas Internment camp in Manila in the Philippines—which was not liberated until February of 1945. Five Navy nurses were captured on Guam and interned in a military prison in Japan.

Meanwhile, during the 1991 Gulf War, there were two American female POWs: an Army Flight Surgeon, Major Rhonda Cornum, and an Army Transportation Specialist, Melissa Rathbun-Nealy. Cornum was subjected to ''sexual indecencies'' within hours of her capture. (She was released eight days later, but said nothing in public about the sexual assault for more than a year.)

And women, like men, have been casualties of war. According to various reports, there have also been nearly 1,000 women killed in action since the Spanish American War. Women casualties include including two aboard the USS Cole when it was attacked by terrorists in 2000, sixteen in Desert Storm, and eight in Vietnam.

WOMEN AND THE LAWS OF WAR

The Geneva Conventions of 1949 govern the treatment of soldiers and civilians during armed conflicts. The Geneva Convention III relates to the Treatment of Prisoners of War. The August 1949 treaties, whose signatories include the United States and Iraq, took effect on October 21, 1950, after the Nuremberg war crimes trials in Germany. They continue to apply now.

With respect to POWs generally, Article 13 of Geneva Convention III requires that they ''must at all times be humanely treated. Any unlawful act or omission by the Detaining Power causing death or seriously endangering the health of a prisoner of war in its custody is prohibited, and will be regarded as a serious breach of the present Convention.'' And Article 3 (common to all four Conventions) prohibits ''violence to the life, health, or physical or mental well-being of persons'' including torture of all kinds, whether physical or mental. Such acts of violence ''remain prohibited at any time and in any place . . .'' with respect to persons being detained.

The Geneva Convention III says relatively little about women—primarily because, at the time it was drafted, women were not involved on the battlefield to the same extent as men.

It does provide some privacy guarantees for women, however. Article 25 states that women prisoners must be housed separately from the men. And Article 29, which deals with hygiene and medical attention states that ''[i]n any camps in which women prisoners of war are accommodated, separate conveniences shall be provided for them.''

Meanwhile, Article 14 provides an equality guarantee of sorts for women POWs. It says that ''women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favorable as that granted to men.''

As with domestic laws, there is a question as to how far this equality guarantee requires additional safeguards for women, beyond what men are entitled to. Some commentators argue that it does, for women have specific needs arising from gender differences, honor and modesty, and pregnancy and childbirth.

Other specific protections are also included. Women prisoners who are being disciplined are required to be confined in separate quarters under the immediate supervision of women—apparently to prevent any risk that an isolated women might be subject to sexual assault or mistreatment.

In addition, all women POWs who are pregnant or mothers with infants and small children are to be conveyed and accommodated in a neutral country. Shoshana Johnson, as the mother of a 2–year old toddler, would seem to qualify.

And more generally, under international humanitarian law, the ill-treatment of persons detained in relation to armed conflict is prohibited.

Meanwhile, civilians taken captive are meant to be afforded similar protections pursuant to Geneva Convention IV. Women are to be protected ''against rape, enforced prostitution or any form of indecent assault.'' Additional Protocol I to the Geneva Conventions, relating to civilians, notes that ''women shall be the object of special respect and shall be protected in particular against rape, forced prostitution and any other form of indecent assault.'' One need only remember the conflict in the former Yugoslavia, however, to see that rape has often been used against civilian women during armed conflict. Finally, with respect to relief shipments for civilians, Convention IV notes that ''expectant mothers, maternity cases and nursing mothers'' are to be given priority.

POTENTIAL REMEDIES: RED CROSS FACTFINDERS AND WAR CRIMES TRIBUNALS

Iraq has claimed publicly that it is adhering to the Conventions. But the recent video footage of American POWs has given others a different impression.

In addition, past history leads to reasonable fears that woman POWs will be mistreated by Iraq in ways particular to their gender. Consider, for instance, the sexual assault suffered by Major Cornum. Will there be any recourse if women are, in fact harmed or mistreated?

The answer is: Perhaps during the war, and certainly after the war.

The International Committee of the Red Cross (ICRC)—which drafted the original treaties—serves as a fact finder with respect to possible violations. During war, the ICRC attempts to protect military prisoners of war, civilians caught in war zones, and wounded or sick service members.

An ICRC delegate who witnesses disturbing violations at a jail, hospital, or other facility has the duty to report it to the ICRC, who advise the victim what to do. Thus, if U.S. POWs are mistreated in Iraq, and the Red Cross is let in to see them, and they feel comfortable reporting their mistreatment, there may be some recourse for them.

But all of these contingencies may not actually become reality—and remedies may have to wait until the war's end. At that point, a special war crimes tribunal may well be created in order to prosecute individuals for ''grave breaches'' of international humanitarian law.

Not all violations of the law of war, indeed not all violations of the Geneva Convention, are grave breaches. ''Grave breaches'' are defined in the Geneva Convention III to include intentional killing, torture, or inhumane treatment.

Today, such breaches would include sexual violence against women POWs. Such violence, under international law, is criminal.

Both the Red Cross and the international community—through war crimes tribunals—should insist on strict adherence to Geneva Convention III, for men and women prisoners of war alike, and equally.

Unless women prisoners are truly protected equally—meaning that they are protected when it comes to gender-specific crimes and with respect to crimes with gender-specific additional impact—the equality of women in the military will itself be imperiled.

SEX CRIMES IN WAR MAY ALSO BE BREACHES OF INTERNATIONAL HUMANITARIAN LAW

As the ICRC has previously stated, ''although both men and women are subject to sexual assault, a distinction needs to be drawn between them. Sexual torture as such, particularly during interrogation, with its full spectrum of humiliation and violence can, and often does, culminate in the rape of the victim, and is more common with women prisoners. In male prisoners, direct violence to sexual organs is more common during this same phase.''

To note this is not in any way to minimize the terrible things that may happen to male POWs. But it is to say that women do face a special risk: the risk of rape, and of being pregnant as a result of rape.

To cope with a pregnancy as a result of rape is terrible enough, and is made all the worse by being in detention. Women may also be forced to terminate their ongoing pregnancies against their will.

Other abuses inflicted on POWs, while not suffered solely by women, could be worse for women than men. They might include beatings, strip searches by men, intimate and abusive medical examinations or body searches, and sexual or gender-based humiliation (such as non-provision of sanitary protection).

Under international law, rape, sexual assault, sexual slavery, forced prostitution, forced sterilization, forced abortion, and forced pregnancy may all qualify as crimes.

RAPE AS A WAR CRIME, AND A CRIME AGAINST HUMANITY

The crime of rape, in particular, has long existed under customary international law. Some treaties have mentioned rape specifically, whereas other treaties and international conventions have made reference to rape as a crime against humanity when directed against a civilian population.

The nineteenth century Leiber Code, for example, listed rape as a specific offense, and made it a capital offense. Later, World War II prosecutions, and the Geneva Conventions, reinforced the prohibitions on rape and other sexual violence, although the focus was on crimes of sexual violence against civilian populations.

Some evidence of sexual violence was presented before the International Military Tribunals, after World War II. Most notably, in the judgments of the International Military Tribunal for the Far East, rape was first specifically referenced. Allied Control Council Law No. 10, which governed the prosecution of defendants at Nuremberg, listed rape as one of the enumerated acts constituting a crime against humanity.

In the Tokyo war crimes trials, acts of sexual violence and rape were not placed at a level that would allow them to stand alone. The Tribunal presented evidence relating to sexual atrocities committed upon women in places such as Nanking, Borneo, the Philippines, and French Indochina. Rape and acts of sexual violence were categorized as crimes against humanity because they amounted to inhumane treatment.

Today, the prohibition against rape and sexual violence in armed conflict is even stronger. In 1993 and 1994, rape was specifically codified as a recognizable and independent crime within the statutes of the International Criminal Tribunals for the Former Yugoslavia (ICTY) and for Rwanda (ICTR).

In addition, the ICTY and ICTR cases have also reinforced the legal basis for arguing that rape and sexual violence are both individual crimes against humanity, and violations of the laws and customs of war.

Finally, the new statute of the International Criminal Court also recognizes rape as crime against humanity when it occurs in the context of armed conflict.

I hope that all of the POWs are treated humanely, and come home soon. And I hope Shoshana Johnson is transported to a neutral country—as she is entitled to be, as the mother of an infant—if she continues to be held.

To ensure that these things happen, it is also important for the international community to make clear what obligations Iraq has with respect to all POWs, and the special obligations it bears to female POWs in particular.

## TRIBUTE TO REV. DR. GEORGE E. McRAE ON HIS ELECTION AS PRESIDENT OF THE FLORIDA GENERAL BAPTIST CONVENTION

### HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. MEEK of Florida. Mr. Speaker, I know that my colleagues will join me in offering our prayerful best wishes and congratulations to the Reverend Dr. George E. McRae of Miami, Florida, my Pastor and the Pastor of Mount Tabor Missionary Baptist Church, on the occasion of his election as the new President of the Florida General Baptist Convention.

Reverend McRae is perhaps uniquely qualified, by both education and experience, to carry out this important responsibility. He earned his Bachelor's degree at Bethune-Cookman College at Daytona Beach; His Master of Divinity degree at the Interdenominational Theological Center in Atlanta; and his Doctor of Ministry degree at Columbia Theological Seminary in Atlanta. In addition to his fourteen years as Pastor of Mount Tabor Missionary Baptist Church, Rev. McRae has served as Pastor of Shiloh Baptist Church in Daytona Beach; and the Bethlehem Baptist Church and the New Mount Zion Baptist Church, both in Palatka.

Reverend McRae has received numerous awards for his work, including the NAACP's Humanitarian Award and the Miami Herald's Charles Whited Spirit of Excellence Award, and he has lectured extensively. He was also featured in a front page article in the Wall Street Journal, which chronicled his work at Mount Tabor and the establishment of M.O.V.E.R.S. Inc.—Minorities Overcoming The Virus Through Education, Responsibility and Spirituality—which provides comprehensive treatment, education, counseling and housing assistance to AIDS victims and their families in low-income Miami neighborhoods.

In addition to these great achievements, though, Pastor McRae's highest qualification as leader of Florida's Baptist faithful must truly be the strength of his commitment to Christ's teachings, as exemplified by the caring and humanity of his ministry.

He is a person of great personal power whose very presence cheers those who are afflicted. He is a person of great vision who inspires people to help other people—from caring for the hungry in the church basement after Sunday services to making health care available, in their own neighborhoods, to people who otherwise could not afford health care, even if they had access to it. He is a person who has devoted a lifetime of energy and creativity to the betterment of others.

I extend my best wishes to Pastor McRae and his wife, Mary, for the sacrifices they have made to help others, for their caring and their leadership, and for taking on this additional burden and responsibility, which is so important to our families and our community.

## HONORING CHRISTY WHITNEY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a deeply compassionate and sensitive woman. Christy Whitney has devoted much of her life to helping others in need as a Registered Nurse, and ultimately as CEO and President of Hospice and Palliative Care of Western Colorado. Today, I recognize Christy's years of service before this body of Congress.

Christy has touched many lives while working in the nursing profession for the past 27 years. As recognition of these years of dedicated service, she was recently named recipient of the 18th Annual Nightingale Award Celebrating Nursing Excellence. Coworkers nominated Christy for the award through an essay and several letters of recommendation. Peers noted that Christy has an intelligent and passionate approach to nursing, characteristics she shares with Florence Nightingale, the renowned nineteenth century nurse. Christy remains humble about her successes and emphasizes that her responsibility as an administrator is to create an environment in which others can perform their job well.

Mr. Speaker, I am proud to stand before this body of Congress today to recognize Christy's compassion and devotion to helping others. I would like to congratulate Christy on her prestigious award and the profound respect that she has earned from her coworkers. Her lifelong commitment to serving others certainly warrants the respect of this body and our nation. Christy has answered a noble calling by tending to those in need and I commend her for her selfless public service.

## HONORING JEFF HANCOCK

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to a successful businessman who has provided Western Colorado with years of service. Jeff Hancock has devoted much of the past ten years to serving as CEO of the Grand Junction-based organization, Rocky Mountain Nurses, Inc. Today, I would like to honor Jeff's accomplishments and the impact he has had on the Grand Junction community by expanding his prominent full-service home health-care firm.

Rocky Mountain Nurses, Inc. was founded in 1995 as a small temporary nursing service. Through small business loans, it was recently able to add fifty new jobs in Mesa County. The firm is now located in a new corporate office, employs approximately 180 people, and has opened a medical equipment retail store. The expansion of Jeff's firm has allowed him to provide nursing services to more than 350 people per month. The U.S. Small Business Administration recently honored Jeff by selecting him as Colorado Small Business Person of the Year. He was one of 53 recipients of this award, and is currently in the running to be named as National Small Business Person of the Year.

Mr. Speaker, I am proud to stand before this body of Congress today to recognize the positive impact that Rocky Mountain Nurses, Inc. has had in my district. Jeff embodies the combination of ambition and altruism necessary to guide an expanding firm dedicated to serving the community. I would like to congratulate him on this prestigious award and the respect that he has earned from his peers. I wish Jeff all the best in his future endeavors.

THE ASSISTANCE FOR NEEDY FAMILIES, TANF

## HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mrs. JONES of Ohio. Mr. Speaker, I rise to acknowledge the importance for Congress to address the concerns of a welfare reform bill. I support the 3-month extension to reauthorize the Temporary Assistance for Needy Families Block Grant Program through fiscal year 2003. I also ask the U.S. Senate to move on this important legislation.

Mr. Speaker, more than 35 States have made cuts in programs funded with TANF and child care block grant funds. Most importantly, these cuts are in programs that promote the goals of welfare reform. These cuts reflect both the exhaustion of many States' surplus. Cuts are in welfare to work programs, cuts are in programs to help the most disadvantaged families, cuts are in transportation assistance, cuts are in basic cash assistance benefits, cuts are in teen pregnancy prevention programs, and cuts are in child care. My dear colleagues, let us come together—set aside our differences—and work to pass a bipartisan measure that will provide adequate aid to families with dependent children (AFDC) and critique the job opportunities and basic skills training (JOBS) programs.

Mr. Speaker, our Governors have spoken out and printed on recycled paper critical funding and flexibility of the Temporary Assistance for Needy Families block grant, which must be preserved—without any set-asides. The program should be reauthorized to ensure that States are able to continue their current innovative efforts to assist low-income individuals and families. I ask that we work together to provide meaningful legislation that will lead our families to self sufficiency.

HONORING REBECCA JOHNSON

## HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. MCINNIS. Mr. Speaker, I am honored to stand before this body of Congress today to recognize a dedicated educator. Rebecca Johnson has provided exemplary service as a teacher at Redlands Middle School in Grand Junction, Colorado, and it is my pleasure to honor the creativity that Rebecca has employed in touching the lives of her students and incorporating real life lessons in her classroom.

Rebecca has used a number of tools and methods to bring her academic lessons to life for the children she teaches. She has reinforced her students' interest in reading, turning her classroom into a movie set based on a book they read together. Rebecca has also encouraged interest in the arts as she supervises murals painted at the school. Rebecca's creativity has surely impacted her students in a positive manner and assisted them in developing a life-long appreciation for learning.

Mr. Speaker, I am proud to stand before this body of Congress today to express my admiration and gratitude for Rebecca's service and devotion to teaching. Individuals like Rebecca symbolize the dedication and commitment necessary to impart strong values to future generations and allow them the opportunity to succeed. Rebecca has answered a noble call that demands the utmost admiration and respect. Thank you, Rebecca, for your dedication and selfless public service.

PAYING TRIBUTE TO BOB TAYLOR

## HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. MCINNIS. Mr. Speaker, it is my privilege to recognize one of my district's most prominent and accomplished agriculturalists. Bob Taylor is the founder of a farming dynasty that has flourished for the last fifty years in La Plata County, Colorado. In addition to a wealth of agricultural knowledge, his reputation precedes him throughout the county as a fair and honest man. I would like to take this opportunity to pay tribute to Bob for the contributions that he has made throughout Colorado.

In spite of adverse conditions for area farmers, Bob has persevered throughout the last decade. He is consistently one of the top agricultural producers in the area and is always willing to offer advice to fellow agriculturalists. For his efforts, the Durango Area Chamber of Commerce has recently honored Bob as Agriculturalist of the Year.

The community also recognizes Bob for his long history of service to his church and the surrounding community. He embarked upon his two-year Mormon Church Mission after high school and began his service to the nation when he joined the Army during World War II. Bob was elected to a County Board position in 1954, but declined to run again after his church's local ward summoned him to serve as Bishop. Bob continues to maintain his public involvement by serving on two water-district boards.

Mr. Speaker, it is my distinct privilege to recognize Bob Taylor before this body of Congress and this nation. He served his country with honor as a soldier, and he has excelled in his agricultural career ever since. I congratulate Bob on his recent award and wish him all the best in his future endeavors.

HONORING ALUMNI OF THE FRANCES PAYNE BOLTON SCHOOL OF NURSING

## HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mrs. JONES of Ohio. Mr. Speaker, I rise today to extend my sincere congratulations and gratitude to the nurses who served in the United States military during World War II and the U.S. Cadet Nurse Corps who are alumni of the Frances Payne Bolton School of Nursing at Case Western Reserve University. These nurses were honored during their Reunion Celebration, which took place on May 17, 2003 at Severance Hall in Cleveland, Ohio.

Representative Frances Payne Bolton acquired the congressional seat of her late husband, which she maintained from 1939–1969. As a Member of Congress, she led the effort to create the U.S. Cadet Nurse Corps which trained 125,000 nurses in 1,100 nursing schools from 1943 to 1948 to reduce the nursing shortage and improve health care in the military and throughout the entire nation. She was the very first Congresswoman to serve the state of Ohio.

It is my pleasure to join with the Case Western Reserve University community and the citizens of the 11th Congressional District in honoring this group of nurses for their untiring service to this country.

NATIVE AMERICAN SACRED LANDS PROTECTION ACT

## HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. RAHALL. Mr. Speaker, many would argue that the United States Capitol is sacred. It is a testament to freedom, a symbol of government, a monument of national historical and cultural significance. Throughout its halls there are statues of our founders, our heroes, our history. For the past 200 years, legislators have sweat blood and tears debating the laws of our great country.

It is sacred to me, to the American people and to the underlying principles of this country. No patriotic American or friend of this great country would even think to spoil or mar the sanctity of this building.

But there are many places across this country no less sacred than the Capitol building, that are being desecrated as we speak. It is inconceivable to have open-pit mining in Arlington Cemetery or to imagine an oil rig plopped in the middle of the Sistine Chapel. But in fact that is the very problem facing Native American sacred lands today.

For example, the proposed site for a 1,600-acre, open-pit gold mine in Indian Pass, California, is a place where ''dream trails'' were woven. The Bush administration revoked a Clinton-era ruling that said mining operations would cause undue impairment to these ancestral lands, an extremely sacred place to the Quechan Indian tribe. Now the tribe is left fighting for its religious and cultural history. Although the state of California has taken action to help protect this site, the Federal government remains poised to permit the gold mine.

Long before my ancestors arrived on these shores, American Indians were the first stewards of this land. They respected the earth, water and air. They understood you take only what you need and leave the rest. They demonstrated you do not desecrate that which is sacred.

Most Americans understand a reverence for the great Sistine Chapel, or even the United States Capitol. Too often non-Indians have difficulty giving the same reverence we give to our sacred places to a mountain, valley, stream or rock formation.

We cannot fight to preserve Native American sacred lands on a case by case basis. We need a comprehensive process to protect bona fide Native American sacred sites wherever they may lie on the public domain.

That is why today I am introducing the Native American Sacred Lands Protection Act.

First, the bill would enact into law a 1996 Executive Order designed to protect sacred lands. Specifically, it ensures access and ceremonial use of sacred lands and mandates all federal land management agencies take the necessary steps to prevent significant damage to sacred lands.

Second, my bill gives Indian tribes the ability to petition the government to place federal lands off-limits to energy leasing or other incompatible developments when they believe those proposed actions would cause significant damage to their sacred lands.

This is an extremely important provision. The tribes would no longer have to depend on the good graces of federal bureaucrats to protect these lands. Rather, the tribes themselves could initiate those protections.

Third, the bill respects the confidentiality requirements of some Native American religions. And finally, the bill would permit sacred lands be transferred from the Federal government to the affected Indian or co-management plans to be implemented.

If you look to our national parks, forests and monuments you see the commitment to preserve many of our country's natural treasures. The Federal government has put its full weight behind protecting these lands, and we can do the same for Indian country.

At a time when the Bush administration is promoting increased energy development, we must enact comprehensive legislation that prohibits the further loss of Native American sacred lands. We must not stand idly by as these unique places are wiped off the face of the earth.

## HONORING VIRGINIA ROCKWELL

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. MCINNIS. Mr. Speaker, I am honored to stand before this body of Congress today to recognize a dedicated school counselor. Virginia Rockwell has served as a kindergarten through twelfth grade counselor for schools in Swink, Colorado for the past 21 years. For two decades, Virginia has provided enthusiastic service to our state's youth. Now, as she enters retirement, it is my pleasure to honor the character and achievements that have defined Virginia's dedicated career.

While Virginia has always been reluctant to take credit for her students' achievements, she has turned out a remarkable number of accomplished scholars, athletes and dedicated citizens. However, some of the students of which she is most proud are those who had to work the hardest to graduate. Virginia's commitment to her students and caring touch have not gone unnoticed. She was the state multilevel Counselor of the Year and runner up nationally in the early 1990s. Having little experience with schools in rural areas when she started, Virginia has come to appreciate the support and unique relationships that she has made while working in Swink. Upon her retirement, Virginia's peers and students will certainly reciprocate the touch of sadness that she experiences when her students graduate.

Mr. Speaker, I am proud to stand before this Congress today to express my gratitude for Virginia Rockwell's many years of service. Individuals like Virginia symbolize the dedication and commitment necessary to impart strong values to our next generation and allow them the opportunity to succeed. Virginia Rockwell has answered a noble call that demands our admiration and respect. Thank you, Virginia, for your many years of dedicated and selfless public service.

## PAYING TRIBUTE TO FRANK AND SUE MENEGATTI

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. MCINNIS. Mr. Speaker, it is an honor to stand before this body of Congress today to recognize Frank and Sue Menegatti of Walsenburg, Colorado. Frank and Sue have spent years managing The Capps Ranch Limited Partnership. During this time, they have enhanced stream quality, increased wildlife populations and protected the lands under their care from the ravages of fire. For their conscientious stewardship, Frank and Sue have received the Colorado Agricultural Outlook Forum's Leopold Conservation Award.

The exemplary efforts of Frank and Sue are all the more notable in light of the devastating drought that Colorado experienced in 2002. Frank and Sue have constructed ponds, developed twenty-five springs, and laid twenty-six miles of subterranean water pipeline in order to increase their ability to store water and protect it from evaporation. Their labor has benefited Colorado for many years, particularly at critical times, and it has helped develop a successful ranch while also caring for the natural beauty of Colorado's environment. Today, their ranch provides a habitat for twice as many elk, antelope, deer and sage grouse as it did before they began their remarkable stint as stewards.

Mr. Speaker, it is a pleasure to bring Frank and Sue's achievements to the attention of this body of Congress and this nation. Frank and Sue Menegatti serve as role models and inspirations not only to ranchers, but also to all who understand the need to protect our nation's great natural beauty for future generations.

## COMMEMORATING THE 100TH ANNIVERSARY OF THE HEPPNER FLOOD

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. WALDEN of Oregon. Mr. Speaker, I rise today in observance of one of the most tragic events in the history of Oregon and a defining chapter in the story of the small town of Heppner. June 14, 2003, will mark the 100th anniversary of the Heppner Flood, a natural catastrophe of unprecedented scale in my state that took the lives of 247 Oregonians, almost a quarter of the town's 1,146 residents. Though generations have passed since the people of Heppner witnessed nature's awesome, destructive wrath, even today the residents of this resilient community carry with them the painful memory of the devastation that occurred a full century ago.

June 14, 1903, was like any other Sunday in the peaceful town of Heppner, when the humble, God-fearing townspeople went about their lives, worshipping together and resting from a week spent toiling in their fields, minding their stores and tending their flocks and herds. As evening approached, none sensed the pending calamity that would befall the close-knit community and alter the lives of its residents forever.

Mr. Speaker, the rain came in an instant, swelling streams and unleashing a torrent that careened toward the town and destroyed everything in its wake. Trees were uprooted, structures crushed liked matchbox houses and homes and livestock were swept away in the deadly cascade. So, too, were many of the people of Heppner—men, women and children who drowned by the hundreds. An account of the disaster in the East Oregonian newspaper later estimated that more than three billion pounds of water passed through Heppner that night at a rate of 70 million pounds per minute.

Whole families were swept from the face of the earth, joining the horrendous flotsam of bodies and debris that rushed forward and disappeared into the churning water. With astonishing and merciless speed, the Heppner Flood destroyed the town's water system, ruined the railroad, took down telegraph lines and collapsed the bridges over Willow Creek. In a few short minutes, what had been a sleepy, idyllic Oregon town was transformed into a seething, watery graveyard. Scarcely a resident of the town could be found who had not lost a friend or family member or suffered the loss of property. Many of the hundreds of dead lay buried in the Heppner Masonic Cemetery, where today their descendants tend their graves and honor their precious memories.

The outpouring of assistance from nearby communities following this tragedy said much about the compassion and humanity of the people of the Northwest. In a poignant letter to Heppner's Mayor, Frank Gilliam, three little girls in Colfax, Washington, sent $11 they collected by selling homemade candy to help victims of the flood. Mayor Gilliam, touched by the gesture, wrote a note of thanks that tragically captured the sorrow that had been visited upon his town. ''Two weeks ago yesterday morning, Heppner was a happy little town,'' he wrote. ''Our church bells rang and our little ones sang songs of praise and worshipped by their mother's side. Evening came, and with it the storm, and many of our precious little children were carried away to worship at the throne of God. Those who have gone before are happy now, while those of us who remain are sad. Sad because of the little ones who are no more—who cannot be with us to cheer our weary way.''

Mr. Speaker, a century has passed since the disaster, yet the Heppner Flood remains the worst natural disaster in the history of Oregon. Though the buildings that had been torn down would be rebuilt, the fields would be replanted and herds replenished, the overwhelming human loss would remain like an open wound, the horror of the flood a constant nightmare from which the survivors would never awaken. In my travels to Heppner, I have come to know many descendants of both

survivors and victims of the flood. It is a profound honor to represent them in the House of Representatives.

Mr. Speaker, as a tribute to the victims of this devastating event, I ask that my colleagues observe one minute of respectful silence.

## PAYING TRIBUTE TO GAGLIANO'S ITALIAN MARKET

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 11, 2003*

Mr. MCINNIS. Mr. Speaker, it is my distinct privilege to recognize a local business that truly symbolizes the ''American Dream.'' Tony and Josephine Gagliano own and operate Gagliano's Italian Market, a Pueblo, Colorado fixture for the last 80 years. As the store has evolved over time, it continues to provide a distinct taste of home to numerous Puebloans. For this reason, I would like to pay tribute to the unique service that the Gagliano family has provided to the Pueblo Community.

Joe and Carmela Gagliano, the market's founders, were washed out of their home in Pueblo's flood of 1921. They recovered from that flood and embarked on a venture in the grocery business. Joe and Carmela's market originally catered to the basic needs of the growing Italian-American community in Pueblo. Today, Gagliano's Italian Market sells products that range from Italian foods to Italian cookware, dishes, pasta makers, and novelty items. Josephine, Joe and Carmela's daughter, does most of the baking with help from her grown children and their families. The Gaglianos are proud to serve the Pueblo community and are enthusiastic about continuing this family tradition.

Mr. Speaker, I am honored to recognize the Gagliano's story before this body of Congress and this nation. The Gaglianos provide a unique service to the community by honoring their family's culture and tradition. Their strength of spirit and dedication to the ''American Dream'' are the characteristics that have made this nation great. I congratulate them on their successes and wish them all the best with their future endeavors.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 12, 2003 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### JUNE 17

9:30 a.m.
Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold hearings to examine S. 525, the National Aquatic Invasive Species Act of 2003, to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.
SD–406

Foreign Relations
To hold hearings to examine the Convention for the Unification of Certain Rules for International Carriage by Air, done at Montreal May 28, 1999 (Treaty Doc. 106–45), Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on October 12, 1929, done at The Hague September 28, 1955 (The Hague Protocol) (Treaty Doc. 107–14), Stockholm Convention on Persistent Organic Pollutants, with Annexes, done at Stockholm, May 22–23, 2001 (Treaty Doc. 107–05), Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, with Annexes, done at Rotterdam, September 10, 1998 (Treaty Doc. 106–21), Agreement Between the Government of the United States of America and the Government of the Russian Federation on the Conservation and Management of the Alaska-Chukotka Polar Bear Population done at Washington on October 16, 2001 (Treaty Doc. 107–10), Agreement Amending the Treaty Between the Government of the United States of America and the Government of Canada on Pacific Coast Albacore Tuna Vessels and Port Privileges done at Washington May 26, 1981 (the ''Treaty''), effected by an exchange of diplomatic notes at Washington on July 17, 2002, and August 13, 2002 (the ''Agreement''). Enclosed is the report of the Secretary of State on the Agreement and a related agreement, effected by an exchange of notes at Washington on August 21, 2002, and September 10, 2002, amending the Annexes to the Treaty (Treaty Doc. 108–01), and Amendments to the 1987 Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America, with Annexes and agreed statements, done at Port Moresby, April 2, 1987, done at Koror, Palau, March 30, 1999, and at Kiritimati, Kiribati, March 24, 2002. Also transmitted, related Amendments to the Treaty Annexes, and the Memorandum of Understanding (Treaty Doc. 108–02).
SD–419

Rules and Administration
To hold hearings to examine Senate Resolution 151, requiring public disclosure of notices of objections (holds) to proceedings to motions or measures in the Senate.
SR–301

10 a.m.
Governmental Affairs
Business meeting to consider pending calendar items.
SD–342

Judiciary
To hold hearings to examine the FTC study on barriers to entry in the pharmaceutical marketplace.
SD–226

Aging
To hold oversight hearings to examine Section 202 housing, focusing on efforts to do the right thing for seniors through better government.
SD–628

2 p.m.
Judiciary
To hold hearings to examine whether personal and national security risks compromise the potential of P2P File-Sharing Networks.
SD–226

2:30 p.m.
Veterans' Affairs
To hold hearings to examine the nominations of Alan G. Lance, Sr., of Idaho, and Lawrence B. Hagel, of Virginia, both to be a Judge of the United States Court of Appeals for Veterans Claims.
SR–418

### JUNE 18

9:30 a.m.
Governmental Affairs
To hold hearings to examine the nominations of Fern Flanagan Saddler, Judith Nan Macaluso, Joseph Michael Francis Ryan III, and Jerry Stewart Byrd, all of the District of Columbia, each to be an Associate Judge of the Superior Court of the District of Columbia.
SD–342

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the New Basel Capital Accord.
SD–538

Health, Education, Labor, and Pensions
Employment, Safety, and Training Subcommittee
To hold hearings to examine proposed legislation authorizing funds for the Workforce Investment Act.
SD–430

Indian Affairs
To hold oversight hearings to examine Native American sacred places.
SR–485

2:30 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine the NewsCorp/DirecTV deal, focusing on global distribution.
SD–226

### JUNE 19

10 a.m.
Governmental Affairs
To hold hearings to conduct an initial review of the ULLICO matter, focusing on self-dealing and breach of duty.
SD–342

2:30 p.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold oversight hearings to examine grazing programs of the Bureau of Land Management and the Forest Service, focusing on grazing permit renewal, BLM's potential changes to grazing regulations, range monitoring, drought, and other grazing issues.
SD–366

### JUNE 21

10 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine a national export strategy.
SD–538

### JUNE 24

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine bus rapid transit and other bus service innovations.
SD–538

Governmental Affairs
To hold hearings to examine controlling the cost of Federal Health Programs by curing diabetes, focusing on a case study.
SH–216

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine proposed legislation authorizing funds for the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.
SD–430

2:30 p.m.
Armed Services
Personnel Subcommittee
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold joint hearings to examine support for military families.
SD–106

JUNE 25

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

JUNE 26

9:30 a.m.
Governmental Affairs
To hold hearings to examine the need for Federal real property reform, focusing on deteriorating buildings and wasted opportunities.
SD–342

2 p.m.
Foreign Relations
To hold hearings to examine the Department of State's Office of Children's Issues, focusing on responding to international parental abduction.
SD–419

POSTPONEMENTS

JUNE 17

2 p.m.
Judiciary
To hold hearings to examine P2P file-sharing networks, focusing on personal and national security risks.
SD–226

# *Daily Digest*

## HIGHLIGHTS

**Senate passed S. 1215, The Burmese Freedom and Democracy Act.**

**House passed H.R. 2115, Flight 100—Century of Aviation Reauthorization.**

**House committee ordered reported nine sundry measures.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S7651–S7739***

**Measures Introduced:** Sixteen bills and three resolutions were introduced, as follows: S. 1, S. 1230–1244, S. Res. 166, and S. Con. Res. 53–54. **Page S7718**

**Measures Reported:**

S. 686, to provide assistance for poison prevention and to stabilize the funding of regional poison control centers, with an amendment in the nature of a substitute. (S. Rept. No. 108–68) **Page S7717**

**Measures Passed:**

***Commending Medgar Wylie Evers and Myrlie Evers-Williams:*** Senate agreed to S. Con. Res. 54, commending Medgar Wiley Evers and his widow, Myrlie Evers-Williams for their lives and accomplishments, designating a Medgar Evers National Week of Remembrance. **Pages S7738–39**

***Burmese Freedom and Democracy Act:*** By 97 yeas to 1 nay (Vote No. 220), Senate passed S. 1215, to sanction the ruling Burmese military junta, to strengthen Burma's democratic forces and support and recognize the National League of Democracy as the legitimate representative of the Burmese people, after agreeing to the following amendments proposed thereto: **Pages S7690–S7700**

McConnell Amendment No. 882, in the nature of a substitute. **Page S7695**

McConnell Amendment No. 883 (to Amendment No. 882), to clarify the duration of certain sanctions against Burma. **Page S7695**

**Energy Policy Act:** Senate continued consideration of S. 14, to enhance the energy security of the United States, taking action on the following amendments proposed thereto: **Pages S7654–62, S7668–76, S7679–90, S7702–07**

Adopted:

Alexander Amendment No. 880, to require a report from the Secretary of Energy on natural gas supplies and demand. **Pages S7682–84**

Rejected:

Feinstein Modified Amendment No. 876, to tighten oversight of energy markets. (By 55 yeas to 44 nays (Vote No. 218), Senate tabled the amendment.) **Pages S7679–82**

Bingaman Amendment No. 881, to provide for a significant environmental review process associated with the development of Indian energy projects and to establish duties of the federal government to Indian tribes in implementing an energy development program. (By 52 yeas to 47 nays (Vote No. 219), Senate tabled the amendment.). **Pages S7684–89**

Withdrawn:

Reid Modified Amendment No. 877 (to Amendment No. 876), to exclude metals from regulatory oversight by the Commodity Futures Trading Commission. **Page S7675**

Pending:

Graham (FL) Amendment No. 884, to strike the provision requiring the Secretary of the Interior to conduct an inventory and analysis of oil and natural gas resources beneath all of the waters of the outer Continental Shelf. **Pages S7702–07**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9:30 a.m., on Thursday, June 12, 2003; that there be 90 minutes of debate remain on the Graham Amendment No. 884 (listed above); and that upon the use of that time, the Senate vote on or in relation to the

amendment, with no amendments in order to the amendment prior to the vote. Page S7739

**Nominations Confirmed:** Senate confirmed the following Nominations:

By unanimous vote of 97 yeas (Vote No. 216), J. Ronnie Greer, of Tennessee, to be United States District Judge for the Eastern District of Tennessee.

Pages S7676–77

By unanimous vote of 97 yeas (Vote No. 217), Mark R. Kravitz, of Connecticut, to be United States District Judge for the District of Connecticut.

Pages S7678–79

By unanimous vote of 96 yeas (Vote No. Ex. 215), Richard C. Wesley, of New York, to be United States Circuit Judge for the Second Circuit.

Pages S7662–65

Harlon Eugene Costner, of North Carolina, to be United States Marshal for the Middle District of North Carolina for the term of four years. Page S7739

Clay Johnson III, of Texas, to be Deputy Director for Management, Office of Management and Budget. (Prior to this action, Committee on Governmental Affairs was discharged from further consideration.)

Page S7739

**Messages From the House:** Page S7716

**Measures Referred:** Page S7716

**Enrolled Bills Presented:** Page S7716

**Executive Communications:** Pages S7716–17

**Executive Reports of Committees:** Pages S7717–18

**Additional Cosponsors:** Pages S7718–20

**Statements on Introduced Bills/Resolutions:** Pages S7720–31

**Additional Statements:** Pages S7715–16

**Amendments Submitted:** Pages S7731–38

**Authority for Committees to Meet:** Page S7738

**Privilege of the Floor:** Page S7738

**Record Votes:** Six record votes were taken today. (Total—220)

Pages S7665, S7677, S7679, S7682, S7689, S7700

**Adjournment:** Senate met at 9:30 a.m., and adjourned at 7:57 p.m., until 9:30 a.m., on Thursday, June 12, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S7739.)

# *Committee Meetings*

*(Committees not listed did not meet)*

## HEALTH CARE ACCESS

*Committee on Appropriations:* Subcommittee on Labor, Health and Human Services, and Education, concluded hearings to examine health care access and affordability, focusing on cost containment strategies, including attention to reducing errors, eliminating waste and duplication in clinical care, modernizing and streamlining administration, promoting transparency and accountability for performance, and aligning financial incentives for physicians, hospitals, and other health care providers to reward high-quality and efficient care, after receiving testimony from Karen Davis, The Commonwealth Fund, New York, New York; Dave Hickman, Mercy Health Network, Des Moines, Iowa; John Mentel, Mayo Clinic, Jacksonville, Florida; James F. Fries, Stanford University School of Medicine, Stanford, California; Donald R. Hoover, Rutgers University, Piscataway, New Jersey; and David Bernd, Sentara Healthcare, Norfolk, Virginia, on behalf of the American Hospital Association.

## APPROPRIATIONS: DISTRICT OF COLUMBIA

*Committee on Appropriations:* Subcommittee on District of Columbia concluded hearings to examine the District of Columbia's local budget request, after receiving testimony from Mayor Anthony A. Williams, Linda W. Cropp, Chairman, Council of the District of Columbia, and Natwar Gandhi, Chief Financial Officer for the District of Columbia, all of Washington, D.C.

## AUTHORIZATION—FTC

*Committee on Commerce, Science, and Transportation:* Subcommittee on Competition, Foreign Commerce, and Infrastructure concluded hearings to examine proposed legislation authorizing funds for the Federal Trade Commission, after receiving testimony from Timothy Muris, Chairman, Mozelle W. Thompson, Orson Swindle, and Thomas B. Leary, each a Commissioner, all of the Federal Trade Commission; Marc Rotenberg, Electronic Privacy Information Center, Susan Grant, National Consumers League, Larry Sarjeant, U.S. Telecom Association, and Ari Schwartz, Center for Democracy and Technology, all of Washington, D.C.; Sarah Deutsch, Verizon Communications, Silver Spring, Maryland; and Scott Cooper, Hewlett-Packard Company, Palo Alto, California.

**PATIENT SAFETY**

*Committee on Governmental Affairs:* Permanent Subcommittee on Investigations concluded hearings to examine patient safety issues, focusing on hospitals and other health care organizations' efforts to build and sustain a culture of continuous quality and patient safety improvement, after receiving testimony from James P. Bagian, Director, National Center for Patient Safety, Veterans Health Administration, Department of Veterans Affairs; Carolyn M. Clancy, Director, Agency for Healthcare Research and Quality, Department of Health and Human Services; Dianne Mandernach, Minnesota Department of Health, St. Paul; David R. Page, Fairview Health Services, Minneapolis, Minnesota; Dennis S. O'Leary, Joint Commission on Accreditation of Healthcare Organizations, Oakbrook Terrace, Illinois; Robert E. Krawisz, National Patient Safety Foundation, Chicago, Illinois; Suzanne Delbanco, Leapfrog Group, Washington, D.C.; and Roxanne J. Goeltz, Burnsville, Minnesota, on behalf of the National Patient Safety Foundation, Partnership for Patient Safety, and Consumers Advancing Patient Safety.

**BUSINESS MEETING**

*Committee on Health, Education, Labor, and Pensions:* Committee ordered favorably reported the following business items:

S. 648, to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy, with an amendment in the nature of a substitute;

S. 1225, entitled the "Greater Access to Affordable Pharmaceuticals Act"; and The nomination of Anne Rader, of Virginia, to be a Member of the National Council on Disability.

**NOMINATION**

*Committee on Indian Affairs:* Committee concluded hearings to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, after the nominee, who was introduced by Senators Nickles and Inhofe, testified and answered questions in his own behalf.

**FORT BERTHOLD INDIAN RESERVATION**

*Committee on Indian Affairs:* Committee concluded hearings on S. 1146, to implement the recommendations of the Garrison Unit Tribal Advisory Committee by providing authorization for the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota, after receiving testimony from Tex G. Hall, Mandan Hidatsa and Arikara Nation, and Frederick Baker, Mandan Hidatsa and Arikara Elders Organization, both of New Town, North Dakota.

**NOMINATIONS:**

*Committee on the Judiciary:* Committee concluded hearings to examine the nominations of William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, who was introduced by Senators Shelby and Sessions and Representative Bonner, and Diane M. Stuart, of Utah, to be Director of the Violence Against Women Office, Department of Justice, who was introduced by Senator Hatch, after each nominee testified and answered questions in their own behalf.

# House of Representatives

## *Chamber Action*

**Measures Introduced:** 25 public bills, H.R. 2416–2440, and 2 resolutions, H.J. Res. 59 and H. Con. Res. 215, were introduced. **Pages H5265–66**

**Additional Cosponsors:** **Pages H5267–68**

**Reports Filed:** Reports were filed today as follows:

H. Res. 269, providing for consideration of H.R. 1115, to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions (H. Rept. 108–148); and

H. Res. 270, providing for consideration of Senate amendments to H.R. 1308, to amend the Internal Revenue Code of 1986 to end certain abusive tax practices, to provide tax relief and simplification (H. Rept. 108–149). **Page H5265**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative La Hood to act as Speaker Pro Tempore for today. **Page H5177**

**Guest Chaplain:** The prayer was offered by the Rev. Dr. Thomas A. Erickson, Interim Pastor, The National Presbyterian Church of Washington, DC.

**Page H5177**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Significant Accomplishment of Sequencing the Human Genome and Celebrating Human Genome Month and DNA Day:*** Debated on June 10, H. Con. Res. 110, recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day (agreed to by 2/3 yea-and-nay vote of 414 yeas to nays, Roll No. 259); **Pages H5197–98**

***Commercial Spectrum Enhancement Act:*** H.R. 1320, amended, to amend the National Telecommunications and Information Administration Organization Act to facilitate the reallocation of spectrum from governmental to commercial users (agreed to by 2/3 yea-and-nay vote of 408 yeas to 10 nays, Roll No. 260); and **Pages H5179–85, H5198**

***Temporary Assistance for Needy Families Block Grant Reauthorization:*** H.R. 2350, to reauthorize the Temporary Assistance for Needy Families block grant program through fiscal year 2003 (agreed to by 2/3 yea-and-nay vote of 406 yeas to 6 nays, Roll No. 261). **Pages H5185–90, H5198–99**

**Flight 100—Century of Aviation Reauthorization:** The House passed H.R. 2115, to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration by yea-and-nay vote of 418 yeas to 8 nays, Roll No. 264.

**Pages H5190–H5239**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill (H. Rept. 108–143), modified by the amendment printed in part A of the Rules Committee report (H. Rept. 108–146), was considered as an original bill for the purpose of amendment.

**Pages H5210–26**

Manzullo Part B amendment No. 5 printed in H. Rept. 108–146 that requires the Department of Transportation to submit a report on all waivers granted under the FAA ''Buy-American Preferences'' provisions (agreed to by recorded vote of 426 ayes with none voting ''no'', Roll No. 262);

**Pages H5226–27, H5237–38**

Mica Part B amendment no. 1 printed in H. Rept. 108–146 that makes various technical and clarifying changes including the use of 76 seat jets to qualify for the commuter aircraft slots at Reagan National; revises Airport Improvement Program requirements; clarifies that anti-hijacking training for flight attendants is voluntary and will be provided by Transportation Security Administration; and directs a GAO study on the compensation to airlines after 9/11; **Pages H5227–31**

Norton Part B amendment no. 2 printed in H. Rept. 108–146 that repeals the provision requiring the Metropolitan Washington Airports Authority to appear before Congress before approval of airport development project grants; **Pages H5231–33**

Peterson of Pennsylvania Part B amendment no. 3 printed in H. Rept. 108–146 that removes co-payments from Essential Air Service communities that are located less than 75 miles from a small hub or less than 170 miles from a medium or large hub; and **Pages H5233–35**

Pitts Part B amendment no. 4 printed in H. Rept. 108–146 that provides for consultation between a state Governor and the Secretary of Transportation on commonly used highway routes and further requires the Secretary to define a consistent standard for calculating the most commonly used route when determining Essential Air Service eligibility (agreed to by recorded vote of 422 ayes with none voting ''no,'' Roll No. 263). **Pages H5235–38**

H. Res. 265, the rule that provided for consideration of the bill was agreed to by recorded vote of 370 ayes to 43 noes, Roll No. 258. Earlier, agreed to order the previous question by yea-and-nay vote of 219 yeas to 195 nays, Roll No. 257.

**Pages H5190–97**

**Senate Message:** Message received from the Senate today appear on page H5177.

**Amendment:** Amendment ordered printed pursuant to the rule appears on page H5268.

**Quorum Calls Votes:** Five yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H5196, H5196–97, H5197–98, H5198, H5199, H5237–38, H5238, and H5239. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 7:48 p.m.

# *Committee Meetings*

## MILITARY CONSTRUCTION APPROPRIATIONS SMALL BUSINESS FAIRNESS ACT

*Committee on Appropriations:* Subcommittee on Military Construction approved for full Committee action the Military Construction appropriations for fiscal year 2004.

## SMALL BUSINESS FAIRNESS ACT

*Committee on Education and the Workforce:* Began markup of H.R. 660, Small Business Health Fairness Act of 2003.

Will continue tomorrow.

## FTC REAUTHORIZATION

*Committee on Energy and Commerce:* Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled "The Reauthorization of the Federal Trade Commission: Positioning the Commission for the Twenty-First Century." Testimony was heard from the following officials of the FTC: Timothy J. Muris, Chairman, Mozelle W. Thompson, Orson Swindle, and Thomas B. Leary, all Commissioners.

## NATION'S FIRST RESPONDERS—SPECTRUM NEEDS

*Committee on Energy and Commerce:* Subcommittee on Telecommunications and the Internet held a hearing on entitled "The Spectrum Needs of Our Nation's First Responders." Testimony was heard from Representatives Harman and Weldon of Pennsylvania; Edmond J. Thomas, Chief Engineer, Office of Engineering and Technology, FCC; Norman J. Jacknis, Chief Information Officer, Department of Information Technology, Westchester County, State of New York; First Lt. Gene Adamczyk, State Police, State of Michigan; and public witnesses.

## MATCHING CAPITAL AND ACCOUNTABILITY

*Committee on Financial Services:* Subcommittee on Domestic and International Monetary Policy, Trade, and Technology held a hearing entitled "Matching Capital and Accountability—The Millennium Challenge Account." Testimony was heard from John Taylor, Under Secretary, International Affairs, Department of the Treasury; and the following officials of the Department of State: Alan Larson, Under Secretary, Economic, Business and Agriculture Affairs; and Andrew Natsios, Administrator, AID.

## CITIZEN'S GUIDE—FREEDOM OF INFORMATION ACT AND THE PRIVACY ACT

*Committee on Government Reform:* Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census approved for full Committee the following: The Citizen's Guide on Using the Freedom of Information Act and The Privacy Act of 1974 to Request Government Records.

## MIDDLE EAST PEACE PROCESS AT CROSSROADS

*Committee on International Relations:* Held a hearing on The Middle East Peace Process at a Crossroads. Testimony was heard from William Burns, Assistant Secretary, Bureau of Near Eastern Affairs, Department of State.

## COMMENDING SIGNING OF U.S.-ADRIATRIC CHARTER; RENEWING THE TRANSATLANTIC PARTNERSHIP: A VIEW FROM THE U.S.

*Committee on International Relations:* Subcommittee on Europe approved for full Committee action H. Con. Res. 209, commending the signing of the United States-Adriatric Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia.

The Subcommittee also held a hearing on Renewing the Transatlantic Partnership: A View From the United States. Testimony was heard from public witnesses.

## OVERVIEW OF RADIO AND TV MARTI

*Committee on International Relations:* Subcommittee on Western Hemisphere held a hearing on Overview of Radio and Television Marti. Testimony was heard from the following officials of the Broadcasting Board of Governors: Kenneth Y. Tomlinson, Chairman; and Pedro V. Roig, Director, Office of Cuba Broadcasting.

## MISCELLANEOUS MEASURES

*Committee on Resources:* Ordered reported the following measures: H. Con. Res. 21, commemorating the Bicentennial of the Louisiana Purchase; H. Res. 30, concerning the San Diego long-range sportfishing fleet and rights to fish the waters near the Revillagigedo Islands of Mexico; H.R. 74, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; H.R. 272, amended, to direct the Secretary of Agriculture to convey certain land to Lander County Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; H.R. 901, amended, to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California; H.R. 1113, amended, to authorize an exchange of land at Fort Frederica National Monument; H.R. 1209, to extend the authority for the construction of a memorial to Martin Luther King, Jr., in the District of Columbia; H.R. 1284, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project; and H.R. 1945, amended, Pacific Salmon Recovery Act.

## CLASS ACTION FAIRNESS ACT

*Committee on Rules:* Granted, by voice vote, a structured rule providing 1 hour of general debate on

H.R. 1115, Class Action Fairness Act of 2003. The rule provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Sensenbrenner and Representatives Scott of Virginia, Lofgren, Jackson-Lee of Texas, Delahunt and Sandlin.

## TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT—RELATING TO THE CONSIDERATION OF THE SENATE AMENDMENT

*Committee on Rules:* Committee granted, by a vote of 9 to 4, a rule providing that upon adoption of the resolution the bill, H.R. 1308, Tax Relief, Simplification, and Equity Act of 2003, with the Senate amendments thereto, be hereby taken from the Speaker's table. The rule provides that upon adoption of the resolution the Senate amendment to the title is hereby agreed to. The rule further provides that upon adoption of the resolution the Senate amendment to the text is hereby agreed to with the amendment printed in the report of the Committee on Rules accompanying the resolution. Finally, the rule provides that it shall be in order for the chairman of the Committee on Ways and Means to move that the House insist on its amendment to the Senate amendment to H.R. 1308, or that the House disagree to any further Senate amendment, and request or agree to a conference with the Senate thereon. Testimony was heard from Representatives Castle, Rangel, Levin, Tanner, Pelosi and Hoyer.

## U.S.-RUSSIAN SPACE COOPERATION

*Committee on Science:* Subcommittee on Space and Aeronautics held a hearing on U.S.-Russian Cooperation in Space. Testimony was heard from John Schumacher, Assistant Administrator, External Relations, NASA; and public witnesses.

## REVITALIZING AMERICA'S MANUFACTURERS

*Committee on Small Business:* Held a hearing entitled "Revitalizing America's Manufacturers: SBA Business and Enterprise Development Programs." Testimony was heard from the following officials of the SBA: Daryl Hairston, Deputy Associate Deputy Administrator, Government Contracting and Business Development; and Kaaren Street, Deputy Associate Deputy Administrator, Enterprise Development; and public witnesses.

## EPA GRANTS MANAGEMENT

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment held a hearing on EPA Grants Management: Persistent Problems and Proposed Solutions. Testimony was heard from the following officials of the EPA: Nikki L, Tinsley, Inspector General; and Morris X. Winn, Assistant Administrator, Office of Administration and Resources Management; and John B. Stephenson, Director, Environmental Issues, GAO.

## VETERANS' MEASURES

*Committee on Veterans' Affairs:* Subcommittee on Benefits held a hearing on the following bills: H.R. 886, to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; H.R. 1167, to amend title 38, United States Code, to permit remarried surviving spouses of veterans to be eligible for burial in a national cemetery; H.R. 1500, Veterans' Appraiser Choice Act; H.R. 1516, to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in southeastern Pennsylvania; and H.R. 2163, to amend title 38, United States Code, to exclude the proceeds of life insurance from consideration as income for purposes of determining veterans' pension benefits. Testimony was heard from Representatives Simpson, Holden, Bradley of New Hampshire, Gerlach, Larsen of Washington on behalf of Representative Smith of Washington, and Wilson of New Mexico; John M. Molino, Deputy Assistant Secretary, Military, Community and Family Policy, Department of Defense; Frederico Juarbe, Jr., Assistant Secretary, Veterans' Employment and Training Services, Department of Labor; and Robert Epley, Under Secretary, Policy and Program Management, Veterans Benefits Administration, Department of Veterans Affairs.

### VETERANS' MEASURES

*Committee on Veterans' Affairs:* Subcommittee on Health held a hearing on the following: H.R. 1720, Veterans Health Care Facilities Capital Improvement Act; H.R. 116, Veterans' New Fitzsimons Health Care Facilities Act of 2003; H.R. 2307, to provide for the establishment of new Department of Veterans Affairs medical facilities for veterans in the area of Columbus, Ohio, and in south Texas; and H.R. 2349, to authorize certain major medical facility projects for the Department of Veterans Affairs. Testimony was heard from Robert H. Roswell, M.D., Under Secretary, Health, Department of Veterans Affairs; and representatives of veterans organizations.

### ADMINISTRATION'S FOSTER CARE FLEXIBLE FUNDING PROPOSAL

*Committee on Ways and Means:* Subcommittee on Human Resources held a hearing on the Administration's Foster Care Flexible Funding Proposal. Testimony was heard from Wade F. Horn, Assistant Secretary, Administration for Children and Families, Department of Health and Human Services; Barbara Riley, Deputy Director, Office of Children and Families, Department of Job and Family Services, State of Ohio; and public witnesses.

## *Joint Meetings*

### IRAQ ECONOMY

*Joint Economic Committee:* Committee concluded hearings to examine the policies and procedures to encourage long-term economic growth and prosperity in reforming Iraq's economy, focusing on establishing a stable financial system that consists of new leadership, better security, free trade, regional banking, establishing new currency, and property rights, after receiving testimony from Hernando de Soto, Institute for Liberty and Democracy, Lima, Peru; Basil al-Rahim, MerchantBridge, London, England, on behalf of the Iraq Foundation; Rachel Bronson, Council on Foreign Relations, New York, New York; and David Ellerman, Washington, D.C.

## COMMITTEE MEETINGS FOR THURSDAY, JUNE 12, 2003

*(Committee meetings are open unless otherwise indicated)*

### Senate

*Committee on Agriculture, Nutrition, and Forestry:* to hold hearings to examine the Department of Agriculture's implementation of the Agricultural Risk Protection Act of 2000 and related crop insurance issues, 10 a.m., SR–328A.

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine expanding homeownership opportunities, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* to hold hearings to examine global overfishing, 9:30 a.m., SR–253.

Subcommittee on Science, Technology, and Space, to hold hearings to examine issues relating to cloning, 2:30 p.m., SR–253.

*Committee on Energy and Natural Resources:* Subcommittee on Public Lands and Forests, to hold hearings to examine S. 434, to authorize the Secretary of Agriculture to sell or exchange all or part of certain parcels of National Forest System land in the State of Idaho and use the proceeds derived from the sale or exchange for National Forest System purposes, S. 435. to provide for the conveyance by the Secretary of Agriculture of the Sandpoint Federal Building and adjacent land in Sandpoint, Idaho, S. 490, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, H.R. 762, to amend the Federal Land Policy and Management Act of 1976 and the Mineral Leasing Act to clarify the method by which the Secretary of the Interior and the Secretary of Agriculture determine the fair market value of certain rights-of-way granted, issued, or renewed under these Acts, S. 1111, to provide suitable grazing arrangements on National Forest System land to persons that hold a grazing permit adversely affected by the standards and guidelines contained in the Record of Decision of the Sierra Nevada Forest Plan amendment and pertaining to the Willow Flycatcher and the Yosemite Toad, and H.R. 622, to provide for the exchange of certain lands in the Coconino and Tonto National Forests in Arizona, 2:30 p.m., SD–366.

*Committee on Finance:* to hold hearings to examine a Medicare prescription drug benefit, to be immediately followed by a business meeting to consider S. 312, to amend title XXI of the Social Security Act to extend the availability of allotments for fiscal years 1998 through 2001 under the State Children's Health Insurance Program, 10 a.m., SH–216.

*Committee on Foreign Relations:* to hold hearings to examine repercussions of Iraq stabilization and reconstruction policies, 9:30 a.m., SD–419.

*Committee on Health, Education, Labor, and Pensions:* to hold hearings to examine certain issues relative to TWA/American Airline workforce integration, 2 p.m., SD–430.

*Committee on Judiciary.* business meeting to consider S. 724, to amend title 18, United States Code, to exempt certain rocket propellants from prohibitions under that title on explosive materials, S. 1125, to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, S. Res. 141, recognizing ''Inventing Flight: The centennial Celebration'', a celebration in Dayton, Ohio of the centennial of Wilbur and Orville Wright's first flight, H.R. 1954, to revise the provisions of the Immigration and Nationality Act relating to naturalization through service in the Armed Forces, and the nominations of David G. Campbell, to be

United States District Judge for the District of Arizona, Thomas M. Hardiman, to be United States District Judge for the Western district of Pennsylvania, Eduardo Aguirre, Jr., of Texas, to be Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security, and Richard James O'Connell, to be United States Marshal for the Western District of Arkansas, to be immediately followed by a Subcommittee on Constitution, Civil Rights and Property Rights business meeting to consider S.J. Res. 1, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 9:30 a.m., SD–226.

## House

*Committee on Appropriations,* Subcommittee on Homeland Security, to mark up appropriations for fiscal year 2004, 10 a.m., B–308 Rayburn.

*Committee on Armed Services,* briefing on the state of reconstruction and stabilization operations in Iraq hearing on worldwide U.S. military commitments, 9 a.m., 2118 Rayburn.

*Committee on Education and the Workforce,* to continue mark up of H.R. 660, Small Business Health Fairness Act of 2003, 9:30 a.m., 2175 Rayburn.

Subcommittee on Education Reform, to mark up H.R. 2210, School Readiness Act of 2203, following full Committee markup, 2175 Rayburn.

*Committee on Energy and Commerce,* Subcommittee on Oversight and Investigations, to consider motions authorizing the issuance of subpoenas for certain records and testimony in connection with the Committee's investigations into (1) the financial collapse of HealthSouth Corporation, and (2) the safety of dietary supplements that are manufactured or marketed for use by children, 9:30 a.m., 2123 Rayburn.

*Committee on Financial Services,* Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''The Role of FCRA in the Credit Granting Process,'' 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* Subcommittee on Human Rights and Wellness, hearing entitled ''Canadian Prescription Drug Importation: Is There A Safety Issue?'' 2 p.m., 2154 Rayburn.

*Committee on International Relations,* to mark up the following measures: the Millennium Challenge Account Authorization and Peace Corps Expansion Act of 2003; H.R. 2330, Burmese Freedom and Democracy Act of 2003; H.R. 1462, International Disability and Victims of Warfare and Civil Strife Assistance Act of 2003; H. Res. 58, recognizing the accomplishments of Ignacy Jan Paderewski as a musician, composer, statesman, and philanthropist and recognizing the 11th Anniversary of the return of his remains to Poland; H.R. 177, commending the people of the Republic of Kenya for conducting free and fair elections, for the peaceful and orderly transfer of power in their government, and for the continued success of democracy in their nation since that transition; H. Res. 194, regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan; H. Res. 199, calling on the Government of the People's Republic of China immediately and unconditionally to release Dr. Yang Jianli, calling on the President of the United States to continue working on behalf of Dr. Yang Jianli for his release; H. Res. 237, honoring the life and work of Walter Sisulu, a critical leader in the movement to free South Africa of apartheid, on the occasion of his death; H. Res. 242, expressing the condolences of the House of Representatives to the families of the victims of the terrorist suicide bombing attacks that occurred on May 16, 2003, in Casablanca, Morocco; a resolution expressing sympathy for the victims of the devastating earthquake that struck Algeria on May 21, 2003; H. Con. Res. 49, expressing the sense of the Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences; H. Con. Res. 80, expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; H. Con. Res. 134, acknowledging the deepening relationship between the United States and the Republic of Djibouti and recognizing Djibouti's role in combating terrorism; H. Con. Res. 154, concerning the transition to democracy in the Republic of Burundi; H. Con. Res. 169, expressing the sense of Congress that the United States Government should support the human rights and dignity of all persons with disabilities by pledging support for the drafting and working toward the adoption of a thematic convention on the human rights and dignity of persons with disabilities by the United Nations General Assembly to augment the existing United Nations human rights system; and H. Con. Res. 209, commending the signing of the United States-Adriatic Charter, a charter of partnership among the United States, Albania, Croatia, and Macedonia, 10:30 a.m., 2172 Rayburn.

*Committee on the Judiciary,* Subcommittee on Crime, Terrorism, and Homeland Security, to mark up H.R. 1707, Prison Rape Reduction Act of 2003, 9:30 a.m., 2141 Rayburn.

*Committee on Resources*, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following bills: H.R. 1006, Captive Wildlife Safety Act; and H.R. 1472, Don't Feed the Bears Act of 2003, 10 a.m., 1324 Longworth.

*Committee on Science,* Subcommittee on Research, hearing on Plant Biotechnology Research and Development in Africa: Challenges and Opportunities, 10 a.m., 2318 Rayburn.

*Committee on Small Business,* Subcommittee on Tax, Finance, and Exports, hearing on the Chilean Free Trade Agreement, 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure,* Subcommittee on Coast Guard and Maritime Transportation, to mark up the Coast Guard and Maritime Transportation Act of 2003, 10 a.m., 2167 Rayburn.

*Permanent Select Committee on Intelligence,* executive, hearing on Special Programs, 2 p.m., and executive, to mark up the Intelligence Authorization Act for Fiscal Year 2004, 4:30 p.m., H–405 Capitol.

*Next Meeting of the* **SENATE**

**9:30 a.m., Thursday, June 12**

**Senate Chamber**

**Program for Thursday:** Senate will continue consideration of S. 14, Energy Policy Act and vote on or in relation a proposed amendment (Graham Amendment No. 884), to the bill.

*Next Meeting of the* **HOUSE OF REPRESENTATIVES**

**10 a.m., Thursday, June 12**

**House Chamber**

**Program for Thursday:** Consideration of H.R. 1115, Class Action Fairness Act (structured rule, one hour of debate).

Consideration of the Senate amendments to H.R. 1308, Tax Relief, Simplification and Equity Act.

## Extensions of Remarks, as inserted in this issue

HOUSE




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