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House of Representatives

The House met at 10 a.m.

The Reverend Deborah J. Logan, Pastor, Christian Faith Fellowship Church, Zion, Illinois, offered the following prayer:

I exhort and encourage first of all that supplication, prayer, intercession and giving of thanks be made for all men. I pray for this Nation, our President, his cabinet and assistants, governors, Senators, Congress, judges, military and intelligence agencies and all those that are in authority that we may lead a quiet and peaceable life in all Godliness and honesty.

I pray that in all their ways they acknowledge You, that You Lord, will lead, guide and direct them in their affairs facing our Nation and give the President divine wisdom and strength to make sound decisions when faced with crisis.

I pray for Congress as they confer about the common wealth of their perspective region. Give them divine wisdom, knowledge, insight and understanding on how to effect change and make the proper changes for generations to come. I pray for divine safety and protection for them and their families. I pray for divine health and healing over their entire bodies, spiritually, physically, mentally and emotionally. I pray that they have sound and happy marriages, children and families. For the weapons of our warfare are not carnal, but mighty through God to the pulling down of strongholds.

Blessed is the nation whose God is Lord. Amen.

THE JOURNAL

The SPEAKER. 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. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina 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 a bill of the following title in which the concurrence of the House is requested:

S. 764. An act to extend the authorization of the Bulletproof Vest Partnership Grant Program.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1474) ''An Act to facilitate check truncation by authorizing substitute checks, to foster innovation in the check collection system without mandating receipt of checks in electronic form, and to improve the overall efficiency of the Nation's payments system, and for other purposes,'' disagreed to by the House and agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SHELBY, Mr. BENNETT, Mr. ALLARD, Mr. SARBANES, and Mr. JOHNSON, to be the conferees on the part of the Senate.

WELCOMING PASTOR DEBORAH J. LOGAN

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

Mr. CRANE. Mr. Speaker, it is my honor today to welcome Pastor Deborah Logan as our guest chaplain. Pastor Logan serves as a co-pastor at the Christian Faith Fellowship Church in Zion, Illinois, with her husband, Pastor James E. Logan.

In 1994, Pastor Logan and her husband, James, were ordained and installed as first assistant pastors of the Christian Faith Fellowship Church Waukegan. Three years later, she and James took the helm as pastors in the same church, now known as the Christian Faith Fellowship Church Zion.

Since then Pastor Logan and her husband have worked together to build a church in the North Shore area to uplift and encourage families through spiritual guidance and fellowship. These days the ministry continues to experience phenomenal growth as the vision of strong families led by strong spirit-filled men in their rightful place in the home is fulfilled.

I have had the privilege to join them at one of their services, and it was a joyous and uplifting experience.

Pastor Logan and her husband have been married for 15 years, and together they have two beautiful children, Cameron James and Llexis Charity.

I thank Pastor Logan for her continued dedication to her church, her community, and our country. I deem it an honor and privilege to welcome Pastor Deborah Logan to the United States House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will enter ten 1-minute speeches per side.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. EVERETT. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

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IRAQIS BEING KILLED, TOO

(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, there are thousands of Iraqi citizens who have volunteered to rebuild their country, to establish democracy and the rule of law, to turn on the power and water, set up schools and courthouses, build roads and homes. As the cohorts of Saddam Hussein attack our troops, they are killing Iraqis as well.

This confirms that Saddam Hussein is not just an enemy of the coalition troops; he is an enemy of freedom and prosperity, an enemy of peace and democracy, an enemy of all who seek to bring these back to Iraq. So I join many who come to this floor lamenting the loss of American life in Iraq, and I join them in their desire for our troops to be home soon; but we need to also remember that Saddam Hussein's rage does not end with the American soldier. He is perfectly willing to kill Iraqis to keep his nation from moving forward. We are grateful for the efforts of peace-loving Iraqis in helping to rebuild their nation and establish democracy.

CONGRESSIONAL BASEBALL GAME BIG VICTORY FOR CHARITY

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

Mr. OXLEY. Mr. Speaker, it is a great honor to be in the well of the House and to announce that the baseball game which was played last Thursday night between the Republicans and Democrats ended in a Republican victory, 5–3. I want to congratulate all of my Republican colleagues who played so well on the diamond, but particularly our most valuable player, the gentleman from Illinois (Mr. SHIMKUS). The coveted Roll Call trophy stands behind me.

This is the first game in a new series, a 5-game series. I also want to congratulate the gentleman from Minnesota (Mr. SABO), the manager of the Democrats, a real sportsman and a great individual, and all of the Democrats who participated.

Ultimately, this is a big victory for charity. We raised close to $100,000 for various charities, and ultimately that is what this game is all about. For folks back home who think this was a softball game, I assure you, we play hard ball here in Washington. Indeed, it was a great night and a great victory in Prince George's Stadium where the Bowie Bay Sox play. We want to thank the Bay Sox for their hospitality. A good time was had by all, and also to the sponsors who put up the funds to make this available and particularly to the charities. Again, a great victory and bragging rights for 364 days, which is not all bad.

MYTHS WHICH SENT US TO WAR

(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, today CIA Director George Tenet will testify behind closed doors. Yesterday I held a public briefing with two veteran intelligence officers about the misuse of intelligence which took us into war. Ray McGovern, briefed Vice Presidents during his 27 years with the CIA. He said, ''In my day, we did our analyses among ourselves. We knew what the requirements were. We knew what the interests were on the part of the policymakers. But thank you very much, we did not need policymakers at the table to tell us how to shape the intelligence.'' So much for the current Vice President's multiple CIA visits.

Andrew Wilke, a key intelligence analyst in Australia was on the Iraq case and received intelligence received by the U.S. in the run-up to the war. He said, ''In that time, I saw not a single piece of critical hard evidence to substantiate the claim of any cooperation between Iraq and al Qaeda.''

Was the intelligence-gathering apparatus of our Nation corrupted for base political concerns? Did the U.S. go to war based on lies? Congress must find out in open public hearings to get the answers about phantom nuclear weapons and other myths which sent us to war.

MISUSE OF FEDERAL RESOURCES FOR POLITICAL PURPOSES

(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 express my concern over the partisan political use of Federal resources by the majority party. Roughly 2 months ago, the Justice Department, the Department of Transportation, and the Department of Homeland Security were all called upon to track down Democratic members of the Texas legislature, even though they had broken no law, nor endangered public safety nor homeland security.

I applaud the gentleman from Texas (Mr. GREEN) for introducing three resolutions of inquiry in an effort to get to the bottom of all of this. This afternoon, the Select Committee on Homeland Security will mark up its resolution, which asks the Secretary of Homeland Security to transmit all relevant information about the Texas mess to the House.

We must not allow the misuse of Federal resources for political purposes. These resources exist to protect the public from harm, not to protect the Republicans in Congress from political challenge.

IRAQ'S NUCLEAR WEAPONS PROGRAM

(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, as Director George Tenet of the CIA comes to the Hill today, the debate will go on between whether U.S. intelligence agreed with the intelligence of our honored and treasured ally, Great Britain, over a particular transaction for enriched uranium in Africa. But there is no debate that Iraq had a nuclear weapons program that spanned nearly 3 decades.

Iraqi scientist Khidhir Hamza told U.S. officials after he fled Iraq in 1994 that he helped train a cadre of young scientists who would be capable of resuming Iraq's atomic weapons program as soon as the U.N. cut back inspections. He said the program was personally directed by Saddam since its inception 3 decades earlier and was aided and abetted by technology transferred from many Western nations.

And just 2 weeks ago, Mahdi Obeidi led U.S. authorities in Baghdad to dig up shrubbery in his backyard to find sophisticated parts and documents to support Saddam's nuclear weapons program.

While we debate agreements between intelligence agencies, let us remember that about which there is no debate: Saddam Hussein had a 30-year nuclear weapons program, and if he went forward unchecked, would have used it to blackmail and tyrannize the world.

HEAD START

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

Mr. RODRIGUEZ. Mr. Speaker, today I rise on behalf of Head Start, a program which has been shown to help youngsters increase their vocabulary before they start school, a program which allows them writing skills before they start school, and to learn social behavior, a program which has been there to allow parent participation, allow health screening and services, a program that has been shown throughout the last 35 years to work for these low-income youngsters whose parents work out in the field harvesting food for this country.

What has the administration and the Republican Party decided to do? Shame on you, you have decided to go after this program designed to help the most vulnerable youngsters of this country.

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As he just indicated, the intent to cut the program, that program that has been there for our kids. Shame on you. This program has been there, has worked and now you have chosen to go back and basically cut this program and put it in the form of a block grant. In Texas, we should not allow it. I

would ask for your serious consideration to look at the fact that this program has been there for us.

THANKING DENMARK FOR SUPPORT IN THE WAR ON TERRORISM

(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, I want to praise the strong support from the people of Denmark in the war on terrorism. Denmark has been our ally longer than any other country, with unbroken diplomatic relations going back to 1791. The Danish military was one of our strongest partners in Afghanistan, providing special forces and F–16 fighter jets and has stood side by side with America in disarming Iraq. Also, the people I represent appreciate the strong maritime trade relationship between South Carolina and Denmark.

I am honored to be a member of the Congressional Friends of Denmark Caucus, which was founded by the gentleman from California (Mr. LANTOS). Recently, I welcomed to Capitol Hill Denmark's Ambassador to the United States, Ulrik Federspiel, and First Secretary Karen Eva Abrahamsen. I had the opportunity to thank them personally for the courage their country has shown.

I ask all of my colleagues to join me in thanking Denmark for its strong stand with the United States on the war on terrorism.

In conclusion, God bless our troops.

LEGISLATIVE AND EXECUTIVE ACCOMPLISHMENTS

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

Mr. KINGSTON. Mr. Speaker, when the Republicans took over the House and the Senate and the White House, a lot of critics in this town said, well, now they have an opportunity and they won't be able to capitalize on it because no one gets along in Washington, DC, and it doesn't really matter who is in charge.

But that has not been the case. The President passed his No Child Left Behind with a statement in there that I think is very important, and there is no bigotry as bad as the label of low expectations, challenging the status quo in education. He has fought and led the fight in the war against terrorism, taking our troops to places like Afghanistan and Iraq, making very difficult decisions and yet making the world safe once more and telling terrorists, we're not going to let you get away it.

We have just recently passed Medicare reform which gives our seniors a much-needed prescription drug bill so that they will not have to choose between prescription medicine and food. And, of course, we have passed a substantial tax reform and reduction package, one that will get Americans working again, one that will create jobs, one that will allow middle-class families to keep more of their hard-earned income.

PHARMACEUTICAL MARKET ACCESS ACT

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

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to set the record straight regarding H.R. 2427, the Pharmaceutical Market Access Act. Some groups have made claims that this bill would change the laws currently in effect regarding RU–486 or other abortion drugs. Nothing could be further from the truth.

This bill will not, Mr. Speaker, change, supersede or overrule any law regarding abortion drugs. All the current laws and regulations for abortion drugs as well as all other drugs will remain in force and the punishments for breaking those laws and regulations will still apply. The truth is that all this bill does is to free Americans to participate in the world market for the purchase of FDA-approved pharmaceuticals. In doing so, it will not change what is otherwise legal or illegal in this country.

Some of the staunchest pro-life Members of this body support H.R. 2427 because they understand that it does not threaten or undermine the abortion drug laws currently in force. I hope that Americans will ignore the unfounded criticisms of this bill. This bill will provide Americans, particularly seniors, large savings when purchasing prescription drugs.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. ISSA. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

ISSUES REGARDING OPERATION IRAQI FREEDOM

(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, tomorrow the issue that faces this Congress will be brought to a point when Mr. Blair comes and explains to us what it was that he told our President that led the President to think that he should come in here in the State of the Union message and say things which are of questionable value.

We are continuing to have people die in Iraq. Last night another soldier died, and many were injured. These people signed up to protect the United States, not to make things better for Iraq or anything else. They signed up to protect their country, and they are dying.

There should be an investigation of what the reasons are that we were there. Did the threat rise to the level of a national security threat? Or was there a gathering of evidence? Certainly the uranium issue is bogus on the face of it, and it never should have been used by anyone in a defense of why we went to Iraq.

We have lost 200 people, and 1,000 have been injured. It seems like small numbers when you know about Vietnam, but that is where we are today, and we need an answer from the President.

PHARMACEUTICAL MARKET ACCESS ACT

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

Mr. BURTON of Indiana. Mr. Speaker, I have been in Congress now for 21 years and I have seen some pretty cruddy things, but I have never seen anything as cruddy as this. This was put out by the Traditional Values Coalition. They asked me to be on their board of directors last year because they said I was such a nice guy. They are now sending out this circular to my district and many other congressional districts saying that I may be against protecting the sanctity of human life, inferring that I might be a pro-abortionist, when that has not been the way I feel for 40 years.

Members who are very pro-life, like the gentleman from New Jersey (Mr. SMITH), are also on the reimportation bill to allow seniors to get pharmaceuticals at the lowest price possible in the world. The reason this is being done is because the pharmaceutical industry is afraid that they will have to lower their prices here in the United States as opposed to what they are charging people in other parts of the world.

In Germany, if you want to buy Tamoxifen, which helps women fight breast cancer, it costs $60 for a 30-day supply. Here it is $360 for a 30-day supply.

The pharmaceutical industry is underwriting these lies to try to scare American congressmen from supporting legislation that would put Americans in a competitive position. Americans should not pay any more for their pharmaceuticals than their counterparts in other parts of the word, and to use babies like this is a crime. I really criticize the Traditional Values Coalition and other religious groups for using this kind of trash to scare American Congressmen.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later today.

LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA, LAND CONVEYANCE

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (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.

The Clerk read as follows:

H.R. 74

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

SECTION 1. WASHOE TRIBE LAND CONVEYANCE.

(a) FINDINGS.—Congress finds that—

(1) the ancestral homeland of the Washoe Tribe of Nevada and California (referred to in this Act as the ''Tribe'') included an area of approximately 5,000 square miles in and around Lake Tahoe, California and Nevada, and Lake Tahoe was the heart of the territory;

(2) in 1997, Federal, State, and local governments, together with many private landholders, recognized the Washoe people as indigenous people of Lake Tahoe Basin through a series of meetings convened by those governments at 2 locations in Lake Tahoe;

(3) the meetings were held to address protection of the extraordinary natural, recreational, and ecological resources in the Lake Tahoe region;

(4) the resulting multiagency agreement includes objectives that support the traditional and customary uses of National Forest System land by the Tribe; and

(5) those objectives include the provision of access by members of the Tribe to the shore of Lake Tahoe in order to reestablish traditional and customary cultural practices.

(b) PURPOSES.—The purposes of this Act are—

(1) to implement the joint local, State, tribal, and Federal objective of returning the Tribe to Lake Tahoe; and

(2) to ensure that members of the Tribe have the opportunity to engage in traditional and customary cultural practices on the shore of Lake Tahoe to meet the needs of spiritual renewal, land stewardship, Washoe horticulture and ethnobotany, subsistence gathering, traditional learning, and reunification of tribal and family bonds.

(c) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights, the easement reserved under subsection (d), and the condition stated in subsection (e), the Secretary of Agriculture shall convey to the Secretary of the Interior, in trust for the Tribe, for no consideration, all right, title, and interest in the parcel of land comprising approximately 24.3 acres, located within the Lake Tahoe Basin Management Unit north of Skunk Harbor, Nevada, and more particularly described as Mount Diablo Meridian, T15N, R18E, section 27, lot 3.

(d) EASEMENT.—

(1) IN GENERAL.—The conveyance under subsection (c) shall be made subject to reservation to the United States of a nonexclusive easement for public and administrative access over Forest Development Road #15N67 to National Forest System land, to be administered by the Secretary of Agriculture.

(2) ACCESS BY INDIVIDUALS WITH DISABILITIES.—The Secretary of Agriculture shall provide a reciprocal easement to the Tribe permitting vehicular access to the parcel over Forest Development Road #15N67 to—

(A) members of the Tribe for administrative and safety purposes; and

(B) members of the Tribe who, due to age, infirmity, or disability, would have difficulty accessing the conveyed parcel on foot.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—In using the parcel conveyed under subsection (c), the Tribe and members of the Tribe—

(A) shall limit the use of the parcel to traditional and customary uses and stewardship conservation for the benefit of the Tribe;

(B) shall not permit any permanent residential or recreational development on, or commercial use of, the parcel (including commercial development, tourist accommodations, gaming, sale of timber, or mineral extraction); and

(C) shall comply with environmental requirements that are no less protective than environmental requirements that apply under the Regional Plan of the Tahoe Regional Planning Agency.

(2) TERMINATION AND REVERSION.—If the Secretary of the Interior, after notice to the Tribe and an opportunity for a hearing, based on monitoring of use of the parcel by the Tribe, makes a finding that the Tribe has used or permitted the use of the parcel in violation of paragraph (1) and the Tribe fails to take corrective or remedial action directed by the Secretary of the Interior—

(A) title to the parcel in the Secretary of the Interior, in trust for the Tribe, shall terminate; and

(B) title to the parcel shall revert to the Secretary of Agriculture.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

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

Mr. GIBBONS. Mr. Speaker, H.R. 74 directs the Secretary of Agriculture to convey a 24-acre parcel of land in the national forest system at Lake Tahoe to the Secretary of Interior who will then hold it in trust for the benefit of the Washoe Tribe of the California and Nevada Paiute Indians. The tribe will use the property for customary and traditional cultural purposes just as they did when their ancestral homelands encompassed a 5,000-square-mile area around the Lake Tahoe Basin.

H.R. 74 was developed after a 1997 meeting among Federal, State and local officials who recognized the tribe's historic connection to the area before it was included in the national forest system. Under the bill, permanent residential development or commercial use is prohibited. It also contains provisions designed to ensure the continuation of public and administrative access to adjacent national forest lands. The tribe will also receive an easement to permit vehicular access on a forest development road for access to the property for safety and administrative purposes and for the convenience of tribal members who have difficulty walking.

This legislation has been passed by the House or the Senate in different forms in the last two Congresses. It is time now for this bill to be passed into law. I am hopeful that it will arrive on the President's desk this year so the people of the Washoe Tribe will finally be able to enjoy a piece of their rich cultural heritage.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

H.R. 74 directs the Secretary to convey without consideration approximately 24 acres of lakefront property in the Lake Tahoe Basin Management Unit to the Washoe Tribe of Nevada. The land to be conveyed was part of the Washoe Tribe's 5,000-square-mile ancestral home in the vicinity of Lake Tahoe. The tribe has historically gathered along the shore of Lake Tahoe for traditional and cultural purposes. H.R. 74 requires the tribe to limit its use of the land to traditional and customary uses and to prohibit development and commercial use of the site. The tribe must also comply with environmental regulations that are no less protective than those of the Tahoe Regional Plan.

Finally, the bill provides for an easement to the United States and a reciprocal easement to the tribe over a forest road and has a reversionary clause.

In past Congresses, the same bill has passed both Houses but failed to become law. I urge my colleagues to vote for this legislation. I congratulate the gentleman from Nevada for his hard work and leadership on this bill.

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

Mr. GIBBONS. Mr. Speaker, I would like to take a brief moment to thank my friend and colleague from New Mexico for his support and leadership on this important bill as well.

I urge a positive vote on this bill.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 74.

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

A motion to reconsider was laid on the table.

LANDER COUNTY, NEVADA, LAND CONVEYANCE

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 272) 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, as amended.

The Clerk read as follows:

H.R. 272

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

SECTION 1. CONVEYANCE TO LANDER COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that the following:

(1) The historical use by settlers and travelers since the late 1800's of the cemetery known as ''Kingston Cemetery'' in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated.

(2) It is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(3) In accordance with Public Law 85–569 (commonly known as the ''Townsite Act''; 16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified.

(4) To ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the ''Secretary''), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the ''county''), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as ''Kingston Cemetery'', consisting of approximately 10 acres and more particularly described as SW¼SE¼SE¼ of section 36, T. 16 N., R. 43 E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

SEC. 2. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds the following:

(1) The historical use by settlers and travelers since the late 1800s of the cemetery known as ''Maiden's Grave Cemetery'' in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated.

(2) It is appropriate that such use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the ''Secretary''), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the ''county''), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as ''Maiden's Grave Cemetery'', consisting of approximately 10 acres and more particularly described as S½NE¼SW¼SW¼, N½SE¼SW¼SW¼ of section 10, T. 31 N., R. 49 E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the United States to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of paragraph (2)(A) or (2)(B) if the Secretary determines that such a waiver would be in the best interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

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

Mr. Speaker, I am pleased to have this opportunity to discuss an issue that is of utmost importance to my constituents in rural Nevada.

As you may know, Nevada has one of the highest percentages of public lands of all the States in the Union. Close to 90 percent of our State is managed or controlled by the Federal Government. This poses many problems for my constituents, including the burial of our loved ones and the preservation of grave sites of our ancestors.

H.R. 272 authorizes the transfer of two cemeteries back to the respective local control of Lander and Eureka Counties in Nevada. It directs 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 public cemeteries.

Specifically, the town of Kingston, Nevada, requires an additional 8.75 acres of Forest Service land to supplement the 1.25 acres of Forest Service land conveyed to it in 2000 for the town's cemetery.

□ 1030

The added acreage would ensure that the areas of unmarked graves are included in the town's cemetery and that space is available for future graves in the Kingston cemetery. Additionally, this bill would authorize the Bureau of Land Management to convey 10 acres of disposable land to Eureka, Nevada, for continued use at the Maiden's Grave Cemetery. It is important to note that these cemeteries have been in use since the late 1800s, well before the creation of either the Forest Service or the Bureau of Land Management. Currently, the counties are required to go through a Federal permitting process to operate these cemeteries. H.R. 272 eliminates the excessive red tape of the Federal Government and gives control of these lands to the local governments.

It is appropriate that the operation of these cemeteries be continued through local public ownership rather than through the permitting process of the Federal Government or Federal agencies.

It is my intention to ensure that the residents of these communities have some certainty and closure on this issue which they have been burdened with for many decades. Mr. Speaker, it is my hope that every Member will see the importance of this legislation and the simple fairness of transferring these historic graveyards back to the communities that have buried their loved ones there since the 1800s. After all, the role of the Federal Government is not to play real estate agent. The role of the Federal Government is to serve the people, and H.R. 272 serves the people of Eureka and Lander counties fairly and should be expeditiously passed by this Congress.

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

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation has been well described by the gentleman from Nevada. Essentially, we are turning over Federal land that is currently being utilized by two counties in Nevada. Normally, Mr. Speaker, anytime anyone, be it an individual or a State or a county government, receives Federal land, they should be required to pay the American people the fair market value of the land. In this instance,

however, based on the location of these two parcels of land and the fact that they are both being used as cemeteries by the counties, we do not oppose these conveyances. As introduced, there were several technical issues with this legislation. However, an amendment adopted in committee addressed those concerns.

I urge my colleagues to vote for H.R. 272. I want to congratulate the gentleman from Nevada for his hard work on this issue.

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

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

I would also like to congratulate and thank my friend from New Mexico for his support and leadership on this very important issue to the people of Nevada, and I ask for a positive vote on this bill.

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

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 272, as amended.

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

A motion to reconsider was laid on the table.

MCLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER NATIONAL HISTORIC SITE ACT

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the ''McLoughlin House Addition to Fort Vancouver National Historic Site Act''.

(b) DEFINITIONS.—For the purposes of this Act, the following definitions apply:

(1) CITY.—The term ''City'' means Oregon City, Oregon.

(2) MCLOUGHLIN HOUSE.—The term ''McLoughlin House'' means the McLoughlin House National Historic Site which is described in the Acting Assistant Secretary of the Interior's Order of June 27, 1941, and generally depicted on the map entitled ''McLoughlin House, Fort Vancouver National Historic Site'', numbered 389/92,002, and dated 5/01/03, and includes the McLoughlin House, the Barclay House, and other associated real property, improvements, and personal property.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 2. MCLOUGHLIN HOUSE ADDITION TO FORT VANCOUVER.

(a) ACQUISITION.—The Secretary is authorized to acquire the McLoughlin House, from willing sellers only, by donation, purchase with donated or appropriated funds, or exchange, except that lands or interests in lands owned by the City may be acquired by donation only.

(b) MAP AVAILABILITY.—The map identifying the McLoughlin House referred to in section 1(b)(2) shall be on file and available for inspection in the appropriate offices of the National Park Service, Department of the Interior.

(c) BOUNDARIES; ADMINISTRATION.—Upon acquisition of the McLoughlin House, the acquired property shall be included within the boundaries of, and be administered as part of, the Fort Vancouver National Historic Site in accordance with all applicable laws and regulations.

(d) NAME CHANGE.—Upon acquisition of the McLoughlin House, the Secretary shall change the name of the site from the ''McLoughlin House National Historic Site'' to the ''McLoughlin House''.

(e) FEDERAL LAWS.—After the McLoughlin House is acquired and added to Fort Vancouver National Historic Site, any reference in a law, map, regulation, document, paper, or other record of the United States to the ''McLoughlin House National Historic Site'' (other than this Act) shall be deemed a reference to the ''McLoughlin House'', a unit of Fort Vancouver National Historic Site.

Amend the title so as to read: ''An Act to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver National Historic Site, and for other purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

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

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

H.R. 733, sponsored by the gentlewoman from Oregon (Ms. HOOLEY), and amended by the Senate, authorizes the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, currently an area affiliated with the National Park Service and included within the boundaries of the Fort Vancouver National Historic Site. The current operators of the house, the McLoughlin Memorial Association, lack the appropriate funds to maintain the historic structure and ask the Park Service to acquire it for purposes of preserving it.

If the Speaker recalls, this House considered H.R. 733 earlier this year, in which it authorized the Secretary to acquire the McLoughlin House and administer the site as a unit of the National Park system. The changes made by the Senate, such as the title change, have brought support. The McLoughlin House is named after Dr. John McLoughlin, the Father of Oregon, who established the famous British Hudson Bay Company in Vancouver, Washington, in 1825. Dr. McLoughlin supplied American pioneers with the goods they needed to settle and survive at their new home in Oregon. I urge my colleagues to support H.R. 733.

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

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the McLoughlin House National Historic Site in Oregon honors the achievements of John McLoughlin, commonly referred to as the ''Father of Oregon.'' The site has been preserved and managed by the McLoughlin Memorial Association since its designation as a national historic site in 1941. Unfortunately, the association is no longer in a position to be the primary management entity for this nationally significant site and is therefore seeking Federal acquisition of the site. Once acquired, the site will be managed as part of the nearby Fort Vancouver National Historic Site.

The gentlewoman from Oregon (Ms. HOOLEY) has worked tirelessly on behalf of this legislation and is to be commended for her diligence, including her efforts to have the House concur in the amendments made to this legislation in the Senate. We urge the House to approve these amendments so this legislation may finally be sent to the President for his signature.

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

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

The McLoughlin House national historic site in Oregon City, Oregon, was once home to Dr. John McLoughlin. Dr. McLoughlin was the chief factor of the British Hudson Bay Company based in Fort Vancouver on the Columbia River. He crossed the Rockies in 1824 and established Fort Vancouver in 1825. Dr. McLoughlin supplied American pioneers with goods they needed to settle and survive at their new home in Oregon. He was a fur trader, developer, doctor and mayor; and Dr. McLoughlin became known as the Father of Oregon, and the McLoughlin House was restored to honor his life and accomplishments.

The McLoughlin Memorial Association was formed in 1909. In 1910, the association opened the house as a museum. Since that time, the house has been visited by thousands of individuals each year. In 1941, Congress designated the McLoughlin House a national historic site, and it continued to operate under the direction of the association. When Fort Vancouver National Historic Site was established in 1948, the National Park Service entered into a formal agreement with the association to work cooperatively together.

In 2000, the association approached the National Park Service concerning the possibility of the agency assuming administration of the site. The association lacks appropriate funds to maintain the historic house and has asked the National Park Service to acquire the site and assume responsibility to

ensure the future care of the historic site, with the association remaining active in an advisory capacity.

H.R. 3434 was introduced on December 6, 2001, by the gentlewoman from Oregon (Ms. HOOLEY). The bill was referred to the Committee on Resources and within the committee to the subcommittee on National Parks, Recreation and Public Lands. On July 16, 2002, the subcommittee held a hearing on the bill. On July 18, 2002, the subcommittee met to mark up the bill. The gentleman from California (Mr. RADANOVICH) offered an amendment in the nature of a substitute to authorize the acquisition of the property but to include it within the boundaries of the Fort Vancouver National Historic Site, rather than create a new unit of the National Park System.

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

Mr. PEARCE. Mr. Speaker, I yield myself as much time as I may consume.

I do recall those meetings in which those subjects were discussed and compliment both sides of the aisle for cooperating, and we do appreciate the hard work on this; and I would like to congratulate my colleague for his hard work and for the amount of time he consumed here.

Mr. UDALL of New Mexico. Mr. Speaker, I yield as much time as may be consumed to the gentlewoman from Oregon (Ms. HOOLEY).

(Ms. HOOLEY of Oregon asked and was given permission to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I am very happy to rise today and make what I hope will be my last statement on the House floor on H.R. 733, the McLoughlin House National Historic Site Act. I have been working on this bill for 3 years; and I want to thank my colleagues, particularly the gentleman from California (Mr. POMBO), the chairman; the gentleman from West Virginia (Mr. RAHALL), the ranking member of the House Committee on Resources; and the gentleman from California (Mr. RADANOVICH), the chairman; and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), the ranking member of that committee's Subcommittee on National Parks, Recreation and Public Lands. Without their willingness to work with me on this bill, we would not be passing it today.

In Oregon, this legislation would not have happened without the tireless work of John Williams, former mayor of Oregon City, who came to me with this idea many years ago, and John Salisbury, who has shown his passion for this project by serving as the chairman of the board of the McLoughlin House, and the current mayor of Oregon City, Mayor Alice Norris.

My legislation would do what should have been done 60 years ago, include Dr. John McLoughlin's house in Oregon City as part of the National Park System. Rather than creating a new unit of the National Park System, this legislation simply adds this historic treasure to the existing Fort Vancouver National Historic Site, which is already administered as part of the National Park System. I believe this addition will preserve in perpetuity the cultural, educational and historical benefits of this historic site for future generations.

I am very happy that we are taking action in this House today and look forward to the day when the President signs this bill and the house of Oregon's Founding Father is preserved for our children and beyond.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 733.

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

A motion to reconsider was laid on the table.

HOLDING IN TRUST CERTAIN BUREAU OF LAND MANAGEMENT LANDS FOR PUEBLO OF SANTA CLARA AND PUEBLO OF SAN ILDEFONSO IN NEW MEXICO

Mr. PEARCE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 246) to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

The Clerk read as follows:

S. 246

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

SECTION 1. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term ''Agreement'' means the agreement entitled ''Agreement to Affirm Boundary Between Pueblo of Santa Clara and Pueblo of San Ildefonso Aboriginal Lands Within Garcia Canyon Tract'', entered into by the Governors on December 20, 2000.

(2) BOUNDARY LINE.—The term ''boundary line'' means the boundary line established under section 4(a).

(3) GOVERNORS.—The term ''Governors'' means—

(A) the Governor of the Pueblo of Santa Clara, New Mexico; and

(B) the Governor of the Pueblo of San Ildefonso, New Mexico.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PUEBLOS.—The term ''Pueblos'' means—

(A) the Pueblo of Santa Clara, New Mexico; and

(B) the Pueblo of San Ildefonso, New Mexico.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(7) TRUST LAND.—The term ''trust land'' means the land held by the United States in trust under section 2(a) or 3(a).

SEC. 2. TRUST FOR THE PUEBLO OF SANTA CLARA, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of Santa Clara, New Mexico, as part of the Santa Clara Reservation.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,484 acres of Bureau of Land Management land located in Rio Arriba County, New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located north of the boundary line;

(2) the southern half of T. 20 N., R. 7 E., Sec. 23, New Mexico Principal Meridian;

(3) the southern half of T. 20 N., R. 7 E., Sec. 24, New Mexico Principal Meridian;

(4) T. 20 N., R. 7 E., Sec. 25, excluding the 5-acre tract in the southeast quarter owned by the Pueblo of San Ildefonso;

(5) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located north and east of the boundary line;

(6) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located north of the boundary line;

(7) the portion of T. 20 N., R. 8 E., Sec. 19, New Mexico Principal Meridian, that is not included in the Santa Clara Pueblo Grant or the Santa Clara Indian Reservation; and

(8) the portion of T. 20 N., R. 8 E., Sec. 30, that is not included in the Santa Clara Pueblo Grant or the San Ildefonso Grant.

SEC. 3. TRUST FOR THE PUEBLO OF SAN ILDEFONSO, NEW MEXICO.

(a) IN GENERAL.—All right, title, and interest of the United States in and to the land described in subsection (b), including improvements on, appurtenances to, and mineral rights (including rights to oil and gas) to the land, shall be held by the United States in trust for the Pueblo of San Ildefonso, New Mexico, as part of the San Ildefonso Reservation.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 2,000 acres of Bureau of Land Management land located in Rio Arriba County and Santa Fe County in the State of New Mexico, and more particularly described as—

(1) the portion of T. 20 N., R. 7 E., Sec. 22, New Mexico Principal Meridian, that is located south of the boundary line;

(2) the portion of T. 20 N., R. 7 E., Sec. 26, New Mexico Principal Meridian, that is located south and west of the boundary line;

(3) the portion of T. 20 N., R. 7 E., Sec. 27, New Mexico Principal Meridian, that is located south of the boundary line;

(4) T. 20 N., R. 7 E., Sec. 34, New Mexico Principal Meridian; and

(5) the portion of T. 20 N., R. 7 E., Sec. 35, New Mexico Principal Meridian, that is not included in the San Ildefonso Pueblo Grant.

SEC. 4. SURVEY AND LEGAL DESCRIPTIONS.

(a) SURVEY.—Not later than 180 days after the date of enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall, in accordance with the Agreement, complete a survey of the boundary line established under the Agreement for the purpose of establishing, in accordance with sections 2(b) and 3(b), the boundaries of the trust land.

(b) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Governors of the survey completed under subsection (a), the Secretary shall publish in the Federal Register—

(A) a legal description of the boundary line; and

(B) legal descriptions of the trust land.

(2) TECHNICAL CORRECTIONS.—Before the date on which the legal descriptions are published under paragraph (1)(B), the Secretary may correct any technical errors in the descriptions of the trust land provided in sections 2(b) and 3(b) to ensure that the descriptions are consistent with the terms of the Agreement.

(3) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1)(B), the legal descriptions shall be the official legal descriptions of the trust land.

SEC. 5. ADMINISTRATION OF TRUST LAND.

(a) APPLICABLE LAW.—The trust land shall be administered in accordance with laws generally applicable to property held in trust by the United States for Indian tribes.

(b) PUEBLO LANDS ACT.—The following shall be subject to section 17 of the Act of June 7, 1924 (25 U.S.C. 331 note; commonly known as the ''Pueblo Lands Act''):

(1) The trust land.

(2) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Clara in the Santa Clara Pueblo Grant.

(3) Any land owned as of the date of enactment of this Act or acquired after the date of enactment of this Act by the Pueblo of Santa Ildefonso in the San Ildefonso Pueblo Grant.

(c) USE OF TRUST LAND.—Subject to criteria developed by the Pueblos in concert with the Secretary, the trust land may be used only for traditional and customary uses or stewardship conservation for the benefit of the Pueblo for which the trust land is held in trust. Beginning on the date of enactment of this Act, the trust land shall not be used for any new commercial developments.

SEC. 6. EFFECT.

Nothing in this Act—

(1) affects any valid right-of-way, lease, permit, mining claim, grazing permit, water right, or other right or interest of any person or entity (other than the United States) in or to the trust land that is in existence before the date of enactment of this Act;

(2) enlarges, impairs, or otherwise affects a right or claim of the Pueblos to any land or interest in land based on Aboriginal or Indian title that is in existence before the date of enactment of this Act;

(3) constitutes an express or implied reservation of water or water right for any purpose with respect to the trust land; or

(4) affects any water right of the Pueblos in existence before the date of enactment of this act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Mexico (Mr. PEARCE) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from New Mexico (Mr. PEARCE).

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

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

Mr. Speaker, this is a New Mexico day on the floor of the House, and my colleague and I are here to recommend that Senate 246 be passed. It places 4,484 acres of Federal land managed by the Bureau of Lands Management in trust for two pueblos in the State of New Mexico. Specifically 2,484 acres will be added to the Santa Clara Reservation and 2,000 acres to the San Ildefonso Reservation.

The gentleman from New Mexico (Mr. UDALL) and the gentlewoman from New Mexico (Mrs. WILSON) are cosponsors of H.R. 508, the House companion to this noncontroversial measure. The lands being transferred to the pueblos are basically surplus land that the BLM has classified as ''disposal property.'' These lands are situated between the two pueblos in a manner that is not conducive to public access or use, and they are difficult for the BLM to manage. In fact, there has reportedly been almost no use of these lands except by the pueblos for cultural purposes.

While the lands are deemed to be disposable property in the eyes of the Federal Government, they are valuable in the hearts of the two pueblos which have always asserted rights to them. Congress will be restoring land to the pueblos claimed as their ancestral homelands before the European settlers arrived. Recognizing the cultural, traditional, and religious importance of the land of the pueblos, the bill forbids any new commercial development as of the date of enactment. Otherwise, the pueblos will have control over managing the property for its intended purposes.

The bill specifies which lands are to be transferred based on an agreement worked out between the two pueblos. The transfer is subject to any valid existing rights, and there is a provision to ensure that enactment does not affect any pending land plans by the pueblos.

Similar legislation had been considered in the last Congress. It is supported by local governments in New Mexico and by the administration. We should ensure it is finally sent to the President after we pass it today.

Mr. Speaker I reserve the balance of my time.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in strong support of S. 246, a bill declaring that the United States hold certain Bureau of Land Management land in trust for the pueblos of San Ildefonso and Santa Clara in New Mexico. I originally introduced a similar bill in the 107th Congress and introduced H.R. 507, companion legislation to S. 246, at the beginning of the 108th Congress. Last Congress, Senators DOMENICI and JEFF BINGAMAN sponsored the Senate companion and were successful in incorporating it into S. 2711, the Indian Programs Reauthorization and Technical Amendments Act of 2002, during the closing days of the 107th Congress.

□ 1045

Unfortunately, the House was unable to take up this legislation prior to its adjournment. Accordingly, I am delighted today that the House will finally have the opportunity to vote on this important legislation.

S. 246 will formally restore control and tribal authority of nearly 4,500 acres of remote surplus Federal property to the two Pueblos. This land is culturally significant to San Ildefonso and Santa Clara. The bill will transfer roughly 2,000 acres of land located within its aboriginal domain to the San Ildefonso Pueblo and approximately 2,484 acres to Santa Clara's Pueblo aboriginal lands will also be transferred to that Pueblo.

This transfer is the result of years of negotiations between the two Pueblos and between the Pueblos and the Department of the Interior and the Bureau of Land Management.

The Pueblos intend to maintain the natural quality of the land and restore the health of the ecosystem of their traditional ancestral lands. In addition, the lands will be used for ceremonial and other traditional purposes.

Finally, the acquisition and transfer of these remote, surplus Federal lands has the support of the surrounding communities and other groups. Specifically, this includes the Counties of Santa Fe, Rio Arriba and Los Alamos. It also has the support of the National Congress of American Indians, the National Audubon Society's New Mexico State office, the Quivira Coalition and the Santa Fe Group of the Sierra Club.

Once again, I am very pleased that we have the opportunity to pass this important legislation. I ask all of my colleagues today to support the return of this culturally significant land to the people of the San Ildefonso and Santa Clara Pueblos, and I thank the gentleman from New Mexico (Mr. PEARCE) for his participation on this issue.

Mr. Speaker, having no additional speakers, we yield back the balance of our time.

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

As I was listening to my colleague from New Mexico, I am completely unfamiliar with the previous attempts to pass this legislation, and though I do not take credit for it, I am glad to be a part of breaking this logjam and getting this legislation to the next level.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from New Mexico (Mr. PEARCE) that the House suspend the rules and pass the Senate bill, S. 246.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. PEARCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bills H.R. 74, H.R. 272, H.R. 733 and S. 246.

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

There was no objection.

HONORING MAYNARD HOLBROOK JACKSON, JUNIOR, AND EXTENDING CONDOLENCES OF THE HOUSE OF REPRESENTATIVES ON HIS DEATH

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 303) honoring Maynard Holbrook Jackson, Jr., former mayor of the City of Atlanta, and extending the condolences of the House of Representatives on his death.

The Clerk read as follows:

H. RES. 303

Whereas the Honorable Maynard Holbrook Jackson, Jr. was born on March 23, 1938, in Dallas, Texas, and at the age of 14 entered Morehouse College as a Ford Foundation Early Admission Scholar;

Whereas the Honorable Maynard Holbrook Jackson, Jr. graduated cum laude from North Carolina Central University School of Law;

Whereas the Honorable Maynard Holbrook Jackson, Jr. became the first African-American Vice Mayor of the City of Atlanta;

Whereas the Honorable Maynard Holbrook Jackson, Jr. proved to be a gifted and brilliant political leader, and he later became the first African-American Mayor of the City of Atlanta;

Whereas, during his years in office, the Honorable Maynard Holbrook Jackson, Jr. was the catalyst for the design of a $400 million terminal at Atlanta's Hartsfield International Airport;

Whereas the Honorable Maynard Holbrook Jackson, Jr. helped to secure Atlanta's selection as the site of the 1996 Summer Olympics;

Whereas the Honorable Maynard Holbrook Jackson, Jr. served as president of the National Conference of Democratic Mayors and the National Black Caucus of Local Elected Officials;

Whereas the Honorable Maynard Holbrook Jackson, Jr. became Chair of the National Voting Rights Institute of the Democratic National Committee;

Whereas the Honorable Maynard Holbrook Jackson, Jr. established the American Voters League, a nonpartisan organization committed to increasing voter turnout;

Whereas upon being elected Mayor of Atlanta, the Honorable Maynard Holbrook Jackson, Jr. began encouraging and fostering interracial understanding in Atlanta;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a strong supporter of affirmative action, civil rights, and the expansion of social and economic gains for minorities;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a great champion for diversity, inclusion, and fairness—not just in government and business, but also in all areas of life;

Whereas the Honorable Maynard Holbrook Jackson, Jr. was a wonderful human being who never wavered from the principles that guided his life and career;

Whereas the efforts of the Honorable Maynard Holbrook Jackson, Jr. on behalf on the City of Atlanta and all Americans earned him the esteem and high regard of his colleagues; and

Whereas the untimely death of the Honorable Maynard Holbrook Jackson, Jr. has deprived his community, the City of Atlanta, the state of Georgia, and the entire Nation of an outstanding leader: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and accomplishments of the Honorable Maynard Holbrook Jackson Jr.;

(2) recognizes the legendary compassion exhibited by the Honorable Maynard Holbrook Jackson, Jr. as a civil rights leader; and

(3) extends its condolences to the Jackson family and the City of Atlanta on the death of a remarkable man.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, H. Res. 303 introduced by my colleague from the State of Georgia (Mr. LEWIS) honors Maynard Holbrook Jackson, Jr., former mayor of the city of Atlanta and extends the condolences of the House of Representatives on his death.

Mr. Speaker, today we do honor a great American leader. Maynard Jackson courageously guided the city of Atlanta for three terms as mayor. He was inspired to enter public service, catch this date, on April 4, 1968, when he was a 30-year-old hard-working lawyer in Atlanta. Why does that date register with us? On that terribly bittersweet day, Maynard Jackson welcomed his first child into the world and Reverend Dr. Martin Luther King, Jr., was tragically assassinated. The combination of these two events moved Mr. JACKSON to enter politics.

Only 2 months later, he unhesitatingly launched a grassroots campaign that challenged, albeit unsuccessfully, a powerful incumbent senator. His campaign earned him 200,000 votes, but in 1973, he again challenged a well-known incumbent as he ran for mayor of Atlanta, and this time he won. He was elected the first black mayor in Atlanta's history.

Maynard Jackson went on to become one of the most influential civic officials in the history of Georgia, the South and our entire Nation.

Mr. Speaker, last month, on June 23, Maynard Jackson sadly collapsed and died from a heart attack right here in Washington at the age of 65. He once was quoted as saying, with perhaps too great an understanding of the way we tend to simplify history, that ''I could see my full name will be Maynard Jackson, first black mayor of Atlanta.'' Certainly his civic accomplishments are not to be overlooked.

Today, we seek to remember him more as the wonderful principled man that he was with a memorable booming voice and a giant, friendly handshake. His life was truly one worthy of commendation by this House, and I am proud that we are taking up this legislation.

I urge all Members to support the adoption of H. Res. 303 that honors the life and accomplishments of the honorable Maynard Holbrook Jackson, Jr. I thank my colleague from Georgia for introducing this worthwhile measure.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, Maynard Jackson, Jr., who took on Atlanta's establishment as the city's first black mayor and later helped plan for its role in the 1996 Olympics, died last month at the age of 65.

Maynard Jackson first made history in 1973 when he was elected the first black mayor of Atlanta. He made his presence known immediately by taking on the predominantly white business leadership and demanding that doors be opened for blacks. That is why many people called him Mr. Affirmative Action in this country.

He was reelected to a second term in 1977 where he led the city through one of its darkest periods, the string of slayings of young blacks from 1979 to 1981. When he left office after 2 years, barred from seeking a third consecutive term, he could boast of many accomplishments, including the expansion of Hartsfield Atlanta International Airport and the opening of the city's rapid rail system.

A lawyer by training, Maynard Jackson, Jr., was born in Dallas, Texas, on March 23, 1938, the third of six children. His father, Maynard Jackson, Sr., was a Baptist minister and his mother, Irene Jackson, was a college language teacher with a doctorate's degree in French. When Maynard was seven, his family moved to Atlanta to take over as pastor of the Friendship Baptist Church.

He enrolled at Morehouse College in Atlanta as an early admissions scholar and earned a BA degree in political science. He later earned a law degree from North Carolina Central University.

Maynard Jackson's family was active in early voting rights efforts. His grandfather was co-chairman of the Atlanta Negro Voters League, and his father founded the Georgia Voters League.

Maynard Jackson can be credited with not only what was accomplished

during his terms in office but also for laying the foundation for Atlanta's continuing success as one of the most desirable places in the country to live.

Mr. Speaker, I ask unanimous consent to yield the rest of the time to the gentleman from Georgia (Mr. LEWIS), the author of this resolution, a person from Atlanta who is well-known throughout America, to finish managing our time.

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

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to remember, to honor and celebrate a great citizen and a dear friend, Maynard Jackson.

Maynard Jackson's untimely death was shocking and is still unbelievable. I have known Maynard Jackson for more than 35 years; and, Mr. Speaker, I must tell my colleagues Maynard Jackson was a man who thought the impossible was possible. In 1973, he was the first African American to be elected mayor of the city of Atlanta. He served 12 years as mayor of the city.

During his tenure as mayor of Atlanta, he began encouraging and fostering an interracial understanding, transforming the city into a new Atlanta, to the gateway to the South, the city that was too busy to hate. I truly believe that Maynard Jackson must be looked upon as one of the founding fathers of the new Atlanta, the new South and the new America.

Maynard Jackson was a strong supporter of affirmative action, civil rights and expansion of social and economic gain for minorities. As our current mayor Shirley Franklin stated a few days ago, Maynard Jackson was a lion of a man. He was a champion of inclusion for all people and never wavered in his commitment to Atlanta.

In fact, Mr. Speaker, Maynard Jackson helped create an Atlanta that we all could be proud of. He was not afraid or scared to do what was unpopular. He was not scared to take a chance. Maynard Jackson was not afraid to do the right thing.

Because of his leadership, vision and dedication, our city, State and Nation will never be the same. We will miss you, Maynard. Atlanta will miss you, the Nation will miss you, but we would never, ever forget you. You have left your mark on each and every one of us. Thank you for your service. Thank you for giving your heart and your soul. As you take your passion and energy to the great beyond, again a grateful Nation, a grateful people and a grateful city say thank you.

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

□ 1100

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

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Baltimore, Maryland (Mr. CUMMINGS)

Mr. CUMMINGS. Mr. Speaker, I rise today in support of House Res. 303, a resolution to honor the former mayor of the City of Atlanta, the Honorable Maynard Jackson, Jr. And I want to thank my colleague, the gentleman from Georgia (Mr. LEWIS), for this resolution.

It is often said, Mr. Speaker, that when a person dies in our lives, and if it is somebody who is close to us, a part of us dies. The untimely death of one of our foremost leaders was a tragedy, and he will be sorely missed. But as I listened to the gentleman from Georgia (Mr. LEWIS), I cannot help but think about the fact that when Maynard Jackson became mayor back in 1973 of the great City of Atlanta, I was graduating from Howard University, and I can remember many of us being inspired by his leadership and the fact that he was a strong man who stood up. We had a saying back then, that he did not scratch where he did not itch and he did not laugh at jokes that were not funny. But he was a strong man, a strong African American man, and he inspired many of us student government leaders.

The Honorable Maynard Jackson was a pioneer for civil rights. He graduate cum laude from North Carolina Central University School of Law and went on to become the first African American mayor of Atlanta where he left a legacy of contributions that would pave the way for both African American leadership in the 21st century and a new standard of public service and commitment.

After being elected to office in 1973, at the age of 35, which I find amazing, Maynard Jackson, Jr., began to foster and encourage interracial understanding as well as serving as a guide in leveling the vastly uneven social and economic playing fields for minorities. He was a great advocate for diversity and fairness in all areas of life. The Honorable Maynard Jackson, Jr., was also the catalyst for the design of Atlanta's Hartsfield International Airport. He played an essential part in securing Atlanta's selection as the site of the 1996 Summer Olympics. He also played an integral role in increasing voter turnout by establishing the nonpartisan American Voters League.

Finally, Mr. Speaker, Maynard Jackson was an outstanding leader who was greatly influential. He was and will continue to be held in the highest esteem by his community, his colleagues, the State of Georgia, and the entire Nation. We should all aspire to such greatness. Please join me in honoring his life and accomplishments.

Mr. OSE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina (Mr. BALLANCE).

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

Mr. BALLANCE. Mr. Speaker, it is my high honor and privilege to stand and speak today on H. Res. 303, sponsored by my esteemed colleague, the gentleman from Georgia (Mr. LEWIS), which is honoring the late, great Mayor Maynard Holbrook Jackson, Jr.

It is said that time, like an ever-flowing stream, bears all its sons and daughters away. I suppose I am unique among the speakers today, in that I had the great pleasure of meeting and studying with Maynard Jackson beginning in 1963 at North Carolina Central University Law School, where I was and he had transferred from Boston. There in Durham, North Carolina, during a pivotal chapter in the civil rights struggle, Maynard transferred to be where his mother, Dr. Irene Dobbs Jackson, was a professor at North Carolina Central University.

We established a close friendship which spanned a period of almost 40 years, through his three terms as mayor of Atlanta and his entering back into the business world, where he was serving at the time of his untimely death.

Maynard's contributions to his adopted city of Atlanta and to America are unparalleled in our times, and he will be remembered as a giant in not only the political world but in the social and economic world as well, and his legacy will extend for all times.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to my colleague, the gentleman from Georgia (Mr. MARSHALL), the former mayor of the city of Macon.

Mr. OSE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Mr. Speaker, I was elected mayor of Macon in 1995. Macon is a small town of a little over 100,000 people located 80 miles or so south of Atlanta. One of the first things I did after being elected was to visit Maynard Holbrook Jackson, Jr.

Maynard Jackson was elected mayor of Atlanta in 1973 at the age of 35, the first African American mayor of a major city in Georgia as well as the southeast. He served two 4-year terms and became known for promoting majority-minority partnerships to improve access for African Americans to the world of contracting and supplying governments.

Maynard Jackson was elected again as mayor in 1989 and served one term. When I went to see him as a newly elected mayor, it was to get his advice, any advice he would care to offer. I had no particular agenda, just a hope that he would impart some wisdom, given his experience in both government and business. Maynard Jackson spent hours of his time with me that day.

Of course, I cannot recall all that we spoke of, but I found his advice very valuable. I will always remember how cordial and engaged he was, someone who really did not need to give me the time of day, but, instead, gave me several hours. Maynard and I became

friends who saw one another infrequently but who always responded quickly to one another's calls, e-mails, or letters.

The last time I spent any significant amount of time with him was just this February in Macon at the Georgia Music Hall of Fame for the opening of an exhibit honoring black classical musicians in Georgia. Maynard's aunt, Ms. Mattiwilda Dobbs, was the guest of honor for the occasion; but Maynard was the star who could have easily stolen the show. Instead, he remained out of the limelight, allowing his aunt to fully enjoy the attention she deserved as a world-famous artist, the first African American soprano to perform at the Metropolitan Opera House in New York.

When I heard of Maynard's passing, I recalled that evening I spent with him in February at the Music Hall of Fame, and I remembered one touching incident. As we were all examining the memorabilia gathered for this exhibit honoring classical American artists of Georgia, the walls for this section of the museum were covered with photographs. Maynard grabbed my arm and pulled me toward one. It was a picture of the Morehouse College Glee Club that appeared quite old. And with great pleasure Maynard pointed to one of the young men in the picture. It was his father, a father who had passed away when Maynard was quite young.

Now Maynard himself has passed away too young, leaving us in his prime, but leaving a legacy of remarkable accomplishments for Atlanta and all of Georgia. Mr. Speaker, it is right and just that this body honor Maynard Holbrook Jackson, Jr. with this resolution prepared by the gentleman from Georgia (Mr. LEWIS). Maynard Jackson will be sorely missed by his family and many friends. May he rest in peace knowing that his life was well lived.

Mr. LEWIS of Georgia. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from California (Ms. LEE).

Mr. OSE. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I want to thank the gentleman for yielding me this time and for introducing this resolution. It gives us the opportunity to reflect upon a great man.

I rise in strong support of this resolution honoring Maynard Jackson, most famously known as the first African American mayor of Atlanta, but who will be remembered for much more than his outstanding service as mayor to the people of Atlanta.

Maynard Jackson's accomplishments were far-reaching. He was an extraordinary leader in business, law, and public service. He successfully brought the world's largest airport, the Olympics, and a new world-class reputation to the City of Atlanta. Because of his efforts, the city boasts a booming economic center that is now home to one of the most prosperous African American business communities in the world.

The Honorable Maynard Jackson was a staunch supporter and pioneer of affirmative action initiatives. His legacy is particularly important at a time when the Nation has renewed its commitment to diversity as a compeling State interest through the Supreme Court's landmark decision. The transforming power of targeted efforts toward diversity and inclusion is clearly evidenced in Jackson's work. As mayor of Atlanta, he authored initiatives that laid the foundation for many of the minority firms in Atlanta's thriving business community. Additionally, Jackson successfully incorporated some of the most marginalized communities into the core of the city's political activities.

Early in life, Maynard Jackson proved he was exceptional by graduating from Morehouse College at the age of 18. He also held a law degree from North Carolina Central University. In addition to serving three mayoral terms, Jackson created several successful business ventures. He most recently chaired the Democratic National Committee Voting Rights Institute.

He believed in serving the larger community, but he also believed in giving back on an individual level. He did so by serving as a mentor to many young potential, aspiring, upcoming young leaders. Those leaders now have great shoes to fill with Maynard's passing, but are able to step up to the challenge and lead us into tomorrow, a great tomorrow, because of his care and his guidance.

I honor Maynard Jackson for his life's work. He created opportunities where none really existed. He advocated for communities that had been disregarded and disenfranchised. Every leader can learn from the way in which he facilitated the breaking of racial and class divides to achieve collective progress, prosperity, and peace for all Atlantans and all Americans.

To Jackson's credit, Atlanta is now a sophisticated and progressive city, an example to the country and to the world. His work points the way to a more equitable society and has left us numerous methods as to how that society can be achieved. For that, we are deeply grateful.

Mr. Speaker, on behalf of my congressional district, the Ninth Congressional District of California, who knew and loved Maynard Jackson, I join today with our colleagues, Maynard's family and friends, and, indeed, the entire Nation, as we mourn his passing, but also as we celebrate his life and his monumental accomplishments. Maynard Jackson will forever remain in the hearts and the minds of the American people.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. OSE. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LEWIS), for yielding me this time. This is an extraordinary moment that we pay tribute in these hallowed halls of Congress to an extraordinary man, an extraordinary American, a man of soaring magnitude whose contribution and legacy speak right to the core of the foundation upon which this country was built: that is freedom, that is equality, that is making the best of us.

Maynard Jackson came on the scene at an extraordinary time in the history of this country. It was in 1968, when two very monumental things happened that directed his life from that moment on. In 1968, Dr. Martin Luther King, Jr. was assassinated, and it moved Maynard Jackson to enter into the world of politics. The second monumental thing that happened was he chose to challenge Senator Talmadge, a legendary figure also of soaring magnitude, and in many ways in a different direction.

That was a monumental crossroads in the history of Georgia and started us on a path of inclusion for African Americans in the world of politics, but especially in Georgia. I stand here as a Member of Congress and unashamedly say to my colleagues that had it not been for Maynard Jackson taking that chance in 1968 against Herman Talmadge, many of us African Americans who are in politics today might very well not have been in politics or had the opportunity.

□ 1115

Mr. Speaker, in 1968 when Maynard Holbrook Jackson chose to challenge Herman Talmadge, it opened up a new era. He did not win that election, but he got over 25 percent of the vote and he set us on a course. The very next year, 1969, he became vice mayor of Atlanta, the first African American to do so. Following that in 1973, he was elected to become the first African American mayor of the City of Atlanta.

During that period, there was a burgeoning of political participation the likes of which Georgia had never seen. I am a beneficiary of that because as a kid in 1973 I was out helping Maynard Jackson get elected to become the first African American mayor of Atlanta. Exactly 1 year later, Maynard Jackson was in the streets of Atlanta helping David Scott get elected to the Georgia House of Representatives in 1974, at that time to become the youngest person to be elected in the history of the Georgia legislature.

It is so much to contain such a life, but not only in politics. Maynard Jackson made great contributions in opening up so many doors of opportunity, not just for African Americans, but for white Americans and for women, doors that were closed. He built, yes, he built the Atlanta International Airport. He built it on the foundation of many others, but it was Maynard Jackson that used that airport to open up tremendous business opportunities and partnerships for black and white Georgians

and for Americans, and for that we are eternally grateful. As I pass almost two or three times a week, I look down at that point where he fell in Reagan National Airport, and I say a silent prayer; and that prayer is Dear God, thank you for sending Maynard Jackson our way.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank all of the Members who participated this morning and thank the gentleman from California (Mr. OSE) for yielding so much time.

Mr. Speaker, I want to say to the family and friends of Maynard Jackson and to all of the citizens of Atlanta and the citizens of our Nation that we have lost a son of America, a citizen of the world. Maynard Jackson was a very proud graduate of Morehouse College. He loved the school, the glee club; he loved the citizens of our city. He will be deeply missed, but we take this as an opportunity to honor and pay tribute to him for all of the good things that he did to make our city, our State, our Nation, and our world a better place.

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

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

Mr. Speaker, I do want to add my condolences to those of my colleagues here. I cannot match their eloquence this morning. Their words are very well spoken. The majority side concurs in the extension of condolences to the family. I urge all Members to support the adoption of House Resolution 303.

Ms. CHRISTENSEN. Mr. Speaker, I join my colleagues today in tribute to the life of Maynard Jackson Jr. and in strong support of H. Res. 302 which honors the life of this truly outstanding public servant.

Mr. Speaker, Maynard Jackson served as a strong voice for African-Americans and all the citizens of Atlanta, Georgia. As the first African-American mayor elected in 1973, at the age of 35, Maynard Jackson became the first African-American mayor of a major Southern city and as mayor he dedicated his service to improving Atlanta in all the ways he could do.

Maynard Jackson was a vocal voice in this country for civil rights and for increased opportunities for all minorities. By the conclusion of his first term as mayor of Atlanta, the percentage of city contracts going to minority-owned firms had increased from 0.13 percent at the time he took office to 38.6 percent by the end of his term. His leadership helped mold Atlanta into a city that not only offered hope and opportunities for African-American businesses, but for all of the citizens he represented.

Mr. Speaker, Maynard Jackson strongly believed in the ideals of the Democratic Party and worked diligently to engage more citizens in the political process. Mr. Jackson served as a much-needed voice for those at the grassroots level and tirelessly strived to get people involved in communities across the country.

Mr. Speaker, Maynard Jackson was a selfless leader who strongly believed in the potential of young people. Helping to invest for a better future, he gave much of his time in helping to develop their talents for leadership. As a mentor for these individuals, Mr. Jackson guided them by communicating about his own experiences to help better prepare these future leaders for the large task of making all communities brighter.

Mr. Speaker, Mayor Jackson not only worked hard to make Atlanta a better city to live in, but also stands out as a role model for all people. I express my deep condolences to his family and all of his friends and may God grant him eternal rest.

Mr. OWENS. Mr. Speaker, I rise in strong support of H. Res. 303, a resolution honoring the life of Maynard Jackson, Jr. Mr. Speaker, Maynard Jackson was a shining example of strength, resilience and undeniable charisma. As classmates at Morehouse College in Atlanta, GA we had the opportunity to spend a lot of time together as part of an experimental program sponsored by the Ford Foundation. Even then Maynard exhibited an intellectual curiosity well beyond his years. Maynard's strong faith and ability to stand steadfast even during troubling times served him well after the sudden death of his father.

Many of the skills Maynard developed during his early years at Morehouse helped him become the first African-American mayor of Atlanta. Under this leadership Atlanta was well on its way to becoming the new symbol for the south. Atlanta became an international city known for it's southern hospitality as well as it's fine dining and tourist attractions. As the shining example of the new south, Maynard led the way by introducing new initiatives that helped increase the number of minority contractors. As a result of his hard work local businesses flourished and a new generation of African-American millionaires was born. As mayor, Maynard endured criticism from proponents of the ''old south'' to lead the city to unprecedented growth, and prosperity which culminated in the expansion of the Atlanta airport.

Mr. Speaker, even after Maynard Jackson left office he continued to fight for the underserved and bring vital financial resources to Atlanta. His involvement with the U.S. Olympic committee led to Atlanta's selection as the site of the 1996 Summer Olympics. The city of Atlanta, the state of Georgia and the nation owes Maynard Jackson a debt of gratitude. Maynard's foresight and wisdom opened the door for African-American politicians throughout the nation. Today we mourn the man, but we remember the contributions he made in the name of fairness and equality. We will miss Maynard Jackson.

Mr. Speaker, on June 25, 2003, I spoke in memory and praise of Maynard Holbrook Jackson.

The speech follows:

IN MEMORY AND PRAISE OF MAYNARD HOLBROOK JACKSON

(Speech of Hon. Major R. Owens of New York, in the House of Representatives, Wednesday, June 25, 2003)

Mr. OWENS. Mr. Speaker, I join with all of my colleagues, with the family and with all Americans in mourning the passage of a great political leader and a personal friend, Mayor Maynard Jackson. I rise to salute the outstanding achievements of the former Mayor of Atlanta who was also a national political leader and a major asset of the Democratic Party. But before I sound the loud trumpets which are appropriate for the highlighting of Mayor Jackson's public life, I would like to pause and note my fond personal memories of Maynard.

In the Morehouse College class of 1956 he was my classmate. But even more intimate than that space were the roles we shared as part of an experimental program sponsored by the Ford Foundation. Maynard and I were two of 30 college freshmen who had been admitted without completing the last 2 years of high school. Most of the so-called ''Ford Boys'' were 16 years old. Maynard was the youngest at age 14.

Maynard was a native of Atlanta, the location of Morehouse College. He was a member of one of the oldest African American leadership families. Maynard even at that early age had a strong sense of mission and personal responsibility. Despite his youth he became the host for our group of 30 special students. We were from very different worlds. My father was a factory worker who had never earned more than the minimum wage. But during that freshman year Maynard's father who was the minister of one of Atlanta's most prestigious churches, died suddenly. My mother also died in the Spring of that year. Few understand better than I did the sudden escalated maturation of the 14 year old Maynard. It was probably the first great crisis of his life but he rallied his personal resources and he overcame that great emotional obstacle. It was a challenge which set a pattern for the rest of his life and career.

My classmate, Mayor Maynard Jackson leaves a clear and shining legacy for all to see and for African American leaders to utilize as a guiding beacon. Mayor Maynard sought power and through a very creative strategy and set of tactics he won power. But the truly distinguishing achievement of Mayor Maynard Jackson was his bold and uncompromising use of his power to further empower the African American community of Atlanta. In very concrete dollar and cents terms he confronted the business elite of Atlanta and forced the opening of new doors of significant business opportunities for minorities.

Under Mayor Jackson's early leadership as Mayor, Atlanta City contracts soared from less than 1 percent in 1973 to 39 percent within 5 years. Many of these contracts were related to the construction of the expanded world class Atlanta airport. It is believed that several dozen new black millionaires were created via Maynard's mandated joint venture models. It is important to note that the airport expansion was still completed ahead of time and under budget. For African Americans unprecedented new opportunities were opened up as a result of the Mayor's confrontation with the white business establishment. Maynard Jackson could never be called an ''empty suit'' concerned only with the ceremony and symbolism of being the first Black Mayor of Atlanta. The legacy he leaves is a lesson for all African American leaders: power is acquired for the purpose of empowering those who lacked power before. Martin Luther King's movement and the Voting Rights Act were constructed, not to install peacocks with their limited agendas for personal wealth and fame; instead the assumption of public office is a method of extending the struggle.

Let it be noted and fully understood that Maynard Jackson had to pay a price for his courage and his boldness on behalf of the continuing struggle. When he left office as Mayor, the white establishment attempted to lynch him economically by denying him an appropriate berth in the private sector. Fortunately, it was one more hurdle which Maynard overcame. More of the story of the battle of Atlanta must be told in order for the legacy to be understood clearly. Mayor Maynard Jackson was more than just a successful politician. He was a trailblazer, a

hero who set high standards that all African American public officials must measure up to in performance.

Ms. MAJETTE. Mr. Speaker, the City of Atlanta, the State of Georgia, and the United States of America mourn the passing of an important civic and civil rights figure. Maynard Holbrook Jackson, Jr. lived as a trailblazer, paving the way for future black politicians throughout the country. Furthermore, Maynard Jackson was not only a prominent political figure, but a man of character as well; strong, genuine, and always full of heart.

Former Mayor Jackson was born in Dallas, Texas in 1938 into a family of civil rights activists. This strong background influenced Jackson to become involved in public affairs at an early age. The assassination of Dr. Martin Luther King, Jr. and the birth of Jackson's first child, occurring within days of each other, proved a pivotal turning point in Jackson's life and inspired him to commit to serving the public interest.

Jackson demonstrated immense courage when he challenged a popular, long-sitting United States Senator during his first run for public office in 1968. By becoming the first African-American to run for the Senate from the State of Georgia, Jackson cleared hurdles and opened new opportunities for African-American political ambition. Five years later, Jackson once again raised the bar of public service and made history with his successful campaign for the office of Mayor of the City of Atlanta. This victory made Jackson both the first black mayor of a major southern city and, at age 35, the youngest mayor in the United States. His election marked a turning point for both the City of Atlanta and our entire nation, as Jackson came to embody a rising political tide of young and energetic African-American politicians, along with the likes of Coleman Young and Tom Bradley, who possessed a sincere ambition to reinvigorate urban politics. The three terms that Jackson would go on to serve during the next twenty years would make him the second longest serving mayor in Atlanta history, a milestone in and of itself.

While each of these accomplishments are impressive and significant, Jackson's record as Mayor of Atlanta is equally admirable. His record shows a deep commitment to equality and a bold desire to reform the traditional Atlanta business community to make it more inclusive. During his tenure in office, Jackson launched an aggressive program to increase the number of minority contractors employed by the city. He also succeeded at creating ''joint venture'' programs in which minority and white contracting firms worked together for the construction of the mid-field terminals at Hartsfield International Airport. Jackson's efforts in reshaping and marketing the city have been credited with supplying the Atlanta region with much of its growth over the past quarter century. Maynard Jackson turned what was a regional town into a national and international business center.

Finally, Jackson gained international prominence during his final term as Mayor in the early 1990's. Once again, he did his utmost to use his position to bolster the prestige and notoriety of his hometown. His most visible accomplishment in office was surely his intimate involvement in the effort to bring the 1996 Centennial Olympic Games to Atlanta. We fondly remember the televised images of Mayor Jackson hugging and congratulating other city officials immediately following the announcement that Atlanta had been successful in its bid for the Olympics. Two years later, Jackson went before an international audience during the closing ceremonies of the Barcelona Olympics and proudly waved the Olympic flag on behalf of the City of Atlanta and the United States of America.

In recent years, Jackson sought to extend his sincere commitments to equality and progress to the national level. Jackson led a national initiative within the Democratic National Committee (DNC) to encourage African-American voter participation by heading the DNC's Voting Rights Institute. In this he sought to empower those who lacked a significant political voice.

During Jackson's career in public service, his tireless efforts have transformed a city, empowered its citizens, and brought it international recognition. Time and again, Maynard Jackson was a strong advocate for economic equality and high levels of civic participation within the African-American community. While this is likely the most noticeable aspect of his legacy, he has always desired to be known for his accomplishments on behalf of all individuals.

Indeed, our entire nation experienced a great loss when Jackson passed away on June 23, 2003. He was 65 years old and left behind a tremendous political legacy. Maynard Jackson inspired an untold number of potential political leaders, so many of whom will benefit from the doors that he opened and the barriers that he shattered. He will be greatly missed by people of all races, Democrats, Republicans, Georgians and non-Georgians alike.

Public servants such as Maynard Holbrook Jackson, Jr., who have had a significant impact in local and national politics, leave not only action, but legacy. As was said upon the passing of John Adams and Thomas Jefferson, ''They are no more . . . but how little is there of the great and good which can die! To the country they yet live, and live forever.''

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

The SPEAKER pro tempore (Mr. QUINN). The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the resolution, H. Res. 303.

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

A motion to reconsider was laid on the table.

SUPPORTING NATIONAL MEN'S HEALTH WEEK

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 208) supporting National Men's Health Week.

The Clerk read as follows:

H. CON. RES. 208

Whereas, despite the advances in medical technology and research, men continue to live an average of six years less than women, and African-American men have the lowest life expectancy;

Whereas all ten of the ten leading causes of death, as defined by the Centers for Disease Control and Prevention, affect men more than women;

Whereas between ages 45–54, men are three times more likely than women to die of heart attacks;

Whereas men die of heart disease at almost twice the rate of women;

Whereas men die of cancer at almost one and a half times the rate of women;

Whereas testicular cancer is one of the most common cancers in men aged 15–34, and when detected early, has an 87 percent survival rate;

Whereas the number of cases of colon cancer among men will reach over 72,000 in 2003, and over one-third will die from the disease;

Whereas the likelihood that a man will develop prostate cancer is 1 in 6;

Whereas the number of men contracting prostate cancer will reach over 220,000 in 2003, and almost 29,000 will die from the disease;

Whereas African-American men in the United States have the highest incidence in the world of prostate cancer;

Whereas significant numbers of male-related health problems, such as prostate cancer, testicular cancer, infertility, and colon cancer, could be detected and treated if men's awareness of these problems was more pervasive;

Whereas more than one-half the elderly widows now living in poverty were not poor before the death of their husbands, and by age 100 women outnumber men 8 to 1;

Whereas educating both the public and health care providers about the importance of early detection of male health problems will result in reducing rates of mortality for these diseases;

Whereas appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent;

Whereas women are 100 percent more likely to visit the doctor for annual examinations and preventive services than men;

Whereas many men are reluctant to visit their health center or physician for regular screening examinations of male related problems for a variety of reasons including fear, lack of health insurance, lack of information, and cost factors;

Whereas National Men's Health Week was established by Congress in and first celebrated in 1994 and urged men and their families to engage in appropriate health behaviors, and the resulting increased awareness has improved health-related education and helped prevent illness;

Whereas the Governors of over 45 States issue proclamations declaring Men's Health Week in their States;

Whereas, since 1994, National Men's Health Week has been celebrated each June by dozens of corporations, public health departments, health care entities, churches, and community organizations, as well as many States, cities, and localities throughout the Nation, that promote health awareness events focused on men and family;

Whereas the National Men's Health Week web site has been established at www.menshealthweek.org and features Governors' proclamations and National Men's Health Week events;

Whereas men who are educated about the value that preventive health can play in prolonging their lifespans and their role as productive family members will be more likely to participate in health screenings;

Whereas men and their families are encouraged to increase their awareness of the

importance of a healthy lifestyle, regular exercise, and medical check-ups; and

Whereas June 9 through 15, 2003, is National Men's Health Week, which has the purpose of heightening the awareness of preventable health problems and encouraging early detection and treatment of disease among men and boys: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) the Congress supports National Men's Health Week; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 208.

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

There was no objection.

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

Mr. Speaker, House Concurrent Resolution 208, introduced by the gentleman from Maryland (Mr. CUMMINGS), supports National Men's Health Week. I rise in support of H. Con. Res. 208. The worthy purpose of this legislation is to heighten awareness of preventable health problems among men and boys across the country. The text of the resolution reveals that of the top 10 leading causes of deaths in the United States, according to the Centers for Disease Control, all 10 affect men at greater rates than women. Women make physical checkups and other preventative medical appointments much more frequently than men, and this bill aims to prompt all American men to not forget to make regular appointments with their physician.

This is a worthy resolution, and I urge all Members to support the adoption of House Concurrent Resolution 208. I congratulate the gentleman from Maryland (Mr. CUMMINGS) for his work on this measure.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, National Men's Health Week is celebrated each year as the week leading up to and including Father's Day. The National Men's Health Week Act was passed by Congress in 1994 and signed into law by President Clinton, becoming Public Law 103–264 on May 31, 1994.

Fathers, sons, brothers, husbands, uncles, and grandfathers should make use of this week and become aware of their health risks and ways to prevent disease, disability, and injury. The goal of National Men's Health Week is to raise awareness of the importance of early detection and treatment for men. The focus of last month's National Men's Health Week was heart disease, cancer, injuries, and stroke.

Prostate cancer is the most commonly diagnosed form of cancer other than skin cancer among men in the United States. It is second only to lung cancer as a cause of cancer-related death among men. Heart disease is the leading cause of death for all men in the United States; and injuries, both unintentional and those caused by acts of violence, are among the top 10 killers for Americans of all ages. Males are at a higher risk than women for motor vehicle crashes, falls, drownings, and homicide. This resolution will help address lack of awareness and poor health education among men and their families.

I urge my colleagues to support it, and I would commend the gentleman from Maryland (Mr. CUMMINGS) for his introduction and for bringing this matter to our attention.

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

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CUMMINGS), the author of this resolution and chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from California (Mr. WAXMAN), and the gentleman from Illinois (Mr. DAVIS) for moving this legislation through the Committee on Government Reform. I would also like to thank the gentleman from California (Mr. OSE) and recognize the gentleman from California (Mr. CUNNINGHAM) for his tireless efforts to promote men's health. Finally, a special thanks is owed to the national media outlets such as CNN, CBS Early Morning Show, Wall Street Journal, The USA Weekend, Parade, Roll Call, and Fox Cable News for promoting the National Men's Health Week and recognizing the importance of the health of men and their families.

I am pleased that H. Con. Res. 208, a bill supporting National Men's Health Week, is on today's suspension calendar. The National Men's Health Week Act was passed by Congress in 1994 and signed into law by former President Clinton on May 31, 1994. Former Senator Bob Dole sponsored the legislation in the Senate, and former Congressman Bill Richardson sponsored it in the United States House of Representatives.

The purpose of Men's Health Week is to heighten the awareness of preventable health problems and encourage early detection and treatment of disease among men and boys. National Men's Health Week is just one way in which the public and health care providers can become educated about the importance of early detection of male-related diseases.

Mr. Speaker, men are at such high risk because a higher percentage of men have no health care coverage, make fewer physician visits each year; and research on male-specific diseases is vastly underfunded. Experts believe that early detection of certain diseases could be possible if awareness were raised concerning male-related health problems. These problems include prostate cancer, infertility, and colon cancer.

Additionally, early detection may have an impact on the following statistics: men have a higher death rate for every one of the top 10 leading causes of death as defined by the Centers for Disease Control; men die of heart disease at almost twice the rate of women; 50 percent more men die of cancer than women; despite medical technology and research advances, men continue to live an average of 6 years less than women; and black male life expectancy is 68 years, whereas the overall life expectancy for all groups is 77 years of age.

These statistics are daunting, signifying that awareness, education, and research are indeed crucial. Mr. Speaker, it is imperative that men visit a doctor for annual examinations. If I might note, much research has been done with regard to men preventing diseases, and one thing that has been very interesting is that research shows that most men who are able to get early prevention treatment were usually pushed there by a significant other in their lives, a woman.

Preventive health care strategies such as annual examinations can play a role in prolonging male lives, thereby reducing the mortality rates for male-related health diseases. Many of the deaths are preventable, and many of the diseases which adversely affect men could be treated with early detection.

During this year's National Men's Health Week, June 9–15, approximately 750 men participated in health screenings here on Capitol Hill over a 3-day period. Although the week has ended, the message is universal and resonates throughout the year. Since its inception, public health departments, community organizations, and health care entities have celebrated National Men's Health Week. As such, I urge all of my colleagues to support the adoption of H. Con. Res. 208.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

I would simply close by suggesting that my mother always used to tell us if we knew better, we would do better. I would hope as men become more aware as this kind of information proliferates, we will find men going to see their physicians, getting early screenings, making sure that they detect at an early stage possible illnesses so we can improve the quality of men's

health and the quality of life for all Americans.

Mr. TOWNS. Mr. Speaker, I rise in strong support of H. Con. Res. 208, which recognizes National Men's Health Week. It has been well documented in health-related research that despite numerous advances in medical technology and research, men continue to live an average of six years less than women. Lack of health insurance, cost-prohibitive exams, a paucity of health education information, and even fear all contribute to the reluctance of many men in visiting health care centers or physicians for regular health screenings.

The Centers for Disease Control and Prevention have outlined the ten leading causes of death, and all ten of these affect men more than women; more than half of these are due to chronic conditions including heart disease, diabetes mellitus, chronic respiratory disease, and diseases of the liver. Between the ages of 45–54, men are three times more likely than women to die of heart attacks, and men die of heart disease at almost twice the rate of women. Cancers of the prostate, testes, and colon also contribute significantly to male mortality rates. Appropriate use of tests such as Prostate Specific Antigen (PSA) exams, blood pressure screens, and cholesterol screens, in conjunction with clinical examination and self-testing for problems such as testicular cancer, can result in the detection of many of these problems in their early stages and increases in the survival rates to nearly 100 percent.

The health outcomes for African American men, the population with the lowest life expectancy, are dire. Although heart disease is the leading cause of mortality for men of all racial and ethnic groups within the United States, significant racial inequalities in heart disease mortality among men have been reported for the last 50 years. Recent statistics indicated that the overall stroke mortality rate is 61 in 100,000 for the general population—the numbers for African American men are significantly higher with 87 in 100,000 African American men dying due to stroke. The likelihood that a man will develop prostate cancer is 1 in 6, but African American men in the United States have the highest incidence of prostate cancer in the world, and their mortality rates owing to this disease are higher than any other racial or ethnic group.

I want to applaud the gentleman from Maryland for introducing this measure and for his continuing efforts in promoting men's health. Educating both the public and health care providers about the importance of early detection of male health problems will have multiple benefits, to include reducing rates of mortality and morbidity owing to chronic diseases. Men who are educated about the value that preventive health can play in prolonging their life spans and their role as productive family members will be more likely to participate in health screenings. I urge passage of H. Con. Res. 208.

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of my Congressional Black Causus colleague Representative CUMMINGS on H. Con. Res. 208 which supports National Men's Health Week. This resolution requests that the President call on the American public and interested groups to observe National Men's Health Week with appropriate ceremonies and activities.

Currently, Mr. Speaker, America is facing a dangerous and mounting crisis in men's health care—one that is all the more pernicious because of its silence and its disproportionate impact on men of color.

This crisis costs lives—the lives of those most dear to us: fathers, sons, brothers and husbands. For example, American men die almost 5 years before women do, for African-American men, nearly 12 years sooner than White woman. Forty percent of African-American men die prematurely versus 37 percent of Latino men and 21 percent of White men. Some 189,000 American men will be newly diagnosed with prostate cancer, and more than 30,000 will die. African-American men have the world's highest incidence and mortality rates of prostate cancer. Men of color account for the majority of HIV cases reported among males.

The causes for the growing crisis in men's health are deeply rooted and sociopolitical in nature. Yet, if men are to enjoy longer, fuller and healthier lives, then the poor state of men's health today must become a focal point on the nation's agenda.

To address the obstacles that prevent men from seeking and obtaining adequate healthcare, we have compiled a public education toolkit, which is attached. In it, you will find information on the state of men's health, gender gaps and barriers to care, and the social and political implications of this grave problem.

The U.S. health care system is the world's most advanced, with curative technologies and practices to treat nearly any significant disease. But there's a crisis brewing in America that has less to do with American medical know-how than with sheer male stubborness—and a health care system skewed in favor of females.

In short, men are at risk. They get sicker faster than women. They die off younger. They vastly outnumber women as victims of violence and on-the-job accidents. They are reluctant to see a doctor, and when they finally try to, they face barriers to care. Quite simply, men are largely out of sync with the U.S. health care system, and they are largely out of sync with their own bodies.

This crisis has been brewing for decades, ominously taking a backseat to the wondrous capabilities of American health care. Men quite frankly have been suffering in silence, lending greater and greater irony to the grand medical triumphs that we accumulate year after year.

How bad the men's health crisis is becoming painfully clear. The facts we now have are disturbing. Here are just a few: Male mortality figures have seen dramatic change over the years. In the 1920s, males and females lived to be roughly the same age. Today, women live more than a half-decade longer: 5.4 years, to be exact. In fact, over the last 30 years, the ratio of male mortality has outstripped female mortality at every age. In other words, the gap keeps getting bigger, with men now living 74.4 years, on average, compared to 79.8 for women.

For each of the top 10 causes of death, men have higher death rates that women. Twice as many men die from heart disease than women, when age is accounted for. And 40 percent more men die of cancer than women. By age 75, men die of cancer at nearly twice the rate of women. Yet cancer education and prevention is sorely lacking for men.

But there's more. Male AIDS victims outnumber females four and a half to one. And men's death rates are at least twice as high as women's for suicide, homicide and cirrhosis of the liver. In fact, four out of five deaths by suicide are men, and men age 20–24 are six times more likely than women to take their own lives. We lose 25,000 men every year to death at their own hands.

Men not only live more dangerous, they are accidents waiting to happen on the job too. In fact, 98 percent of all employees in the 10 most dangerous professions are men.

This is a fact borne out by a cold, clinical statistic. The federal government spends nearly $70 billion annually on cross-cutting programs to address women's health. For men, the amount spent is infinitely smaller, probably—it is as yet unknown. Most experts would agree today, however, that research on male-specific disease is under-funded. While prostate cancer comprises 37 percent of all cancer cases, only 5 percent of research funding is earmarked for this disease, according to the National Prostate Cancer Coalition. This amounts to $190 million, as compared to $424.9 million earmarked for breast cancer. And this year alone, 180,000 men will be diagnosed with prostate cancer; and almost 32,000 of them are expected to die from it.

What's more, 39 out of 50 States have either an office women's health or a program focused specifically on women's health. By comparison, just six States formally address men's health issues.

Deep disparities exist in our system of care for 30 percent of men in the U.S.—African-Americans, Latinos, Asian-Americans, Native Americans and others. Men die younger than women, and men of color have the lowest life expectancies of all: 66.1 years for Native Americans, 67.6 years for African-Americans, and 69.6 years for Latinos.

The health system is full of inequities for those men of color. Health-promoting behavior and early detection and treatment of diseases could reduce morbidity and mortality rates, but low utilization of health services, a lack of targeted health activities and increased risks due to social environment contribute to earlier deaths among men of color. For example, 21 percent of white men die prematurely from heart disease; the rate for black men is nearly twice as high: 40 percent.

So today I know we will pass this bill, and I ask my fellow congressional colleagues, other health providers, public health experts and officials, to bring this to the attention of people of this country want to know that we will also move just as determinedly and expeditiously too to ensure that our men are healthy.

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

Mr. OSE. Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for introducing this legislation, I urge Members to support the adoption of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 208.

The question was taken; and (two-thirds having voted in favor thereof)

the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1130

SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

Mr. OSE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 6) supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

The Clerk read as follows:

H. CON. RES. 6

Whereas chronic obstructive pulmonary disease (''COPD'') is primarily associated with emphysema and chronic bronchitis;

Whereas an estimated 10,000,000 adults in the United States have been diagnosed by a physician with COPD;

Whereas an estimated 24,000,000 adults in the United States have symptoms of impaired lung function, indicating that COPD is underdiagnosed;

Whereas COPD is progressive and is not fully reversible;

Whereas as COPD progresses, the airways and alveoli in the lungs lose elasticity and the airway walls collapse, closing off smaller airways and narrowing larger ones;

Whereas symptoms of COPD include chronic coughing, shortness of breath, increased effort to breathe, increased mucus production, and frequent clearing of the throat;

Whereas risk factors for COPD include long-term smoking, a family history of COPD, exposure to air pollution or secondhand smoke, and a history of frequent childhood respiratory infections;

Whereas more than half of all adults who suffer from COPD report that their condition limits their ability to work, sleep, and participate in social and physical activities;

Whereas more than half of all adults who suffer from COPD feel they are not in control of their breathing, panic when they cannot catch their breath, and expect their condition to worsen;

Whereas nearly 119,000 adults died in the United States of COPD in 2000, making COPD the fourth leading cause of death in the United States;

Whereas COPD accounted for 8,000,000 office visits to doctors, 1,500,000 emergency department visits, and 726,000 hospitalizations by adults in the United States in 2000;

Whereas COPD cost the economy of the United States an estimated $32,100,000,000 in 2002;

Whereas too many people with COPD are not diagnosed or are not receiving adequate treatment; and

Whereas the establishment of a Chronic Obstructive Pulmonary Disease Awareness Month would raise public awareness about the prevalence of chronic obstructive pulmonary disease and the serious problems associated with the disease: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from California (Mr. OSE) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

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

GENERAL LEAVE

Mr. OSE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation under consideration.

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

There was no objection.

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

House Concurrent Resolution 6, introduced by my distinguished colleague from Florida, supports the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month. This is an important resolution that can help to alert all Americans to the dangers that chronic obstructive pulmonary disease poses to all of us.

Mr. Speaker, it may not be widely known that chronic obstructive pulmonary disease is the fourth leading cause of death in this country behind heart disease, cancer and strokes. The number of Americans that COPD affects each year is in the tens of millions. Chronic obstructive pulmonary disease refers to any of various lung diseases that result in poor pulmonary aeration. The most common forms include emphysema and chronic bronchitis.

Mr. Speaker, this affliction has baffled medical experts across the country and around the globe. Despite its prevalence, no cure has been discovered for COPD. However, a variety of treatment options are available to those who suffer from pulmonary disorders. On behalf of this House, I encourage all Americans to be aware of their pulmonary health in order to try to detect problems early and prevent the development of chronic obstructive pulmonary disease.

Mr. Speaker, for all of these reasons, I urge all Members to support the adoption of House Concurrent Resolution 6. I commend our colleague from Florida for his efforts to raise awareness of this.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join with my colleague from California today in support of House Concurrent Resolution 6, a resolution supporting the goals and ideals of National Chronic Obstructive Pulmonary Disease Awareness Month. Chronic obstructive pulmonary disease, referred to by the acronym COPD, is an umbrella term used to describe the airflow obstruction associated mainly with emphysema and chronic bronchitis. In short, COPD is a debilitating lung disease that is characterized by severe breathing limitations. This affects everyday tasks such as washing, dressing, even light housework and routine walking. COPD leaves many too breathless to leave the home. Sixteen million Americans suffer from COPD, and it is estimated that 16 million more have COPD.

The important point to understand about COPD is the effect that it has on various populations. I was shocked to learn that, between 1980 and 2000, the annual COPD death rate for African Americans nearly doubled, going from 25 percent to 43 percent. It is estimated that 1.7 million African Americans have evidence of mild or moderate obstructive lung disease. Yet, in 2000, only half of these individuals reported being diagnosed with COPD.

In addition to COPD's effect on African Americans, this disease is now disproportionately affecting women at an alarming rate. During the same period of time, 1980 to 2000, the COPD death rate among women nearly tripled, going from 20 percent to 57 percent. Currently, more women die from COPD than do men. It is estimated that 10.6 million women have evidence of mild or moderate obstructive lung disease.

Illinois is not yet listed among the States experiencing high death rates associated with COPD. However, nearly half of the United States is now experiencing high death rates from COPD. The Centers for Disease Control now estimates that COPD is the fourth leading cause of death in the United States. By 2020, CDC estimates that COPD will be the third leading killer in the country. There is no cure for COPD, but with early diagnosis, treatment can ease the symptoms of patients who suffer from this disease.

Continued ignorance about COPD is costly. COPD is the only leading chronic illness that continues to show increased mortality rates each year. In contrast, mortality rates associated with seven of the ten leading causes of death have actually decreased.

Simply put, COPD takes a heavy toll on our economy. According to estimates made by the National Heart, Lung and Blood Institute, in 2000 the annual cost to the Nation for COPD was over $30 billion. This included $14.7 billion in direct health care expenditures, $6.5 billion in indirect morbidity costs, and $9.2 billion in direct mortality costs. The sooner Americans learn more about COPD, the sooner they can take steps to combat it, and the sooner we can control the spiraling toll of this debilitating disease on our economy and human lives.

Mr. Speaker, a national awareness month will bring a much-needed focus for COPD and provide a further opportunity to educate Americans and heighten the awareness of COPD's increasing prevalence. I urge my colleagues to support this important resolution, and I commend the gentleman from Florida for its sponsorship.

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

Mr. OSE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), the leading spokesperson for

this particular issue in the halls of Congress.

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

Mr. STEARNS. I thank my distinguished colleague from California for yielding me this time.

Mr. Speaker, as the author of H. Con. Res. 6, supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month, I want to thank the gentleman from Georgia (Mr. LEWIS) who was a cosponsor of this legislation in the 107th Congress and has been my cosponsor in the 108th Congress.

I am, finally, very pleased that the committee of jurisdiction has recognized this and it is on the floor today, because, as my colleagues have pointed out earlier, awareness of COPD is very important. If unchecked, it will continue to kill.

A lot of people, perhaps my colleagues, are wondering what COPD is. It was mentioned that it is a debilitating lung disease. Many of us who serve in Congress are going to be affected by it. It causes severe breathing limitations when you run up those steps. It is characterized by airway inflammation. It simply affects everyday tasks that you do, women and men, whether it is obviously on the golf course or whether it is walking up stairs or just running to the bus.

A lot of us take breathing freely for granted, but, frighteningly, the CDC estimates that COPD is currently the fourth leading cause of death in the United States. Of course, as was mentioned earlier, it is going to be moving up in the year 2020 to be the third largest killer in the United States.

While the exact prevalence in the United States is unknown, CDC estimates that there are 10 million diagnosed COPD sufferers and possibly as many as 24 million Americans undiagnosed who are suffering these symptoms today and have no idea what it is. The problem, Mr. Speaker, is there is no cure. Medical treatments exist to address the symptom relief and perhaps slow the progression of this disease. Besides the treatment of the symptoms of COPD, the sufferer actually is afflicted with anxiety. Their mental condition is affected through this anxiety and this stress. This also in many cases must be treated.

I would be remiss not to warn that the number-one step that one can take to prevent COPD, or at least minimize its symptoms, is simply to stop smoking, which is the primary cause of COPD, this long-term smoking by Americans. As you may know, we were pleased that President George Bush declared November, 2001, COPD Awareness Month and recognized the contribution of the COPD Coalition in November of that year. So, obviously, we would like to pass this resolution and continue the momentum of awareness for all Americans on this important problem.

It is likely that we all know somebody who has this affliction, whether we live with them personally or have a family member or friend or staff member, he or she has COPD. An awareness month would create an opportunity for all of us to familiarize ourselves with this so that we could attempt to alleviate the suffering and hopefully eventually reduce the death rate associated with this affliction.

Research is being performed on this, and we believe we are getting closer to solving some of the problem.

Let me make a plug for the University of Florida, which is in my congressional district. It has been found that individuals suffering from a genetic deficiency called Alpha-1 antitrypsin deficiency are more likely to develop COPD later in life. In response to this finding, researchers at the University of Florida, a top-notch university and medical institution in my congressional district, have teamed up with the Alpha-1 Foundation and the State of Florida Department of Health and Human Services to conduct a multiyear screening and detection program for Alpha-1 deficiency. It is their hope that this program will serve to not only detect potential Alpha-1 deficient individuals but also to impress upon health care professionals the importance of simply screening for this Alpha-1 deficiency.

In fact, once an individual is identified with Alpha-1 deficiency, much can be done to help prevent the individual from developing COPD, that is very exciting, not only just through exercise, but a modification of your diet. If this is not enough, further steps can be taken in the form of augmentation therapy by which the Alpha-1 antitrypsin protein is actually administered to arrest one's decreasing lung function. That is very good news.

Until research yields new treatments or a cure for COPD, the best approach to stemming the growth is through prevention and early detection. Prevention and early detection can only happen with increased awareness.

I would conclude by just mentioning some facts. In 2000, COPD accounted for 8 million physician office and hospital outpatient visits; 726,000 hospitalizations; over 1.5 million emergency room visits; and over 122,000 deaths. It costs the U.S. economy almost $15 billion a year in direct medical costs. All of this, we believe, is caused by environmental exposure, including tobacco smoke and, as I mentioned earlier, genetic defects.

Mr. Speaker, I urge my colleagues to support this. I am very pleased that it is on the floor today.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I had a friend who suffered from COPD. He liked to go to the Bulls basketball games. From time to time we would go together. He could not walk more than 20 or 30 feet without having to stop and rest. Again, I want to commend the gentleman from Florida for his introduction of this very important measure and urge its passage.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in strong support today of H. Con. Res. 6 which expresses support for the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month. I would like to thank Congressman STEARNS of Florida who sponsored this important concurrent resolution.

Mr. Speaker, Chronic Obstructive Pulmonary Disease (COPD) is a major problem today. It is currently the fourth leading cause of death in our country, taking the lives of nearly 119,000 adults in 2000. An estimated 10,000,000 Americans have been diagnosed with this disease, and it unfortunately is an under-diagnosed condition in this country.

As a former physician, this issue lies close to my heart. As the Chair of the Health Braintrust of the Congressional Black Caucus, I have had the opportunity to do much work on issues relating to lung disease within the caucus and in the larger body here in the House of Representatives.

Mr. Speaker, COPD and lung disease affects many families. It particularly hits hard in the African-American community. Although African-Americans only constitute approximately 12 percent of the population of the United States, according to the American Lung Association 26 percent of all asthma deaths are in African-Americans. The Association also reports that the incidence rate of lung cancer for African-American males is more than 45% higher than that of white men.

Mr. Speaker, The American Lung Association also reported that COPD took the lives of 3,757 African-American men and 2,692 African-American women in 2000. Countless others live with this disease and it adversely affects their lives by limiting their ability to partake in many of the activities that healthy persons enjoy.

Mr. Speaker, this resolution is a significant one. It gives formal congressional recognition that COPD is a major problem that affects many individuals and families and it expresses support for its awareness during COPD Awareness Month. As a co-sponsor of this legislation, I would urge all Members today to support it.

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

Mr. OSE. Mr. Speaker, I want to add my thanks again to the gentleman from Florida for introducing this legislation. I urge all Members to support the adoption of this measure. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 6.

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. STEARNS. 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.

□ 1145

REGARDING EFFORTS TO ABOLISH SLAVERY AND OTHER HUMAN RIGHTS ABUSES IN SUDAN

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 194) regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan, as amended.

The Clerk read as follows:

H. RES. 194

Whereas the efforts of the government of Khartoum to subjugate the peoples of the southern Sudan have led to the death of more than 2,000,000 persons and the displacement of another 4,000,000 persons;

Whereas the Department of State's ''Country Reports on Human Rights Practices for 2001'' estimates that between 5,000 and 15,000 Dinka women and children have been abducted during the past 15 years, and that between 10,000 and 12,000 persons remain in captivity;

Whereas credible observers report that some of the abductees were sold into slavery and others were used as forced labor or drafted into the military, including children;

Whereas the Department of State's ''Country Reports on Human Rights Practices for 2002'' notes that persons held in government controlled ''Peace'' camps for internally displaced persons were reportedly subjected to forced labor;

Whereas the Special Rapporteur for Sudan to the General Assembly of the United Nations concluded, on November 4, 2002, that the dire human rights situation in Sudan had not significantly changed;

Whereas the United States Civilian Protection Monitoring Team (CPMT) reported in February 2003 that militia allied with the Government of Sudan and supported directly by Government of Sudan troops continued to abduct civilians in the western Upper Nile region of Sudan;

Whereas subsequent to the February 2003 report of the Civilian Protection Monitoring Team, the Government of Sudan restricted the movements of the CPMT and prevented it from carrying out its mandate;

Whereas the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights declares ''[n]o one shall be held in slavery or servitude: slavery and the slave trade shall be prohibited in all their forms'';

Whereas numerous human rights organizations, including Christian Solidarity International, the Center for Religious Freedom of Freedom House, and the American Anti-Slavery Group have demanded an end to slavery in all its forms and, in particular, to the abuses practiced by the Government of Sudan;

Whereas the National Association for the Advancement of Colored People adopted, in May 1995, a Resolution to Combat Modern Day Slavery stating that slavery in Sudan was an ''irrefutable fact, corroborated by numerous sources,'' and pledging that ''we will not rest until these slaves are freed'';

Whereas the House of Representatives has repeatedly decried human rights abuses in Sudan and called for the abolition of the slave trade and of chattel slavery in Sudan;

Whereas the House of Representatives committed itself to practical measures to suppress the slave trade and chattel slavery in the Sudan by the passage, by a vote of 359–8, in the 107th Congress of H.R. 5531, the ''Sudan Peace Act'', and the Senate passed a similar measure, S. 180, unanimously;

Whereas the United Nations Commission on Human Rights conducted its 59th session in Geneva from March 17 through April 25, 2003;

Whereas the head of the United States delegation to the United Nations Commission on Human Rights, Ambassador Jeane Kirkpatrick, declared in her opening address that ''[t]he Commission has the solemn duty to speak for those who are denied the right to speak for themselves'';

Whereas Human Rights Watch and many other concerned persons and organizations have called upon the United Nations Commission on Human Rights to renew the mandate of the Special Rapporteur on human rights for Sudan, and to condemn gross abuses of human rights and violations of international humanitarian law by the Sudanese Government and rebel Sudan People's Liberation Movement/Army (SPLM/A) forces; and

Whereas the United Nations Commission on Human Rights, by a vote of 26 to 24 with 3 abstentions, refused to classify Sudan as an ''Item 9'' country, one in which grave human rights problems justify the appointment of a Special Rapporteur to investigate abuses and to report on them: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) slavery, under any circumstances, is an unconscionable practice;

(2) the subjection inherent in slavery inevitably leads to other abuses, including torture and rape;

(3) human rights abuses and slavery in Sudan remain a matter of the most profound concern;

(4) the United States must condemn attempts to ignore or condone these outrages;

(5) the United States must make clear to all members of the United Nations Commission on Human Rights that the refusal to condemn slavery in Sudan undermines any moral authority that the Commission might seek to exert in other areas;

(6) the United States must work to re-classify Sudan as an ''Item 9'' country, requiring a Special Rapporteur at the next session of the United Nations Commission on Human Rights; and

(7) the United States should encourage the United Nations to consider reinstating sanctions against Sudan and should urge the European Union, the African Union, and all others who express concern for human freedom and dignity to be engaged in activities that will convince Sudan to abolish slavery and respect human rights.

The SPEAKER pro tempore (Mr. QUINN). Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this resolution under consideration.

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

There was no objection.

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

To start, I would like to commend the author of this resolution, the gentleman from Massachusetts (Mr. CAPUANO), and I would like to commend the gentleman from New Jersey (Mr. PAYNE), the ranking member of the Africa Subcommittee. The gentleman from New Jersey (Mr. PAYNE) is also one of the original co-sponsors of this resolution, and they are a few of the many Members who have worked diligently to keep attention on the human rights situation in Sudan.

The conflict in Sudan, pitting the National Islamic Front Government against armed forces in the south struggling for political autonomy and with religious freedom has brought incomprehensible suffering to the people of Sudan. The numbers are truly staggering. There have been over 2 million Sudanese who have died over the past 2 decades alone due to war-related causes. Twice that number have been displaced.

In March of 2001, Secretary of State Colin Powell told the Committee on International Relations ''. . . there is perhaps no greater tragedy on the face of the Earth today than the tragedy that is unfolding in the Sudan.'' Those were the words of our Secretary of State.

It is the Sudanese government that bears most all of the responsibility for this human rights disaster. Khartoum has long been responsible for marauding militias with notorious human rights abuses against southerners, including taking slaves and forcing conversions to Islam. These and other human rights abuses including blocking emergency food deliveries have rightly earned the Sudanese government widespread condemnation for these acts. In appointing former Senator John Danforth as his special envoy to Sudan in 2001, President Bush said, ''For nearly 2 decades, the government of Sudan has waged a brutal and shameful war against its own people. And this is not right and this must stop.'' Such condemnation was also made by the U.N. Commission on Human Rights until this year.

The Commission had classified Sudan as an ''Item 9'' country, denoting its grave human rights problems. This brought needed international attention to these abuses primarily through the appointment and work of a Special Rapporteur to Sudan who was doing valuable human rights reporting on the ground in Sudan. Yet in April, the members of the commission representing individual countries in a 26 to 24 vote made the incomprehensible decision to end this status for Sudan. This was done despite the Special Rapporteur's judgment that the dire human rights situation in Sudan had not significantly improved and all the violations that respected human rights organizations have reported. This decision mars the commission, and it needs to be reversed.

House Resolution 194 states that ''human rights abuses and slavery in

Sudan remain a matter of the most profound concern'' and that ''the United States must work to reclassify Sudan as an 'Item 9' country, requiring a Special Rapporteur at the next session of the U.N. Commission on Human Rights.'' And this is the honest thing to do. It is also the just thing to do. It is the right thing to do in defense of victimized Sudanese who are suffering, and it is the right thing to do in memory of those who have perished. Designating Sudan a human rights special case is also a constructive step in support of the peace process in Sudan. We gain nothing by being blind to human rights abuses in Sudan.

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

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

I rise in strong support of this resolution. First of all, Mr. Speaker, let me commend the gentleman from Massachusetts (Mr. CAPUANO) for introducing H. Res. 194 concerning the ongoing problem of slavery in Sudan. This resolution keeps Congress on record in opposition to this inhumane practice. I also would like to thank the gentleman from California (Mr. ROYCE), chairman of the Africa Subcommittee, for his support of this resolution and for his continued good work as it relates to the problems on the continent of Africa; and with his leadership we have been able to have many hearings and to discuss many of the problems there. I would also like to compliment the gentleman from Illinois (Mr. HYDE) for his interest and the gentleman from California (Mr. LANTOS), ranking member, for the strong support that he has given these resolutions.

In spite of the universal condemnation of the practice of slavery in Sudan, the government has stonewalled on issues of slavery, claiming it is a matter of rival tribes engaging in hostage-taking over which it has little control. Prior to this, they actually denied the fact that there was any kind of engaging of people in slave trade. Now they admit it, but say it is just a traditional thing.

Mr. Speaker, between 5,000 and 14,000 children have been abducted in Sudan since 1983. Millions of girls have been forced into domestic service worldwide while boys have been trafficked to the gulf to work as menial laborers. Yet the Government of Sudan only takes half measures to convince the international community that it is taking the crime of slavery seriously. While they claim that there are laws in their country that prohibit slavery, there is no aggressive enforcement of those laws and no special courts dedicated to this singularly heinous practice against children.

Mr. Speaker, this Congress has never wavered in its demand to end slavery. With this resolution, we urge the administration and all international bodies to continue pressure to end this practice of slavery.

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

Mr. ROYCE. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, I yield 5 minutes to the sponsor of this resolution, the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Speaker, I would like to thank the gentleman from Illinois (Chairman HYDE) and the gentleman from California (Mr. LANTOS), ranking member; the gentleman from California (Mr. ROYCE); and the gentleman from New Jersey (Mr. PAYNE) for bringing this matter to the floor on this issue and for their great leadership on this issue and many other issues relative to the issues around the world, particularly with regard to the continent of Africa.

I want the people at home listening to understand what we are talking about. The word ''slavery'' just kind of rolls off the tongue, and in many ways I think people sometimes think we are talking in a figurative manner. We are talking about literal slavery, old-fashioned slavery where the government of one country either directly sanctions or indirectly allows one group of people to enslave another, to put them up on an auction block and sell them as I would sell a bicycle. It is not figurative. It is not some hyperbole. It is actual real textbook slavery that I think most Americans, if we ask them, would think has been gone from the face of this Earth since the middle of last century. It is not gone and this is a government, a country, not just a few renegades. This is not a criminal activity that uses women for sex slaves and uses children for forced labor; this is not that. This is an actual government who allows this to continue and in many cases participates in it indirectly. That is what we are talking about here.

What we are asking for is the United Nations to stand up. Just yesterday we took two votes on the United Nations. I pride myself on being a supporter of the United Nations, and I consider myself an internationalist. I think this country and the world is better off if we can talk to each other. I think the United Nations plays a valuable role. Yet the United Nations itself, a committee of the United Nations, said slavery is okay. I cannot be more offended than by that vote. I think it should be noted that the Chair of that commission is the country of Libya. An amazing coincidence. An amazing coincidence.

This administration, the Bush administration, has done a good job on this, and I do not agree with them on many things. On this issue they have stood up tall and been right, and I appreciate that and I congratulate them for that. This resolution and my message on this resolution is to the United Nations. If they want people like me to continue to support them, I do not think it is a very high bar to say to them that they need to stand up against slavery. How is that a high bar? I cannot imagine an any lower bar. Yet they have not. Honestly from a United Nations perspective, I cannot think of another vote that they have taken that has more offended me particularly in modern times.

This resolution is simple, and again I congratulate and thank the leaders of the Committee on International Relations for bringing this forward. This is really a message to the U.N. to get back on their game, stand up, stand up for the easiest issue in the world. If they do not, they jeopardize support from people like me and I think they undermine their credibility on every other issue around the world; and I find that to be absolutely the opposite of what the United Nations, what the United States stands for and our support for the United Nations.

Mr. PAYNE. Mr. Speaker, I thank the gentleman from Massachusetts for those comments.

Mr. Speaker, I yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), who has worked very hard on this issue herself.

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

And I must thank the gentleman for his continuous hard work on this issue. He and I came to the floor several years ago when slavery in Sudan had never been mentioned on this floor and did a 1-hour Special Order. We were the first to raise the consciousness of this House, and it is very gratifying to see that that consciousness remains raised. I know the gentleman has gone to Sudan and as a member of the Committee on International Relations continues to press this matter forward, and we need the whole House and we need the whole country to do so.

President Bush has just been to Africa and declared that slavery is a crime, and of course he meant slavery involving African Americans; but I am sure he meant it worldwide as well, and I thank the President not only for that trip but for his own initiatives on Sudan, still a largely unknown, a little recognized issue in our country. We have a nation, 70 percent are Sunni Muslims, 25 percent are Animists; Christians, 5 percent. We have come to the floor again and again with resolutions similar to this, and this resolution is very mild. It just asks the United Nations to consider reinstating sanctions.

□ 1200

The United States has also instituted sanctions under President Clinton; and it calls upon others, our allies, to express the same concern essentially that we have expressed: the African Union, which should be taking leadership here, the European Union. We need allies on this matter, and we need them desperately. Because, if the truth be told, almost no progress has been made. That is the sad truth that we must face.

There is still widespread institutionalized slavery, according to the

most recent report on Sudan. There is still massive dislocation and wholesale discrimination against the nonMuslim population.

The administration has made efforts, as we had Foreign Minister Ismail come to this country for consultations with the State Department, a delegation to come with consultations. I am not sure what comes out of these consultations, however, nor am I sure what we use as guideposts to determine whether progress is being made. And we understand the role Sudan plays as a possible center of terrorism. Terrorism has been strongly associated with Sudan, so we have extra reason to press forward.

Comprehensive sanctions, however, were put forward in 1997 as early as the Clinton administration, but they were our comprehensive sanctions. We are one country. There is a lot of oil in this country, and others continue to ignore slavery in Sudan. We have a humanitarian crisis. We need what the resolution calls for.

We need more as well. We need to increase assistance using religious and other nongovernmental organizations to distribute food and assistance on a nondiscriminatory basis. We need the United States to take the initiative in the United Nations so that sanctions go beyond a few nations like our own and so that we put a goalpost out here so that we can judge Sudan by whether there is an end to the bombings of civilians that keeps food from getting to them and into slavery and into the war itself.

Mr. Speaker, I ask that the Congress continue to keep this matter in its sights until we see some progress at last.

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume just to conclude by thanking the gentlewoman from the District of Columbia.

Mr. Speaker, 2 million people have died as a result of the practices of the government of Sudan; 4 million have been displaced. We have had the EGAT nations attempt to come to a conclusion, a solution to this problem. We continually push this issue of slavery. It must be abolished, and other human rights abuses in Sudan must end.

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

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

The Sudan peace process is, frankly, entering a very critical period. Some have described the next few months as the end game. There are elements in the government of Sudan who appear to desire peace. General Lazaro Sumbeiywo, the Kenyan mediator, has optimistically announced that he expects to have a peace deal by mid-August.

One thing is sure, though. If peace is to have a chance in Sudan, the U.S. and others will have to aggressively monitor any peace agreement, including paying close attention to human rights conditions. Should a peace agreement be struck, the Special Rapporteur would have an important role to play in ensuring that the new government respects the rights of all Sudanese. There is no reason in the world for the Special Rapporteur to be sidelined now. This resolution says Sudan is a human rights case that demands an international human rights spotlight.

It is critical that all parties in Sudan, especially the government, understand that there will be consequences for those who shun peace and perpetuate human rights abuses in Sudan. The Sudan Peace Act, signed into law last year, provides for such consequences.

Today, the House of Representatives is going on record with another stern warning that slavery and other gross human rights abuses in Sudan are intolerable and that the U.S. is watching. That is the message of this resolution which I urge my colleagues to support.

Mr. TOWNS. Mr. Speaker, as you are keenly aware, the road to peace for the people of Sudan has been long and perilous. Yet the prospect for a lasting peace may finally be at hand. Negotiations among the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) have been ongoing over the past ten months under a renewed commitment to peace and with a determination to resolve the important issues that remain.

I observed today, the debate on H. Res. 194 regarding the importance of international efforts to abolish slavery and other human rights abuses in Sudan. Mr. Speaker, I share the concerns of my distinguished colleagues and their desire to see and end to slavery and human rights abuses, be it Sudan or elsewhere in the world. But while we cannot condone or even forget the past, in my view the interests of the people of Sudan are best served by focusing on the future and finding lasting peace and stability for the region.

On April 21, 2003, President Bush, in his presidential determination under the Sudan Peace Act, certified that the government of Sudan and the People's Liberation Movement (SPLM/A) are negotiating in good faith. This historic event underscores the government of Sudan's commitment to peace and sets the stage for a negotiated peace agreement and the chance for dignity, prosperity and a better way of life for the people of Sudan, especially for Sudanese children.

Mr. Speaker, there will be those who will criticize the President's decision and who will focus on past history while giving little recognition to the positive events of the past year. The tragedy of such criticism is that it promotes a policy of divisiveness instead of unity which would enhance the prospects for peace and stability to the region. Even more troublesome is that such criticism shifts the focus from the real prospects for peace that now exist. While progress on the peace front has not been without setbacks, positive developments have and continue to occur and should not be ignored.

Mr. Speaker, the release of special envoy John Danforth's April 2002 report ''Outlook for Peace in Sudan'' put in motion the events to-date that have helped reestablish the present framework for peace. Following the Danforth report, an important first step towards peace was the signing of the Machakos Protocol, on July 20, 2002, resolving the major issues of self-determination for the south and the separation of state and religion. In September 2002, peace talks resumed under a negotiated ceasefire agreement and in October, 2002, the government of Sudan and the SPLM/A signed a Memorandum of Understanding (MOU) to allow unimpeded humanitarian access to all areas and to people in need, in accordance with the Operation Lifeline Sudan (OLS) agreement.

In addition, an addendum to the October 2002 MOU on cessation of hostilities was signed to add new mechanisms to strengthen implementation. Later in February, the human rights group Amnesty International was invited to visit Sudan for constructive dialogue on human rights issues.

On March 4, the mandate of the Civilian Protection Monitoring Team (CPMT) was extended for another year. Later in March, the ceasefire agreement was extended to June 30, 2003. Most recently, on May 1 the United Nations secured the opening of a new corridor in southern Sudan to enhance humanitarian access to the region.

Mr. Speaker, I hope my distinguished colleagues will view these developments as testimony to the government of Sudan's commitment to achieving a lasting peace for the benefit of all our people.

While these and other events give hope for peace and a permanent end to hostilities, there are many of my colleagues who remain skeptical.

There remain roughly 90 days before the next ''Determination'' under the Sudan peace act must be made. I would call on my colleagues to join me in support an NGO-sponsored fact finding delegation mission to Sudan and an accompanying report on the findings to assist in fully understanding the current situation in the Sudan with regard to allegations of slavery, human rights abuses and religious persecution.

Mr. Speaker. The situation in Sudan is the product of nearly a half-century of conflict and political divisiveness. While we must never forget the past, the interests of the Sudanese people will be best served by focusing on the future and achieving lasting peace.

We look forward to the day when peace is at hand and when U.S. sanctions can be lifted and Sudan removed from the state terrorist sponsors list. Only then will the people of Sudan be able to receive the benefits of American ingenuity, technology and investment for their sustained growth and economic prosperity.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the resolution, H. Res. 194, as amended.

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

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. QUINN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

SENSE OF CONGRESS SUPPORTING THE EFFORTS OF THE PEACE PARKS FOUNDATION IN THE REPUBLIC OF SOUTH AFRICA

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (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.

The Clerk read as follows:

H. CON. RES. 80

Whereas on February 1, 1997, the Peace Parks Foundation was established in the Republic of South Africa as a non-profit company to facilitate the establishment of transfrontier conservation areas in the Southern African Development Community (SADC) countries;

Whereas the overall purpose of the Peace Parks Foundation is to facilitate the establishment and development of transfrontier areas involving two or more countries without compromising national sovereignty, and allowing the free movement of humankind and animals across international borders within the peace park and thereby contributing to economic development, job creation, and peace and understanding between the countries concerned;

Whereas former South African President Nelson Mandela is a patron emeritus of the Peace Parks Foundation and the heads of state of the SADC countries are honorary patrons of the Foundation;

Whereas the Peace Parks Foundation has received the full support and endorsement for its efforts and activities from the heads of state of the SADC countries;

Whereas eight transfrontier conservation areas totaling approximately 232,000 square miles are supported by the Peace Parks Foundation in the SADC countries; and

Whereas the United States values peace and stability in the global community, and in particular Africa, and has long recognized the significance of sustainable economic development and the conservation of biodiversity: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the United States should support efforts to facilitate the establishment and development of transfrontier conservation areas in the Southern African Development Community (SADC) countries; and

(2) nongovernmental organizations and foundations in the United States should be encouraged to support and promote sustainable economic development and benefits through the preservation of wildlife in peace parks on an expanded and inclusive basis to the benefit of the countries concerned and their people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE) each will control 20 minutes.

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

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the concurrent resolution under consideration.

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

There was no objection.

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

The gentleman from New York (Mr. BOEHLERT), with the support of several members of the Subcommittee on Africa, including the vice chairman, the gentleman from New York (Mr. HOUGHTON) and myself, introduced House Concurrent Resolution 80 supporting the efforts of the Peace Parks Foundation in the Republic of South Africa.

The Peace Parks Foundation, a nonprofit organization, helps with the establishment and development of transfrontier conservation areas among two or more of the southern African development community countries. The idea for the Peace Parks Foundation came about when it was realized that ecotourism has benefited South Africa but has not benefited its neighboring countries, including Mozambique.

The purpose of the Peace Parks Foundation is to better allow wildlife to move freely across national borders, which wildlife is wont to do, which will promote biodiversity, economic development, and peaceful cooperation between all countries involved. By giving local populations an economic incentive to protect the environment, wildlife poaching and other unsustainable practices should decrease.

The Peace Parks Foundation enjoys the full support of all SADC countries and all of their heads of state and is currently developing 232,000 square miles of conservation area between them. This resolution expresses U.S. support for these efforts and encourages nongovernmental organizations and foundations in the United States to do the same.

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

Mr. PAYNE. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of H. Con. Res. 80.

Mr. Speaker, House Con. Res. 80 calls on the U.S. to support the Peace Parks Foundation of Southern Africa. The Peace Parks will support the establishment of a transfrontier conservation area involving several countries in southern Africa to boost tourism and to help alleviate poverty. The effort by the Southern African Development Community, SADC, will allow the free movement of humans and animals across international borders. It represents a major advance in conservation efforts worldwide.

The Peace Parks will not only contribute to conservation but also to economic development, job creation, and peace and understanding between the countries involved. This is a big step forward.

Animals have no borders. They move throughout. However, borders that have been written by countries sort of presented a problem, and for the countries in the SADC region to come together to say that you can cross our borders, for the people to be able to cross the borders so that the animals could be protected is very important.

As a matter of fact, a tragedy has happened recently in Kenya because of the lack of rain in the game parks right outside Nairobi. There are tremendous numbers of game there, including lions and tigers. But the Masai people have cattle, a tremendous amount of cattle. Cattle is a way to express wealth. During the past 4 or 5 months, because of the drought, the wildlife has moved outside of the park grounds seeking water. As the wildlife, the zebras and other animals go out, the lions must follow them, and they have gotten near Nairobi. There have been killings of Masai cattle. Unfortunately, the Masai people have said that they need to have some protection and, actually, during the past month or so, have killed 10 lions in the area around Nairobi. They are saying we should be compensated for the last of our cattle.

So there is a very important aspect to wildlife, and I hope that the new government of Kenya will be able to have some program to compensate for the tremendous loss to the Masai people.

But this is an example where countries are coming together, creating jobs, and living with the wildlife can serve as an economic engine.

So I urge my colleagues to support H. Con. Res. 80.

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

Mr. ROYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. BOEHLERT), the prime sponsor of this legislation.

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

Mr. BOEHLERT. Mr. Speaker, I am pleased to bring to the House floor House Concurrent Resolution 80, which encourages support for the Peace Parks Foundation of South Africa in helping to establish and develop transfrontier conservation areas or peace parks in sub-Saharan Africa.

In 2001, I had the opportunity to visit South Africa with the Speaker of the House, the gentleman from Illinois (Mr. HASTERT). We saw firsthand the positive achievements of the Peace Parks Foundation, a nonprofit organization headed by conservationist Dr. Anton Rupert.

In general terms, peace parks are very large, ecologically significant natural areas that straddle the borders of two or more countries and that are attractive to visitors.

Peace parks allow wildlife to follow natural migration patterns and help conserve the magnificent native flora and fauna of the region. Very importantly, peace parks help support sustainable local economic development and regional peace and stability. Boy, are those worthy objectives. These are some of the issues President Bush discussed just last week when he visited South Africa and Botswana and several other African nations.

Africa's competitive advantage in the international tourism industry lies in its unique and diverse ecosystems that include everything from deserts to rain forests. A recent study estimated that, with adequate infrastructure, the various transfrontier conservation areas could support about 8 million visits by tourists per year. Tourism is a wonderful job creator. Leaders of southern African governments have recognized this and have shown committed enthusiasm for the peace parks. They know peace parks can help alleviate poverty by creating business opportunities for communities and jobs paid for by tourism dollars. I applaud their foresight in recognizing this path to sustainable economic development.

Economic realities and the consequences of war and political instability have helped erode conservation efforts in Africa. The incredible variety of Africa's wildlife and natural habitats should be protected and conserved for future generations. The Foundation's contributions to biodiversity conservation is significant because the space it seeks to protect covers large areas; and, in Africa, everything seems to be large.

Since December, 2001, 22 transfrontier conservation areas have been identified by the Foundation and now enjoy the support of governments in the region. This unusual, but successful, approach deserves our encouragement and support.

The process by which peace parks are created requires extensive consultations between interested parties, including governments, local communities, private landowners, and civil society. In addition, since peace parks straddle borders, their creation also requires cooperation between nations. Thus, the creation of peace parks contributes to the peace and stability for which the people of Africa yearn.

□ 1215

I am pleased to be able to say that in September 2003 Botswana and South Africa will sign an agreement establishing a new peace park. African leaders such as the revered former President Dr. Nelson Mandela and the leaders of Southern African Development Community countries, strongly support the Peace Parks Foundation. Dr. Mandela himself has said of peace parks, ''I know of no biological movement, no philosophy or no idealogy which does not agree with the peace parks concept as we see it going into fruition today. It is a concept that can be embraced by all. In a world beset by conflict and division,'' Dr. Mandela goes on to say, ''peace is one of the cornerstones of the future. Peace parks are building blocks in this process, not only in our region, but potentially the entire world.''

Dr. Mandela was so right.

I thank those Members who joined me in introducing this resolution, and I ask the support of all Members in adopting this resolution to honor the important achievements of the Peace Parks Foundation in helping the people of sub-Saharan Africa find peace and stability and economic benefit through their preservation of some of the world's most rare and beautiful wildlife and natural places.

Mr. PAYNE. Mr. Speaker, let me commend the gentleman from New York (Mr. BOEHLERT) for his wonderful resolution and those who support it.

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

Mr. ROYCE. Mr. Speaker, earlier this year the Africa subcommittee that I chair held a hearing on the Congo Basin Foreign Partnership, and this is an innovative international approach to the conservation of forests and wildlife in Central Africa.

This plan was first unveiled by our Secretary of State Powell last fall, and the initiative is designed to combat illegal logging through better forest management and local economic empowerment. Of course, these forests play a critical role in sustaining the environment. They absorb carbon dioxide, they cleanse the water, they hold the soil. Their plants and animals are invaluable for so many reasons, including their genetic and biochemical information, which could spark advances in medical, agricultural, and industrial technology.

Ten years ago, those forests in Africa were virtually untouched. Today, logging operations are shrinking these forests. One estimate has logging taking out Congo basin forest area at a rate of twice the size of Rhode Island each and every year. If current deforestation and wildlife depletion rates are not reversed world wide, the world will pay an incalculable environmental and social price and incalculable cultural price as well. This is the beginning of real commitment to conservation in Africa. That is what we are seeing with the Peace Parks Foundation, which deserves our support and deserves our encouragement. I urge my colleagues to support this resolution.

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

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 80.

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

A motion to reconsider was laid on the table.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

The SPEAKER pro tempore. Pursuant to House Resolution 316 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1950.

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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 further consideration of the bill (H.R. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, with Mr. NORWOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, July 15, 2003, amendment No. 41 printed in House Report 108–206 by the gentlewoman from California (Ms. WATERS) had been disposed of.

No further amendments being in order, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LINDER) having assumed the chair, Mr. NORWOOD, 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. 1950) to authorize appropriations for the Department of State for the fiscal years 2004 and 2005, to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes, pursuant to House Resolution 316, 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?

Mr. FLAKE. Mr. Speaker, I demand a separate vote on amendment No. 2, as amended, the Hyde-Lantos amendment, which was agreed to in the Committee of the Whole.

The SPEAKER pro tempore. Is there any other demand for a separate vote?

If not, the Clerk will designate the amendment on which a separate vote is demanded.

The text of the amendment is as follows:

Amendment:

Strike section 1 of the bill and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003''.

Strike subsection (a) of section 2 of the bill and insert the following:

(a) ORGANIZATION OF ACT INTO DIVISIONS.—This Act is organized into four divisions as follows:

(1) DIVISION A.—Millennium Challenge Account Act of 2003.

(2) DIVISION B.—Peace Corps Expansion Act of 2003.

(3) DIVISION C.—Department of State Authorization Act, Fiscal Years 2004 and 2005.

(4) DIVISION D.—Defense Trade and Security Assistance Reform Act of 2003.

Redesignate division A of the bill as division C of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Redesignate division B of the bill as division D of the bill (and conform all titles, subtitles, and sections therein accordingly, and make all other related technical and conforming amendments).

Insert after section 3 of the bill the following two new divisions (and conform the table of contents accordingly):

DIVISION A—MILLENNIUM CHALLENGE ACCOUNT

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the ''Millennium Challenge Account Act of 2003''.

SEC. 102. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on International Relations and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term ''Board'' means the Board of Directors of the Corporation established pursuant to section 303 of this Act.

(3) COMPACT.—The term ''Compact'' means the Millennium Challenge Compact described in section 204 of this Act.

(4) CORPORATION.—The term ''Corporation'' means the Millennium Challenge Corporation established under section 301 of this Act.

(5) COUNCIL.—The term ''Council'' means the Millennium Challenge Advisory Council established under section 308 of this Act.

(6) MILLENNIUM DEVELOPMENT GOALS.—The term ''Millennium Development Goals'' means the key development objectives described in the United Nations Millennium Declaration, as contained in United Nations General Assembly Resolution 55/2 (September 2000), which aim to eradicate extreme poverty and hunger, achieve universal primary education, promote gender equality and empower women, reduce child mortality, improve maternal health, combat HIV/AIDS, malaria, and other infectious diseases, ensure environmental sustainability, and develop a global partnership for development.

SEC. 103. SUNSET.

All authorities under this division (other than title IV) shall terminate on October 1, 2007.

TITLE II—MILLENNIUM CHALLENGE ASSISTANCE

SEC. 201. FINDINGS; STATEMENT OF POLICY.

(a) FINDINGS.—Congress finds the following:

(1) A principal objective of United States foreign assistance programs, as stated in section 101 of the Foreign Assistance Act of 1961, is the ''encouragement and sustained support of the people of developing countries in their efforts to acquire the knowledge and resources essential to development and to build the economic, political, and social institutions which will improve the quality of their lives''.

(2) The expanding acceptance of free trade and open markets and the spread of democracy and the rule of law have brought a better way of life to an increasing number of people in the world.

(3) Inequalities between men and women undermine development and poverty-reduction efforts in fundamental ways. A woman's limited access to resources and restrictions on the exercise of her rights, including the right to participate in social and political processes, disables her from maximizing her contribution to her family's health, education, and general well-being.

(4) On March 14, 2002, the President noted the successes of development assistance programs: ''The advances of free markets and trade and democracy and rule of law have brought prosperity to an ever-widening circle of people in this world. During our lifetime, per capita income in the poorest countries has nearly doubled. Illiteracy has been cut by one-third, giving more children a chance to learn. Infant mortality has been almost halved, giving more children a chance to live.''.

(5) Development is neither an easy process nor a linear one. There are successes and there are failures. Today, too many people are still living in poverty, disease has eroded many of the economic and social gains of previous decades, and many countries have not adopted policies, for a variety of reasons, that would enable them to compete in an open and equitable international economic system.

(6) More countries and more people will be able to participate in and benefit from the opportunities afforded by the global economy if the following conditions for sound and sustainable economic development are met:

(A) SECURITY.—Security is necessary for economic development. Persistent poverty and oppression can lead to hopelessness, despair, and to failed states that become havens for terrorists.

(B) POLICIES THAT SUPPORT BROAD-BASED ECONOMIC GROWTH.—Successful long-term development can only occur through broad-based economic growth that enables the poor to increase their incomes and have access to productive resources and services so that they can lead lives of decency, dignity, and hope.

(C) DEMOCRACY AND THE RULE OF LAW.—Democratic development, political pluralism, and respect for internationally recognized human rights are intrinsically linked to economic and social progress. The ability of people to participate in the economic and political processes affecting their lives is essential to sustained growth. The rule of law and a commitment to fight corruption is also critical to the development of a prosperous society.

(D) INVESTMENTS IN PEOPLE.—Economic growth and democracy can be sustained only if both men and women have the basic tools and capabilities that foster the opportunity for participation in the economic, social, and political life of their countries. Successful development of countries requires citizens who are literate, healthy, and prepared and able to work.

(7) Economic assistance programs authorized under part I of the Foreign Assistance Act of 1961, as administered by the United States Agency for International Development and other Federal agencies, are of critical importance in assisting countries to be in a position to maximize the effectiveness of assistance authorized by this title.

(8) It is in the national interest of the United States to help those countries that are implementing the economic and political reforms necessary for development to occur.

(9) On March 14, 2002, the President stated that the ''growing divide between wealth and poverty, between opportunity and misery, is both a challenge to our compassion and a source of instability . . . [w]e must confront it . . . [w]e must include every African, every Asian, every Latin American, every Muslim, in an expanding circle of development.''.

(10) The President has pledged that funds requested for the Millennium Challenge Account shall be in addition to, and not a substitute for, existing development and humanitarian programs.

(11) Development assistance alone is not sufficient to stimulate economic growth and development. Assistance has been shown to have a positive impact on growth and development in developing countries with sound policies and institutions. If countries have poor policies and institutions, however, it is highly unlikely that assistance will have a net positive effect.

(12) Economic development, and the achievement of the Millennium Development Goals, must be a shared responsibility between donor and recipient countries.

(b) STATEMENT OF POLICY REGARDING A NEW COMPACT FOR GLOBAL DEVELOPMENT.—It is, therefore, the policy of the United States to support a new compact for global development that—

(1) increases support by donor countries to those developing countries that are fostering democracy and the rule of law, investing in their people, and promoting economic freedom for all their people;

(2) recognizes, however, that it is the developing countries themselves that are primarily responsible for the achievement of those goals;

(3) seeks to coordinate the disparate development assistance policies of donor countries, and to harmonize the trade and finance policies of donor countries with their respective development assistance programs; and

(4) aims to reduce poverty by significantly increasing the economic growth trajectory of beneficiary countries through investing in the productive potential of the people of such countries.

SEC. 202. AUTHORIZATION OF ASSISTANCE.

(a) ASSISTANCE.—The President, acting through the Chief Executive Officer of the Millennium Challenge Corporation, is authorized to provide assistance to eligible countries to support policies and programs that advance the progress of such countries in achieving lasting economic growth and poverty reduction and are in furtherance of the purposes of this title.

(b) PRINCIPAL OBJECTIVES.—Assistance provided under subsection (a) should advance a country's progress toward promoting the following principal objectives:

(1) FOSTERING DEMOCRATIC SOCIETIES, HUMAN RIGHTS, AND THE RULE OF LAW.—The assistance should promote—

(A) political, social, and economic pluralism;

(B) respect for the rule of law;

(C) anti-corruption initiatives and law enforcement;

(D) development of institutions of democratic governance, including electoral and legislative processes;

(E) transparent and accountable public administration at all levels of government;

(F) a fair, competent, and independent judiciary; and

(G) a free and independent media.

(2) FOSTERING INVESTMENT IN EDUCATION AND HEALTH INFRASTRUCTURE AND SYSTEMS.—The assistance should foster improved educational opportunities and health conditions, particularly for women and children, including through—

(A) support for programs and personnel that promote broad-based primary education, including through the development of academic curricula, by making available textbooks and other educational materials, and through appropriate use of technology;

(B) support for programs to strengthen and build institutions, including primary health care systems, infrastructure, facilities, and personnel that provide quality health care;

(C) support for improved systems for the delivery of healthy water and sanitation services; and

(D) support for programs that reduce child mortality (including those programs that combat HIV/AIDS, malaria, tuberculosis, and other infectious diseases, consistent with sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961).

(3) PROMOTING ECONOMIC FREEDOM, BROAD-BASED ECONOMIC GROWTH, AND FOSTERING FREE MARKET SYSTEMS.—The assistance should foster the institutions and conditions needed to promote free market systems, trade, and investment, including—

(A) the reform and restructuring of banking and financial systems, including by allowing foreign competition in the banking and financial sectors, where appropriate;

(B) the development of transparent and efficient commercial codes and reduction in the regulatory burden on business;

(C) the protection of property rights, including—

(i) private property and intellectual property rights, including through the adoption and effective enforcement of intellectual property treaties or international agreements; and

(ii) the establishment and maintenance of an efficient and integrated legal property system that, among other things, facilitates the ability of the poor, particularly women, to convert physical and intellectual assets into capital, such as utilizing existing practices and customs that allow assets to be documented in a manner that makes the assets widely transferable, leveragable, and fungible, that allows individuals to hold legal title to their property, and that holds owners accountable for transactions involving their property;

(D) support for market-based policies that support increased agricultural production;

(E) a strong commitment to sound monetary and budgetary policies;

(F) the development of small businesses, private cooperatives, credit unions, and trade and labor unions;

(G) the protection of internationally recognized workers' rights; and

(H) the capacity of eligible countries to ameliorate damage to the environment and respect other environmental standards.

SEC. 203. ELIGIBILITY AND RELATED REQUIREMENTS.

(a) ASSISTANCE FOR LOW INCOME COUNTRIES.—

(1) FISCAL YEAR 2004.—A country shall be eligible to receive assistance under section 202 for fiscal year 2004 if—

(A) the country is eligible for assistance from the International Development Association, and the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for that year, as defined by the International Bank for Reconstruction and Development;

(B) subject to paragraph (3), the country is not ineligible to receive United States economic assistance by reason of the application of section 116, 490, or 620A of the Foreign Assistance Act of 1961, or by reason of the application of any other provision of law; and

(C) the Chief Executive Officer of the Corporation determines that the country has demonstrated a commitment to—

(i) bolster democracy, human rights, good governance and the rule of law;

(ii) invest in the health and education of its citizens; and

(iii) promote sound economic policies that promote economic freedom and opportunity.

(2) FISCAL YEARS 2005 AND 2006.—A country shall be eligible to receive assistance under section 202 for fiscal years 2005 and 2006 if—

(A) the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the fiscal year involved, as defined by the International Bank for Reconstruction and Development;

(B) the country meets the requirements of paragraph (1)(B); and

(C) the country meets the requirements of clauses (i) through (iii) of paragraph (1)(C), as determined by the Chief Executive Officer.

(3) RULE OF CONSTRUCTION.—For the purposes of determining whether a country is eligible for receiving assistance under section 202 pursuant to paragraph (1)(B), the exercise by the President, the Secretary of State, or any other officer or employee of the United States of any waiver or suspension of any provision of law referred to in such paragraph shall not be construed as satisfying the requirement of such paragraph.

(b) ASSISTANCE FOR LOWER MIDDLE INCOME COUNTRIES.—

(1) IN GENERAL.—In addition to countries described in subsection (a), a country shall be eligible to receive assistance under section 202 for fiscal year 2006 if the country—

(A) is classified as a lower middle income country in the then most recent edition of the World Development Report published by the International Bank for Reconstruction and Development;

(B) meets the requirements of subsection (a)(1)(B); and

(C) meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer.

(2) LIMITATION.—The total amount of assistance provided to countries under this subsection for fiscal year 2006 may not exceed 20 percent of the total amount of assistance provided to all countries under section 202 for fiscal year 2006.

(c) ASSISTANCE FOR SELECTED LOW INCOME COUNTRIES.—

(1) IN GENERAL.—A country shall be eligible to receive assistance for any of fiscal years 2004 through 2006 solely for the purpose of becoming eligible to receive assistance under subsection (a) if the country—

(A) meets the requirements of paragraphs (1)(B) and (2)(A) of subsection (a);

(B) demonstrates a commitment to meeting the requirements of clauses (i) through (iii) of subsection (a)(1)(C), as determined by the Chief Executive Officer; but

(C) fails to meet the eligibility criteria necessary to receive assistance under section 202, as established under subsection (e).

(2) ADMINISTRATION.—Assistance for countries eligible by reason of the application of this subsection shall be provided through the United States Agency for International Development.

(3) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, not more than 15 percent of such amount is authorized to be appropriated to the President for the fiscal year to carry out this subsection.

(d) GENERAL AUTHORITY TO DETERMINE ELIGIBILITY.—

(1) GENERAL AUTHORITY.—The Chief Executive Officer shall determine whether or not a country is eligible to receive assistance under section 202.

(2) CONGRESSIONAL NOTIFICATION.—Not later than 7 days after making a determination of eligibility for a country under paragraph (1), the Chief Executive Officer shall provide notice thereof to the appropriate congressional committees. Such notice shall include a certification of the determination of the Chief Executive Officer that the country meets the requirements of clauses (i) through (iii) of subsection (a)(1)(C) in accordance with such subsection, subsection (a)(2)(C), subsection (b)(1)(C), or subsection (c)(1)(B), as the case may be.

(e) ELIGIBILITY CRITERIA.—

(1) INITIAL CRITERIA AND METHODOLOGY.—At soon as practicable after the date of the enactment of this Act, but not later than 30 days prior to making any determination of eligibility for a country under this section, the Chief Executive Officer—

(A) shall consult in-person with the appropriate congressional committees with respect to the establishment of eligibility criteria and methodology that the Chief Executive Officer proposes to use for purposes of determining eligibility under this section;

(B) shall establish such eligibility criteria and methodology; and

(C) shall prepare and transmit to such committees a written report that contains such eligibility criteria and methodology.

(2) REVISIONS TO CRITERIA AND METHODOLOGY.—If the Chief Executive Officer proposes to use revised or different criteria from the criteria described in paragraph (1) in making a determination of eligibility for a country under this section, then, not later than 15 days prior to making such determination, the Chief Executive Officer shall consult in-person with the appropriate congressional committees with respect to such revised or different criteria and methodology in accordance with paragraph (1)(A) and shall prepare and transmit a written report in accordance with paragraph (1)(C).

(f) FORM OF ASSISTANCE; RECIPIENTS.—

(1) FORM OF ASSISTANCE.—Assistance provided under section 202 for a country shall be provided to one or more of the entities described in paragraph (2) on a nonrepayable basis and in accordance with a fair, open, and competitive selection process that results in the awarding of such assistance on a merit basis using selection criteria that are made public by the Corporation in advance and are otherwise in accordance with standard and customary best practices for the provision of similar types of assistance.

(2) RECIPIENTS.—The entities referred to in paragraph (1) are the following:

(A) The national government of the country.

(B) Regional or local governmental units of the country.

(C) Nongovernmental organizations, including for-profit, not-for-profit, and voluntary organizations.

(D) International organizations and trust funds.

(g) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer may not make any grant or enter into any contract for assistance for a country under section 202 that exceeds $5,000,000 until 15 days after the date on

which the Chief Executive Officer provides notification of the proposed grant or contract to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961.

(h) PROHIBITION ON USE OF FUNDS.—The prohibitions on use of funds contained in paragraphs (1) through (3) of section 104(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)–(3)) shall apply to funds made available to carry out this division to the same extent and in the same manner as such prohibitions apply to funds made available to carry out part I of such Act.

SEC. 204. MILLENNIUM CHALLENGE COMPACT.

(a) COMPACT.—The President, acting through the Chief Executive Officer of the Corporation, may provide assistance to an eligible country under section 202 only if the country enters into a contract with the United States, to be known as a ''Millennium Challenge Compact'', that establishes a multi-year plan for achieving shared development objectives in furtherance of the purposes of this title, and only if the President, acting through the Chief Executive Officer, provides to Congress notice regarding such Compact pursuant to subsection (h).

(b) ELEMENTS.—

(1) IN GENERAL.—The Compact shall take into account the national development strategy of the eligible country and shall contain—

(A) the specific objectives that the country and the United States expect to achieve;

(B) the responsibilities of the country and the United States in the achievement of such objectives;

(C) regular benchmarks to measure, where appropriate, progress toward achieving such objectives;

(D) an identification of the intended beneficiaries, disaggregated by income level, gender, and age, to the maximum extent practicable;

(E) a multi-year financial plan, including the estimated amount of contributions by the Corporation and the country and proposed mechanisms to implement the plan and provide oversight, that describes how the requirements of subparagraphs (A) through (D) will be met, including identifying the role of civil society in the achievement of such requirements;

(F) where appropriate, a description of the responsibility of other donors in the achievement of such objectives; and

(G) a plan to ensure appropriate fiscal accountability for the use of assistance provided under section 202.

(2) LOWER MIDDLE INCOME COUNTRIES.—In addition to the elements described in subparagraphs (A) through (G) of paragraph (1), with respect to a lower middle income country described in section 203(b), the Compact shall identify an appropriate contribution from the country relative to its national budget, taking into account the prevailing economic conditions, toward meeting the objectives of the Compact. Such contribution shall be in addition to government spending allocated for such purposes in the country's budget for the year immediately preceding the establishment of the Compact and shall continue for the duration of the Compact.

(c) DEFINITION.—In subsection (b), the term ''national development strategy'' means any strategy to achieve market-driven economic growth that has been developed by the government of the country in consultation with a wide variety of civic participation, including nongovernmental organizations, private and voluntary organizations, academia, women and student organizations, local trade and labor unions, and the business community.

(d) ADDITIONAL PROVISION RELATING TO PROHIBITION ON TAXATION.—In addition to the elements described in subsection (b), each Compact shall contain a provision that states that assistance provided by the United States under the Compact shall be exempt from taxation by the government of the eligible country.

(e) LOCAL INPUT.—In entering into a Compact, the United States and the eligible country—

(1) shall take into account the local-level perspectives of the rural and urban poor in the eligible country; and

(2) should consult with private and voluntary organizations, the business community, and other donors, in the eligible country.

(f) CONSULTATION.—During any discussions with a country for the purpose of entering into a Compact with the country, officials of the Corporation participating in such discussions shall, at a minimum, consult with appropriate officials of the United States Agency for International Development, particularly with those officials responsible for the appropriate region or country on development issues related to the Compact.

(g) COORDINATION WITH OTHER DONORS.—To the maximum extent feasible, activities undertaken to achieve the objectives of the Compact shall be undertaken in coordination with the assistance activities of other donors.

(h) CONGRESSIONAL AND PUBLIC NOTIFICATION.—Not later than 15 days prior to entering into a Compact with an eligible country, the President, acting through the Chief Executive Officer—

(1) shall consult in-person with the appropriate congressional committees with respect to the proposed Compact;

(2) shall provide notification of the proposed Compact to the appropriate congressional committees in accordance with the procedures applicable to reprogramming notifications under section 634A of the Foreign Assistance Act of 1961;

(3) shall prepare and transmit to such committees a written report that contains a detailed summary of the proposed Compact and a copy of the full text of the Compact; and

(4) shall publish such detailed summary and full text of the proposed Compact in the Federal Register and on the Internet website of the Corporation.

(i) ASSISTANCE FOR DEVELOPMENT OF COMPACT.—Notwithstanding subsection (a), the Chief Executive Officer may enter into contracts or make grants for any eligible country for the purpose of facilitating the development of the Compact between the United States and the country.

SEC. 205. SUSPENSION AND TERMINATION OF ASSISTANCE.

(a) SUSPENSION OF ASSISTANCE.—

(1) IN GENERAL.—The President shall suspend assistance in whole or in part for a country under this title if the President determines that—

(A) the country is engaged in activities which are contrary to the national security interests of the United States;

(B) the elected head of state of the country or any member of the country's highest judicial tribunal has been removed from that office or forcibly detained through extra-constitutional processes; or

(C) the country has failed to adhere to its responsibilities under the Compact.

(2) REINSTATEMENT.—The President may reinstate assistance for a country under this title only if the President determines that the country has demonstrated a commitment to correcting each condition for which assistance was suspended under paragraph (1).

(3) CONGRESSIONAL NOTIFICATION.—A suspension of assistance under paragraph (1), or a reinstatement of assistance under paragraph (2), shall be effective beginning 15 days after the date on which the President transmits to the appropriate congressional committees a report that contains the determination of the President under paragraph (1) or paragraph (2), as the case may be.

(b) TERMINATION OF ASSISTANCE.—

(1) IN GENERAL.—The President, acting through the Chief Executive Officer of the Corporation, shall terminate all assistance for a country under this title if the President determines that the country has consistently failed to adhere to its responsibilities under the Compact or has significantly failed to meet the requirements of this title.

(2) CONGRESSIONAL NOTIFICATION.—A termination of assistance under paragraph (1) shall be effective beginning 15 days after the date on which the President, acting through the Chief Executive Officer, provides notification of the proposed termination of assistance to the congressional committees specified in section 634A(a) of the Foreign Assistance Act of 1961 in accordance with the procedures applicable to reprogramming notifications under that section.

SEC. 206. ANNUAL REPORT.

(a) REPORT.—Not later than April 1, 2005, and not later than April 1 of each year thereafter, the Chief Executive Officer of the Corporation shall prepare and transmit to the appropriate congressional committees a report on the implementation of this title for the preceding year.

(b) CONTENTS.—The report shall include the following:

(1) A description and assessment of the eligibility criteria and methodology utilized by the Chief Executive Officer to determine eligibility for each country under section 203.

(2) A description of the agreed upon measures of progress contained in each Compact.

(3)(A) An analysis, on a country-by-country, project-by-project basis, of the impact of assistance provided under this title on the economic development of each country.

(B) For each country, the analysis shall—

(i) to the maximum extent possible, be done on a sector-by-sector basis, gender basis, and per capita income basis, and identify trends within each of these bases;

(ii) identify economic policy reforms conducive to economic development that are supported by assistance provided under this title;

(iii) describe, in quantified terms to the extent practicable, the progress made in achieving assistance objectives for the country;

(iv) describe the amount and nature of economic assistance provided by other major donors which further the purposes of this title; and

(v) discuss the commitment and contribution of the country to achieving the assistance objectives contained in its Compact.

(4) A description and assessment of property rights in each country, including—

(A) the total value of legal and extralegal property and business holdings;

(B) the average time required to acquire land; and

(C) the average time required to register and wind up a business enterprise.

SEC. 207. PARTICIPATION OF CERTAIN UNITED STATES BUSINESSES.

(a) PARTICIPATION.—To the maximum extent practicable, the President, acting through the Chief Executive Officer, shall ensure that United States small, minority-owned, and disadvantaged business enterprises fully participate in the provision of goods and services that are financed with funds made available under this title.

(b) REPORT.—The Chief Executive Officer shall prepare and submit to the appropriate

congressional committees an annual report that contains a description of the extent to which the requirement of subsection (a) has been met for the preceding year.

SEC. 208. AUTHORIZATION OF APPROPRIATIONS; RELATED AUTHORITIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President, acting through the Chief Executive Officer of the Corporation, to carry out this division (other than title IV) $1,300,000,000 for fiscal year 2004, $3,000,000,000 for fiscal year 2005, and $5,000,000,000 for fiscal year 2006.

(b) ADDITIONAL AUTHORITIES.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a)—

(1) may be referred to as the ''Millennium Challenge Account'';

(2) are authorized to remain available until expended; and

(3) are in addition to amounts otherwise available for such purposes.

TITLE III—MILLENNIUM CHALLENGE CORPORATION

SEC. 301. MILLENNIUM CHALLENGE CORPORATION.

(a) ESTABLISHMENT.—There is hereby established in the executive branch a corporation to be known as the ''Millennium Challenge Corporation'' that shall be responsible for carrying out title II.

(b) GOVERNMENT CORPORATION.—The Corporation shall be a Government corporation, as defined in section 103 of title 5, United States Code.

SEC. 302. CHIEF EXECUTIVE OFFICER.

(a) APPOINTMENT.—The Corporation shall be headed by an individual who shall serve as Chief Executive Officer of the Corporation, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) COMPENSATION AND RANK.—

(1) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level II of the Executive Schedule under section 5313 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(2) AMENDMENT.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

''Chief Executive Officer, Millennium Challenge Corporation.''.

(c) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall exercise the powers and discharge the duties of the Corporation and any other duties, as conferred on the Chief Executive Officer by the President.

(d) AUTHORITY TO APPOINT OFFICERS.—The Chief Executive Officer shall appoint all officers of the Corporation.

SEC. 303. BOARD OF DIRECTORS.

(a) IN GENERAL.—There shall be in the Corporation a Board of Directors.

(b) DUTIES.—The Board may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Corporation may be conducted and in which the powers granted to it by law may be exercised.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Board shall consist of—

(A) the Secretary of State, the Secretary of Treasury, the Administrator of the United States Agency for International Development, the Chief Executive Officer of the Corporation, and the United States Trade Representative; and

(B) four other individuals who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(2) EX-OFFICIO MEMBERS.—In addition to members of the Board described in paragraph (1), the Director of the Office of Management and Budget, the President and Chief Executive Officer of the Overseas Private Investment Corporation, the Director of the Trade and Development Agency, and the Director of the Peace Corps shall be non-voting members, ex officio, of the Board.

(d) TERMS.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—Each member of the Board described in paragraphs (1)(A) and (2) of subsection (c) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(2) OTHER MEMBERS.—Each member of the Board described in subsection (c)(1)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 2 years.

(3) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(e) CHAIRPERSON.—The Secretary of State shall serve as the Chairperson of the Board.

(f) QUORUM.—A majority of the members of the Board shall constitute a quorum, which shall include at least one member of the Board described in subsection (c)(1)(B).

(g) MEETINGS.—The Board shall meet at the call of the Chairperson.

(h) COMPENSATION.—

(1) OFFICERS OF FEDERAL GOVERNMENT.—

(A) IN GENERAL.—A member of the Board described in paragraphs (1)(A) and (2) of subsection (c) may not receive additional pay, allowances, or benefits by reason of their service on the Board.

(B) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) OTHER MEMBERS.—

(A) IN GENERAL.—Except as provided in paragraph (2), a member of the Board described in subsection (c)(1)(B)—

(i) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(ii) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(B) LIMITATION.—A member of the Council may not be paid compensation under subparagraph (A)(i) for more than thirty days in any calendar year.

SEC. 304. INTERAGENCY COORDINATION.

In carrying out the functions described in this title, and consistent with section 101 of the National Security Act of 1947 (50 U.S.C. 402), the President shall ensure coordination of assistance authorized under title II with foreign economic assistance programs and activities carried out by other Federal departments and agencies.

SEC. 305. POWERS OF THE CORPORATION; RELATED PROVISIONS.

(a) POWERS.—The Corporation—

(1) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(2) may prescribe, amend, and repeal such rules, regulations, and procedures as are necessary for carrying out the functions of the Corporation and all Compacts;

(3) may make and perform such contracts, grants, and other agreements with any individual, corporation, or other private or public entity, however designated and wherever situated, as may be necessary for carrying out the functions of the Corporation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation not exceeding $95,000 in any fiscal year;

(5) may lease, purchase, or otherwise acquire, own, hold, improve, use or otherwise deal in and with such property (real, personal, or mixed) or any interest therein, wherever situated, as may be necessary for carrying out the functions of the Corporation;

(6) may accept gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, in furtherance of the purposes of this division;

(7) may hire or obtain passenger motor vehicles;

(8) may use the United States mails in the same manner and on the same conditions as the Executive departments (as defined in section 101 of title 5, United States Code);

(9) may, with the consent of any Executive agency (as defined in section 105 of title 5, United States Code), use the information, services, facilities, and personnel of that agency on a full or partial reimbursement in carrying out the purposes of this division; and

(10) may sue and be sued, complain, and defend, in its corporate name in any court of competent jurisdiction.

(b) OFFICES.—

(1) PRINCIPAL OFFICE.—The Corporation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(2) OTHER OFFICES.—The Corporation may establish other offices in any place or places outside the United States in which the Corporation may carry out any or all of its operations and business.

(c) COOPERATION WITH OTHER FEDERAL DEPARTMENTS AND AGENCIES.—In order to avoid unnecessary expense and duplication of functions, efforts, and activities between the Corporation and other Federal departments and agencies the Chief Executive Officer, or the Chief Executive Officer's designee—

(1)(A) shall consult, to the maximum extent practicable, with the Administrator of the United States Agency for International Development, or the Administrator's designee, in order to coordinate the activities of the Corporation and the Agency for International Development; and

(B) shall consult with the heads of other departments and agencies to ensure similar coordination of activities;

(2)(A) shall ensure proper coordination of activities of the Corporation with the provision of development assistance of relevant international financial institutions, including the International Bank for Reconstruction and Development, the International Monetary Fund, and the regional multilateral development banks; and

(B) shall provide to each United States Executive Director (or other United States representative) to the relevant international financial institutions a copy of each proposed Compact between the United States and an eligible country and a copy of each such final Compact.

(d) POSITIONS WITH FOREIGN GOVERNMENTS.—When approved by the Corporation, in furtherance of its purposes, employees of the Corporation (including individuals detailed to the Corporation) may accept and hold offices or positions to which no compensation is attached with governments or governmental agencies of foreign countries or with international organizations.

SEC. 306. TRANSPARENCY AND ACCOUNTABILITY OF THE CORPORATION.

The Corporation and its officers and employees shall be subject to the provisions of section 552 of title 5, United States Code (relating to freedom of information).

SEC. 307. DETAIL OF PERSONNEL TO THE CORPORATION; OTHER AUTHORITIES AND LIMITATIONS.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer of the Corporation, the head of an agency may detail any employee of such agency to the Corporation on a fully or partially reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) LIMITATION ON TOTAL SERVICE.—

(1) IN GENERAL.—Except as provided in paragraph (2), no individual may serve in or under the Corporation (whether as an employee of the Corporation, a detailee to the Corporation, or a combination thereof) for a total period exceeding 5 years.

(2) EXCEPTIONS.—

(A) EXTENSION AUTHORITY.—The Chief Executive Officer may extend the 5-year period under paragraph (1) for up to an additional 3 years, in the case of any particular individual, if the Chief Executive Officer determines that such extension is essential to the achievement of the purposes of this division.

(B) OFFICERS.—Nothing in this subsection shall limit the period for which an individual may serve as an officer of the Corporation appointed pursuant to section 302(d) nor shall any period of service as such an officer be taken into account for purposes of applying this subsection.

(c) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Corporation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Corporation—

(i) by reason of the application of subsection (b); or

(ii) for any other reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Corporation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Corporation without regard to the provisions of—

(1) chapter 51 of title 5, United States Code (relating to the classification of positions), and

(2) subchapter III of chapter 53 of such title (relating to General Schedule pay rates),

except that no employee of the Corporation may receive a rate of basic pay that exceeds the rate for level II of the Executive Schedule under section 5313 of such title.

(e) ASSIGNMENT TO UNITED STATES EMBASSIES.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, may be assigned to a United States diplomatic mission or consular post, or United States Agency for International Development field mission.

(f) PRIVILEGES AND IMMUNITIES.—The Secretary of State shall seek to ensure that an employee of the Corporation, including an individual detailed to or contracted by the Corporation, and the members of the family of such employee, while the employee is performing duties in any country or place outside the United States, enjoy the privileges and immunities that are enjoyed by a member of the Foreign Service, or the family of a member of the Foreign Service, as appropriate, of comparable rank and salary of such employee, if such employee or a member of the family of such employee is not a national of or permanently resident in such country or place.

(g) RESPONSIBILITY OF CHIEF OF MISSION.—An employee of the Corporation, including an individual detailed to or contracted by the Corporation, and a member of the family of such employee, shall be subject to section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927) in the same manner as United States Government employees while the employee is performing duties in any country or place outside the United States if such employee or member of the family of such employee is not a national of or permanently resident in such country or place.

(h) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Corporation may allocate or transfer to the United States Agency for International Development or any other agency any part of any funds available for carrying out the purposes of this division. Such funds shall be available for obligation and expenditure for the purposes for which authorized, in accordance with authority granted in this title or under authority governing the activities of the agencies of the United States Government to which such funds are allocated or transferred.

(2) CONGRESSIONAL NOTIFICATION.—The Chief Executive Officer shall notify the appropriate congressional committees not later than 15 days prior to a transfer of funds under paragraph (1) that exceeds $5,000,000.

(3) USE OF SERVICES.—For carrying out the purposes of this division, the Corporation may utilize the services and facilities of, or procure commodities from, any agency under such terms and conditions as may be agreed to by the head of the agency and the Corporation.

(i) FUNDING LIMITATION.—Of the funds allocated under subsection (h) in any fiscal year, not more than 7 percent of such funds may be used for administrative expenses.

(j) OTHER AUTHORITIES.—Except to the extent inconsistent with the provisions of this division, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 shall apply to the provision of assistance under this division to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act.

(k) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Corporation shall be subject to the provisions of chapter 91 of subtitle VI of title 31, United States Code, except that the Corporation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

''(Q) the Millennium Challenge Corporation.''

(l) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the United States Agency for International Development shall serve as Inspector General of the Corporation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Corporation.

(2) AUTHORITY OF THE BOARD.—In carrying out its responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board of Directors.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Corporation shall reimburse the United States Agency for International Development for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 208(a) for a fiscal year, up to $1,000,000 is authorized to be made available to the Inspector General of the United States Agency for International Development to conduct reviews, investigations, and inspections of operations and activities of the Corporation.

(m) COMPTROLLER GENERAL.—

(1) IN GENERAL.—The Comptroller General shall conduct audits, evaluations, and investigations of the Corporation.

(2) SCOPE.—The activities and financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be evaluated, investigated, or audited by the Comptroller General in accordance with such rules and regulations as may be prescribed by the Comptroller General.

(3) ACCESS AND RECORDS.—Any evaluation, investigation, or audit shall be conducted at the place or places where pertinent information of the Corporation is normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, financial records, reports, files, and other papers or property belonging to or in use by the Corporation and necessary to facilitate the evaluation, investigation, or audit; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such representatives. All such books, accounts, financial records, reports, files, and other papers or property of the Corporation shall remain in the possession and custody of the Corporation throughout the period beginning on the date such possession or custody commences and ending three years after such date, but the General Accounting Office may require the retention of such books, accounts, financial records, reports, files, papers, or property for a longer period under section 3523(c) of title 31, United States Code.

(4) REPORT.—A report of such audit, evaluation, or investigation shall be made by the Comptroller General to the appropriate congressional committees and to the President, together with such recommendations with respect thereto as the Comptroller General shall deem advisable.

(n) DEFINITIONS.—For purposes of this section—

(1) the term ''agency'' means an Executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term ''detail'' means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Corporation.

SEC. 308. MILLENNIUM CHALLENGE ADVISORY COUNCIL.

(a) ESTABLISHMENT.—There is hereby established in the executive branch an advisory council to the Corporation to be known as the Millennium Challenge Advisory Council.

(b) FUNCTIONS.—

(1) GENERAL FUNCTIONS.—The Council shall advise and consult with the Chief Executive Officer of the Corporation and the Board of Directors with respect to policies and programs designed to further the purposes of this division and shall periodically report to the Congress with respect to the activities of the Corporation. In addition, the Council shall review on an annual basis the criteria and methodology used to determine eligibility of countries for assistance under title II and make recommendations to the Chief Executive Officer and the Board to improve the effectiveness of such criteria and methodology in order to achieve the purposes of this division.

(2) ADDITIONAL FUNCTIONS.—Members of the Council shall (subject to subsection (d)(1)) conduct on-site inspections, and make examinations, of the activities of the Corporation in the United States and in other countries in order to—

(A) evaluate the accomplishments of the Corporation;

(B) assess the potential capabilities and the future role of the Corporation;

(C) make recommendations to the Chief Executive Officer, the Board of Directors, and Congress, for the purpose of guiding the future direction of the Corporation and of helping to ensure that the purposes and programs of the Corporation are carried out in ways that are economical, efficient, responsive to changing needs in developing countries and to changing relationships among people, and in accordance with law;

(D) make such other evaluations, assessments, and recommendations as the Council considers appropriate.

(3) PUBLIC PARTICIPATION.—The Council may provide for public participation in its activities, consistent with section 552b of title 5, United States Code.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Council shall consist of seven individuals, who shall be appointed by the Chief Executive Officer, and who shall be broadly representative of nongovernmental entities with expertise and interest in international trade and economic development, including business and business associations, trade and labor unions, private and voluntary organizations, foundations, public policy organizations, academia, and other entities as the Chief Executive Officer determines appropriate.

(2) ADDITIONAL REQUIREMENT.—No member appointed under paragraph (1) may be an officer or employee of the United States Government.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), a member of the Council—

(A) shall be paid compensation out of funds made available for the purposes of this title at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Council; and

(B) while away from the member's home or regular place of business on necessary travel, as determined by the Chief Executive Officer, in the actual performance of duties as a member of the Council, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(2) LIMITATION.—A member of the Council may not be paid compensation under paragraph (1)(A) for more than thirty days in any calendar year.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum for the purposes of transacting any business.

(f) FINANCIAL INTERESTS OF MEMBERS.—A member of the Council shall disclose to the Chairperson of the Council and the Chief Executive Officer of the existence of any direct or indirect financial interest of that member in any particular matter before the Council and may not vote or otherwise participate as a Council member with respect to that particular matter.

(g) CHAIRPERSON.—The Chief Executive Officer shall designate one of the members of the Council as Chairperson, who shall serve in that capacity for a term of two years. The Chief Executive Officer may renew the term of the member appointed as Chairperson under the preceding sentence.

(h) MEETINGS, BYLAWS, AND REGULATIONS.—

(1) MEETINGS.—The Council shall hold a regular meeting during each calendar quarter and shall meet at the call of the President, the Chief Executive Officer, the Chairperson of the Board, the Chairperson of the Council, or two members of the Council.

(2) BYLAWS AND REGULATIONS.—The Council shall prescribe such bylaws and regulations as it considers necessary to carry out its functions. Such bylaws and regulations shall include procedures for fixing the time and place of meetings, giving or waiving of notice of meetings, and keeping of minutes of meetings.

(i) REPORT TO THE PRESIDENT, CHIEF EXECUTIVE OFFICER, AND BOARD.—

(1) REPORT.—Not later than January 1, 2005, and not later than January 1 of each year thereafter that the Corporation is in existence, the Council shall submit to the President, the Chief Executive Officer, and the Board a report on its views on the programs and activities of the Corporation.

(2) CONTENTS.—Each report shall contain a summary of the advice and recommendations provided by the Council to the Chief Executive Officer and the Board during the period covered by the report and such recommendations (including recommendations for administrative or legislative action) as the Council considers appropriate to make to the Congress.

(3) ADDITIONAL REQUIREMENT.—Not later than 90 days after receiving each such report, the Chief Executive Officer shall transmit to Congress a copy of the report, together with any comments concerning the report that the Chief Executive Officer considers appropriate.

(j) ADMINISTRATIVE ASSISTANCE.—The Chief Executive Officer shall make available to the Council such personnel, administrative support services, and technical assistance as are necessary to carry out its functions effectively.

(k) TERMINATION.—Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Council. Notwithstanding section 102 of this Act, the authorities of the Council shall terminate on December 31, 2007.

SEC. 309. MILLENNIUM CHALLENGE SEED GRANTS.

(a) FINDINGS.—Congress finds the following:

(1) Many countries in the developing world lack the academic and public policy advocacy base essential to attaining the principal objectives of the Millennium Challenge Account.

(2) Because of widespread government repression of free speech and poverty, the countries of Africa in particular suffer an acute shortage of nongovernmental organizations which effectively study and promote the principal objectives of the Millennium Challenge Account.

(3) Many developing countries, particularly low income countries, lack the institutional capacity to enhance the quality and accuracy of data upon which the eligibility criteria in section 203 relies. Such countries may also lack the ability to monitor and evaluate development projects effectively.

(4) The Millennium Challenge Account will struggle to reach its goals unless countries in the developing world possess a home grown intellectual commitment and culture of advocacy aimed at promoting its principal objectives.

(b) ASSISTANCE.—The Chief Executive Officer of the Corporation is authorized to provide assistance in support of nongovernmental organizations (including universities, independent foundations, and other organizations) in low income and lower middle income countries, and, where appropriate, directly to agencies of foreign governments in low income countries, that are undertaking research, education, and advocacy efforts aimed at promoting democratic societies, human rights, the rule of law, improved educational opportunities and health conditions, particularly for women and children, and economic freedom, including research aimed at improving data related to the eligibility criteria and methodology established by this division with respect to such a country or monitoring and evaluating the impact of assistance provided under this division.

(c) LIMITATION.—Not more than $10,000,000 of the amount made available to carry out this division for a fiscal year may be made available to carry out this section.

TITLE IV—PROVISIONS RELATING TO UNITED STATES ECONOMIC ASSISTANCE

SEC. 401. DEFINITION.

In this title, the term ''United States economic assistance'' means any bilateral economic assistance, from any budget functional category, that is provided by any department or agency of the United States to a foreign country, including such assistance that is intended—

(A) to assist the development and economic advancement of friendly foreign countries and peoples, including assistance provided under title II (relating to the Millennium Challenge Account);

(B) to promote the freedom, aspirations, or sustenance of friendly peoples under oppressive rule by unfriendly governments;

(C) to promote international trade and foreign direct investment as a means of aiding economic growth;

(D) to save lives and alleviate suffering of foreign peoples during or following war, natural disaster, or complex crisis;

(E) to assist in recovery and rehabilitation of countries or peoples following disaster or war;

(F) to protect refugees and promote durable solutions to aid refugees;

(G) to promote sound environmental practices;

(H) to assist in development of democratic institutions and good governance by the people of foreign countries;

(I) to promote peace and reconciliation or prevention of conflict;

(J) to improve the technical capacities of governments to reduce production of and demand for illicit narcotics; and

(K) to otherwise promote through bilateral foreign economic assistance the national objectives of the United States.

SEC. 402. FRAMEWORK FOR ASSISTANCE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that a coherent framework for United States economic assistance should be established in accordance with this section.

(b) ELEMENTS.—The framework described in subsection (a) includes the following elements:

(1) The United States Agency for International Development, under the direction and foreign policy guidance of the Secretary of State, should be responsible for—

(A) providing assistance to countries that face natural and man-made disasters in order to provide humanitarian relief to the peoples of such countries, in coordination with refugee programs administered by the Department of State;

(B) providing assistance to countries that are suffering from conflicts or are in post-conflict situations in order to provide humanitarian relief, transition assistance, and reconstruction assistance;

(C) providing assistance to help moderate-to-poorly performing countries achieve development progress in the areas described in part I of the Foreign Assistance Act of 1961, including progress toward becoming eligible for assistance under this title, and to promote international health worldwide, as well as assisting in the development of country and regional development strategies;

(D) addressing transnational problems, such as environmental degradation, food insecurity, and health problems; and

(E) assisting other Federal departments and agencies, including the Corporation established under title III, to carry out assistance activities abroad, including providing technical assistance and advice to such departments and agencies, coordinating its assistance programs with such departments and agencies, and using its field offices to help implement such assistance.

(2) The Corporation established under title III should provide assistance to countries that have demonstrated a commitment to bolstering democracy, good governance, and the rule of law, to investing in the health and educations of their people, and to promoting sound economic policies that foster economic opportunity for their people.

(3) The Department of State should be responsible for allocating security assistance to support key foreign policy objectives of the United States and shall administer assistance in such areas as non-proliferation, anti-terrorism, counter-narcotics, and relief for refugees.

(4) Other Federal departments and agencies with expertise in international development-related activities, such as the Overseas Private Investment Corporation, the Trade and Development Agency, the Department of Agriculture, the Department of Health and Human Services, and the Centers for Disease Control and Prevention, to the extent such departments and agencies have the authority to carry out development-related programs, and in coordination with the Department of State and the United States Agency for International Development, should provide expertise in specific technical areas and shall provide assistance, including assistance provided with funds made available from the Corporation to assist United States Government international development activities.

SEC. 403. REPORT RELATING TO IMPACT AND EFFECTIVENESS OF ASSISTANCE.

(a) REPORT.—Not later than December 31, 2004, and December 31 of each third year thereafter, the President shall transmit to Congress a report which analyzes, on a country-by-country basis, the impact and effectiveness of United States economic assistance furnished under the framework established in section 402 to each country during the preceding three fiscal years. The report shall include the following for each recipient country:

(1) An analysis of the impact of United States economic assistance during the preceding three fiscal years on economic development in that country, with a discussion of the United States interests that were served by the assistance. This analysis shall be done on a sector-by-sector basis to the extent possible and shall identify any economic policy reforms which were promoted by the assistance. This analysis shall—

(A) include a description, quantified to the extent practicable, of the specific objectives the United States sought to achieve in providing economic assistance for that country, and

(B) specify the extent to which those objectives were not achieved, with an explanation of why they were not achieved.

(2) A description of the amount and nature of economic assistance provided by other donors during the preceding three fiscal years, set forth by development sector to the extent possible.

(3) A discussion of the commitment of the host government to addressing the country's needs in each development sector, including a description of the resources devoted by that government to each development sector during the preceding three fiscal years.

(4) A description of the trends, both favorable and unfavorable, in each development sector.

(5) Statistical and other information necessary to evaluate the impact and effectiveness of United States economic assistance on development in the country.

(6) A comparison of the analysis provided in the report with relevant analyses by international financial institutions, other international organizations, other donor countries, or nongovernmental organizations.

(b) LISTING OF MOST AND LEAST SUCCESSFUL ASSISTANCE PROGRAMS.—The report required by this section shall identify—

(1) each country in which United States economic assistance has been most successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were achieved; and

(2) each country in which United States economic assistance has been least successful, as indicated by the extent to which the specific objectives the United States sought to achieve in providing the assistance for the country, as referred to in subsection (a)(1)(A), were not achieved.

For each country listed pursuant to paragraph (2), the report shall explain why the assistance was not more successful and shall specify what the United States has done as a result.

(d) DE MINIMUS EXCEPTION.—Information under subsections (a) and (b) for a fiscal year shall not be required with respect to a country for which United States economic assistance for the country for the fiscal year is less than $5,000,000.

DIVISION B—REAUTHORIZATION AND EXPANSION OF THE PEACE CORPS

TITLE X—GENERAL PROVISIONS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Peace Corps Expansion Act of 2003''.

SEC. 1002. DEFINITIONS.

In this division:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) DIRECTOR.—The term ''Director'' means the Director of the Peace Corps.

(3) HOST COUNTRY.—The term ''host country'' means a country whose government has invited the Peace Corps to establish a Peace Corps program within the territory of the country.

(4) PEACE CORPS VOLUNTEER.—The term ''Peace Corps volunteer'' means a volunteer or a volunteer leader under the Peace Corps Act.

(5) RETURNED PEACE CORPS VOLUNTEER.—The term ''returned Peace Corps volunteer'' means a person who has been certified by the Director as having served satisfactorily as a Peace Corps volunteer.

SEC. 1003. FINDINGS.

Congress makes the following findings:

(1) The Peace Corps was established in 1961 to promote world peace and friendship through the service abroad of volunteers who are United States citizens. The spirit of service and commitment to helping others is a fundamental component of democracy.

(2) Since its establishment, more than 168,000 volunteers have served in the Peace Corps in 136 countries throughout the world.

(3) The three goals codified in the Peace Corps Act which have guided the Peace Corps and its volunteers over the years, can work in concert to promote global acceptance of the principles of international peace and nonviolent coexistence among peoples of diverse cultures and systems of government.

(4) The Peace Corps has sought to fulfill three goals—to help people in developing countries meet basic needs, promote understanding abroad of the values and ideals of the United States, and promote an understanding of other peoples by the people of the United States.

(5) After more than 40 years of operation, the Peace Corps remains the world's premier international service organization dedicated to promoting grassroots development by working with families and communities to improve health care for children, expand agricultural production, teach in schools, fight infectious diseases, protect the environment, and initiate small business opportunities.

(6) The Peace Corps remains committed to sending well trained and well supported Peace Corps volunteers overseas to promote international peace, cross-cultural awareness, and mutual understanding between the United States and other countries.

(7) The Peace Corps is an independent agency, and, therefore, no Peace Corps personnel or volunteers should be used to accomplish any goal other than the goals established by the Peace Corps Act.

(8) The Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers and should be expanded, to the maximum extent practicable, to utilize the talent of returned Peace Corps volunteers.

(9) In fiscal year 2003, the Peace Corps is operating with an annual budget of $295,000,000 in 70 countries, with more than 7,000 Peace Corps volunteers.

(10) There is deep misunderstanding and misinformation in many parts of the world, particularly in countries with substantial Muslim populations, with respect to United States values and ideals. A new or expanded Peace Corps presence in such places could foster better understanding between the people of the United States and such countries.

(11) Congress has declared, and the Peace Corps Act provides, that the Peace Corps shall maintain, to the maximum extent practicable and appropriate, a volunteer corps of at least 10,000 individuals.

(12) President George W. Bush has called for the doubling of the number of Peace Corps volunteers in service.

(13) Any expansion of the Peace Corps should not jeopardize the quality of the Peace Corps volunteer experience and, therefore, necessitates, among other things, an appropriate increase in field and headquarters support staff.

(14) In order to ensure that the proposed expansion of the Peace Corps preserves the integrity of the program and the security of volunteers, the integrated Planning and Budget System supported by the Office of Planning and Policy Analysis should continue its focus on strategic planning.

(15) A streamlined, bipartisan Peace Corps National Advisory Council composed of distinguished returned Peace Corps volunteers, former Peace Corps staff, and other individuals with diverse backgrounds and expertise can be a source of ideas and suggestions that may be useful to the Director of the Peace Corps as the Director discharges the duties and responsibilities as head of the agency.

TITLE XI—AMENDMENTS TO PEACE CORPS ACT; RELATED PROVISIONS

SEC. 1101. ADVANCING THE GOALS OF THE PEACE CORPS.

(a) RECRUITMENT OF VOLUNTEERS.—Section 2A of the Peace Corps Act (22 U.S.C. 2501–1) is amended by adding at the end the following new sentence: ''As an independent agency, the Peace Corps shall be responsible for recruiting all of its volunteers.''.

(b) DETAILS AND ASSIGNMENTS.—Section 5(g) of the Peace Corps Act (22 U.S.C. 2504(g)) is amended by striking ''*Provided,* That'' and inserting ''*Provided,* That such detail or assignment furthers the fulfillment of Peace Corps' development and public diplomacy goals as described in section 2: *Provided further,* That''.

SEC. 1102. REPORTS AND CONSULTATIONS.

(a) ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.—Section 11 of the Peace Corps Act (22 U.S.C. 2510) is amended by striking the section heading and the text of section 11 and inserting the following:

''SEC. 11. ANNUAL REPORTS; CONSULTATIONS ON NEW INITIATIVES.

''(a) ANNUAL REPORTS.—The Director shall transmit to Congress, at least once in each fiscal year, a report on operations under this Act. Each report shall contain information—

''(1) describing efforts undertaken to improve coordination of activities of the Peace Corps with activities of international voluntary service organizations, such as the United Nations volunteer program, and of host country voluntary service organizations, including—

''(A) a description of the purpose and scope of any development project which the Peace Corps undertook during the preceding fiscal year as a joint venture with any such international or host country voluntary service organizations; and

''(B) recommendations for improving coordination of development projects between the Peace Corps and any such international or host country voluntary service organizations;

''(2) describing—

''(A) any major new initiatives that the Peace Corps has under review for the upcoming fiscal year, and any major initiatives that were undertaken in the previous fiscal year that were not included in prior reports to the Congress;

''(B) the rationale for undertaking such new initiatives;

''(C) an estimate of the cost of such initiatives; and

''(D) the impact on the safety of volunteers;

''(3) describing in detail the Peace Corps plans, including budgetary plans, to have 14,000 volunteers in service by 2007 while maintaining the quality of the volunteer experience, ensuring the safety and security of all volunteers, and providing for appropriate administrative and other support; and

''(4) describing standard security procedures for any country in which the Peace Corps operates programs or is considering doing so, as well as any special security procedures contemplated because of changed circumstances in specific countries, and assessing whether security conditions would be enhanced—

''(A) by co-locating volunteers with international or local nongovernmental organizations; or

''(B) with the placement of multiple volunteers in one location.

''(b) CONSULTATIONS ON NEW INITIATIVES.—The Director of the Peace Corps shall consult with the appropriate congressional committees with respect to any major new initiatives not previously discussed in the latest annual report submitted to Congress under subsection (a) or in budget presentations. Whenever possible, such consultations should take place prior to the initiation of such initiatives, or as soon as practicable thereafter.''.

(b) ONE–TIME REPORT ON STUDENT LOAN FORGIVENESS PROGRAMS.—Not later than 30 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report—

(1) describing the student loan forgiveness programs currently available to Peace Corps volunteers upon completion of their service;

(2) comparing such programs with other Government-sponsored student loan forgiveness programs; and

(3) recommending any additional student loan forgiveness programs which could attract more applications from low- and middle-income individuals who are carrying considerable student-loan debt burdens.

(c) ANNUAL REPORT TO CONGRESS ON THE FEDERAL EQUAL OPPORTUNITY RECRUITMENT PROGRAM (FEORP).—Not later than 90 days after the date of enactment of this Act and annually thereafter, the Director shall report on the progress of the Peace Corps in recruiting historically underrepresented groups. The Director shall prepare this report in accordance with section 7201 of title 5, United States Code, and subpart B of part 720 of title 5, Code of Federal Regulations.

(d) REPORT ON MAINTAINING THE INTEGRITY OF THE MEDICAL SCREENING AND MEDICAL PLACEMENT COORDINATION PROCESSES.—Not later than 120 days after the date of enactment of this Act, the Director shall prepare and submit to the appropriate congressional committees a report that—

(1) describes the medical screening procedures and standards of the Office of Medical Services/Screening Unit of the Peace Corps to determine whether an applicant for Peace Corps service has worldwide clearance, limited clearance, a deferral period, or is not medically, including psychologically, qualified to serve in the Peace Corps as a volunteer;

(2) describes the procedures and criteria for matching applicants for Peace Corps service with a host country to ensure that the applicant, reasonable accommodations notwithstanding, can complete at least two years of volunteer service without interruption to host country national projects due to foreseeable medical conditions; and

(3) with respect to each of fiscal years 2000 through 2002 and the first six months of fiscal year 2003, states the number of—

(A) medical screenings conducted;

(B) applicants who have received worldwide clearance, limited clearance, deferral periods, and medical disqualifications to serve;

(C) Peace Corps volunteers who the agency has had to separate from service due to the discovery of undisclosed medical information; and

(D) Peace Corps volunteers who have terminated their service early due to medical, including psychological, reasons.

SEC. 1103. SPECIAL VOLUNTEER RECRUITMENT AND PLACEMENT FOR CERTAIN COUNTRIES.

(a) REPORT.—Not later than 60 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report that—

(1) describes the recruitment strategies to be employed by the Peace Corps to recruit and train volunteers with the appropriate language skills and interest in serving in host countries; and

(2) lists the countries that the Director has determined should be priorities for special recruitment and placement of Peace Corps volunteers.

(b) USE OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.—The Director is authorized and strongly urged to utilize the services of returned Peace Corps volunteers and former Peace Corps staff who have relevant language and cultural experience and may have served previously in countries with substantial Muslim populations, in order to open or reopen Peace Corps programs in such countries.

SEC. 1104. GLOBAL INFECTIOUS DISEASES INITIATIVE; COORDINATION OF HIV/AIDS ACTIVITIES.

(a) INITIATIVE.—

(1) IN GENERAL.—The Director, in cooperation with international public health experts, such as the Centers for Disease Control and Prevention, the National Institutes of Health, the World Health Organization, the Pan American Health Organization, and local public health officials, shall expand the Peace Corps' program of training for Peace Corps volunteers in the areas of education, prevention, and treatment of infectious diseases which are prevalent in host countries in order to ensure that the Peace Corps increases its contribution to the global campaign against such diseases.

(2) ADDITIONAL REQUIREMENT.—Activities for the education, prevention, and treatment of infectious diseases in host countries by the Peace Corps shall be undertaken in a manner that is consistent with activities authorized under sections 104(c), 104A, 104B, and 104C of the Foreign Assistance Act of 1961.

(b) COORDINATION OF HIV/AIDS ACTIVITIES.—

(1) IN GENERAL.—The Director should designate an officer or employee of the Peace Corps who is located in the United States to coordinate all HIV/AIDS activities within the Peace Corps. Such individual may be an individual who is an officer or employee of the Peace Corps on the date of the enactment of this Act.

(2) FIELD COORDINATION.—In addition to the position established under paragraph (1), the Director should designate an individual within each country in sub-Saharan Africa, the Western Hemisphere, and Asia in which Peace Corps volunteers carry out HIV/AIDS activities to coordinate all such activities of the Peace Corps in such countries.

(c) DEFINITIONS.—In this section:

(1) AIDS.—The term ''AIDS'' means the acquired immune deficiency syndrome.

(2) HIV.—The term ''HIV'' means the human immunodeficiency virus, the pathogen that causes AIDS.

(3) HIV/AIDS.—The term ''HIV/AIDS'' means, with respect to an individual, an individual who is infected with HIV or living with AIDS.

(4) INFECTIOUS DISEASES.—The term ''infectious diseases'' means HIV/AIDS, tuberculosis, and malaria.

SEC. 1105. PEACE CORPS NATIONAL ADVISORY COUNCIL.

Section 12 of the Peace Corps Act (22 U.S.C. 2511; relating to the Peace Corps National Advisory Council) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (C), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

''(D) make recommendations for utilizing the expertise of returned Peace Corps volunteers and former Peace Corps staff in fulfilling the goals of the Peace Corps; and'';

(2) in subsection (c)(2)—

(A) in subparagraph (A)—

(i) in the first sentence—

(I) by striking ''fifteen'' and inserting ''eleven''; and

(II) by striking ''President, by and with the advice and consent of the Senate'' and inserting ''Director of the Peace Corps'';

(ii) by striking the second sentence and inserting the following: ''Six of the members shall be former Peace Corps volunteers, at least one of whom shall have been a former staff member abroad or in the Washington headquarters, and not more than six shall be members of the same political party.'';

(B) by striking subparagraph (B);

(C) by amending subparagraph (D) to read as follows:

''(D) The members of the Council shall be appointed to 2-year terms.'';

(D) in subparagraph (H), by striking ''nine'' and inserting ''seven'';

(E) in subparagraph (I), by striking ''President shall nominate'' and inserting ''Director shall appoint''; and

(F) by redesignating subparagraphs (C), (D), (E), (F), (G), (H), and (I) as subparagraphs (B), (C), (D), (E), (F), (G), and (H), respectively; and

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

''(g) CHAIR.—The Director shall designate one of the voting members of the Council as Chair, who shall serve in that capacity for a term of two years. The Director may renew the term of a voting member appointed as Chair under the preceding sentence.''.

SEC. 1106. READJUSTMENT ALLOWANCES.

The Peace Corps Act is amended—

(1) in section 5(c) (22 U.S.C. 2504(c)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''; and

(2) in section 6(1) (22 U.S.C. 2505(1)), by striking ''$125 for each month of satisfactory service'' and inserting ''$275 for each month of satisfactory service during fiscal year 2004 and $300 for each month of satisfactory service thereafter''.

SEC. 1107. PROGRAMS AND PROJECTS OF RETURNED PEACE CORPS VOLUNTEERS AND FORMER STAFF.

(a) PURPOSE.—The purpose of this section is to provide support for returned Peace Corps volunteers to develop and carry out programs and projects to promote the objectives of the Peace Corps Act, as set forth in section 2(a) of that Act (22 U.S.C. 2501(a)).

(b) GRANTS TO CERTAIN NONPROFIT CORPORATIONS.—

(1) GRANT AUTHORITY.—

(A) IN GENERAL.—To carry out the purpose of this section, and subject to the availability of appropriations, the Director may award grants on a competitive basis to private nonprofit corporations for the purpose of enabling returned Peace Corps volunteers to use their knowledge and expertise to develop and carry out the programs and projects described in paragraph (2).

(B) DELEGATION OF AUTHORITY AND TRANSFER OF FUNDS.—The Director may delegate the authority to award grants under subparagraph (A) and may transfer funds authorized under this section subject to the notification procedures of section 634A of the Foreign Assistance Act of 1961 to the Chief Executive Officer of the Corporation for National and Community Service (referred to in this section as the ''Corporation'').

(2) PROGRAMS AND PROJECTS.—Such programs and projects may include—

(A) educational programs designed to enrich the knowledge and interest of elementary school and secondary school students in the geography and cultures of other countries where the volunteers have served;

(B) projects that involve partnerships with local libraries to enhance community knowledge about other peoples and countries; and

(C) audio-visual projects that utilize materials collected by the volunteers during their service that would be of educational value to communities.

(3) ELIGIBILITY FOR GRANTS.—To be eligible to compete for grants under this section, a nonprofit corporation shall have a board of directors composed of returned Peace Corps volunteers and former Peace Corps staff with a background in community service, education, or health. If the grants are made by the Corporation, the nonprofit corporation shall meet all appropriate Corporation management requirements, as determined by the Corporation.

(c) GRANT REQUIREMENTS.—Such grants shall be made pursuant to a grant agreement between the Peace Corps or the Corporation and the nonprofit corporation that requires that—

(1) the grant funds will only be used to support programs and projects described in subsection (a) pursuant to proposals submitted by returned Peace Corps volunteers (either individually or cooperatively with other returned volunteers);

(2) the nonprofit corporation will give consideration to funding individual programs or projects by returned Peace Corps volunteers, in amounts of not more than $50,000, under this section;

(3) not more than 20 percent of the grant funds made available to the nonprofit corporation will be used for the salaries, overhead, or other administrative expenses of the nonprofit corporation;

(4) the nonprofit corporation will not receive grant funds for programs or projects under this section for a third or subsequent year unless the nonprofit corporation makes available, to carry out the programs or projects during that year, non-Federal contributions—

(A) in an amount not less than $2 for every $3 of Federal funds provided through the grant; and

(B) provided directly or through donations from private entities, in cash or in kind, fairly evaluated, including plant, equipment, or services; and

(5) the nonprofit corporation shall manage, monitor, and submit reports to the Peace Corps or the Corporation, as the case may be, on each program or project for which the nonprofit corporation receives a grant under this section.

(d) STATUS OF THE FUND.—Nothing in this section shall be construed to make any nonprofit corporation supported under this section an agency or establishment of the Federal Government or to make the members of the board of directors or any officer or employee of such nonprofit corporation an officer or employee of the United States.

(e) FACTORS IN AWARDING GRANTS.—In determining the number of nonprofit corporations to receive grants under this section for any fiscal year, the Peace Corps or the Corporation—

(1) shall take into consideration the need to minimize overhead costs that direct resources from the funding of programs and projects; and

(2) shall seek to ensure a broad geographical distribution of grants for programs and projects under this section.

(f) CONGRESSIONAL OVERSIGHT.—Grant recipients under this section shall be subject to the appropriate oversight procedures of Congress.

(g) FUNDING.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section up to $10,000,000. Such sum shall be in addition to funds made available to the Peace Corps under this division.

(2) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(h) CRISIS CORPS.—

(1) STATEMENT OF POLICY.—Congress states that the Crisis Corps has been an effective tool in harnessing the skills and talents of returned Peace Corps volunteers.

(2) INCREASE IN NUMBER OF CRISIS CORPS ASSIGNMENTS.—The Director, in consultation with the governments of host countries and appropriate nongovernmental organizations, shall increase the number of available Crisis Corps assignments for returned Peace Corps volunteers to at least 120 assignments in fiscal year 2004, 140 assignments in fiscal year 2005, 160 assignments in fiscal year 2006, and 165 assignments in fiscal year 2007.

SEC. 1108. DECLARATION OF POLICY.

Congress declares its support for the goal announced by President Bush of doubling the number of Peace Corps volunteers to 14,000 by 2007 and supports the funding levels necessary to accomplish this growth.

SEC. 1109. PEACE CORPS IN SIERRA LEONE.

(a) FINDINGS.—Congress makes the following findings:

(1) Peace Corps service to Sierra Leone was suspended in 1994 due to a brutal civil war between the government and the Revolutionary United Front (RUF).

(2) Backed by British military intervention and a United Nations peacekeeping operation, government authority has been reestablished throughout the country and ''free and fair'' national elections took place in May 2002.

(3) Sierra Leone is a majority Muslim country.

(4) The Peace Corps has given the safety and security of its volunteers high priority.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Peace Corps should return its program to Sierra Leone as soon as security conditions are consistent with the safety and security of its volunteers.

SEC. 1110. AUTHORIZATION OF APPROPRIATIONS.

Section 3(b)(1) of the Peace Corps Act (22 U.S.C. 2502(b)(1)) is amended by striking ''and $365,000,000 fiscal year 2003'' and inserting ''$365,000,000 for fiscal year 2003, $366,868,000 for fiscal year 2004, $411,800,000 for fiscal year 2005, $455,930,000 for fiscal year 2006, and $499,400,000 for fiscal year 2007''.

AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KOLBE OF ARIZONA, OR HIS DESIGNEE, AS AN AMENDMENT TO THE AMENDMENT NUMBERED 2, TO BE OFFERED BY REPRESENTATIVE HYDE OF ILLINOIS, DEBATABLE FOR 10 MINUTES

Page 56, after line 3, insert the following new section:

SEC. 310. CLARIFICATION OF ROLE OF USAID.

(a) STATUS OF USAID.—The Administrator of the United States Agency for International Development shall report to the President through, and operate under the

foreign policy authority and direction of, the Secretary of State. The United States Agency for International Development shall be administered under the supervision and operational direction of the Administrator of the Agency.

(b) FUNCTIONS OF USAID.—The United States Agency for International Development is authorized—

(1) to receive appropriated funds;

(2) to be the United States Government agency primarily responsible for administering sections 103 through 108 (other than section 104A), 214, and 491 of the Foreign Assistance Act of 1961, the ''Child Survival and Health Programs Fund'', and other United States economic assistance as directed in writing by the President or the Secretary of State, or as otherwise provided by law;

(3) to provide assistance to a country currently ineligible for assistance provided under title II in order that it may become eligible for such assistance; and

(4) upon the request of the Chief Executive Officer of the Corporation and with the concurrence of the Administrator of the Agency, to assist in the evaluation, execution, and oversight of Millennium Challenge Compacts described in section 204.

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

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 368, nays 52, not voting 14, as follows:

[Roll No. 368]

YEAS—368

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chocola
Clay
Clyburn
Cole
Conyers
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
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 (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Ose
Owens
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
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—52

Akin
Barrett (SC)
Bartlett (MD)
Berry
Bishop (UT)
Blackburn
Brady (TX)
Burgess
Chabot
Coble
Collins
Cubin
Culberson
Davis, Jo Ann
DeMint
Duncan
Everett
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Goodlatte
Graves
Hastings (WA)
Hayes
Hefley
Hostettler
Jones (NC)
King (IA)
Miller (FL)
Miller, Gary
Musgrave
Myrick
Norwood
Obey
Otter
Paul
Rahall
Rohrabacher
Ryun (KS)
Shadegg
Shimkus
Shuster
Smith (MI)
Stearns
Tancredo
Taylor (MS)
Toomey
Wamp
Weldon (FL)

NOT VOTING—14

Berkley
Cooper
Ferguson
Fletcher
Fossella
Gephardt
Hayworth
Istook
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Oxley
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1248

Messrs. RYUN of Kansas, TANCREDO, HEFLEY, EVERETT, GOODLATTE, BURGESS, GARY G. MILLER of California and SHUSTER changed their vote from ''yea'' to ''nay.''

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

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 368 I was unavoidably detained. Had I been present, I would have voter ''yea.''

The SPEAKER pro tempore (Mr. LINDER). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The 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.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 382, noes 42, not voting 10, as follows:

[Roll No. 369]

AYES—382

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
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
Cole
Collins
Conyers
Cooper
Cox
Cramer
Crane
Crenshaw

Crowley
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutknecht
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
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)
Pickering
Pitts
Platts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rangel
Regula
Rehberg
Renzi
Reyes
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—42

Akin
Barrett (SC)
Bartlett (MD)
Brown-Waite, Ginny
Coble
Costello
Cubin
Davis, Jo Ann
Deal (GA)
Duncan
Feeney
Flake
Forbes
Franks (AZ)
Garrett (NJ)
Goode
Gutierrez
Hall
Istook
Jenkins
Jones (NC)
Kind
McInnis
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Obey
Paul
Petri
Pombo
Rahall
Ramstad
Rohrabacher
Ryun (KS)
Stearns
Tancredo
Taylor (MS)
Taylor (NC)
Tiahrt
Toomey
Weldon (FL)

NOT VOTING—10

Berkley
Ferguson
Fletcher
Gephardt
Hayworth
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Reynolds

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1305

Mr. TAYLOR of North Carolina changed his vote from ''aye'' to ''no.''

Ms. LINDA T. SÁNCHEZ of California, Mr. BERRY and Mr. GREENWOOD changed their vote from ''no'' to ''aye.''

So the bill was passed.

The result of vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for fiscal years 2004 and 2005; and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.''.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HAYWORTH. Mr. Speaker, as you know, I was absent today for medical reasons. If I had been in attendance, I would have voted ''yes'' on rollcall vote No. 368. If I had been in attendance, I would have voted ''yes'' on rollcall vote No. 369.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1950, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2004 AND 2005

Mr. HYDE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1950, the Clerk be authorized to correct section numbers, cross-references, and punctuation, and to make such stylistic, clerical, technical, conforming, and other changes as may be necessary to reflect the actions of the House in amending the bill.

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

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, JOBS AND GROWTH TAX RELIEF RECONCILIATION ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO) on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 206, nays 220, not voting 9, as follows:

[Roll No. 370]

YEAS—206

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

Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—220

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
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
Carter
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
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
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
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—9

Berkley
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Meeks (NY)
Millender-McDonald
Young (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1322

Mr. YOUNG of Alaska and Mrs. WILSON of New Mexico changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NORTHUP. Mr. Speaker, earlier today on rollcall vote No. 370, I intended to vote ''nay.'' I would like the RECORD to reflect that I was opposed to the DeLauro motion to instruct conferees. I inadvertently cast a vote in favor of the motion and reiterate my opposition to this effort.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. BUYER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. HUNTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

Mr. SKELTON. Mr. Speaker, reserving the right to object, I yield to the gentleman from California for the purpose of explaining this request.

Mr. HUNTER. Mr. Speaker, I thank the distinguished gentleman from Missouri for yielding.

This unanimous-consent request allows the House and Senate Armed Services Committees to formally begin conference.

Mr. SKELTON. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. SPRATT moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1588 be instructed to insist upon the provisions contained in section 3111 of the House bill.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from South Carolina (Mr. SPRATT) and the gentleman from California (Mr. HUNTER) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

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

I offer this motion simply to ask the House to stand by a bipartisan compromise that we struck last May in marking up the defense authorization bill, the bill we are now sending formally to conference which deals with the development of low-yield nuclear weapons.

Members of the House may have read, they may have heard that the Bush administration is pushing to repeal the so-called ban on low-level nuclear weapons research. They disavow any intention of building such weapons, but they at least seek the flexibility to conduct research in that realm. Let me tell everybody, they basically won that argument. Both the House and the Senate defense authorization bills propose changes to current law that allow the flexibility of research into low-yield nuclear weapons.

The administration said this was a problem, the Department of Energy said it was a problem, existing law, so we have changed it. We have addressed the problem. I was an author of the so-called Spratt-Furse amendment in 1993. I believe that the language of that amendment as it now stands as amended in the committee mark is sensible and a fair compromise. That is what I am asking the House to do, to stand behind it.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON), the ranking member on our committee.

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

While there are many reasons to support this motion, let me say that one key reason for supporting it is that the provisions contained in section 3111 of the House bill are largely the same legislation adopted by this body in the Bob Stump National Defense Authorization Act for Fiscal Year 2003 which, of course, was last year's defense bill.

The House adopted that legislation after considerable and very careful deliberations and on a bipartisan basis led by the gentleman from South Carolina. We authorized research but retained the prohibition on development activities that could lead to the production of a destabilizing and unnecessary new low-yield nuclear weapon. We also described permissible activities necessary to address the safety and reliability of those issues.

Mr. Speaker, being a student of history, the war in Iraq and Desert Storm some 12 years ago now have taught us that stealth technology, standoff capability and precision munitions are the key to future warfare. New conventional technologies have changed the way we fight and, if anything, will

allow us to become less reliant on low-yield tactical nuclear weapons.

The House position on low-yield nuclear weapons makes sense. I urge my colleagues to support the motion to instruct conferees.

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

Mr. Speaker, this provision which is in the House-passed bill is a provision that was agreed to by the vice-chairman of the committee, the gentleman from Pennsylvania (Mr. WELDON), and the gentleman from South Carolina (Mr. SPRATT) last year. It was restated this year. It is the House position going into conference. For that reason, we are certainly not going to urge anybody to vote against it.

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

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), the ranking member on the Subcommittee on Strategic Forces.

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

Mr. Speaker, I rise in strong support of the motion to instruct conferees offered by my friend and colleague, the gentleman from South Carolina.

Earlier this year, the administration proposed a complete repeal of a law that has been on the books for over a decade, the Spratt-Furse ban on research and development of new nuclear weapons with yields below five kilotons. The Spratt-Furse ban is not a complete ban. It bans just R&D of new low-yield nuclear weapons. It permits R&D on new weapons with yields above five kilotons. It permits R&D of modifications to existing nuclear weapons regardless of their yield.

It also permits our national laboratories to conduct R&D on low-yield nuclear weapons for the purposes of counterproliferation, that is, how to detect a low-yield nuclear terrorist device and devise ways in which to disable them.

The Spratt-Furse ban also permits R&D of low-yield nuclear weapons if it is necessary to help keep our nuclear arsenal safe and reliable.

When asked, Department of Energy officials admitted that there is no military requirement for a new low-yield nuclear weapon, and they had no plans to develop one anytime soon.

□ 1330

They simply wanted to repeal the Spratt-Furse ban because they maintain that it somehow has a chilling effect on the freedom of their scientists to look at any nuclear weapon option regardless of whether or not there is a military need.

During the markup of the defense authorization, the gentleman from South Carolina (Mr. SPRATT) offered an amendment that was adopted by the full committee by a voice vote, and I think this is a very sound compromise. The Spratt amendment permits research on new low-yield nuclear weapons, but draws the line on moving past research and into development. In short, the Spratt amendment makes sure that the Congress will be a co-equal partner with the executive branch if there is any decision to move past research and actually start developing new low-yield nuclear weapons. I think that the Spratt amendment makes good sense and protects Congress's right to fully participate on any future decision to start up development of new low-yield weapons. I urge all of my colleagues to support this motion to instruct.

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

Let me take just a minute to explain the state of play and why it is important that the House provisions prevail over the Senate provision. The Senate defense authorization bill repeals these provisions in their entirety, but then backfills the gap with language that requires specific authorization of Congress to move from development into production of low-yield nuclear weapons. This amounts, really, to restating what the law already is, that to do something this significant with respect to a new product money has to be authorized and appropriated.

The House bill is similar in consequence but better, in my opinion, because it makes it absolutely clear that any movement beyond just research will require Congress to change by law the nuclear weapons policy of the United States. The House and Senate both addressed these specific concerns raised by the administration and the weapons labs and the Department of Defense to permit more flexibility in basic research, but our version contains a stronger guarantee that the Congress is going to be a partner in any decision to go beyond the scope.

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

Mrs. TAUSCHER. Mr. Speaker, I thank my colleague for yielding me this time.

Mr Speaker, I would like to offer my strong support for the motion to instruct which sends an important message that it is the will of the House to maintain the ban on development of low-yield nuclear weapons, and I commend the chairman of the full committee for his initiative to work with us on this.

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

As we have seen in Afghanistan and in the global war on terrorism, when the United States leads with a purpose, the rest of the world will follow. And just as the world follows our lead on tackling common enemies, it also reacts when we take provocative and destabilizing action. I believe strongly that until our war fighters have a military requirement for a new nuclear weapon or have exhausted conventional alternatives, Congress should maintain its ban on the development of such weapons.

Preventing the development of new nuclear weapons would not affect the RNEP study with focuses on existing warheads. It would not prevent any of the ideas that are currently being explored regarding missile systems. In addition to having no military requirement for them, new nuclear weapons are not the answer to threats being used to justify them. Nuclear weapons of any yield have a limited penetration ability and will never surgically destroy hardened targets. They offer no guarantee of destroying chemical and biological agents without releasing them into the atmosphere. Detonated in an urban area, even a 1-kiloton nuclear bomb would kill tens of thousands of civilians and hinder friendly troops.

Preserving the ban on new nuclear weapons is a small step that would also help restore the belief that the United States intends to fight the proliferation of weapons of mass destruction. I hope my colleagues would support this motion to recommit.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), a nuclear physicist who understands what is at stake here better than possibly anybody in the House.

Mr. HOLT. Mr. Speaker, I thank my friend from South Carolina for yielding me this time.

The direction in which the administration has been leading our Nation on nuclear weapons is becoming increasingly dangerous. That is why I wrote to President Bush in April, a letter cosigned by 33 of my colleagues here, to underscore our concern that our Nation's leaders not adopt a mindset of viewing nuclear weapons as just an extension of the continuum of conventional military options available to the United States. It is important that we maintain the nuclear distinction.

I rise to support this motion because it gives us the opportunity to invoke at least one cautionary restraint on this dangerous path. Both the House and Senate versions of this bill eliminate the Spratt-Furse ban that has been in place since 1993. And this Senate language, especially, would allow Pandora's box to be opened to allow, in effect, unfettered research into low-yield nuclear weapons. As a scientist, I can talk about the studies that some of my scientific colleagues have prepared about why some of the newly conceived weapons like the bunker buster would not work as proposed, why they would be dirty, why they would be unwieldy; but I choose instead to focus for just a moment on the more important strategic and tactical questions.

We should be stepping away from using tactical nuclear weapons, not

moving in that direction. U.S. battlefield commanders have said over and over again that they have long recognized the folly of battlefield nukes. The weapons and especially these newly conceived weapons put our troops at risk and are not useful in advancing military campaigns. And very important, this work would be sending the wrong message to our allies and to potential adversaries around the world. They would view the adoption of this bad, particularly the bad Senate language as further evidence that America is bent upon developing and procuring a new generation of nuclear weapons. As we go to war around the world in part to stop the proliferation of nuclear weapons, we should not be sending the signal that we are bent on developing and procuring a new generation of nuclear weapons.

So the Spratt motion is a very constructive step that provides, I think, an important safeguard that actually will help to make our country and our world more secure.

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

I thank the gentleman for his comments, and I rise to make one correction. The House bill does have language which we would like to retain. The gist of this motion is let us stand by the House language and reject the Senate language.

Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. ALLEN).

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

I rise in support of the motion to instruct and I rise to thank the gentleman from California (Mr. HUNTER), the distinguished chairman of my former committee, for his acceptance of this motion.

Certainly this motion reflects a bipartisan compromise that has been worked out not just in this Congress but in the past Congress, and when that happens we should seize the moment. It does allow expanded research, but it stops short of allowing the development or the fabrication of new nuclear weapons. That is an essential step for this Congress to take, partly to make sure that we do not send the wrong signal to the rest of the world and partly to make sure that the institutional prerogatives of this House are protected when decisions of that magnitude are faced at any time.

There is, of course, an important strategic deterrent role for nuclear weapons, but 10 years ago or more we stepped back from the brink with Russia. We stepped back from maintaining or developing tactical nuclear weapons. We do not need to go down that path again because if we do, we risk losing further our standing in the international community. Our arguments about nonproliferation will seem hollow.

We are today continually concerned about weapons of mass destruction held by adversaries or held by other countries where we believe there is some risk to our security in the world. We do not advance those arguments about weapons of mass destruction if we start to develop new nuclear weapons that can only be used in a tactical way, whatever they are called. The nuclear Earth penetrator is one. We really need to make sure that we are exercising the kind of responsible leadership in this area that the world expects of us and that will redound to the benefit of our own national security.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, the Cold War is over and the good news, to my friends, is we won and the Soviet Union lost. We do not need a new arms race with ourselves. We do not now need to send a signal to countries around the world who harbor desires to obtain nuclear weapons that we believe that it is still worth our while to invest in a new generation of nuclear weapons which are more usable in battleground situations. We must avoid being viewed as the drunk preaching temperance from a bar stool. If we want to convince others to embrace our view that nuclear weapons are not usable, we must ourselves act in a way that does not leave the misimpression that we are still engaging in the same kind of mindless development of another generation of nuclear weapons that only encourages countries like North Korea, countries like Iran, which each have active nuclear weapons programs, that they are wise in pursuing that course.

So the resolution that we are considering right now is one which is saying to the rest of the world we understand their concern about an initiation of another nuclear arms race, and we understand the consequences for regions around the world where there are bad actors, bad countries trying to develop nuclear weapons programs. We brought the country of Iraq to its knees militarily in 3 weeks. Our problem is not destroying any country's military capacity. Our real problem is in controlling the country after we do so, and nuclear weapons do not add to our capacity to accomplish those goals. So this is, in my opinion, a wise approach to take. The gentleman from South Carolina as usual is trying to draw a very fine line between programs that have already been put in place and do protect our country and new programs which would potentially add to an acceleration of an arms race, a nuclear arms race around the world.

We now must turn our attention to Iran and North Korea. The only way to deal with it is with strong diplomacy, active diplomacy. Additional nuclear weapons will not help us, and that is why this resolution must pass.

Mr. SPRATT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in conclusion, let me simply put in context why we have this particular provision before us and why we are emphasizing it in this motion to instruct. The Spratt-Furse prohibition on low-yield nuclear weapons was a follow-up to the decision by President Bush, the first President Bush, on September 27, 1991, a historic day.

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That day he announced the withdrawal of all land-based tactical nuclear weapons from our overseas bases, particularly those in Europe, and all sea-based tactical nuclear weapons from surface ships, submarines, and naval aircraft. We decided to forgo the development of the follow-on to Lance, a battlefield tactical nuclear missile, and we sent a signal to the world by all of these decisions that we were serious about minimizing the role and possible uses of nuclear weapons early in a conflict and especially for tactical or theater purposes. We said that our arsenal in the future in effect would be a strategic arsenal, a strategic determinant, and we would not use nuclear weapons for tactical and theater purposes anymore, such as the Davy Crockett, to take out tanks or nuclear artillery, rounds, and sea-based mines and things of that kind.

This move away from tactical nuclear weapons prompted the Soviet Union to move in the same direction; and Gorbechev shortly announced the elimination of their warheads, their land-based tactical nuclear missiles, mines, and artillery shells. He announced that he was removing warheads from surface-to-air missiles and removing sea-based tactical nukes on naval aircraft.

Taken together, these steps marked a major step away from tactical nuclear weapons and a step toward global security. The initiative by the first Bush administration helped us persuade Kazakhstan, Ukraine, and Belarus to forswear nuclear weapons after the breakup of the Soviet Union. It also made it easier for the United States and our European allies to convince much of the rest of the world to extend indefinitely the nuclear proliferation treaty, or NPT.

Now, the NPT is not the final, definitive answer to our proliferation concerns, but the world would be a lot riskier place without it. It definitely makes it harder for nations or terrorist groups to obtain nuclear materials and nuclear know-how, and it establishes the authority of the war community to question and inspect the activities of States that are a signatory to this treaty.

I think a return by the United States back to the days of tactical nuclear weapons, especially nuclear weapons designed to be more usable by virtue of low yields, would send a troubling signal, a signal that nuclear weapons just maybe are useful for tactical purposes, battlefield purposes, strategic purposes, and were really just an extension of conventional weapons for the same tactical purposes. It would indicate that we see tactical utility in these weapons, and it would reverse the

step that was taken in 1991. I do not think we need to go down that path.

Now, there are some who will say that we need to do this because we have to have weapons to take on deep, hard targets. The actual numbers are classified, of course, but even if we can improve the ability of our nuclear weapons to burrow in the hard terrain and into geologic formations such as granite, simple physics tells us we are going to come up way short of reaching the underground bunkers that we are really worried about, like those in North Korea.

Some say that we need these new weapons, these low-yield weapons, deeper penetrators, because we need the heat and the gamma rays and the X-rays of a nuclear weapon to destroy the chemical and biological agents that might be stored in deep underground bunkers. But if the fireball and the X-rays and the gamma rays are to reach the bunker, then we need to use, we are told by qualified experts, weapons that are much, much bigger than 5 kilotons; and using even a 5 kiloton weapon has consequences that have to be dealt with, fallout, for example.

Alternatively, if we want to use the pressure and blast of a nuclear weapon to crush a bunker, then we already have weapons to do that job.

Supporters of full repeal also say that our restraint thus far on developing these tactical theater and battlefield nuclear weapons has not really had any effect on nations that are bent upon acquiring them, North Korea being a prominent example, but I am not so sure about that. Ukraine, Belarus, and Kazakhstan in a momentous decision all decided to rid their countries of nuclear weapons. Brazil, South Africa, South Korea, and Taiwan have taken similar steps; and numerous countries have signed the NPT.

So before we repeal this long-standing language in the code, we should keep in mind the effects that surround us and also, also I think we should point out what is already in this bill. This bill will reduce the amount of time it takes to resume underground nuclear testing. This bill will call for a review of nuclear weapons for ''bunker-busting'' missions, the so-called Robust Nuclear Earth Penetrator. This bill will call for building a brand-new, multi-billion-dollar facility to produce plutonium pits for nuclear weapons. Just the beginning, planning money, but these things that are in here of a still-robust nuclear policy but one that is slanted towards strategic usage and not tactical usage.

Mr. Speaker, I commend the chairman of our committee for his generosity and collegiality in allowing us to reach an agreement on this. I know it is a compromise for him. He has his doubts, and we have our disagreements. But, nevertheless, I appreciate his kindness in doing it.

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

Mr. SPRATT. I yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I just want to thank the gentleman for his participation as a great member of the committee. I did have and do have my reservations about his position, but it was an agreement between the gentleman from Pennsylvania and the gentleman from South Carolina and it is the position of the House. We are now going into conference with the other body, and I think it is appropriate to carry the House position forward.

I thank the gentleman for his thoughtful words.

Mr. SPRATT. Mr. Speaker, reclaiming my time, I have gratitude for the gentleman's agreeing to the amendment. As long as it passes by voice vote, I will not ask for a record vote on final passage.

Mr. MARKEY. Mr. Speaker, I rise in strong support of the motion. The Administration and the Republicans in Congress have made clear their intent to explore new, low-yield nuclear weapons. Before we head down that path, we need to remember two things.

(1) The Cold War is over and I have good news for my friends on the other side of the aisle. We won! The Russians are no longer our adversaries. Remember, President Bush has told us he's looked into President Putin's eyes and found him to be a man he could deal with! Let's stop fighting the last war. The Russians are no longer a threat and I see no reason why we should allow the development of mini-nukes because somebody in Russia may have talked about the possibility of developing new weapons. They're probably only talking about doing that because they hear all of this talk about new nuclear weapons being developed by the U.S. What does this mean? It means that the only reason to develop mini-nukes is to start a new arms race. But that begs the question: with whom would we have this arms race? No nation in the world has a conventional military that can compare with ours. The only country that has a nuclear arsenal that compares to ours is Russia, and we're paying them to dismantle their nuclear weapons! Where's the beef behind this threat?

(2) These so called mini-nukes are still nuclear weapons. They may be smaller, but they will still kill tens of thousands of people, will still produce radioactive fallout and contaminate the countryside, and will still carry the stigma of being nuclear weapons. We already have big nuclear weapons, and medium-sized nuclear weapons, and small nuclear weapons. In fact, some of our nuclear weapons are ''dial-a-yield'', meaning we can select the yield of the weapon—and some of them can be ''dialed'' down to less than 1 kiloton, which, by the scale of nuclear weapons, is pretty mini. We used to have a weapon with a yield of less than a kiloton that weighted only 163 pounds—we called that the SADM or Special Atomic Demolition Munition. Is that what we want? To have kicked out the nuclear-seeking Saddam, only to replace him with our own nuclear SADM?

I would urge my colleagues to remember these two things: that to develop mini-nukes would be to start an arms race with ourselves, and that a mini-nuke is still a nuclear weapon, with all the associated consequences. We simply cannot preach nuclear temperance from a barstool. We cannot tell Iran, North Korea and other countries not to develop nuclear weapons while simultaneously developing our own new weapons.

I urge you to support this Motion to Instruct. Let's not turn back the clock and start a new ''mini'' arms race.

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

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

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, Mrs. WILSON of New Mexico, Messrs. CALVERT, SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, TURNER of Texas, Ms. LORETTA SANCHEZ of California, and Mr. COOPER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Mr. GOSS, Mr. HOEKSTRA, and Ms. HARMAN.

From the Committee on Agriculture, for consideration of sections 1057 and 2822 of the House bill, and modifications committed to conference: Messrs. GOODLATTE, LUCAS of Oklahoma, and STENHOLM.

From the Committee on Education and the Workforce, for consideration of sections 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504 through 1506 of the House bill, and sections 233, 351, 352, 368, 701, 1034, and 1036 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, KLINE and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 601, 3113, 3201, and 3517 of the House bill, and sections 601, 701, 852, 3151, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BARTON of Texas, and DINGELL.

From the Committee on Financial Services, for consideration of sections 814 and 907 of the House bill, and modifications committed to conference: Mr. OXLEY, Mr. KING of New York, and Mrs. MALONEY.

From the Committee on Government Reform, for consideration of sections 315, 323, 551, 805, 822, 824, 828, 829, 1031,

1046, 1050, 1057, Title XI, Title XIV, sections 2825 and 2826 of the House bill, and sections 326, 801, 811, 813, 822, 831 through 833, 841, 852, 853, 1013, 1035, 1102 through 1104, and 2824 through 2826 of the Senate amendment, and modifications committed to conference: Mr. TOM DAVIS of Virginia, Mr. SHAYS, Mrs. JO ANN DAVIS of Virginia, and Messrs. PUTNAM, TURNER of Ohio, WAXMAN, VAN HOLLEN, and DAVIS of Illinois.

From the Select Committee on Homeland Security, for consideration of section 1456 of the House bill, and modifications committed to conference: Messrs. COX, SHADEGG and THOMPSON of Mississippi.

From the Committee on House Administration, for consideration of section 564 of the Senate amendment, and modifications committed to conference: Messrs. NEY, MICA, and LARSON of Connecticut.

From the Committee on International Relations, for consideration of sections 1047, 1201, 1202, 1209, Title XIII, sections 3601, 3611, 3631, 3632, 3634, 3635, and 3636 of the House bill, and sections 323, 343, 921, 1201, 1202, 1204, 1205, 1207, 1208, Title XIII and section 3141 of the Senate amendment, and modifications committed to conference: Messrs. HYDE, BEREUTER, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 661 through 665 and 851 through 853 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 311, 317 through 319, 601, and 1057 of the House bill, and sections 322, 330, and 601 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GILCHREST, REHBERG, RAHALL, and UDALL of New Mexico.

From the Committee on Science, for consideration of sections 852 and 911 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SMITH of Michigan, and HALL of Texas.

From the Committee on Small Business, for consideration of section 866 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 601, 907, 1049, 1051 and 2824 of the House bill, and sections 324, 601, and 2821 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and CARSON of Oklahoma.

From the Committee on Veterans' Affairs, for consideration of section 565 of the House bill, and sections 644 and 707 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of New Jersey, BILIRAKIS, and FILNER.

From the Committee on Ways and Means, for consideration of section 701 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY, and STARK.

There was no objection.

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PROJECT BIOSHIELD ACT OF 2003

Mr. TAUZIN. Mr. Speaker, pursuant to the order of the House of Tuesday, July 15, 2003, I call up the bill (H.R. 2122) to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. JENKINS). Pursuant to the order of the House of Tuesday, July 15, 2003, the bill is considered read for amendment.

The text of H.R. 2122 is as follows:

H.R. 2122

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Project BioShield Act of 2003''.

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

''SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

''(a) IN GENERAL.—

''(1) AUTHORITY.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

''(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h)) that affects national security.

''(3) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

''(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, and supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

''(b) EXPEDITED PROCUREMENT AUTHORITY.—

''(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR BIOMEDICAL COUNTERMEASURE PROCUREMENTS.—

''(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

''(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

''(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

''(2) OTHER THAN FULL AND OPEN COMPETITION.—(A) In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(B) The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

''(C) The Secretary shall implement this paragraph in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(3) INCREASED MICROPURCHASE THRESHOLD.—

''(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

''(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

''(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

''(c) AUTHORITY TO EXPEDITE PEER REVIEW.—

''(1) IN GENERAL.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the

Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

''(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

''(B) the amount of which is not greater than $1,500,000.

''(2) SUBSEQUENT PHASES OF RESEARCH.—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant or cooperative agreement.

''(d) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—

''(1) IN GENERAL.—For the purpose of performing, administering, and supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

''(2) FEDERAL TORT CLAIMS ACT COVERAGE.—

''(A) IN GENERAL.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

''(B) EXCLUSIVITY OF REMEDY.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

''(3) INTERNAL CONTROLS TO BE INSTITUTED.—

''(A) IN GENERAL.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

''(B) DETERMINATION OF EMPLOYEE STATUS TO BE FINAL.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

''(4) NUMBER OF PERSONAL SERVICES CONTRACTS LIMITED.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

''(e) STREAMLINED PERSONNEL AUTHORITY.—

''(1) IN GENERAL.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

''(2) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

''(f) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions by the Secretary under the authority of this section are committed to agency discretion.

''(g) EFFECT ON RIGHT TO FILE PROTEST.—Nothing in this section shall affect the right of an interested party to file a protest with the contracting agency, to file a protest with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code, or to file an action in the United States Court of Federal Claims under section 1491(b) of title 28, United States Code.''.

(b) TECHNICAL AMENDMENT.—Section 481A of the Public Health Service Act (42 U.S.C. 287a–2) is amended—

(1) in subsection (a)(1), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center''; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (i)(1)'';

(3) in subsection (d), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(ii) in subparagraph (A), by inserting ''(or, in the case of the Institute, 75 percent)'' after ''50 percent''; and

(iii) in subparagraph (B), by inserting ''(or, in the case of the Institute, 75 percent)'' after ''40 percent'';

(B) in paragraph (2), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center''; and

(C) in paragraph (4), by inserting ''of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director'';

(5) in subsection (f)—

(A) in paragraph (1), by inserting ''in the case of an award by the Director of the Center,'' before ''the applicant''; and

(B) in paragraph (2), by inserting ''of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director''; and

(6) in subsection (i)—

(A) by striking ''APPROPRIATIONS.—For the purpose of carrying out this section,'' and inserting the following: ''APPROPRIATIONS.—

''(1) CENTER.—For the purpose of carrying out this section with respect to the Center,''; and

(B) by adding at the end the following:

''(2) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for fiscal year 2003.''.

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act, as amended by section 2 of this Act, is amended by inserting after section 319F–1 the following section:

''SEC. 319F–2. STRATEGIC NATIONAL STOCKPILE.

''(a) STRATEGIC NATIONAL STOCKPILE.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

''(2) PROCEDURES.—The Secretary, in managing the stockpile under paragraph (1), shall—

''(A) consult with the working group under section 319F(a);

''(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

''(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

''(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

''(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

''(F) ensure the adequate physical security of the stockpile.

''(b) SMALLPOX VACCINE DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

''(c) ADDITIONAL AUTHORITY REGARDING PROCUREMENT OF CERTAIN BIOMEDICAL COUNTERMEASURES; AVAILABILITY OF SPECIAL RESERVE FUND.—

''(1) IN GENERAL.—

''(A) USE OF FUND.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

''(B) SECURITY COUNTERMEASURE.—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h))—

''(i) that affects national security;

''(ii) that is determined under paragraph (2)(B)(ii) to be a necessary countermeasure; and

''(iii)(I) that is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

''(II) for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will

qualify for approval or licensing after the date of a determination under paragraph (5).

''(2) DETERMINATION OF MATERIAL THREATS.—

''(A) MATERIAL THREAT.—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

''(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

''(ii) determine which of such agents present a material threat against the United States population.

''(B) PUBLIC HEALTH IMPACT; NECESSARY COUNTERMEASURES.—The Secretary shall on an ongoing basis—

''(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

''(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

''(3) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

''(4) CALL FOR SECURITY COUNTERMEASURES; COMMITMENT FOR RECOMMENDATION FOR PROCUREMENT.—

''(A) PROPOSAL TO THE PRESIDENT.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a security countermeasure would be appropriate, such Secretaries may jointly submit to the President a proposal to—

''(i) issue a call for the development of such security countermeasure; and

''(ii) make a commitment that, upon the first development of such security countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such security countermeasure.

''(B) COUNTERMEASURE SPECIFICATIONS.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

''(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

''(ii) necessary measures of minimum safety and effectiveness;

''(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

''(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

''(C) PRESIDENTIAL APPROVAL.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the security countermeasure involved—

''(i) the call for the countermeasure;

''(ii) specifications for the countermeasure under subparagraph (B); and

''(iii) a commitment described in subparagraph (A)(ii).

''(5) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR FUNDING FROM SPECIAL RESERVE FUND.—

''(A) IN GENERAL.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a 'procurement under this subsection').

''(B) REQUIREMENTS.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

''(i) The quantities of the product that will be needed to meet the needs of the stockpile.

''(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

''(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

''(6) RECOMMENDATION FOR PRESIDENT'S APPROVAL.—

''(A) RECOMMENDATION FOR PROCUREMENT.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (2), (3), and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

''(B) PRESIDENTIAL APPROVAL.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

''(C) NOTICE TO CONGRESS.—The Secretary and the Homeland Security Secretary shall notify the Congress of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

''(D) SUBSEQUENT SPECIFIC COUNTERMEASURES.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

''(E) RULE OF CONSTRUCTION.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

''(7) PROCUREMENT.—

''(A) IN GENERAL.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

''(B) INTERAGENCY AGREEMENTS.—

''(i) FOR PROCUREMENT.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

''(ii) FOR ADMINISTRATIVE COSTS.—The agreement entered into between the Homeland Security Secretary and the Secretary for managing the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

''(C) PROCUREMENT.—

''(i) IN GENERAL.—The Secretary shall be responsible for—

''(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

''(II) promulgating regulations to implement clauses (v), (vi), and (vii), and any other provisions of this subsection.

''(ii) CONTRACT TERMS.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

''(I) PAYMENT CONDITIONED ON SUBSTANTIAL DELIVERY.—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis.

''(II) CONTRACT DURATION.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

''(III) STORAGE BY VENDOR.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

''(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES.—

''(I) IN GENERAL.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

''(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(II) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subclause (I) and the provision

of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

''(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(bb) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(iv) OTHER THAN FULL AND OPEN COMPETITION.—(I) In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(II) The authority under subclause (I) is in addition to any other authority to use procedures other than competitive procedures.

''(III) The Secretary shall implement this clause in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(v) PREMIUM PROVISION IN MULTIPLE AWARD CONTRACTS.—

''(I) IN GENERAL.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

''(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

''(bb) promises to pay one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

''(II) DETERMINATION OF GOVERNMENT'S REQUIREMENT NOT REVIEWABLE.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

''(vi) EXTENSION OF CLOSING DATE FOR RECEIPT OF PROPOSALS NOT REVIEWABLE.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

''(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

''(8) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

''(9) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

''(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

''(B) administrative costs.

''(10) SPECIAL RESERVE FUND.—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

''(d) DISCLOSURES.—No Federal agency shall disclose under section 552, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

''(e) DEFINITION.—For purposes of subsection (a), the term 'stockpile' includes—

''(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

''(2) a contractual agreement between the Homeland Security Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) STRATEGIC NATIONAL STOCKPILE.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

''(2) SMALLPOX VACCINE DEVELOPMENT.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

(b) AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For procurement of security countermeasures under section 319F–2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

''(b) SPECIAL RESERVE FUND.—For purposes of the security countermeasures program, the term 'special reserve fund' means the appropriations account established as a result of any appropriations made under subsection (a).

''(c) AVAILABILITY.—

''(1) DURATION OF AVAILABILITY FOR OBLIGATION.—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013, provided that any portion of such amount that remains unobligated for such purposes on the expiration of such term shall be returned to the United States Treasury and shall not be available for subsequent obligation for any purpose.

''(2) INITIAL AVAILABILITY FOR PARTICULAR PROCUREMENTS.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.''.

(c) CONFORMING AMENDMENTS.—(1) Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh–12) is repealed.

(2) The item relating to section 121 in the table of contents (contained in section 1(b)) of such Act is repealed.

(3) With respect to the program established under former section 121 of such Act, the repeal of such section under paragraph (1) applies as a modification of the program in accordance with the amendment made by subsection (a) of this section, and not as the termination of the program and the establishment of a different program.

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

''SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

''(a) IN GENERAL.—

''(1) EMERGENCY USES.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug or device intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

''(2) APPROVAL STATUS OF PRODUCT.—An authorization under paragraph (1) may authorize an emergency use of a product that—

''(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

''(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

''(3) RELATION TO OTHER USES.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

''(4) DEFINITIONS.—For purposes of this section:

''(A) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

''(B) The term 'product' means a drug or device.

''(C) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

''(D) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

''(b) DECLARATION OF EMERGENCY.—

''(1) IN GENERAL.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

''(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

''(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

''(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

''(2) TERMINATION OF DECLARATION.—

''(A) IN GENERAL.—A declaration under this subsection shall terminate upon the earlier of—

''(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

''(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

''(B) RENEWAL.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

''(3) ADVANCE NOTICE OF TERMINATION.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

''(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

''(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

''(4) PUBLICATION.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

''(c) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

''(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

''(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

''(A) the product may be effective in detecting, diagnosing, treating, or preventing—

''(i) such disease or condition; or

''(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

''(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

''(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

''(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

''(d) SCOPE OF AUTHORIZATION.—

''(1) IN GENERAL.—An authorization of a product under this section shall state—

''(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

''(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

''(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

''(2) CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

''(e) CONDITIONS OF AUTHORIZATION.—

''(1) UNAPPROVED PRODUCT.—

''(A) REQUIRED CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

''(III) of the alternatives to the product that are available, and of their benefits and risks.

''(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

''(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

''(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

''(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(B) AUTHORITY FOR ADDITIONAL CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

''(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

''(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

''(2) UNAPPROVED USE.—With respect to the emergency use of a product that is an unapproved use of an approved product:

''(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

''(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

''(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

''(f) DURATION OF AUTHORIZATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

''(2) CONTINUED USE AFTER END OF EFFECTIVE PERIOD.—An authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

''(g) REVOCATION OF AUTHORIZATION.—

''(1) REVIEW.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

''(2) REVOCATION.—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

''(h) PUBLICATION.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

''(i) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

''(j) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect—

''(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

''(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

''(3) the authority of the Secretary under section 319F–2 to manage the stockpile under such section.

''(k) APPLICATION TO MEMBERS OF ARMED FORCES.—

''(1) WAIVER OF REQUIREMENT RELATING TO OPTION TO REFUSE.—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

''(2) PROVISION OF INFORMATION TO MEMBER OF THE ARMED FORCES.—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to

be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30 days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

''(3) EFFECT ON STATUTE PERTAINING TO INVESTIGATIONAL NEW DRUGS.—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

''(l) RELATION TO OTHER PROVISIONS.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization—

''(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

''(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

''(m) DISCRETION REGARDING USE OF AUTHORIZATION.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

''(n) ENFORCEMENT.—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.''.

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) ANNUAL REPORTS ON PARTICULAR EXERCISES OF AUTHORITY.—

(A) RELEVANT AUTHORITIES.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to use of noncompetitive procedures).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to use of noncompetitive procedures).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS.—The Secretary shall annually submit to the Congress a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities; and

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY.—The Secretary shall annually submit to the Congress a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW.—Not later than three years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that the results of the study are submitted to the Congress not later than five years after such date of enactment.

(c) GENERAL ACCOUNTING OFFICE REVIEW.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, use of noncompetitive procedures, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the Congress not later than five years after the date of the enactment of this Act.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Project BioShield Act of 2003".

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT—AUTHORITIES.

(a) In General.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

"SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

"(a) In General.—

"(1) Authority.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

"(2) Qualified countermeasure.—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h)) that affects national security.

"(3) Interagency cooperation.—

"(A) In general.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) Limitation.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

"(4) Availability of facilities to the secretary.—In any grant or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, and supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

"(b) Expedited Procurement Authority.—

"(1) Increased simplified acquisition threshold for biomedical countermeasure procurements.—

"(A) In general.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

"(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949

(41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(B) Application of certain provisions.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

"(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(ii) Subsections (a) and (b) of Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(C) Internal controls to be instituted.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

"(2) Use of noncompetitive procedures.—In addition to any other authority to use procedures other than competitive procedures, the Secretary may use such other procedures when—

"(A) the procurement is as described by paragraph (1); and

"(B) the property or services needed by the Secretary are available from only one responsible source or only from a limited number of responsible sources, and no other type of property or services will satisfy the Secretary's needs.

"(3) Increased micropurchase threshold.—

"(A) In general.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

"(B) Internal controls to be instituted.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

"(C) Exception to preference for purchase card mechanism.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

"(c) Authority To Expedite Peer Review.—

"(1) In general.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

"(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

"(B) the amount of which is not greater than $1,500,000.

"(2) Subsequent phases of research.—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant or cooperative agreement.

"(d) Authority for Personal Services Contracts.—

"(1) In general.—For the purpose of performing, administering, and supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

"(2) Federal tort claims act coverage.—

"(A) In general.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

"(B) Exclusivity of remedy.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

"(3) Internal controls to be instituted.—

"(A) In general.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

"(B) Determination of employee status to be final.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

"(4) Number of personal services contracts limited.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

"(e) Streamlined Personnel Authority.—

"(1) In general.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

"(2) Internal controls to be instituted.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

"(f) Actions Committed to Agency Discretion.—Actions by the Secretary under the authority of this section are committed to agency discretion.".

(b) Technical Amendment.—Section 481A of the Public Health Service Act (42 U.S.C. 287a–2) is amended—

(1) in subsection (a)(1), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(2) in subsection (c)—

(A) in paragraph (1), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking "subsection (i)" and inserting "subsection (i)(1)";

(3) in subsection (d), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center";

(ii) in subparagraph (A), by inserting "(or, in the case of the Institute, 75 percent)" after "50 percent"; and

(iii) in subparagraph (B), by inserting "(or, in the case of the Institute, 75 percent)" after "40 percent";

(B) in paragraph (2), by inserting "or the Director of the National Institute of Allergy and Infectious Diseases" after "Director of the Center"; and

(C) in paragraph (4), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director";

(5) in subsection (f)—

(A) in paragraph (1), by inserting "in the case of an award by the Director of the Center," before "the applicant"; and

(B) in paragraph (2), by inserting "of the Center or the Director of the National Institute of Allergy and Infectious Diseases" after "Director"; and

(6) in subsection (i)—

(A) by striking "Appropriations.—For the purpose of carrying out this section," and inserting the following: "Appropriations.—

"(1) Center.—For the purpose of carrying out this section with respect to the Center,"; and

(B) by adding at the end the following:

"(2) National institute of allergy and infectious diseases.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for fiscal year 2003.".

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) In General.—Part B of title III of the Public Health Service Act, as amended by section 2 of this Act, is amended by inserting after section 319F–1 the following section:

"SEC. 319F–2. STRATEGIC NATIONAL STOCKPILE.

"(a) Strategic National Stockpile.—

"(1) In general.—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary

to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

"(2) Procedures.—The Secretary, in managing the stockpile under paragraph (1), shall—

"(A) consult with the working group under section 319F(a);

"(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

"(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

"(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

"(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

"(F) ensure the adequate physical security of the stockpile.

"(b) Smallpox Vaccine Development.—

"(1) In general.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

"(2) Rule of construction.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

"(c) Additional Authority Regarding Procurement of Certain Biomedical Countermeasures; Availability of Special Reserve Fund.—

"(1) In general.—

"(A) Use of fund.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

"(B) Security countermeasure.—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h))—

"(i) against a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii);

"(ii) that is determined under paragraph (2)(B)(ii) to be a necessary countermeasure;

"(iii) that is designed, developed, modified, or procured for the specific purpose of preventing, detecting, identifying, deterring, or mitigating actual or potential acts of chemical, biological, radiological, or nuclear catastrophe;

"(iv)(I) that is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

"(II) for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing after the date of a determination under paragraph (5); and

"(v) that relates to an actual or potential act of terrorism or catastrophic event or to actual or potential warfare.

"(2) Determination of material threats.—

"(A) Material threat.—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

"(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

"(ii) determine which of such agents present a material threat against the United States population.

"(B) Public health impact; necessary countermeasures.—The Secretary shall on an ongoing basis—

"(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

"(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

"(C) Notice to congress.—The Secretary and the Homeland Security Secretary shall promptly notify the designated congressional committees (as defined in paragraph (10)) of any determination made pursuant to subparagraph (A) or (B). Such notice shall be in unclassified and, if necessary, classified form.

"(D) Assuring access to threat information.—In making the assessment and determination required under subparagraph (A), the Homeland Security Secretary shall use all information to which such Secretary is entitled under section 202 of the Homeland Security Act of 2002, including but not limited to information, regardless of its level of classification, relating to current and emerging threats of chemical, biological, radiological, and nuclear agents.

"(3) Assessment of availability and appropriateness of countermeasures.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

"(4) Call for development of countermeasures; commitment for recommendation for procurement.—

"(A) Proposal to the president.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a countermeasure would be appropriate but is either currently unavailable for procurement or available under unsuitable conditions, such Secretaries may jointly submit to the President a proposal to—

"(i) issue a call for the development of such countermeasure; and

"(ii) make a commitment that, upon the first development of such countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

"(B) Countermeasure specifications.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

"(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

"(ii) necessary measures of minimum safety and effectiveness;

"(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

"(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

"(C) Presidential approval.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the countermeasure involved—

"(i) the call for the countermeasure;

"(ii) specifications for the countermeasure under subparagraph (B); and

"(iii) a commitment described in subparagraph (A)(ii).

"(5) Secretary's determination of countermeasures appropriate for funding from special reserve fund.—

"(A) In general.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a 'procurement under this subsection').

"(B) Requirements.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

"(i) The quantities of the product that will be needed to meet the needs of the stockpile.

"(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

"(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

"(6) Recommendation for president's approval.—

"(A) Recommendation for procurement.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (2), (3), and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

"(B) Presidential approval.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

"(C) Notice to congress.—The Secretary and the Homeland Security Secretary shall notify the designated congressional committees of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

"(D) Subsequent specific countermeasures.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion

in the stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

"(E) Rule of construction.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

"(7) Procurement.—

"(A) In general.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

"(B) Interagency agreements.—

"(i) For procurement.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

"(ii) For administrative costs.—The agreement entered into between the Homeland Security Secretary and the Secretary for managing the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

"(C) Procurement.—

"(i) In general.—The Secretary shall be responsible for—

"(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

"(II) promulgating regulations to implement clauses (v), (vi), and (vii), and any other provisions of this subsection.

"(ii) Contract terms.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

"(I) Payment conditioned on substantial delivery.—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis.

"(II) Contract duration.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

"(III) Storage by vendor.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

"(IV) Non-stockpile sales of security countermeasures.—The contract may provide that the vendor will not at any time (including after performance under the contract is otherwise completed) sell or otherwise provide such countermeasure to any domestic or foreign person, or transfer to any such person any quantity of such security countermeasure, or any intellectual property relating thereto that would enable the development or production of the countermeasure, without certification by the Secretary, in consultation with the Homeland Security Secretary, the Secretary of Defense, and the Secretary of State, that such sale or transfer, or category of sales or transfers, would not adversely affect the national security; and that, for each violation of this provision of the contract, the United States is entitled to recover from the person as liquidated damages an amount equal to three times the sum of the payments made to the vendor under the contract.

"(iii) Availability of simplified acquisition procedures.—

"(I) In general.—The amount of any procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

"(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

"(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

"(II) Application of certain provisions.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

"(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

"(bb) Subsections (a) and (b) of Section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

"(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

"(iv) Use of noncompetitive procedures.—In addition to any other authority to use procedures other than competitive procedures, the Secretary may use such other procedures for a procurement under this subsection if the product is available from only one responsible source or only from a limited number of responsible sources, and no other type of product will satisfy the Secretary's needs.

"(v) Premium provision in multiple award contracts.—

"(I) In general.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

"(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

"(bb) promises to pays one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

"(II) Determination of government's requirement not reviewable.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

"(vi) Extension of closing date for receipt of proposals not reviewable.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

"(vii) Limiting competition to sources responding to request for information.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

"(8) Interagency cooperation.—

"(A) In general.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

"(B) Limitation.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

"(9) Restrictions on use of funds.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

"(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

"(B) administrative costs.

"(10) Definitions.—

"(A) Special reserve fund.—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

"(B) Designated congressional committees.—For purposes of this section, the term 'designated congressional committees' means the following committees of the Congress:

"(i) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

"(ii) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

"(d) Disclosures.—No Federal agency shall disclose under section 552 of title 5, United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

"(e) Definition.—For purposes of subsection (a), the term 'stockpile' includes—

"(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

"(2) a contractual agreement between the Homeland Security Secretary and a vendor

or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

"(f) Authorization of Appropriations.—

"(1) Strategic national stockpile.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

"(2) Smallpox vaccine development.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.".

(b) Amendment to Homeland Security Act of 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

"SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

"(a) Authorization of Appropriations.—For the procurement of security countermeasures under section 319F–2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

"(b) Special Reserve Fund.—For purposes of the security countermeasures program, the term 'special reserve fund' means the appropriations account established as a result of any appropriations made under subsection (a).

"(c) Availability.—

"(1) Integrity of special reserve fund; limitation of obligational authority to fund purposes; intent of congress against reprogramming.—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013 and only for the specific purposes set forth in the security countermeasures program. It is the intent of the Congress that no portion of such amount that remains unobligated for such purposes shall be applied, through reprogramming or otherwise, to any other purpose.

"(2) Initial availability for particular procurements.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

"(d) Related Authorizations of Appropriations.—

"(1) Threat assessment capabilities.—For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated $5,000,000 for fiscal year 2004, and such sums as may be necessary for each of the fiscal years 2005 and 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 104 of the National Security Act of 1947.

"(2) Intelligence sharing infrastructure.—For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than December 31, 2003, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under subtitle A of title II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.

"(e) Emergency Development of Security Countermeasures.—If the Secretary of Homeland Security and the Secretary of Health and Human Services jointly determine that procurement of a security countermeasure that has been approved for procurement using the special reserve fund under subsection (a)—

"(1) is not proceeding at a sufficiently rapid pace under 319F–2 of the Public Health Service Act to protect the national security; or

"(2) could be produced significantly less expensively by the government directly than through procurements under such section;

then amounts in the special reserve fund may be used by the Secretary of Health and Human Services to produce security countermeasures for placement in the stockpile under subsection (a) of section 319F–2 of such Act if the joint determination is submitted to the President and the President approves such use of the special reserve fund. Amounts made available for such use in accordance with the preceding sentence are available for obligation as of the date on which the presidential approval is made, subject to applicable law regarding the apportionment of appropriations. This subsection applies notwithstanding other provisions of this section, and notwithstanding section 319F–2 of the Public Health Service Act. This subsection may not be construed as affecting the amounts specified in subsection (a) as authorizations of appropriations or the obligation limits contained therein.".

(c) Conforming Amendment.—Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh–12) is repealed. With respect to the program established under former section 121 of such Act, the repeal of such section under the preceding sentence applies as a modification of the program in accordance with the amendment made by subsection (a) of this section, and not as the termination of the program and the establishment of a different program.

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

"SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

"(a) In General.—

"(1) Emergency uses.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug or device intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

"(2) Approval status of product.—An authorization under paragraph (1) may authorize an emergency use of a product that—

"(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

"(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

"(3) Relation to other uses.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

"(4) Definitions.—For purposes of this section:

"(A) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

"(B) The term 'product' means a drug or device.

"(C) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

"(D) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

"(b) Declaration of Emergency.—

"(1) In general.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

"(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

"(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

"(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

"(2) Termination of declaration.—

"(A) In general.—A declaration under this subsection shall terminate upon the earlier of—

"(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

"(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

"(B) Renewal.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

"(3) Advance notice of termination.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

"(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

"(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

"(4) Publication.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

"(c) Criteria for Issuance of Authorization.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

"(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

"(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

"(A) the product may be effective in detecting, diagnosing, treating, or preventing—

"(i) such disease or condition; or

"(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

"(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

"(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

"(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

"(d) Scope of Authorization.—

"(1) In general.—An authorization of a product under this section shall state—

"(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

"(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

"(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

"(2) Confidential information.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

"(e) Conditions of Authorization.—

"(1) Unapproved product.—

"(A) Required conditions.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

"(III) of the alternatives to the product that are available, and of their benefits and risks.

"(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

"(I) that the Secretary has authorized the emergency use of the product;

"(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

"(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

"(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

"(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(B) Authority for additional conditions.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

"(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

"(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

"(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

"(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

"(2) Unapproved use.—With respect to the emergency use of a product that is an unapproved use of an approved product:

"(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

"(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

"(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

"(f) Duration of Authorization.—

"(1) In general.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

"(2) Continued use after end of effective period.—An authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

"(g) Revocation of Authorization.—

"(1) Review.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

"(2) Revocation.—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

"(h) Publication.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

"(i) Actions Committed to Agency Discretion.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

"(j) Rules of Construction.—Nothing in this section shall be construed to impair or otherwise affect—

"(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

"(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

"(3) the authority of the Secretary under section 319F–2 to manage the stockpile under such section.

"(k) Application to Members of Armed Forces.—

"(1) Waiver of requirement relating to option to refuse.—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

"(2) Provision of information to member of the armed forces.—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30

days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

"(3) Effect on statute pertaining to investigational new drugs.—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

"(l) Relation to Other Provisions.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization—

"(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

"(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

"(m) Discretion Regarding Use of Authorization.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

"(n) Enforcement.—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.".

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) Secretary of Health and Human Services.—

(1) Annual reports on particular exercises of authority.—

(A) Relevant authorities.—The Secretary of Health and Human Services (referred to in this subsection as the "Secretary") shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to use of noncompetitive procedures).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to use of noncompetitive procedures).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) Contents of reports.—The Secretary shall annually submit to the designated congressional committees (as defined in subsection (e)) a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities; and

(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6) of the Public Health Service Act (as added by section 3 of this Act), a contract was not entered into within one year after such approval by the President.

(2) Annual summaries regarding certain activity.—The Secretary shall annually submit to the designated congressional committees a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) National Academy of Sciences Review.—

(1) In general.—Not later than four years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that the results of the study are submitted to the designated congressional committees not later than five years after such date of enactment.

(2) Certain contents.—The report under paragraph (1) shall include—

(A) a summary of the most recent analysis by the Department of Homeland Security and the intelligence community of the domestic threat from chemical, biological, radiological, and nuclear agents;

(B) the Academy's assessment of the current availability of countermeasures to address such threats;

(C) the Academy's assessment of the extent to which programs and activities under this Act will reduce any gap between the threat and the availability of countermeasures to an acceptable level of risk; and

(D)(i) the Academy's assessment of threats to national security that are posed by technology that will enable, during the 10-year period beginning on the date of the enactment of this Act, the development of antibiotic resistant, mutated, and bioengineered strains of biological agents; and

(ii) recommendations on short-term and long-term governmental strategies for addressing such threats, including recommendations for Federal policies regarding research priorities, the development of countermeasures, and investments in technology.

(c) General Accounting Office Review.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, use of noncompetitive procedures, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the designated congressional committees not later than five years after the date of the enactment of this Act.

(d) Report Regarding Additional Barriers to Procurement of Security Countermeasures.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall report to the designated congressional committees any barriers to the procurement of security countermeasures that have not been addressed by this Act.

(e) Status of Program for Chemical Terrorism Preparedness.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the designated congressional committees a report describing the status of the program carried out by the Secretary to enhance the preparedness of the United States to respond to terrorist attacks involving chemical agents.

(f) Designated Congressional Committees.—For purposes of this section, the term "designated congressional committees" means the following committees of the Congress:

(1) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

(2) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations, are meaningfully aware of available research and development grants and procurements conducted under sections 2 and 3 of this Act.

SEC. 7. ENSURING COORDINATION, COOPERATION AND THE ELIMINATION OF UNNECESSARY DUPLICATION IN PROGRAMS DESIGNED TO PROTECT THE HOMELAND FROM BIOLOGICAL, CHEMICAL, RADIOLOGICAL, AND NUCLEAR AGENTS.

(a) Ensuring Coordination of Programs.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall ensure the activities of their respective Departments coordinate, complement, and do not unnecessarily duplicate programs to identify potential domestic threats from biological, chemical, radiological or nuclear agents, detect such domestic incidents, analyze such incidents, and develop necessary countermeasures. The aforementioned Secretaries shall further ensure that information and technology possessed by the Departments relevant to these activities are shared with the other Departments.

(b) Designation of Agency Coordination Officer.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall each designate an officer or employee of their respective Departments who shall coordinate, through regular meetings and communications, with the other aforementioned Departments such programs and activities carried out by their Departments.

The SPEAKER pro tempore. In lieu of the amendments recommended by the Committee on Government Reform and the Select Committee on Homeland Security printed in the bill, the amendment in the nature of a substitute designate in the previous order of the House is adopted.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Project BioShield Act of 2003''.

SEC. 2. BIOMEDICAL COUNTERMEASURE RESEARCH AND DEVELOPMENT AUTHORITIES.

(a) IN GENERAL.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 319F the following section:

''SEC. 319F–1. AUTHORITY FOR USE OF CERTAIN PROCEDURES REGARDING QUALIFIED COUNTERMEASURE RESEARCH AND DEVELOPMENT ACTIVITIES.

''(a) IN GENERAL.—

''(1) AUTHORITY.—In conducting and supporting research and development activities regarding biomedical countermeasures under section 319F(h), the Secretary may conduct and support such activities in accordance with this section if the activities concern qualified countermeasures.

''(2) QUALIFIED COUNTERMEASURE.—For purposes of this section, the term 'qualified countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) against a chemical, biological, radiological, or nuclear agent that may cause a public health emergency affecting national security.

''(3) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Secretary is authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section.

''(4) AVAILABILITY OF FACILITIES TO THE SECRETARY.—In any grant, contract, or cooperative agreement entered into under the authority provided in this section with respect to a biocontainment laboratory or other related or ancillary specialized research facility that the Secretary determines necessary for the purpose of performing, administering, or supporting qualified countermeasure research and development, the Secretary may provide that the facility that is the object of such grant, contract, or cooperative agreement shall be available as needed to the Secretary to respond to public health emergencies affecting national security.

''(5) TRANFERS OF QUALIFED COUNTERMEASURES.—Each agreement for an award of a grant, contract, or cooperative agreement under section 319F(h) for the development of a qualified countermeasure shall provide that the recipient of the award will comply with all applicable export-related controls with respect to such countermeasure.

''(b) EXPEDITED PROCUREMENT AUTHORITY.—

''(1) INCREASED SIMPLIFIED ACQUISITION THRESHOLD FOR QUALIFIED COUNTERMEASURE PROCUREMENTS.—

''(A) IN GENERAL.—For any procurement by the Secretary of property or services for use (as determined by the Secretary) in performing, administering, or supporting qualified countermeasure research or development activities under this section that the Secretary determines necessary to respond to pressing research and development needs under this section, the amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), as applicable pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), shall be deemed to be $25,000,000 in the administration, with respect to such procurement, of—

''(i) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(ii) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(B) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subparagraph (A) and the provision of law and regulations referred to in such subparagraph, each of the following provisions shall apply to procurements described in this paragraph to the same extent that such provisions would apply to such procurements in the absence of subparagraph (A):

''(i) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(ii) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(iii) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(C) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for procurements that are under this paragraph, including requirements with regard to documenting the justification for use of the authority in this paragraph.

''(2) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

''(A) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement described in paragraph (1) of this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(B) RELATION TO OTHER AUTHORITIES.—The authority under subparagraph (A) is in addition to any other authority to use procedures other than competitive procedures.

''(C) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this paragraph in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(3) INCREASED MICROPURCHASE THRESHOLD.—

''(A) IN GENERAL.—For a procurement described by paragraph (1), the amount specified in subsections (c), (d), and (f) of section 32 of the Office of Federal Procurement Policy Act (41 U.S.C. 428) shall be deemed to be $15,000 in the administration of that section with respect to such procurement.

''(B) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for purchases that are under this paragraph and that are greater than $2,500.

''(C) EXCEPTION TO PREFERENCE FOR PURCHASE CARD MECHANISM.—No provision of law establishing a preference for using a Government purchase card method for purchases shall apply to purchases that are under this paragraph and that are greater than $2,500.

''(4) REVIEW.—

''(A) REVIEW ALLOWED.—Notwithstanding any other provision of law, including subsection (f), review of a contracting agency decision relating to a procurement described in paragraph (1) may be had only by filing a protest—

''(i) with a contracting agency; or

''(ii) with the Comptroller General under subchapter V of chapter 35 of title 31, United States Code.

''(B) OVERRIDE OF STAY OF CONTRACT AWARD OR PERFORMANCE COMMITTED TO AGENCY DISCRETION.—Notwithstanding any other provision of law, the following authorizations by the head of a procuring activity are committed to agency discretion:

''(i) An authorization under section 3553(c)(2) of title 31, United States Code, to award a contract for a procurement described in paragraph (1) of this subsection.

''(ii) An authorization under section 3553(d)(3)(C) of such title to perform a contract for a procurement described in paragraph (1) of this subsection.

''(c) AUTHORITY TO EXPEDITE PEER REVIEW.—

''(1) IN GENERAL.—The Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, employ such expedited peer review

procedures (including consultation with appropriate scientific experts) as the Secretary, in consultation with the Director of NIH, deems appropriate to obtain assessment of scientific and technical merit and likely contribution to the field of qualified countermeasure research, in place of the peer review and advisory council review procedures that would be required under sections 301(a)(3), 405(b)(1)(B), 405(b)(2), 406(a)(3)(A), 492, and 494, as applicable to a grant, contract, or cooperative agreement—

''(A) that is for performing, administering, or supporting qualified countermeasure research and development activities; and

''(B) the amount of which is not greater than $1,500,000.

''(2) SUBSEQUENT PHASES OF RESEARCH.—The Secretary's determination of whether to employ expedited peer review with respect to subsequent phases of a research grant, contract, or cooperative agreement under this section shall be determined without regard to the peer review procedures used for any prior peer review of that same grant, contract, or cooperative agreement.

''(d) AUTHORITY FOR PERSONAL SERVICES CONTRACTS.—

''(1) IN GENERAL.—For the purpose of performing, administering, or supporting qualified countermeasure research and development activities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, obtain by contract (in accordance with section 3109 of title 5, United States Code, but without regard to the limitations in such section on the period of service and on pay) the personal services of experts or consultants who have scientific or other professional qualifications, except that in no case shall the compensation provided to any such expert or consultant exceed the daily equivalent of the annual rate of compensation for the President.

''(2) FEDERAL TORT CLAIMS ACT COVERAGE.—

''(A) IN GENERAL.—A person carrying out a contract under paragraph (1), and an officer, employee, or governing board member of such person, shall be deemed to be an employee of the Department of Health and Human Services for purposes of claims under sections 1346(b) and 2672 of title 28, United States Code, for money damages for personal injury, including death, resulting from performance of functions under such contract.

''(B) EXCLUSIVITY OF REMEDY.—The remedy provided by subparagraph (A) shall be exclusive of any other civil action or proceeding by reason of the same subject matter against the person, officer, employee, or governing board member.

''(3) INTERNAL CONTROLS TO BE INSTITUTED.—

''(A) IN GENERAL.—The Secretary shall institute appropriate internal controls for contracts under this subsection, including procedures for the Secretary to make a determination of whether a person, or an officer, employee, or governing board member of a person, is deemed to be an employee of the Department of Health and Human Services pursuant to paragraph (2).

''(B) DETERMINATION OF EMPLOYEE STATUS TO BE FINAL.—A determination by the Secretary under subparagraph (A) that a person, or an officer, employee, or governing board member of a person, is or is not deemed to be an employee of the Department of Health and Human Services shall be final and binding on the Secretary and the Attorney General and other parties to any civil action or proceeding.

''(4) NUMBER OF PERSONAL SERVICES CONTRACTS LIMITED.—The number of experts and consultants whose personal services are obtained under paragraph (1) shall not exceed 30 at any time.

''(e) STREAMLINED PERSONNEL AUTHORITY.—

''(1) IN GENERAL.—In addition to any other personnel authorities, the Secretary may, as the Secretary determines necessary to respond to pressing qualified countermeasure research and development needs under this section, without regard to such provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, appoint professional and technical employees, not to exceed 30 such employees at any time, to positions in the National Institutes of Health to perform, administer, or support qualified countermeasure research and development activities in carrying out this section.

''(2) INTERNAL CONTROLS TO BE INSTITUTED.—The Secretary shall institute appropriate internal controls for appointments under this subsection.

''(f) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions by the Secretary under the authority of this section are committed to agency discretion.''.

(b) TECHNICAL AMENDMENT.—Section 481A of the Public Health Service Act (42 U.S.C. 287a-2) is amended—

(1) in subsection (a)(1)—

(A) by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ″Director of the Center''; and

(B) by inserting '', or in the case of the Institute, to any qualified public or private entity,'' after ''private entities'';

(2) in subsection (c)—

(A) in paragraph (1), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center''; and

(B) in paragraph (2), in the matter preceding subparagraph (A), by striking ''subsection (i)'' and inserting ''subsection (i)(1)'';

(3) in subsection (d), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center'';

(ii) in subparagraph (A), by inserting ''(or, in the case of the Institute, 75 percent)'' after ''50 percent''; and

(iii) in subparagraph (B), by inserting ''(or, in the case of the Institute, 75 percent)'' after ''40 percent'';

(B) in paragraph (2), by inserting ''or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director of the Center''; and

(C) in paragraph (4), by inserting ''of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director'';

(5) in subsection (f)—

(A) in paragraph (1), by inserting ''in the case of an award by the Director of the Center,'' before ''the applicant''; and

(B) in paragraph (2), by inserting ''of the Center or the Director of the National Institute of Allergy and Infectious Diseases'' after ''Director''; and

(6) in subsection (i)—

(A) by striking ''APPROPRIATIONS.—For the purpose of carrying out this section,'' and inserting the following: ''APPROPRIATIONS.—

''(1) CENTER.—For the purpose of carrying out this section with respect to the Center,''; and

(B) by adding at the end the following:

''(2) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—For the purpose of carrying out this section with respect to the National Institute of Allergy and Infectious Diseases, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 and 2004.''.

(c) ADDITIONAL AUTHORITY.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following subsection:

''(i) PRIORITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.—

''(1) IN GENERAL.—The Secretary, taking into consideration any recommendations of the working group under subsection (a), may initiate and sustain a program that results in the delivery of priority countermeasures for placement in the stockpile under section 319F–2.

''(2) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraph (1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''.

(d) ADDITIONAL AUTHORIZATIONS OF APPROPRIATIONS.—Section 2106 of the Public Health Service Act (42 U.S.C. 300aa–6) is amended—

(1) in subsection (a), by striking ''authorized to be appropriated'' and all that follows and inserting the following: ''authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''; and

(2) in subsection (b), by striking ''authorized to be appropriated'' and all that follows and inserting the following: ''authorized to be appropriated such sums as may be necessary for each of the fiscal years 2004 through 2013.''.

(e) TECHNICAL AMENDMENTS.—Section 319F of the Public Health Service Act (42 U.S.C. 247d–6) is amended—

(1) in subsection (a), by inserting ''the Secretary of Homeland Security,'' after ''Management Agency,''; and

(2) in subsection (h)(4)(B), by striking ''to diagnose conditions'' and inserting ''to treat, identify, or prevent conditions''.

(f) RULE OF CONSTRUCTION.—Nothing in this section has any legal effect on sections 302(2), 302(4), 304(a), or 304(b) of the Homeland Security Act of 2002.

SEC. 3. BIOMEDICAL COUNTERMEASURES PROCUREMENT.

(a) ADDITIONAL AUTHORITY REGARDING STRATEGIC NATIONAL STOCKPILE.—

(1) TRANSFER OF PROGRAM.—Section 121 of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (116 Stat. 611; 42 U.S.C. 300hh–12) is transferred from such Act to the Public Health Service Act, is redesignated as section 319F–2, and is inserted after section 319F–1 of the Public Health Service Act (as added by section 2 of this Act).

(2) ADDITIONAL AUTHORITY.—Section 319F–2 of the Public Health Service Act, as added by paragraph (1), is amended to read as follows:

''SEC. 319F–2. STRATEGIC NATIONAL STOCKPILE.

''(a) STRATEGIC NATIONAL STOCKPILE.—

''(1) IN GENERAL.—The Secretary of Homeland Security (referred to in this section as the 'Homeland Security Secretary'), in coordination with the Secretary and the Secretary of Veterans Affairs, shall maintain a stockpile or stockpiles of drugs, vaccines and other biological products, medical devices, and other supplies in such numbers, types, and amounts as are determined by the Secretary to be appropriate and practicable, taking into account other available sources, to provide for the emergency health security of the United States, including the emergency health security of children and other

vulnerable populations, in the event of a bioterrorist attack or other public health emergency.

''(2) PROCEDURES.—The Secretary, in managing the stockpile under paragraph (1), shall—

''(A) consult with the working group under section 319F(a);

''(B) ensure that adequate procedures are followed with respect to such stockpile for inventory management and accounting, and for the physical security of the stockpile;

''(C) in consultation with Federal, State, and local officials, take into consideration the timing and location of special events;

''(D) review and revise, as appropriate, the contents of the stockpile on a regular basis to ensure that emerging threats, advanced technologies, and new countermeasures are adequately considered;

''(E) devise plans for the effective and timely supply-chain management of the stockpile, in consultation with appropriate Federal, State and local agencies, and the public and private health care infrastructure; and

''(F) ensure the adequate physical security of the stockpile.

''(b) SMALLPOX VACCINE DEVELOPMENT.—

''(1) IN GENERAL.—The Secretary shall award contracts, enter into cooperative agreements, or carry out such other activities as may reasonably be required in order to ensure that the stockpile under subsection (a) includes an amount of vaccine against smallpox as determined by such Secretary to be sufficient to meet the health security needs of the United States.

''(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the private distribution, purchase, or sale of vaccines from sources other than the stockpile described in subsection (a).

''(c) ADDITIONAL AUTHORITY REGARDING PROCUREMENT OF CERTAIN BIOMEDICAL COUNTERMEASURES; AVAILABILITY OF SPECIAL RESERVE FUND.—

''(1) IN GENERAL.—

''(A) USE OF FUND.—A security countermeasure may, in accordance with this subsection, be procured with amounts in the special reserve fund under paragraph (10).

''(B) SECURITY COUNTERMEASURE.—For purposes of this subsection, the term 'security countermeasure' means a priority countermeasure (as defined in section 319F(h) and as determined by the Secretary in accordance with such section and consistent with sections 302(2) and 304(a) of the Homeland Security Act of 2002) that—

''(i)(I) is against a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii);

''(II) is determined under paragraph (2)(B)(ii) to be a necessary countermeasure; and

''(III)(aa) is approved or cleared under chapter V of the Federal Food, Drug, and Cosmetic Act, or licensed under section 351 of this Act, for use as a countermeasure to a chemical, biological, radiological, or nuclear agent identified as a material threat under paragraph (2)(A)(ii); or

''(bb) is a priority countermeasure for which the Secretary determines that sufficient and satisfactory clinical experience or research data (including data, if available, from pre-clinical and clinical trials) support a reasonable conclusion that the countermeasure will qualify for approval or licensing after the date of a determination under paragraph (5); or

''(ii) is authorized under section 564 of the Federal Food, Drug, and Cosmetic Act for emergency use.

''(2) DETERMINATION OF MATERIAL THREATS.—

''(A) MATERIAL THREAT.—The Homeland Security Secretary, in consultation with the heads of other agencies as appropriate, shall on an ongoing basis—

''(i) assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and

''(ii) determine which of such agents present a material threat against the United States population.

''(B) PUBLIC HEALTH IMPACT; NECESSARY COUNTERMEASURES.—The Secretary shall on an ongoing basis—

''(i) assess the potential public health consequences of use against the United States population of agents identified under subparagraph (A)(ii); and

''(ii) determine, on the basis of such assessment, the agents for which priority countermeasures are necessary to protect the public health from a material threat.

''(C) NOTICE TO CONGRESS.—The Secretary and the Homeland Security Secretary shall promptly notify the designated congressional committees (as defined in paragraph (10) that a determination has been made pursuant to subparagraph (A) or (B). Such notice shall be in unclassified or, if necessary, classified form.

''(D) ASSURING ACCESS TO THREAT INFORMATION.—In making the assessment and determination required under subparagraph (A), the Homeland Security Secretary shall use all information to which such Secretary is entitled under section 202 of the Homeland Security Act of 2002, including but not limited to information, regardless of its level of classification, relating to current and emerging threats of chemical, biological, radiological, and nuclear agents.

''(3) ASSESSMENT OF AVAILABILITY AND APPROPRIATENESS OF COUNTERMEASURES.—The Secretary, in consultation with the Homeland Security Secretary, shall assess on an ongoing basis the availability and appropriateness of specific countermeasures to address specific threats identified under paragraph (2).

''(4) CALL FOR DEVELOPMENT OF COUNTERMEASURES; COMMITMENT FOR RECOMMENDATION FOR PROCUREMENT.—

''(A) PROPOSAL TO THE PRESIDENT.—If, pursuant to an assessment under paragraph (3), the Homeland Security Secretary and the Secretary make a determination that a countermeasure would be appropriate but is either currently unavailable for procurement as a security countermeasure or is approved, licensed, or cleared only for alternative uses, such Secretaries may jointly submit to the President a proposal to—

''(i) issue a call for the development of such countermeasure; and

''(ii) make a commitment that, upon the first development of such countermeasure that meets the conditions for procurement under paragraph (5), the Secretaries will, based in part on information obtained pursuant to such call, make a recommendation under paragraph (6) that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

''(B) COUNTERMEASURE SPECIFICATIONS.—The Homeland Security Secretary and the Secretary shall, to the extent practicable, include in the proposal under subparagraph (A)—

''(i) estimated quantity of purchase (in the form of number of doses or number of effective courses of treatments regardless of dosage form);

''(ii) necessary measures of minimum safety and effectiveness;

''(iii) estimated price for each dose or effective course of treatment regardless of dosage form; and

''(iv) other information that may be necessary to encourage and facilitate research, development, and manufacture of the countermeasure or to provide specifications for the countermeasure.

''(C) PRESIDENTIAL APPROVAL.—If the President approves a proposal under subparagraph (A), the Homeland Security Secretary and the Secretary shall make known to persons who may respond to a call for the countermeasure involved—

''(i) the call for the countermeasure;

''(ii) specifications for the countermeasure under subparagraph (B); and

''(iii) the commitment described in subparagraph (A)(ii).

''(5) SECRETARY'S DETERMINATION OF COUNTERMEASURES APPROPRIATE FOR FUNDING FROM SPECIAL RESERVE FUND.—

''(A) IN GENERAL.—The Secretary, in accordance with the provisions of this paragraph, shall identify specific security countermeasures that the Secretary determines, in consultation with the Homeland Security Secretary, to be appropriate for inclusion in the stockpile under subsection (a) pursuant to procurements made with amounts in the special reserve fund under paragraph (10) (referred to in this subsection individually as a 'procurement under this subsection').

''(B) REQUIREMENTS.—In making a determination under subparagraph (A) with respect to a security countermeasure, the Secretary shall determine and consider the following:

''(i) The quantities of the product that will be needed to meet the needs of the stockpile.

''(ii) The feasibility of production and delivery within five years of sufficient quantities of the product.

''(iii) Whether there is a lack of a significant commercial market for the product at the time of procurement, other than as a security countermeasure.

''(6) RECOMMENDATION FOR PRESIDENT'S APPROVAL.—

''(A) RECOMMENDATION FOR PROCUREMENT.—In the case of a security countermeasure that the Secretary has, in accordance with paragraphs (3) and (5), determined to be appropriate for procurement under this subsection, the Homeland Security Secretary and the Secretary shall jointly submit to the President, in coordination with the Director of the Office of Management and Budget, a recommendation that the special reserve fund under paragraph (10) be made available for the procurement of such countermeasure.

''(B) PRESIDENTIAL APPROVAL.—The special reserve fund under paragraph (10) is available for a procurement of a security countermeasure only if the President has approved a recommendation under subparagraph (A) regarding the countermeasure.

''(C) NOTICE TO DESIGNATED CONGRESSIONAL COMMITTEES.—The Secretary and the Homeland Security Secretary shall notify the designated congressional committees of each decision of the President to approve a recommendation under subparagraph (A). Such notice shall include an explanation of the decision to make available the special reserve fund under paragraph (10) for procurement of such a countermeasure, including, where available, the identification of the potential supplier or suppliers of such countermeasure, and whether other potential suppliers of the same or similar countermeasures were considered and rejected for procurement under this section and the reasons therefor.

''(D) SUBSEQUENT SPECIFIC COUNTERMEASURES.—Procurement under this subsection of a security countermeasure for a particular purpose does not preclude the subsequent procurement under this subsection of any other security countermeasure for such purpose if the Secretary has determined under paragraph (5)(A) that such countermeasure is appropriate for inclusion in the

stockpile and if, as determined by the Secretary, such countermeasure provides improved safety or effectiveness, or for other reasons enhances preparedness to respond to threats of use of a biological, chemical, radiological, or nuclear agent. Such a determination by the Secretary is committed to agency discretion.

''(E) RULE OF CONSTRUCTION.—Recommendations and approvals under this paragraph apply solely to determinations that the special reserve fund under paragraph (10) will be made available for a procurement of a security countermeasure, and not to the substance of contracts for such procurement or other matters relating to awards of such contracts.

''(7) PROCUREMENT.—

''(A) IN GENERAL.—For purposes of a procurement under this subsection that is approved by the President under paragraph (6), the Homeland Security Secretary and the Secretary shall have responsibilities in accordance with subparagraphs (B) and (C).

''(B) INTERAGENCY AGREEMENTS.—

''(i) FOR PROCUREMENT.—The Homeland Security Secretary shall enter into an agreement with the Secretary for procurement of a security countermeasure in accordance with the provisions of this paragraph. The special reserve fund under paragraph (10) shall be available for the Secretary's costs of such procurement, other than as provided in clause (ii).

''(ii) FOR ADMINISTRATIVE COSTS.—The agreement entered into between the Homeland Security Secretary and the Secretary for managing the stockpile under subsection (a) shall provide for reimbursement of the Secretary's administrative costs relating to procurements under this subsection.

''(C) PROCUREMENT.—

''(i) IN GENERAL.—The Secretary shall be responsible for—

''(I) arranging for procurement of a security countermeasure, including negotiating terms (including quantity, production schedule, and price) of, and entering into, contracts and cooperative agreements, and for carrying out such other activities as may reasonably be required, in accordance with the provisions of this subparagraph; and

''(II) promulgating such regulations as the Secretary determines necessary to implement the provisions of this subsection.

''(ii) CONTRACT TERMS.—A contract for procurements under this subsection shall (or, as specified below, may) include the following terms:

''(I) PAYMENT CONDITIONED ON SUBSTANTIAL DELIVERY.—The contract shall provide that no payment may be made until delivery has been made of a substantial portion (as determined by the Secretary) of the total number of units contracted for, except that, notwithstanding any other provision of law, the contract may provide that, if the Secretary determines (in the Secretary's discretion) that an advance payment is necessary to ensure success of a project, the Secretary may pay an amount, not to exceed 10 percent of the contract amount, in advance of delivery. The contract shall provide that such advance payment is required to be repaid if there is a failure to perform under the contract, except in special circumstances as determined by the Secretary on a contract by contract basis. Nothing in this subclause may be construed as affecting rights of vendors under provisions of law or regulation (including the Federal Acquisition Regulation) relating to termination of contracts for the convenience of the Government.

''(II) CONTRACT DURATION.—The contract shall be for a period not to exceed five years, except that, in first awarding the contract, the Secretary may provide for a longer duration, not exceeding eight years, if the Secretary determines that complexities or other difficulties in performance under the contract justify such a period. The contract shall be renewable for additional periods, none of which shall exceed five years.

''(III) STORAGE BY VENDOR.—The contract may provide that the vendor will provide storage for stocks of a product delivered to the ownership of the Federal Government under the contract, for such period and under such terms and conditions as the Secretary may specify, and in such case amounts from the special reserve fund under paragraph (10) shall be available for costs of shipping, handling, storage, and related costs for such product.

''(IV) NON-STOCKPILE TRANSFERS OF SECURITY COUNTERMEASURES.—The contract shall provide that the vendor will comply with all applicable export-related controls with respect to such countermeasure.

''(iii) AVAILABILITY OF SIMPLIFIED ACQUISITION PROCEDURES.—

''(I) IN GENERAL.—If the Secretary determines that there is a pressing need for a procurement of a specific countermeasure, the amount of the procurement under this subsection shall be deemed to be below the threshold amount specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)), for purposes of application to such procurement, pursuant to section 302A(a) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 252a(a)), of—

''(aa) section 303(g)(1)(A) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(g)(1)(A)) and its implementing regulations; and

''(bb) section 302A(b) of such Act (41 U.S.C. 252a(b)) and its implementing regulations.

''(II) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding subclause (I) and the provision of law and regulations referred to in such clause, each of the following provisions shall apply to procurements described in this clause to the same extent that such provisions would apply to such procurements in the absence of subclause (I):

''(aa) Chapter 37 of title 40, United States Code (relating to contract work hours and safety standards).

''(bb) Subsections (a) and (b) of section 7 of the Anti-Kickback Act of 1986 (41 U.S.C. 57(a) and (b)).

''(cc) Section 304C of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254d) (relating to the examination of contractor records).

''(iv) PROCEDURES OTHER THAN FULL AND OPEN COMPETITION.—

''(I) IN GENERAL.—In using the authority provided in section 303(c)(1) of title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253(c)(1)) to use procedures other than competitive procedures in the case of a procurement under this subsection, the phrase 'available from only one responsible source' in such section 303(c)(1) shall be deemed to mean 'available from only one responsible source or only from a limited number of responsible sources'.

''(II) RELATION TO OTHER AUTHORITIES.—The authority under subclause (I) is in addition to any other authority to use procedures other than competitive procedures.

''(III) APPLICABLE GOVERNMENT-WIDE REGULATIONS.—The Secretary shall implement this clause in accordance with applicable government-wide regulations, including requirements that offers be solicited from as many potential sources as is practicable under the circumstances, that required notices be published, and that submitted offers be considered.

''(v) PREMIUM PROVISION IN MULTIPLE AWARD CONTRACTS.—

''(I) IN GENERAL.—If, under this subsection, the Secretary enters into contracts with more than one vendor to procure a security countermeasure, such Secretary may, notwithstanding any other provision of law, include in each of such contracts a provision that—

''(aa) identifies an increment of the total quantity of security countermeasure required, whether by percentage or by numbers of units; and

''(bb) promises to pay one or more specified premiums based on the priority of such vendors' production and delivery of the increment identified under item (aa), in accordance with the terms and conditions of the contract.

''(II) DETERMINATION OF GOVERNMENT'S REQUIREMENT NOT REVIEWABLE.—If the Secretary includes in each of a set of contracts a provision as described in subclause (I), such Secretary's determination of the total quantity of security countermeasure required, and any amendment of such determination, is committed to agency discretion.

''(vi) EXTENSION OF CLOSING DATE FOR RECEIPT OF PROPOSALS NOT REVIEWABLE.—A decision by the Secretary to extend the closing date for receipt of proposals for a procurement under this subsection is committed to agency discretion.

''(vii) LIMITING COMPETITION TO SOURCES RESPONDING TO REQUEST FOR INFORMATION.—In conducting a procurement under this subsection, the Secretary may exclude a source that has not responded to a request for information under section 303A(a)(1)(B) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253a(a)(1)(B)) if such request has given notice that the Secretary may so exclude such a source.

''(8) INTERAGENCY COOPERATION.—

''(A) IN GENERAL.—In carrying out activities under this section, the Homeland Security Secretary and the Secretary are authorized, subject to subparagraph (B), to enter into interagency agreements and other collaborative undertakings with other agencies of the United States Government.

''(B) LIMITATION.—An agreement or undertaking under this paragraph shall not authorize another agency to exercise the authorities provided by this section to the Homeland Security Secretary or to the Secretary.

''(9) RESTRICTIONS ON USE OF FUNDS.—Amounts in the special reserve fund under paragraph (10) shall not be used to pay—

''(A) costs for the purchase of vaccines under procurement contracts entered into before the date of the enactment of the Project BioShield Act of 2003; or

''(B) administrative costs.

''(10) DEFINITIONS.—

''(A) SPECIAL RESERVE FUND.—For purposes of this subsection, the term 'special reserve fund' has the meaning given such term in section 510 of the Homeland Security Act of 2002.

''(B) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term 'designated congressional committees' means the following committees of the Congress:

''(i) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

''(ii) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

''(d) DISCLOSURES.—No Federal agency shall disclose under section 552 of title 5,

United States Code, any information identifying the location at which materials in the stockpile under subsection (a) are stored.

''(e) DEFINITION.—For purposes of subsection (a), the term 'stockpile' includes—

''(1) a physical accumulation (at one or more locations) of the supplies described in subsection (a); or

''(2) a contractual agreement between the Secretary and a vendor or vendors under which such vendor or vendors agree to provide to such Secretary supplies described in subsection (a).

''(f) AUTHORIZATION OF APPROPRIATIONS.—

''(1) STRATEGIC NATIONAL STOCKPILE.—For the purpose of carrying out subsection (a), there are authorized to be appropriated $640,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006. Such authorization is in addition to amounts in the special reserve fund under subsection (c)(10).

''(2) SMALLPOX VACCINE DEVELOPMENT.—For the purpose of carrying out subsection (b), there are authorized to be appropriated $509,000,000 for fiscal year 2002, and such sums as may be necessary for each of fiscal years 2003 through 2006.''.

(b) AMENDMENT TO HOMELAND SECURITY ACT OF 2002.—Title V of the Homeland Security Act of 2002 (116 Stat. 2212; 6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 510. PROCUREMENT OF SECURITY COUNTERMEASURES FOR STRATEGIC NATIONAL STOCKPILE.

''(a) AUTHORIZATION OF APPROPRIATIONS.—For the procurement of security countermeasures under section 319F–2(c) of the Public Health Service Act (referred to in this section as the 'security countermeasures program'), there is authorized to be appropriated up to $5,593,000,000 for the fiscal years 2004 through 2013. Of the amounts appropriated under the preceding sentence, not to exceed $3,418,000,000 may be obligated during the fiscal years 2004 through 2008, of which not to exceed $890,000,000 may be obligated during fiscal year 2004.

''(b) SPECIAL RESERVE FUND.—For purposes of the security countermeasures program, the term 'special reserve fund' means the appropriations account established as a result of any appropriations made under subsection (a).

''(c) AVAILABILITY.—

''(1) INTEGRITY OF SPECIAL RESERVE FUND; LIMITATION OF OBLIGATIONAL AUTHORITY TO FUND PURPOSES; INTENT OF CONGRESS AGAINST REPROGRAMMING.—Subject to paragraph (2), all amounts appropriated under subsection (a) are available for obligation through the end of fiscal year 2013 and only for the specific purposes set forth in the security countermeasures program. It is the intent of the Congress that no portion of such amount that remains unobligated for such purposes shall be applied, through reprogramming or otherwise, to any other purpose.

''(2) INITIAL AVAILABILITY FOR PARTICULAR PROCUREMENTS.—Amounts appropriated under subsection (a) become available for a procurement under the security countermeasures program only upon the approval by the President of such availability for the procurement in accordance with paragraph (6)(B) of such program.

''(d) RELATED AUTHORIZATIONS OF APPROPRIATIONS.—

''(1) THREAT ASSESSMENT CAPABILITIES.—For the purpose of carrying out the responsibilities of the Secretary for terror threat assessment under the security countermeasures program, there are authorized to be appropriated $5,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006, for the hiring of professional personnel within the Directorate for Information Analysis and Infrastructure Protection, who shall be analysts responsible for chemical, biological, radiological, and nuclear threat assessment (including but not limited to analysis of chemical, biological, radiological, and nuclear agents, the means by which such agents could be weaponized or used in a terrorist attack, and the capabilities, plans, and intentions of terrorists and other non-state actors who may have or acquire such agents). All such analysts shall meet the applicable standards and qualifications for the performance of intelligence activities promulgated by the Director of Central Intelligence pursuant to section 104 of the National Security Act of 1947.

''(2) INTELLIGENCE SHARING INFRASTRUCTURE.—For the purpose of carrying out the acquisition and deployment of secure facilities (including information technology and physical infrastructure, whether mobile and temporary, or permanent) sufficient to permit the Secretary to receive, not later than December 31, 2003, all classified information and products to which the Under Secretary for Information Analysis and Infrastructure Protection is entitled under subtitle A of title II, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2006.''.

SEC. 4. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

Subchapter E of chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb et seq.) is amended by adding at the end the following section:

''SEC. 564. AUTHORIZATION FOR MEDICAL PRODUCTS FOR USE IN EMERGENCIES.

''(a) IN GENERAL.—

''(1) EMERGENCY USES.—Notwithstanding sections 505, 510(k), and 515 of this Act and section 351 of the Public Health Service Act, and subject to the provisions of this section, the Secretary may authorize the introduction into interstate commerce, during the effective period of a declaration under subsection (b), of a drug, device, or biological product intended for use in an actual or potential emergency (referred to in this section as an 'emergency use').

''(2) APPROVAL STATUS OF PRODUCT.—An authorization under paragraph (1) may authorize an emergency use of a product that—

''(A) is not approved, licensed, or cleared for commercial distribution under a provision of law referred to in such paragraph (referred to in this section as an 'unapproved product'); or

''(B) is approved, licensed, or cleared under such a provision, but which use is not under such provision an approved, licensed, or cleared use of the product (referred to in this section as an 'unapproved use of an approved product').

''(3) RELATION TO OTHER USES.—An emergency use authorized under paragraph (1) for a product is in addition to any other use that is authorized for the product under a provision of law referred to in such paragraph.

''(4) DEFINITIONS.—For purposes of this section:

''(A) The term 'biological product' has the meaning given such term in section 351 of the Public Health Service Act.

''(B) The term 'emergency use' has the meaning indicated for such term in paragraph (1).

''(C) The term 'product' means a drug, device, or biological product.

''(D) The term 'unapproved product' has the meaning indicated for such term in paragraph (2)(A).

''(E) The term 'unapproved use of an approved product' has the meaning indicated for such term in paragraph (2)(B).

''(b) DECLARATION OF EMERGENCY.—

''(1) IN GENERAL.—The Secretary may declare an emergency justifying the authorization under this subsection for a product on the basis of—

''(A) a determination by the Secretary of Homeland Security that there is a national emergency, or a significant potential for a national emergency, involving a heightened risk of attack with a specified biological, chemical, radiological, or nuclear agent or agents;

''(B) a determination by the Secretary of Defense that there is a military emergency, or a significant potential for a military emergency, involving a heightened risk to United States military forces of attack with a biological, chemical, radiological, or nuclear agent or agents; or

''(C) a determination by the Secretary of a public health emergency under section 319 of the Public Health Service Act, affecting national security and involving a specified biological, chemical, radiological, or nuclear agent or agents, or a specified disease or condition that may be attributable to such agent or agents.

''(2) TERMINATION OF DECLARATION.—

''(A) IN GENERAL.—A declaration under this subsection shall terminate upon the earlier of—

''(i) a determination by the Secretary, in consultation as appropriate with the Secretary of Homeland Security or the Secretary of Defense, that the circumstances described in paragraph (1) have ceased to exist; or

''(ii) the expiration of the one-year period beginning on the date on which the declaration is made.

''(B) RENEWAL.—Notwithstanding subparagraph (A), the Secretary may renew a declaration under this subsection, and this paragraph shall apply to any such renewal.

''(3) ADVANCE NOTICE OF TERMINATION.—In terminating a declaration under this section, the Secretary shall provide advance notice that the declaration will be terminated. The period of advance notice shall be a period reasonably determined to provide—

''(A) in the case of an unapproved product, a sufficient period for disposition of shipments of the product, including the return of such shipments to the manufacturer (in the case of a manufacturer that chooses to have the shipments returned); and

''(B) in the case of unapproved uses of approved products, a sufficient period for the disposition of any labeling that was provided with respect to the emergency use involved.

''(4) PUBLICATION.—The Secretary shall promptly publish in the Federal Register each declaration, determination, and renewal under this subsection.

''(c) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—The Secretary may issue an authorization under this section with respect to the emergency use of a product only if, after consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control and Prevention, to the extent feasible and appropriate given the circumstances of the emergency involved, the Secretary concludes—

''(1) that an agent specified in a declaration under subsection (b) can cause a serious or life-threatening disease or condition;

''(2) that, based on the totality of scientific evidence available to the Secretary, including data from adequate and well-controlled clinical trials, if available, it is reasonable to believe that—

''(A) the product may be effective in detecting, diagnosing, treating, or preventing—

''(i) such disease or condition; or

''(ii) a serious or life-threatening disease or condition caused by a product authorized under this section or approved under this

Act or the Public Health Service Act, for detecting, diagnosing, treating, or preventing such a disease or condition caused by such an agent; and

''(B) the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product;

''(3) that there is no adequate, approved, and available alternative to the product for detecting, diagnosing, preventing, or treating such disease or condition; and

''(4) that such other criteria as the Secretary may by regulation prescribe are satisfied.

''(d) SCOPE OF AUTHORIZATION.—

''(1) IN GENERAL.—An authorization of a product under this section shall state—

''(A) each disease or condition that the product may be used to detect, diagnose, prevent, or treat within the scope of the authorization;

''(B) the Secretary's conclusions, made under subsection (c)(2)(B), that the known and potential benefits of the product, when used to detect, diagnose, prevent, or treat such disease or condition, outweigh the known and potential risks of the product; and

''(C) the Secretary's conclusions, made under subsection (c), concerning the safety and potential effectiveness of the product in detecting, diagnosing, preventing, or treating such diseases or conditions, including an assessment of the available scientific evidence.

''(2) CONFIDENTIAL INFORMATION.—Nothing in this section alters or amends section 1905 of title 18, United States Code, or section 552(b)(4) of title 5 of such Code.

''(e) CONDITIONS OF AUTHORIZATION.—

''(1) UNAPPROVED PRODUCT.—

''(A) REQUIRED CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, shall, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, health care professionals administering the product are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of the emergency use of the product, and of the extent to which such benefits and risks are unknown; and

''(III) of the alternatives to the product that are available, and of their benefits and risks.

''(ii) Appropriate conditions designed to ensure that, to the extent feasible given the circumstances of the emergency, individuals to whom the product is administered are informed—

''(I) that the Secretary has authorized the emergency use of the product;

''(II) of the significant known and potential benefits and risks of such use, and of the extent to which such benefits and risks are unknown; and

''(III) of the option to accept or refuse administration of the product, of the consequences, if any, of refusing administration of the product, and of the alternatives to the product that are available and of their benefits and risks.

''(iii) Appropriate conditions for the monitoring and reporting of adverse events associated with the emergency use of the product.

''(iv) For manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(B) AUTHORITY FOR ADDITIONAL CONDITIONS.—With respect to the emergency use of an unapproved product, the Secretary, to the extent feasible given the circumstances of the emergency, may, for persons who choose to carry out one or more activities for which the authorization is issued, establish such conditions on an authorization under this section as the Secretary finds necessary or appropriate to protect the public health, including the following:

''(i) Appropriate conditions on which entities may distribute the product with respect to the emergency use of the product (including limitation to distribution by government entities), and on how distribution is to be performed.

''(ii) Appropriate conditions on who may administer the product with respect to the emergency use of the product, and on the categories of individuals to whom, and the circumstances under which, the product may be administered with respect to such use.

''(iii) For persons other than manufacturers of the product, appropriate conditions concerning recordkeeping and reporting, including records access by the Secretary, with respect to the emergency use of the product.

''(iv) With respect to the emergency use of the product, waive or limit, to the extent appropriate given the circumstances of the emergency, conditions regarding current good manufacturing practice otherwise applicable to the manufacture, processing, packing, or holding of products subject to regulation under this Act, including such requirements established in section 501.

''(2) UNAPPROVED USE.—With respect to the emergency use of a product that is an unapproved use of an approved product:

''(A) The Secretary may, for manufacturers of the product who choose to carry out one or more activities for which the authorization is issued, establish any of the conditions described in clauses (i) through (iv) of paragraph (1)(A).

''(B)(i) If the authorization under this section regarding the emergency use authorizes a change in the labeling of the product, but the manufacturer of the product chooses not to make such change, such authorization may not authorize distributors of the product or any other person to alter or obscure the labeling provided by the manufacturer.

''(ii) In the circumstances described in clause (i), an authorization under this section regarding the emergency use may, for persons who do not manufacture the product and who choose to act under this clause, authorize such persons to provide information on the product in addition to the labeling provided by the manufacturer, subject to compliance with clause (i). Such additional information shall not be considered labeling for purposes of section 502.

''(f) DURATION OF AUTHORIZATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), an authorization under this section shall be effective until the earlier of the termination of the declaration under subsection (b) or a revocation under subsection (g).

''(2) CONTINUED USE AFTER END OF EFFECTIVE PERIOD.—Notwitstanding the termination of the declaration under subsection (b) or a revocation under subsection (g), an authorization shall continue to be effective for continued use with respect to patients to whom it was administered during the period described by paragraph (1), to the extent found necessary by such patients' attending physicians.

''(g) REVOCATION OF AUTHORIZATION.—

''(1) REVIEW.—The Secretary shall periodically review the circumstances and the appropriateness of an authorization under this section.

''(2) REVOCATION.—The Secretary may revoke an authorization under this section if, in the Secretary's unreviewable discretion, the criteria under subsection (c) for issuance of such authorization are no longer met.

''(h) PUBLICATION.—The Secretary shall promptly publish in the Federal Register a notice of each authorization, and each termination or revocation of an authorization, and an explanation of the reasons therefor, under this section.

''(i) ACTIONS COMMITTED TO AGENCY DISCRETION.—Actions under the authority of this section by the Secretary, by the Secretary of Defense, or by the Secretary of Homeland Security are committed to agency discretion.

''(j) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to impair or otherwise affect—

''(1) the authority of the President as Commander in Chief of the Armed Forces of the United States under article II, section 2 of the United States Constitution;

''(2) the authority of the Secretary of Defense with respect to the Department of Defense, including the armed forces, under other provisions of Federal law; or

''(3) the authority of the Secretary under section 319F–2 to manage the stockpile under such section.

''(k) APPLICATION TO MEMBERS OF ARMED FORCES.—

''(1) WAIVER OF REQUIREMENT RELATING TO OPTION TO REFUSE.—In the case of administration of a countermeasure to members of the armed forces, a requirement, under subsection (e)(1)(A)(ii)(III), designed to ensure that individuals are informed of an option to accept or refuse administration of a product, may be waived by the President if the President determines, in writing, that complying with such requirement is not feasible, is contrary to the best interests of the members affected, or is not in the interests of national security.

''(2) PROVISION OF INFORMATION TO MEMBER OF THE ARMED FORCES.—If the Secretary makes a determination that it is not feasible for the information required by subsection (e)(1)(A)(ii) to be provided to a member of the armed forces prior to the administration of the product, such information shall be provided to such member of the armed forces (or next-of-kin in the case of the death of a member) to whom the product was administered as soon as possible, but not later than 30 days, after such administration. Information concerning the administration of the product shall be recorded in the medical record of the member.

''(3) EFFECT ON STATUTE PERTAINING TO INVESTIGATIONAL NEW DRUGS.—In the case of an authorization based on a determination by the Secretary of Defense under subsection (b)(1)(B), section 1107 of title 10, United States Code, shall not apply to use of a product that is the subject of such authorization, within the scope of such authorization and while such authorization is effective.

''(l) RELATION TO OTHER PROVISIONS.—If a product is the subject of an authorization under this section, the use of such product within the scope of the authorization —

''(1) shall not be subject to any requirements pursuant to section 505(i) or 520(g); and

''(2) shall not be subject to any requirements otherwise applicable to clinical investigations pursuant to other provisions of this Act.

''(m) DISCRETION REGARDING USE OF AUTHORIZATION.—Nothing in this section provides the Secretary any authority to require any person to carry out any activity that becomes lawful pursuant to an authorization under this section, and no person is required to inform the Secretary that the person will not be carrying out such activity, except that a manufacturer of a sole-source unapproved product authorized for emergency use shall notify the Secretary within a reasonable period of time after the issuance by the Secretary of such authorization if such manufacturer does not intend to carry out an activity or activities under the authorization. This section does not have any legal effect on a person who does not carry out any activity for which an authorization under this section is issued, or who carries out such an activity pursuant to other provisions of this Act or section 351 of the Public Health Service Act.

''(n) ENFORCEMENT.—A person who carries out an activity pursuant to an authorization under this section, but who fails to comply with applicable conditions under subsection (e), is with respect to that act of noncompliance subject to the provisions of law specified in subsection (a) and to the enforcement of such provisions under section 301.''.

SEC. 5. REPORTS REGARDING AUTHORITIES UNDER THIS ACT.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—

(1) ANNUAL REPORTS ON PARTICULAR EXERCISES OF AUTHORITY.—

(A) RELEVANT AUTHORITIES.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall submit reports in accordance with subparagraph (B) regarding the exercise of authority under the following provisions of law:

(i) With respect to section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(I) Subsection (b)(1) (relating to increased simplified acquisition threshold).

(II) Subsection (b)(2) (relating to procedures other than full and open competition).

(III) Subsection (c) (relating to expedited peer review procedures).

(ii) With respect to section 319F–2 of the Public Health Service Act (as added by section 3 of this Act):

(I) Subsection (c)(7)(C)(iii) (relating to simplified acquisition procedures).

(II) Subsection (c)(7)(C)(iv) (relating to procedures other than full and open competition).

(III) Subsection (c)(7)(C)(v) (relating to premium provision in multiple-award contracts).

(iii) With respect to section 564 of the Federal Food, Drug, and Cosmetic Act (as added by section 4 of this Act):

(I) Subsection (a)(1) (relating to emergency uses of certain drugs and devices).

(II) Subsection (b)(1) (relating to a declaration of an emergency).

(III) Subsection (e) (relating to conditions on authorization).

(B) CONTENTS OF REPORTS.—The Secretary shall annually submit to the designated congressional committees a report that summarizes—

(i) the particular actions that were taken under the authorities specified in subparagraph (A), including, as applicable, the identification of the threat agent, emergency, or the biomedical countermeasure with respect to which the authority was used;

(ii) the reasons underlying the decision to use such authorities, including, as applicable, the options that were considered and rejected with respect to the use of such authorities;

(iii) the identification of each person or entity that received, or was considered and rejected for, grants, cooperative agreements, or contracts pursuant to the use of such authorities; and

(iv) whether, with respect to each procurement that is approved by the President under section 319F–2(c)(6) of the Public Health Service Act (as added by section 3 of this Act), a contract was entered into within one year after such approval by the President.

(2) ANNUAL SUMMARIES REGARDING CERTAIN ACTIVITY.—The Secretary shall annually submit to the designated congressional committees a report that summarizes the activity undertaken pursuant to the following authorities under section 319F–1 of the Public Health Service Act (as added by section 2 of this Act):

(A) Subsection (b)(3) (relating to increased micropurchase threshold).

(B) Subsection (d) (relating to authority for personal services contracts).

(C) Subsection (e) (relating to streamlined personnel authority).

With respect to subparagraph (B), the report shall include a provision specifying, for the one-year period for which the report is submitted, the number of persons who were paid amounts greater than $100,000 and the number of persons who were paid amounts between $50,000 and $100,000.

(b) NATIONAL ACADEMY OF SCIENCES REVIEW.—

(1) IN GENERAL.—Not later than four years after the date of the enactment of this Act, the Secretary of Health and Human Services shall request the National Academy of Sciences to enter into an agreement for a review of the biomedical countermeasure research and development authorities established in this Act to determine whether and to what extent activities undertaken pursuant to such authorities have enhanced the development of biomedical countermeasures affecting national security, and to recommend any legislative or administrative changes necessary to improve the ability of the Secretary to carry out these activities in the future. The Secretary shall ensure that the results of the study are submitted to the designated congressional committees not later than five years after such date of enactment.

(2) CERTAIN CONTENTS.—The report under paragraph (1) shall include—

(A) a summary of the most recent analysis by the Department of Homeland Security and the intelligence community of the domestic threat from chemical, biological, radiological, and nuclear agents;

(B) the Academy's assessment of the current availability of countermeasures to address such threats;

(C) the Academy's assessment of the extent to which programs and activities under this Act will reduce any gap between the threat and the availability of countermeasures to an acceptable level of risk; and

(D)(i) the Academy's assessment of threats to national security that are posed by technology that will enable, during the 10-year period beginning on the date of the enactment of this Act, the development of antibiotic resistant, mutated, or bioengineered strains of biological agents; and

(ii) recommendations on short-term and long-term governmental strategies for addressing such threats, including recommendations for Federal policies regarding research priorities, the development of countermeasures, and investments in technology.

(c) GENERAL ACCOUNTING OFFICE REVIEW.—Four years after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a study—

(1)(A) to review the Secretary of Health and Human Services' utilization of the authorities granted under this Act with respect to simplified acquisition procedures, procedures other than full and open competition, increased micropurchase thresholds, personal services contracts, streamlined personnel authority, and the purchase of security countermeasures under the special reserve fund; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authorities in the future;

(2)(A) to review the internal controls instituted by such Secretary with respect to such authorities, where required by this Act; and

(B) to recommend any legislative or administrative changes necessary to improve the effectiveness of such controls; and

(3)(A) to review such Secretary's utilization of the authority granted under this Act to authorize an emergency use of a biomedical countermeasure, including the means by which the Secretary determines whether and under what conditions any such authorizations should be granted and the benefits and adverse impacts, if any, resulting from the use of such authority; and

(B) to recommend any legislative or administrative changes necessary to improve the utilization or effectiveness of such authority and to enhance protection of the public health.

The results of the study shall be submitted to the designated congressional committees not later than five years after the date of the enactment of this Act.

(d) REPORT REGARDING BARRIERS TO PROCUREMENT OF SECURITY COUNTERMEASURES.—

(1) BIOCONTAINMENT FACILITIES.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security and the Secretary of Health and Human Services shall jointly report to the designated congressional committees whether there is a lack of adequate large-scale biocontainment facilities necessary for the testing of security countermeasures in accordance with Food and Drug Administration requirements.

(2) ADDITIONAL BARRIERS.—Not later than one year after the date of enactment of this Act, such Secretaries shall jointly report to the designated congressional committees any other potential barriers to the procurement of security countermeasures that have not been addressed by this Act.

(e) STATUS OF PROGRAM FOR CHEMICAL TERRORISM PREPAREDNESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the designated congressional committees a report describing the status of the program carried out by the Secretary to enhance the preparedness of the United States to respond to terrorist attacks involving chemical agents.

(f) DESIGNATED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''designated congressional committees'' means the following committees of the Congress:

(1) In the House of Representatives: the Committee on Energy and Commerce, the Committee on Appropriations, the Committee on Government Reform, and the Select Committee on Homeland Security (or any successor to the Select Committee).

(2) In the Senate: the Committee on Health, Education, Labor, and Pensions, the Committee on Appropriations, and the Committee on Government Affairs.

SEC. 6. OUTREACH.

The Secretary of Health and Human Services shall develop outreach measures to ensure to the extent practicable that diverse institutions, including Historically Black Colleges and Universities and those serving

large proportions of Hispanics, Native Americans, Asian-Pacific Americans, or other underrepresented populations, are meaningfully aware of available research and development grants, contracts, cooperative agreements, and procurements conducted under sections 2 and 3 of this Act.

SEC. 7. RECOMMENDATION FOR EXPORT CONTROLS ON CERTAIN BIOMEDICAL COUNTERMEASURES.

Upon the award of any grant, contract, or cooperative agreement under section 2 or 3 of this Act for the research, development, or procurement of a qualified countermeasure or a security countermeasure (as those terms are defined in this Act), the Secretary of Health and Human Services shall, in consultation with the heads of other appropriate Federal agencies, determine whether the countermeasure involved in such grant, contract, or cooperative agreement is subject to existing export-related controls and, if not, may make a recommendation to the appropriate Federal agency or agencies that such countermeasure should be included on the list of controlled items subject to such controls.

SEC. 8. ENSURING COORDINATION, COOPERATION AND THE ELIMINATION OF UNNECESSARY DUPLICATION IN PROGRAMS DESIGNED TO PROTECT THE HOMELAND FROM BIOLOGICAL, CHEMICAL, RADIOLOGICAL, AND NUCLEAR AGENTS.

(a) ENSURING COORDINATION OF PROGRAMS.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall ensure that the activities of their respective Departments coordinate, complement, and do not unnecessarily duplicate programs to identify potential domestic threats from biological, chemical, radiological or nuclear agents, detect domestic incidents involving such agents, analyze such incidents, and develop necessary countermeasures. The aforementioned Secretaries shall further ensure that information and technology possessed by the Departments relevant to these activities are shared with the other Departments.

(b) DESIGNATION OF AGENCY COORDINATION OFFICER.—The Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Defense shall each designate an officer or employee of their respective Departments who shall coordinate, through regular meetings and communications, with the other aforementioned Departments such programs and activities carried out by their Departments.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes. The gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. WAXMAN) each will control 7½ minutes. The gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) each will control 7½ minutes.

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

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2122.

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

There was no objection.

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

Today, Mr. Speaker, the House will address one of President Bush's top initiatives in the war against terror, Project Bioshield.

Mr. Speaker, it is absolutely critical that America's public health emergency system be prepared to respond to new and emerging threats, and we are here today to take care of that job. This bipartisan legislation is about the safety and security of American families and of our country. America is stepping up to the profound threat of terrorism and other public health emergencies, and I am proud to report that H.R. 2122 combines smart policy and provides additional resources to prepare the Nation for bioterrorism threats and for other public health emergencies.

The chairman and ranking member of both the committees of jurisdiction and the Select Committee of Homeland Security have arrived at this consensus product that is before us today. I would like to thank the gentleman from Michigan (Mr. DINGELL), the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from California (Mr. WAXMAN), the gentleman from California (Mr. COX), the gentleman from Texas (Mr. TURNER) for their cooperation and hard work on this bill. This bipartisan spirit is similar to last year's effort on the Public Health Security and Bioterrorism Preparedness and Response Act that Senator KENNEDY and I had the privilege to move through the Congress last year.

Project Bioshield will spur the research and development of new vaccines, drugs, and other countermeasures to deal with these biological, chemical, nuclear or radiological agents that pose a material threat to our Nation's security. The list includes, among other dangerous agents, such things as anthrax, botulinum toxin, the plague, ebola, and other similar viruses, many of which lack any effective treatment or antidote today.

The bill before us accomplishes this goal by doing two important things. First, it provides the needed flexibility in a range of areas from government contracting rules to peer review to personnel matters in order to speed up government-sponsored research and development into these deadly agents. Second, it creates a special reserve fund of money for the government to purchase these countermeasures that may ultimately be developed in response to the President's call. Without this clear commitment of funding in future years, private sector companies that are capable of such development simply will not undertake the heavy investment and risk associated with developing products to deal with agents that do not affect significant populations today and hopefully never will.

At our urging, the House has already provided an advanced appropriations of $5.6 billion over the next 10 years for this purpose, and this is all consistent with our authorization in the House budget resolution.

The bill also provides new authority to the Secretary of Health and Human Services to authorize in times of emergency the use of unapproved products whose benefits in treating or preventing infection outweigh the risk. Under current law, the only way an individual can receive an unapproved product is pursuant to a clinical investigation. But in time of national emergency, when this Nation is under attack, it may be necessary to give such investigational drugs on a large scale basis to millions of Americans. H.R. 2122 provides that if there is such an emergency, and if no adequate alternative therapy is available, the Secretary can authorize the use of a drug, device, or vaccine in such a flexible manner.

While we have made improvements to the administration's initial proposal in certain areas, our bill stays close to that original proposal, granting all the additional flexibilities and authorities requested by the President and even expanding them in some cases to further encourage companies to heed our call for innovation.

Once again, I want to applaud the leadership of President Bush and the truly bipartisan work of this body across multiple committees of jurisdiction to protect our country and to promote public health security from the many new dangers that we face today.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 3½ minutes.

Mr. Speaker, this legislation is the product of a good-faith bipartisan process. I want to thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), as well as the ranking member, the gentleman from Michigan (Mr. DINGELL), for their work on this bill.

The United States and the global community of which we are part can only benefit from the development of bioterrorism countermeasures. Because the very existence of countermeasures renders bioterrorism less lethal and, therefore, less attractive to would-be terrorists, new countermeasures, therefore, serve a dual purpose. They are both an antidote and a deterrent to future attacks.

For the sake of national and international security, it makes sense to invest in both basic and advanced research aimed at producing new bioterrorism countermeasures. When an opportunity to produce one of these countermeasures presents itself, it makes sense to capitalize quickly on that opportunity. That is the logic behind this legislation.

The bill establishes an expedited process for Federal support of countermeasure research and a procurement process to encourage private sector investment in this research. At the same time, Mr. Speaker, the legislation is

not a blank check. Congress has a responsibility to weigh competing funding priorities and set funding levels appropriately.

In that context, it is appropriate to reiterate a concern that I raised last week while we debated the Labor, Health and Human Services appropriations bill. Bioterrorism funding is essential and important. The legislation before us is essential and important, but our investment in bioterrorism should not and must not come at the expense of research focusing on cancer and other health threats.

Let me repeat that. Our investment in bioterrorism should not and must not come at the expense of research focusing on cancer and other health threats. The appropriations bill we passed last week here funds the National Institutes of Health at a level barely sufficient to support existing research projects, much less new research. That is a direct outgrowth from the tax cut that this Congress passed recently and the tax cuts for the wealthiest, most privileged citizens this Congress passed 2 years ago. It means we have not had enough money to appropriate for basic research, for medical research for the National Institutes of Health. It means it may be difficult for us in the future to deal with bioterrorism funding as fully as we should.

This Congress has made choices by giving tax cuts to the wealthiest, most privileged citizens, and as a result has made far too many cuts in health care; and health care is clearly inadequately funded, as our committee has discussed over and over again.

Mr. Speaker, finding ways to prevent and to treat and to cure disease is an enduring national priority. Interest in it does not wax, does not wane. Our investment in it should not either. We need to make these decisions in a way that serves the public and serves the interest of more medical research. We have a responsibility to balance priorities to provide adequate resources to prepare the country for a possible bioterrorist attack while maintaining strong support for other medical research priorities.

Mr. Speaker, I hope we can work on a bipartisan basis to restore the momentum that we once had behind groundbreaking medical research while continuing to move forward in the area of bioterrorism preparedness. This legislation before us today promotes the latter goal, and I urge my colleagues to support it. I thank the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Michigan (Mr. DINGELL), the gentleman from Massachusetts (Mr. MARKEY), and others who worked on this legislation.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. MARKEY), my good friend.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for yielding me time.

I rise for the purpose of entering into a colloquy with the gentleman from Louisiana (Mr. TAUZIN).

I want to commend the chairman and his staff along with the gentleman from California (Mr. COX); the ranking member, the gentleman from Michigan (Mr. DINGELL); and the gentleman from Ohio (Mr. BROWN); and the ranking member, the gentleman from Texas (Mr. TURNER) for all of their hard work and for working with me and my staff in a bipartisan fashion that ultimately led to a resolution of all of the concerns which I raised with the legislation.

I do have, however, two outstanding issues that I wish to clarify at this time. Mr. Speaker, I have concerns that relate to the emergency use section of Project Bioshield. Specifically, I want to be sure that once a declaration of an emergency is terminated or revoked, that current law applies and it will then be impermissible for anyone to move such drugs, devices or biologics in interstate commerce without going through the proper approval process. Is this the case under the legislation?

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

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

Mr. TAUZIN. The gentleman is correct. Like you, I too want to ensure that unapproved products are available in times of emergency. And while we allow the FDA to make products available during such time of emergency, absent such emergency, current law applies. We do allow for the shipments of such therapies in limited circumstances, namely, where a physician authorizes the continued treatment of an individual who initially received the drug during an emergency. However, this is the only exception. Absent that, present law applies to these unapproved products.

Mr. MARKEY. I thank the gentleman.

Secondly, I very much appreciate the gentleman's work on crafting language to ensure that the countermeasures developed under this legislation are, where necessary, subject to the same export control laws and regulations as other chemical and biological agents and their associated countermeasures. One of the new responsibilities the Secretary of HHS is directed to assume is to review new countermeasures both in the R&D phase as well as in the procurement phase of the Bioshield Program. The Secretary is encouraged to consult with other Federal agencies who play a role in setting export control policy and to recommend whether the new countermeasure or countermeasure R&D should be added to the various lists of controlled technologies that cannot be transferred to other countries without prior permission.

Is it your understanding that the Secretary should do this as expeditiously as possible, and that each beneficiary of Bioshield funds be directed as part of the contract or grant to abide by all applicable U.S. export laws governing the transfer of technology and R&D?

Mr. TAUZIN. The gentleman is absolutely correct. The Secretary should perform these reviews as expeditiously as possible once the R&D or procurement has started so as to prevent any exports of countermeasures or countermeasure R&D that could harm our U.S. national security.

Mr. MARKEY. I just want to thank the chairman. He has worked very hard and long on this legislation. I want to thank the gentleman's staff and Kendra Bodner from my staff for working out this language.

Mr. TAUZIN. Let me thank the gentleman from Massachusetts (Mr. MARKEY). He raised a great number of concerns as we went true this process. I want to thank the gentleman for the way in which he worked with Members on both sides of the aisle so we cannot only take care of those concerns but produce a great product for the security of our country, and he has added immeasurably to that effort.

Mr. MARKEY. Good job, Mr. Chairman, and good job to everyone who has worked on this bill on both sides of the aisle.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the chairman for yielding to me for the purpose of a colloquy in order to clarify the intent of two provisions.

This legislation authorizes the director of the National Institute of Allergies and Infectious Diseases to issue grants to non-Federal entities for the construction and operation of specialized research facilities. A second provision of the bill authorizes the Secretary of HHS to take control of these facilities in the event or threat of bioterror emergency.

As you know, the Public Buildings Act of 1959, which is under the exclusive jurisdiction of the Committee on Transportation and Infrastructure, governs the construction, acquisitions, repair and alteration of public buildings, including many laboratories and research facilities.

Mr. Chairman, am I correct that nothing in this legislation exempts the Secretary of HHS or the director of the institute from the requirements of the Public Buildings Act?

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

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

Mr. TAUZIN. The gentleman is absolutely correct. These provisions do not preempt the Public Buildings Act to the extent that it would otherwise apply to such activities.

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Mr. LATOURETTE. Mr. Speaker, it is also my understanding that the facilities authority granted to the Secretary of HHS and the Director of the Institute of Diseases is intended only for

special use facilities, which do not meet the definition of a public building under the Public Buildings Act. Is that also correct?

Mr. TAUZIN. Mr. Speaker, if the gentleman will continue to yield, that is also correct. The Project Bioshield Act authorizes the construction of highly specialized laboratories, all of which I would expect to be biosafety level 3 or 4 laboratories unsuitable for general purpose use. Project Bioshield does not authorize the construction of ''public buildings'' as defined by the Public Buildings Act of 1959.

Mr. LATOURETTE. Mr. Speaker, lastly, it is my understanding that the march in authority granted the Secretary of HHS is intended to give the Secretary control of these facilities for a limited period of time only. Is that also correct?

Mr. TAUZIN. If the gentleman would continue to yield, that is also correct. The authority allows the Secretary to take control of these facilities only during, and as necessary to respond to, public health emergencies affecting national security. Under the Bioterrorism Response Act passed last year, a public health emergency can be declared by the Secretary for up to 90 days at a time; and although the Secretary may extend the designation for multiple 90-day periods, it is not the intention of this legislation to allow the Secretary to control a facility for the useful life of that facility.

Mr. LATOURETTE. Mr. Speaker, I thank the chairman for the clarification.

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

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

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

Mr. TAUZIN. Mr. Speaker, I think we have a couple of other Members who need to do colloquies.

While we are waiting, I wanted to take this time, Mr. Speaker, to refer to a letter received today from the Secretary of Health and Human Services, Secretary Tommy Thompson, dated July 16, 2003; and I want to place the letter in the RECORD at this point.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, July 16, 2003.

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

DEAR CHAIRMAN TAUZIN: Thank you for your leadership on H.R. 2122, the Project BioShield Act of 2003. This legislation is a critical step toward strengthening our ability to protect Americans against chemical, biological, radiological and nuclear threats.

H.R. 2122 would: (1) speed the Government's ability to turn promising scientific discoveries into necessary countermeasures by one-third or more; (2) authorize funding to purchase critical new countermeasures targeted against the most worrisome threats; and (3) allow the Food and Drug Administration to make promising treatments quickly available to Americans in emergency situations.

I would like to address two issues that have arisen as the House takes up this vital priority. First, I share Representative Wamp's interest in building domestic capacity to produce countermeasures. In implementing Project BioShield, I will do everything in my power to purchase from domestic sources. To have a secure supply, we must build capacity within the United States and my department is committed to achieving that objective. The essential purpose of Project BioShield is to ensure we have necessary and timely countermeasures. We cannot achieve this goal by relying on foreign sources. Building a robust domestic capacity to produce countermeasures is, therefore, at the very heart of Project BioShield.

Second, I agree with Representative Jackson-Lee that the Strategic National Stockpile must serve all areas of the Nation, including rural areas. The Centers for Disease Control and Prevention has positioned stockpile assets to deliver needed medical supplies anywhere in the country within 12 hours. I have a personal understanding of the challenges that rural areas face and share Representative Jackson-Lee's interest in rural America. My department is pro-actively working with state and local health departments to ensure the effective and timely delivery of stockpile assets to both rural and urban parts our Nation.

If I can provide you or the members of the Committee with any further information or if I can otherwise be of assistance, please do not hesitate to contact me.

Sincerely,

TOMMY G. THOMPSON.

Mr. Speaker, I wanted to refer to it because the Secretary refers to several concerns raised by other Members of the House, of which I also share with him, and I think we will have a colloquy on one of those.

The first is a concern by the gentleman from Tennessee (Mr. WAMP) whose interest is in building domestic capacity to produce countermeasures; and, indeed, the Secretary indicates in his letter that it is indeed his desire to make sure those countermeasures are developed within this country. We cannot achieve the goal of securing our country if indeed we rely upon foreign sources for these measures; and, therefore, the building of robust domestic capacity to produce these countermeasures is at the very heart of the Bioshield Project.

I wanted to assure my friend, the gentleman from Tennessee (Mr. WAMP), that I share the Secretary's comments and his intentions in that regard.

Secondly, the gentlewoman from Texas (Ms. JACKSON-LEE) was concerned that strategic national stockpile must be developed in such a way as to serve rural areas of the country, not simply the urban areas of our country, because rural areas can be affected by these bioterrorism threats just as easily, obviously, as urban areas. The Secretary indicates that the Centers for Disease Control and Prevention has positioned stockpile assets anywhere in the country, delivery within 12 hours, in effect making sure that rural areas are not left out of the protection of this bill and the other bioterrorism bills that have passed the House and are part of the Centers for Disease Control stockpiles and distribution system.

So that those two concerns by our colleagues are addressed in this letter, and I wanted to share with those colleagues my agreement with the Secretary on both of those points.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I share the comments both of the chairman of the committee and Secretary Thompson in his letter that the chairman just mentioned.

I applaud the gentleman from Tennessee's (Mr. WAMP) interest in building domestic capacity; and in terms of purchasing from domestic sources, I think that is an important thing that this Congress too often forgets. When we look at our trade policy, often that tends to favor investors and tends often to hurt workers, both in this country and internationally, whether it is the Singapore-Chile agreement coming up or whether it is the fast track authority that this Congress I think wrongly gave the President fairly recently.

I also support the efforts of the gentlewoman from Texas (Ms. JACKSON-LEE) from Houston in terms of serving all the Nation, including rural areas. I think that our ability to deliver all kinds of health care, all kinds of public health care, especially in rural areas and urban areas alike, is especially important.

And I want to reiterate from my opening comments, Mr. Speaker, that while Bioshield is so very, very, very important and it gives us great opportunity to further develop our public health system, it is important that we keep in mind our long-standing, day-to-day public health system.

Bioshield can serve some synergism with the public health system as long as we keep focussed on the Centers for Disease Control, as long as we keep focused on local public health departments, because that has served the public very well, this public health system. It is too often starved, too often woefully, inadequately funded. I would hope that the synergism we can create with Bioshield and with public health will serve this country well, both in terms of deterring as an antidote and as a deterrence for bioterrorism attacks and in terms of the day-to-day issue of public health, whether it is lead-based paints, whether it is eliminating the discrepancy between rich and poor and the health care they get, whether it is providing safe drinking water and clean air and all the things that public health provide to us.

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

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

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

Mr. TAUZIN. Mr. Speaker, I insert at this point into the RECORD of these proceedings a statement of administration policy in strong support of this bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 16, 2003.

STATEMENT OF ADMINISTRATION POLICY

The Administration supports House passage of H.R. 2122, Project BioShield Act of 2003. This bill would implement a Presidential initiative to help spur the development and availability of next generation countermeasures against biological, chemical, nuclear, and radiological weapons. Specifically, H.R. 2122 would: (1) speed the Government's ability to turn promising scientific discoveries into necessary countermeasures by one-third or more; (2) authorize funding to purchase critical new countermeasures targeted against the most worrisome threats; and (3) allow the Food and Drug Administration to make promising treatments quickly available to Americans in emergency situations. Project BioShield is critical for strengthening our ability to protect Americans against biological, chemical, radiological, and nuclear terrorist threats.

The Administration notes that provisions on submission of legislative proposals, and of reports on options considered and rejected, should reflect Constitutional principles regarding Executive-originated legislative proposals and protecting Executive deliberations.

Mr. Speaker, I again center Congress' attention on the concerns that our colleague from Tennessee (Mr. WAMP) raises regarding the lack of domestic capacity to develop and produce new vaccines and countermeasures, indeed the concern he has that we might end up relying upon foreign sources for these critical supplies.

Let me first say that I share that concern about our lack of a robust domestic vaccine industry. I know that the Secretary of Health and Human Services shares that concern.

I also know that one of the primary purposes behind Project Bioshield is to help the Nation address this important problem by giving incentives to all companies, but especially our domestic pharmaceutical companies, to invest in this capacity, in this vaccine antidote producing capacity so that we have domestic supplies and domestic countermeasures available without relying upon foreign sources to protect this country in case of a domestic attack.

I just read from the Secretary's letter his commitment to do exactly that, to use this Act to make sure that we incentivize the capacity of our country to produce those vaccines and those countermeasures, those antidotes, whatever may be required, in case of the unbelievable attack upon our country with some of these awful agents, and I am confident the Secretary will implement the Act with that goal in mind.

We obviously on the Committee on Energy and Commerce will aggressively oversight the implementation of this Act so that we are satisfied that we are, in fact, encouraging domestic corporations to compete for these contracts.

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

Mr. BROWN of Ohio. Mr. Speaker, I have no other speakers, and I am willing to yield back if the gentleman from Louisiana (Mr. TAUZIN) is.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), a distinguished member of our committee.

Mr. NORWOOD. Mr. Speaker, I rise out of breath simply to urge my colleagues to vote for this. This is an enormous undertaking. The Secretary has done a great job for us. I think all Americans I know are as concerned about bioterrorism as any part of terrorism out there.

I thank the chairman for bringing this bill, and hopefully everybody here will help him and help the Secretary move this thing forward.

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

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

I have had the opportunity to review this legislation from the prospect of two committees, as a member of the Committee on Energy and Commerce, which looks at the health impact of the threat of bioterrorism, as well as the Committee on Government Reform; and given the serious threat of bioterrorism, the development of effective countermeasures is vital to our national security.

Project Bioshield represents the administration's proposal to encourage the development of these products, and I fully support the intent of this legislation. I also agree with its premise that when the market cannot foster the development of critical products by itself, the government must rise to the challenge.

This bill is the product of collaboration between the majority and minority of three separate committees. Although the final bill may not be perfect, I believe the end product is one that all Members should support.

The bill before us today includes several significant improvements from earlier proposals. For example, it includes important protections against waste and abuse that are standard for government contracts, such as preserving the government's rights to review contractors' books and records.

The bill also permits the use of certain streamlined procurement procedures but only if the Secretary determines that there is a pressing need to do so. In emergency situations, we should not impede the development of necessary products. However, any exception from the standard procurement procedures should be made only when necessary and should be subject to review. This proposal preserves that standard.

The provisions of Bioshield authorizing the emergency distribution of unapproved drugs and devices, whose risks and benefits are not fully tested, impose an unprecedented responsibility on the government. The FDA must be vigilant in protecting the public against unnecessary risks from these products.

In part because of these concerns, the bill has been modified to require that health care providers and patients be informed that the products have not been approved and of their risks. The bill also has been modified to require that manufacturers monitor and report adverse reactions to the products and keep other appropriate records about the use of the products.

These conditions are essential for the safe use of unapproved products, and they should be imposed in all cases, except in truly extraordinary circumstances.

In addition, the Secretary is authorized to limit the distribution of the products, to limit who may administer the products, to waive good manufacturing practice requirements only when absolutely necessary, and to require recordkeeping by others in the chain of distribution.

We expect the Secretary to consider the need for these additional conditions in each case and to impose them to the full extent necessary to protect the public from the risks of these products.

The bill before us today is an improvement over the original proposal, and it deserves our support.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the distinguished chairman of the Subcommittee on Health of the Committee on Energy and Commerce, who celebrates his birthday today.

Mr. BILIRAKIS. Mr. Speaker, I appreciate the gentleman, my good friend, the chairman for recognizing me, and I speak in support of the Project Bioshield Act of 2003.

Mr. Speaker, in 2001, we really learned about the real threat of terrorism and the importance of being adequately prepared for an attack. The possibility that our enemies might attack us with biological, chemical or radiological weapons still remains, unfortunately, a significant threat.

During the last Congress, the Committee on Energy and Commerce worked together in a bipartisan fashion to produce the Public Health Security and Bioterrorism Response Act which became law in June of 2002. I was proud to have been a small part of this important effort. However, while our legislation has helped get critical resources out to the States and moved us closer to the reality of a more comprehensive strategic national stockpile, more still needs to be done.

I am pleased to have worked with my colleagues and the Bush administration to develop legislation that would help make the vision of Project Bioshield a reality. As we have heard, this initiative is designed to speed the development and availability of medical countermeasures that will help us respond to any future terrorist attacks.

The bill will also provide the Federal Government with tools to help encourage our research-driven pharmaceutical, biotechnology and medical technology to develop new countermeasures where none exists today.

It remains our responsibility to do what we can to ensure that the United States is ready for whatever biological, chemical or radiological threat we might face.

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It is for that reason that I join the others in urging my colleagues to join us in supporting the Project BioShield Act of 2003.

Mr. WAXMAN. Mr. Speaker, I control the time on behalf of the Democrats on the Committee on Government Reform, and I ask unanimous consent to yield the time that we have to the gentleman from Ohio (Mr. BROWN) to control that time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) will be recognized for an additional 7½ minutes.

Mr. BROWN of Ohio. Mr. Speaker, could you tell us how much time I have, the Committee on Energy and Commerce and the Committee on Government Reform, and how much time the gentleman from Louisiana (Mr. TAUZIN) has?

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BROWN) has 24½ minutes remaining, and the gentleman from Louisiana (Mr. TAUZIN) has 16½ minutes remaining.

Mr. TAUZIN. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I rise to engage the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN), in a colloquy.

Mr. Speaker, I am concerned that certain provisions of section 4 of the bill will unfairly treat the men and women of our armed services. Specifically, the bill would create a new section 564 of the Federal Food, Drug and Cosmetic Act that would allow the application of medical products to the general population in emergencies, but only with appropriate safeguards. New subsection (k) of the act, however, seems to allow the President to waive or the Secretary of HHS to modify the application of these safeguards for military personnel. Can the chairman enlighten me as to his intent in this provision?

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

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

Mr. TAUZIN. Mr. Speaker, I will be happy to speak to that.

New subsection (k) permits the President to waive, in writing, only the consent portion of the conditions of authorization set forth in section 564(e) with respect to armed services personnel, and only to the extent that complying with the requirement is not feasible, is contrary to the best interests of the personnel, or is not in the interest of national security.

It is not my intent that the President may ever waive pursuant to subsection (k) the other conditions. They are that the individual to whom the product is to be administered is informed, one, that the Secretary has authorized the emergency use of a product, and, two, about the significant known and potential benefits and risks of the use of the product. The committee intends, absent extraordinary circumstances, that such information be provided to individuals prior to receiving the unapproved product.

After the gentleman raised these issues with us, we took a closer look at the language, and I acknowledge that there is a crossreference in new section 564(k)(2) that could be confusing. I want to continue to work with the gentleman and the gentleman from New York (Mr. TOWNS), who I know cares deeply about this issue, along with you and many of us, to make sure that the final version of this bill from the conference that we will have with the Senate, I am sure, provides that our military are informed of the drugs that are given before these drugs are administered.

Let me also assure the gentleman from Connecticut that we understand the importance of the protections for military personnel receiving unapproved countermeasures contained in current law, title X, section 1107; and we intend the waiver authority in this bill to be used only in the very extraordinary circumstances that we describe in the bill.

Mr. SHAYS. Mr. Speaker, reclaiming my time, I thank the gentleman for his explanation, and I look forward to working with him to make sure that we clear this matter up in conference with the Senate.

Mr. TAUZIN. Mr. Speaker, if the gentleman will continue to yield, I thank my friend and give him that assurance.

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

Mr. TAUZIN. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I want to thank my friend, the chairman, for yielding me this time. I rise in support of Project BioShield. It is a very important step for the Department of Homeland Security.

Project BioShield aims to rapidly transfer technology into products that can be used to protect individuals against biological and chemical agents used as weapons of terrorism or mass destruction. The emphasis is on rapid introduction of new countermeasures into actual use, as many technologies currently under development need to be transitioned through regulatory commercial or regulatory cycles.

The Homeland Security Act gave the Department of Homeland Security responsibility for integrating intelligence information and assessing terrorist threats and vulnerabilities. This information makes full use of the Department's capabilities. Identifying the most urgent threats and setting research priorities will be vital to meeting the bioterror threat.

Obtaining the best intelligence and performing accurate threat assessment is absolutely critical. By properly understanding the threats that confront us, we can allocate our resources and focus our efforts where they are most needed, on agents for which the risk and potential consequence of attack are greatest.

BioShield tasks the Secretary of the Department of Homeland Security with using the best information available to identify the greatest threats to the national security. Incorporated into the bill are several provisions that will strengthen the Secretary's threat assessment capabilities.

This legislation, Mr. Speaker, provides the Secretary of the Department of Homeland Security the authority and resources needed to quickly hire the necessary bioterror analysts and rapidly build a bioterror intelligence infrastructure.

I urge all my colleagues to support H.R. 2122, the Project BioShield Act of 2003.

Mr. BROWN of Ohio. Mr. Speaker, I rise again in support of this bill, and I ask unanimous consent that I be allowed to yield my remaining 24½ minutes to the gentleman from New Jersey (Mr. ANDREWS) with permission that he be allowed to yield said time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. ANDREWS) is recognized for the remaining time.

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume; and I thank my friend, the gentleman from Ohio (Mr. BROWN), for yielding me this time. I assure my colleagues I will not personally take all 24 minutes; I will reserve the right to yield to other Members, and the gentleman from Texas (Mr. TURNER) should be here forthrightly and he will be yielding.

Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the leadership of the gentleman from Michigan (Mr. DINGELL) on our side of the aisle, the other committees of jurisdiction, the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. TURNER) for bringing this very important legislation to the floor.

Mr. Speaker, I think that history will reflect that this is our generation's version of the Manhattan Project. These are uncharted scientific waters. It is a world that we have not yet become accustomed to navigating.

It is the world of massive biological attack against the United States of America. I have supreme confidence that we will be able to meet and deter such an attack, but only if we are able to engage the machinery of the best minds in our universities and our companies, in our government, and throughout society.

I believe that is exactly what this legislation does. It brings to the forefront the abilities of our researchers, of our scientists, of our entrepreneurs, of our public officials to systematically identify the biological risks that our country faces, to methodically analyze the best opportunities for addressing those biological risks, and to use a process that will effectively meet those risks.

I commend the authors for properly balancing the mechanisms of money, market, and exclusivity. It is very important there be adequate resources for the companies who we are asking to engage in this so that they will in fact engage in it. It is important that we create a market, because it is our fervent wish that there will never be a market for these products. We hope they are never needed. But in the absence of that market, it is important the law contain a specific guarantee to move forward.

Finally, with respect to exclusivity and insulation from antitrust considerations, it is very important that those who are willing to risk their capital and their energy to come up with these agents are afforded the protection of the law.

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

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

Mr. TAUZIN. Mr. Speaker, I thank the gentleman and will be happy to enter into a discussion with him.

Let me first thank him for the excellent statement he has made. I think the gentleman is correct. I think it is as important to our country as perhaps the Manhattan Project was. I remember when Speaker O'Neill used to remind this House that partisanship ended at the water's edge. He meant to tell us that when it came to protecting our country, we were not Democrats or Republicans, we were Americans. And where the water's edge used to be the boundary of the threats against our country, because of 9–11, we now understand the water's edge is no longer the boundary. Within our country we now face these potential threats.

So I thank the gentleman. And, indeed, the bill is designed to do exactly that, to balance those important elements of the equation and to make sure we incentivize the private marketplace, but also provide the public monies, $5.6 billion over 10 years, to make sure we have the available money in a trust fund, through our budget resolution, appropriated through our process, to make sure we can acquire those countermeasures, stockpile them, distribute them around the country, as the Secretary is prepared to do, to make sure that those countermeasures are available.

It also balances the need to build in our own country the capability of building those vaccines and countermeasures that otherwise would never be built. Because who would, in the private sector, want to build a vaccine for the plague today, without this particular legislation? So I thank the gentleman.

Mr. ANDREWS. Mr. Speaker, reclaiming my time, I agree with the chairman. I think he is correct that bipartisanship cannot simply begin at the water's edge in a world where the battlefield is here. And there is a virtual battlefield that we are all, unfortunately, living in.

I would like to make two other points before I stop. The first is that I very much appreciate the inclusion into this bill, with the help of the gentleman from California (Mr. COX), language that I suggested with respect to making it clear that when there is a termination for reason of convenience by the government, that all of the normal cost recovery rights that would accrue to the vendor in fact accrue under this bill. I very much appreciate that inclusion.

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

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

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman for that language. The neat thing about the way this bill has been processed is that all through the process Democrats and Republicans have assisted in building it into a much better bill. And the language the gentleman has added to the bill is an extraordinary addition to the bill, and I thank him for it.

Mr. ANDREWS. Reclaiming my time once again, Mr. Speaker, I appreciate the chairman's cooperation in that regard.

Second, I would like to say it is very important that the chairman has very skillfully, along with the ranking member, assured that there will be continuing oversight by the Congress of the activities under this bill. We had to strike the proper balance here between a guaranteed funding stream so that the companies involved in this would know that their investment would in fact be recovered, but at the same time not yielding the important oversight function that this Congress should exercise. And I commend the chairman and the ranking member and all the authors for making that the case.

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

Mr. TAUZIN. Mr. Speaker, I would ask how much time is available on both sides at this point.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. TAUZIN) has 11½ minutes remaining, and the gentleman from New Jersey (Mr. ANDREWS) has 19½ minutes remaining.

Mr. TAUZIN. Mr. Speaker, I commended the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from California (Mr. COX) previously, along with the ranking members for their extraordinary work we did together; and I now ask unanimous consent to yield the balance of my time to the gentleman from Virginia (Mr. TOM DAVIS) so that Chairman Davis can control the balance of that time.

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

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, as I understand it, I would have the time yielded to the Committee on Government Reform in addition to the time yielded to me by the Committee on Energy and Commerce?

The SPEAKER pro tempore. The gentleman is correct.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Speaker, we live in a different world than we did 2 years ago, a world where the threat of attack from biological and chemical agents remains high. Here on Capitol Hill we know this all too well. We were all victims of a vicious attack using anthrax and poisoning our own postal system. The attack shut down half of an entire branch of our government and lives were lost. A very real threat became a sad reality.

Project BioShield will take the necessary steps to provide greater protection for Americans from those malicious attacks, to research, develop, manufacture and stockpile effective drugs and vaccines. In order to make this plan a reality, the Department of Health and Human Services and the National Institutes of Health must have a strong infrastructure of laboratories and facilities designed for research on the most dangerous of pathogens.

The research stage of this process is the most important part of developing a broad and effective basis for this project. In my own district, there is an effort underway to build a national biocontainment laboratory to be administered by the National Institute of Allergy and Infectious Diseases. This state-of-the-art facility would take on the daunting task of testing these dangerous agents that could threaten our communities, and they have got the charge to come up with the vaccines and drugs necessary to effectively deal with them. I am fully supportive of this plan and hope this critical facility will soon call upstate New York home.

Development of these vital medical countermeasures to biological and chemical agents can take years. With the building of new facilities to do the research and expedite the development of vaccines, more diseases may one day

be eradicated or at least treatable to avoid mass casualty from any type of attack.

I am pleased that Project BioShield may offer assistance to enterprising companies like Viral Therapeutics of Ithaca, New York, that are currently producing needed vaccines and is interested in answering the call to expand research and development as well as production.

□ 1445

Mr. Speaker, I am proud of my service on the Select Committee on Homeland Security and our determined effort to give the American people what they desire and deserve, a comprehensive and balanced effort to protect them from the evils of biological and chemical weapons. This legislation is designed to do exactly that. I commend all those involved with the formulation of this bipartisan product for the American good.

Mr. ANDREWS. Mr. Speaker, I yield 4 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who has had experience in State government with homeland security, who has had experience here on the Committee on Armed Services and now on the Select Committee on Homeland Security.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman for yielding me this time on this incredibly important issue.

Mr. Speaker, I rise today in strong support of the Project BioShield Act. Bioterrorism is a national threat to our national security, and I believe it is our job as the Members of the United States Congress to instill confidence in the American people that a coordinated, concerted effort is being made to combat this threat.

We have some incredibly talented people in this country in the public and in the private sector, and this joint partnership will ensure that we are moving ahead to effectively protect the American people from the potential of a bioterrorism attack.

While Project BioShield is not the only answer, it is certainly an important step toward that goal, and I hope Congress will continue to provide the funding and the oversight that the project needs to be effective.

However, I must mention my ongoing concern with the operation of Department of Homeland Security's information analysis and infrastructure protection directorate. This is truly a life-and-death issue. If this unit is not running effectively, then the rest of DHS is at a tremendous disadvantage in determining how to allocate resources and where to focus energies.

The proper implementation of Project BioShield requires a reliable and comprehensive threat assessment from the information analysis team, a team that should include bioterror experts, while working closely with their peers at CDC and NIH to identify the most pressing dangers.

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

Mr. LANGEVIN. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I very much appreciate the point the gentleman is making. The BioShield Project is built on a foundation of accurate assessment of the threats that we face. For example, if there is an assessment that we face a significant threat from botulism, the full resources of this bill are applied to finding an antidote to botulism.

The gentleman's point is very well taken. If the threat assessment is flawed, then we run the risk of either spending money on a threat that is not very viable, or failing to spend energy and money on a threat that is viable that we have failed to detect.

So we can employ the very best resources of our scientists, our engineers, our researchers, our entrepreneurs, but have them working on the wrong problem if there is not an adequate intelligence-gathering capability and then an adequate response to that intelligence-gathering capability shared with the Department of Homeland Security. I think the gentleman's point is very well taken.

Mr. LANGEVIN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. ANDREWS) for interjecting that point, and I wholeheartedly concur.

The proper implementation of Project BioShield requires a reliable and comprehensive threat assessment from the information analysis team, a team that should include bioterror experts working closely with their peers at agencies like CDC and NIH to identify the most pressing dangers and develop a plan to combat them.

Mr. Speaker, I urge my colleagues to support this legislation and hope that DHS will do its part to make Project BioShield as effective as possible.

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

Mr. Speaker, I rise in support of H.R. 2122, the Project BioShield Act. This bill provides the government with the necessary tools to develop and purchase vaccines and other drugs to protect Americans in the event of a bioterrorist attack.

The President first announced this proposal during his 2003 State of the Union address. It is the cornerstone of the administration's strategy to prepare our Nation against the possibility of a bioterrorist attack. The bill we are considering today was introduced by the gentleman from Louisiana (Mr. TAUZIN), chairman of the Committee on Energy and Commerce, and was referred to the committee, as well as the Committee on Government Reform which I chair, and the Select Committee on Homeland Security. It is a good bill which serves a compelling national interest.

As we tragically learned during the fall of 2001, our Nation is vulnerable to biological terrorism. Letters laced with anthrax caused the deaths of five individuals and thousands more had to be treated. The death toll could have been higher if there had not been an effective countermeasure to treat that form of anthrax. Unfortunately, there has been little progress in treatment for other deadly diseases, like smallpox, Ebola and plague, which effect few, if any, Americans.

The reality is that there is little manufacturer interest in developing necessary treatments for these diseases because there is no significant commercial market existing outside of government. The absence of financial incentives has provided drug companies with little reason to make the substantial investment that would be required to develop treatments for these deadly diseases.

Should the United States be attacked with any of these deadly pathogens, the needs for vaccines, tests and treatments would be great, and it would be immediate. H.R. 2122 is designed to ensure that our country is prepared. The bill provides the Secretary of Health and Human Services with a number of flexible acquisition tools based on existing streamlined procedures to promote research and development and procurement of necessary drugs and vaccines. These tools are instrumental to the success of the BioShield program.

For example, the bill increases the simplified acquisition threshold for research and development projects from the current level of $100,000 to $25 million. This increase will help the Secretary promote sophisticated research and development projects by streamlining the acquisition process. The bill also authorizes the procurement of biomedical countermeasures, again using tailored, flexible acquisition tools for inclusion in the Nation's stockpile using a special reserve fund.

The Secretary would also have expedited authorities to award research grants and hire technical experts and consultants. During national emergencies, the bill would permit the government to make available new and promising treatments prior to approval by the Food and Drug Administration. The Committee on Government Reform, which I chair, held a hearing to examine the BioShield proposal on April 4, 2003. Witnesses from the government, academia, and pharmaceutical and biotech companies were supportive of the bill. They all recognize the need to create incentives for manufacturers to develop biomedical countermeasures.

Our committee favorably reported the bill on May 22. Working in a bipartisan fashion with the gentleman from California (Mr. WAXMAN), we unanimously adopted some amendments to ensure greater accountability in the acquisition process and to clarify the circumstances when biocountermeasures can be processed.

Specifically, the amendments we approved permit the use of simplified acquisition procedures only when the Secretary of Health and Human Services determines there is a pressing need

for the procurement of specific countermeasures. The bill commits decisions about research and development projects to the discretion of the Secretary of Health and Human Services. However, we approved an amendment which preserves a limited right for companies to appeal to the General Accounting Office contracting decisions made by the Secretary, but appeals could not be used to stall the research and development procurement process.

We also made some technical changes that seek to clarify the circumstances when the Secretary could use other than fully competitive procedures for research and development and production contracts.

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

Mr. TOM DAVIS of Virginia. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, I would like to thank the chairman for working with the gentleman from California (Mr. COX) and the gentleman from Texas (Mr. TURNER) on the issue of termination for convenience. We think it is a very important clarification that if there is a termination by the government for reasons of convenience, the companies involved in the project can recover their costs under the normal rules for that. I know that the gentleman's committee was involved in making that possible, and I wanted to thank him for his cooperation.

Mr. TOM DAVIS of Virginia. Mr. Speaker, the gentleman is correct, and it makes them more likely to be involved in this process.

We think that all of these amendments, and I thank the gentleman from California (Mr. WAXMAN) for working with us as well, have been agreed to by the majority and the minority on the various committees; and they are part of the bill that we are considering today.

Since our markup, we have continued to work on this bill in a bipartisan fashion. This issue is really too important to play party politics with. We have worked out language to ensure that the rights of contractors with respect to payment are protected in the event they are terminated for convenience. This is a good bill and deserves our support.

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

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Texas (Mr. TURNER) and that he may further allocate that time.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TURNER of Texas. Mr. Speaker, I yield myself such time as I may consume.

To win the war on terror, we must do everything we can to protect the American people from the threat posed by terrorists using weapons of mass destruction. We know that our forces in Afghanistan uncovered plans by al Qaeda to engage in bioterrorism. We know from recent arrests in Europe that terrorist groups have the means and the will to carry out such attacks. It is without question that bioterrorism is a clear and present danger to the American people, perhaps one of our greatest threats.

In response to this threat, the administration is proposing this legislation, commonly known as Project BioShield. This bill is a first step toward ensuring that we protect Americans from the horror of bioterrorism. The purpose of the BioShield legislation is to provide incentives to private companies to produce the medicines, the vaccines, the antidotes we need to counter a biological attack.

Quite frankly, this concept is an experiment, a grand experiment, but no less an experiment. We do not know if the incentives will drive our pharmaceutical industry to invest the resources needed to truly prepare our country for the full range of possible biological attacks. If we do, we will have been successful and our country will be better off. If they do not, our country will remain dangerously vulnerable.

I support Project BioShield because I believe this is an experiment worth conducting; but from the beginning of this process, I have been working to build mechanisms into the legislation that would monitor whether the legislation is truly making our Nation safer.

For example, the Select Committee on Homeland Security added a requirement that the Secretary of Health and Human Services report annually if the President has identified biological agents that are threats to the United States, but no private company has contracted to produce a countermeasure. Thus, if there is a bioterrorist threat to the American people and private industry will not rise to the challenge of searching for a cure, we have the right to know about it.

These concerns were shared by the gentleman from California (Mr. COX), chairman of the Select Committee on Homeland Security. They were also shared by the gentleman from Louisiana (Chairman TAUZIN) of the Committee on Energy and Commerce and the ranking member, the gentleman from Michigan (Mr. DINGELL).

If BioShield does not work as we hope it will, we will need plan B. Thus, I am very pleased that the legislation contains clear authority that allows the government to operate an emergency program to develop and produce vaccines. In my view, this is so very important because protecting our population is our first responsibility. If the private sector is not producing the medicines we need and we find ourselves under the threat of biological attack, then the government needs to have the authority to do the job directly.

The language that has been inserted in the legislation gives the President, the Secretary of Health and Human Services, the Secretary of Homeland Security the necessary authority to take action in the event that this experiment with the private sector fails to produce the results we all hope it will produce.

□ 1500

My final concern, Mr. Speaker, is that Project BioShield, despite its creative name, is really a fairly modest proposal. If we are lucky at the end of 10 years, we will have some vaccines to address a few of the possible pathogens that terrorists could use during a bioterror attack. But the potential problems are much more expansive. Terrorists may soon be able to genetically manipulate biological agents so they are resistant to our current stockpile of antibodies and perhaps to the vaccines we develop.

This possibility presents a daunting threat to our Nation. That is why I would like to see a much more robust proposal than the one before us today, an approach that moves us faster and stronger toward creating a comprehensive defense to the full range of threats we face from bioterrorism. Based on the information that we all know about, we clearly need a Manhattan Project to prepare this country to deal with the vast array and the diverse types of biological threats that we may face in the years ahead.

Time and time again when faced with such a great challenge, the government has played a central role in organizing a massive response. When war threatened to consume the world, we put an end to it through the success of the original Manhattan Project. When we raced the Russians to the stars, the Apollo Project put a man on the Moon. It will take these kinds of bold actions, this kind of bold leadership and deep resolve to prevail in the war on terror.

Mr. Speaker, I wholeheartedly support this current legislation, but I also believe that our Nation must take even stronger steps much sooner in order to protect us and to secure us in the days ahead.

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

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut (Mr. SHAYS), the distinguished vice chairman of the Committee on Government Reform.

Mr. SHAYS. Mr. Speaker, I appreciate my chairman yielding me this time.

Throughout committee consideration of H.R. 2122, I expressed some skepticism about both the short- and long-term impact of the proposed approach on our ability to develop, procure and use new medical countermeasures against chemical, biological or radiological weapons. Thanks to the work of the Committee on Energy and Commerce, the Committee on Government Reform and the Select Committee on

Homeland Security, the bill before us today represents a substantial improvement over the original proposal. This bill would create agile, proactive capabilities in meeting the threat of unconventional weapons, capabilities we do not have today.

Part of the value of Project BioShield would be purely deterrent. Just having the ability to develop and stockpile vaccines and antidotes decreases the likelihood, or the lethality, of a biological attack.

However, as I indicated in my earlier colloquy with Chairman TAUZIN, any authority to actually use experimental drugs or medical devices in emergency situations has to be defined and wielded with nothing less than surgical precision. Prior informed consent in connection with the administration of experimental therapy is a basic human right, a right no one should be asked to surrender except under the most extraordinary of circumstances. For example, if a patient is unconscious and cannot give consent or be informed before onset of a life-threatening disease or event, medical ethics allow use of an experimental therapy.

Mere military inconvenience can never justify waiving consent or failing to inform service members about medical countermeasures. No loosely defined concept of feasibility should allow the Secretary of HHS to waive or delay the requirement to provide essential information on medical risks and benefits prior to administration of a drug or vaccine, as could happen under the language in this bill Chairman TAUZIN has agreed to revisit. If the medicine can get to the front, there should always be room in the transport for the leaflet describing its dosage, interactions and contraindications.

In the 1991 Persian Gulf War, soldiers, sailors, aircrews and Marines were ordered to take experimental drugs and vaccines. Despite Pentagon promises to provide critical medical information and keep accurate medical records, very little information was provided and very few records survived the trip home. That cannot happen again. In the course of 14 hearings on the subsequent health problems of Gulf War veterans, the Government Reform subcommittee I chair reached this stark conclusion: ''Unless providing medical information to service members is mandatory, it's just too easy for the military, in the heat of battle, to decide it's just not feasible.''

In the war against terrorism, we are all on the front lines. The citizen-soldiers of our all-voluntary Armed Forces fight and die to protect our rights and freedoms. They should not be asked to surrender those fundamental rights under different, less rigorous, circumstances than those they left behind.

Again, I appreciate the very good work of Chairman TAUZIN, Chairman DAVIS and Chairman COX and their respective ranking members; and I look forward to a conference agreement that relies on the protections of current law and requires prior notification of service members whenever an unapproved drug or device has to be used.

Mr. TURNER of Texas. Mr. Speaker, I yield 4 minutes to the distinguished gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise today as a member of the Select Committee on Homeland Security and also of the Subcommittee on Emergency Preparedness and Response in qualified support of the Project BioShield Act of 2003, the purpose of which is to increase the development of countermeasures to bioterrorism and facilitate their approval for use in mass production so that they would be readily available when needed.

While research and development of such products is extremely important, I remain very concerned that a commensurate amount of time and effort has not been devoted to furthering our public health security, a broader, more basic and more immediate issue.

Through the four or five hearings on Project BioShield, I joined several other of my colleagues in calling attention to the inadequacies and deficiencies that exist throughout the public health system in this country, especially in rural and minority communities.

With the focus on cost containment rather than care, our lack of focus on prevention and our failure to insure everyone's equal access to quality health care, added to the system's continued deterioration because of repeated funding cuts and misguided departmental policies, our Nation's public health infrastructure today is in worse shape than ever.

Project BioShield, though, is important because it will help to make sure that we have the vaccines and other countermeasures as quickly as possible in the case of a bioterrorism attack. But all of those fancy medicines and other agents will be worthless to you and me and to the people we serve without an intact public health system.

The recent bipartisan commission's report, ''First Responders Underfunded and Unprepared,'' documents the dire need of our public health and other responders in stark and frightening terms. I am still waiting for a formal hearing on their findings, and we should not be afraid to have the report aired. We should really be more afraid not to pay attention to its findings and its recommendations.

Mr. Speaker, I am happy that the gentlewoman from Texas (Ms. JACKSON-LEE) and I were able to amend the bill in committee to ensure that the historically black colleges and universities and other minority-serving institutions of higher learning will be provided with special outreach to ensure their participation in this program to the fullest extent possible. This is an extremely important provision, and I thank our chair and ranking member and Chairman TAUZIN for working with us to include it in the bill.

Mr. Speaker, today I know that we will pass this bill, but what I and other health providers, public health experts and officials and the people of this country want to know is that we will always move just as determinedly and expeditiously to fully fund the strengthening of our public health system, the training of our first responders and provide them with the tools and facilities they need to protect us in those first critical hours where lives can and must be saved.

I want to take this opportunity to thank and commend Chairman COX and Ranking Member TURNER for their guiding what is often not an easy committee to guide and for their shepherding of this bill through that committee.

I ask the support of my colleagues for Project BioShield, but I also ask that when this is passed that we move on from here to soon pass ''Project Public Health.''

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I want to thank the chairman not only for yielding time but for the exceptional work that the Committee on Government Reform has done both on the majority and minority sides to bring us to this point; likewise, the Committee on Energy and Commerce, of which I am a member, and Chairman TAUZIN and Chairman DINGELL for their extraordinary leadership and commitment to bringing this bill to the floor; and my ranking member on the Select Committee on Homeland Security, which I chair, the gentleman from Texas (Mr. TURNER), who is with me on the floor now.

This has been a bipartisan effort for one simple reason. The terrorists do not discriminate between Democrats and Republicans. They certainly are not going to protect us because we are on one or another side of this debate. We are all in their sights. The committees of jurisdiction working closely together have managed to create a process in bringing this bill to the floor that has been focused on producing the best possible policy and thus the best possible security for our country. It is not focused on Capitol Hill turf battles. This type of cooperation serves as a model for our efforts to make America more secure against terrorist attack.

In the fall of 2001, we caught a glimpse of the terrible potential of a bioterror attack when anthrax attacks were loosed on the Nation's capital. A broader attack on the American population, on our armed services involving one of the many biologic agents for which we have no antidote could be devastating. The potential toll in lives would far exceed what happened on September 11, 2001. We must, of course, do all we can to prevent such attacks, but ultimately we must be prepared.

Because no scheme of prevention, no matter how expert and reliable our intelligence collection and analysis, is going to be perfect. We must be prepared.

This legislation, the BioShield Project launched in this bill, will provide the resources and authorities we need to develop the next generation of biological countermeasures. It will help to ensure that we avoid the kind of catastrophe we are contemplating here on the floor today in the future.

The ability of the Secretary of Homeland Security to identify from around the world the most serious potential biological threats to our population is key to making Project BioShield effective, and it is key to the vital task that we have of meeting this threat. To do that, Secretary Ridge will have to get the very best intelligence available. By learning everything we can about the biological weapon threats that confront us, we can allocate our resources and focus our efforts where they will be most effective. By identifying the bioterror agents for which the risks and potential consequences of attacks are greatest, we can use these substantial new first responder resources most wisely.

That brings us, therefore, to the creation of Project BioShield in fulfillment of President Bush's charge to this Congress in his State of the Union message. Both President Bush and Vice President CHENEY have made this a priority, and we are responding in this Congress.

The BioShield Project is by far the most expansive, broadest, largest first responder program initiated in the history of our country. It is budgeted for $5.6 billion, but we have made it very plain that, through the appropriations process and through the budget process, we will put the resources behind this program that are needed to develop the antidotes and, if a presidential decision on a recommendation of both the Secretary of Health and Human Services and the Secretary of Homeland Security is made, if the President decides to stockpile enough antidotes, vaccines to immunize the entire American population in the event of a catastrophe.

The Secretary of Homeland Security as part of this process is charged with identifying the most significant biological, chemical and nuclear agents that threaten the American population. Because our ability to collect, analyze and put to use timely and accurate intelligence information is at the very heart of doing this job, certainly in preventing a biological attack but also of being prepared to respond to it, in this legislation we have given the Secretary of Homeland Security the information analysis tools that he needs.

□ 1515

This bill is very important to the Select Committee on Homeland Security. We worked hard to get it right. We have held extensive hearings and nearly 3 months of work in three of our subcommittees and twice in the full committee. We conducted a series of oversight hearings which examined the new Department's ability to carry out its threat assessment function; and as a result, we have incorporated into the bill several provisions designed to strengthen the Secretary's threat assessment capabilities. We have given the Secretary the authority and the resources he needs to quickly hire the necessary bioterror analysts and to rapidly build a bioterror intelligence infrastructure. The Select Committee on Homeland Security added these provisions to this bill.

This legislation greatly increases our ability to conduct bioterror research against the most urgent threats identified by the Department of Homeland Security. But most importantly, rather than trying to create a parallel government bioterror industry, or I should say bioterror response industry, BioShield will draw on the expertise and resources of the private sector.

Our American industries lead the world in these categories. And our health care innovation, our free markets, our strong patent protections have led American industry to spend more on research and development on new products and treatments than all of Europe and Japan combined. To make the progress that is necessary in these noncommercial areas that are so essential to national security, it is essential we tap into this strength in the private sector. To accomplish this, the legislation establishes a reserve fund that will be available to stockpile security countermeasures that are produced against government requirements, even though these countermeasures do not presently exist.

We want to stimulate the invention, the productivity, the research that is necessary to find these antidotes, these vaccines to bioweapons that exist but for which countermeasures do not presently exist. The gentleman from Louisiana (Chairman TAUZIN) and I worked with the gentleman from Kentucky (Chairman ROGERS) of the new Appropriations Homeland Security Subcommittee to provide this funding in a 10-year advance appropriation. This money will remain available for a full decade, creating, in essence, a homeland security market for the development of critical security countermeasures for which no commercial market exists. The knowledge that funding will be available for a full decade and not be subject to the annual appropriations process will encourage the biotech industry to devote resources to develop and produce the next generation of treatments for bioterror agents.

So once again I want to thank the Members on both sides who have worked so hard on this legislation for their spirit of cooperation, of bipartisan cooperation; and I strongly urge my colleagues to support this very important legislation.

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

I inquire how much time I have remaining.

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from California (Mr. COX) has 6 minutes remaining.

Mr. COX. Mr. Speaker, is that 6 minutes the time that was earlier yielded to me by the gentleman from Virginia (Mr. TOM DAVIS)?

The SPEAKER pro tempore. The gentleman from Virginia (Mr. TOM DAVIS) yielded 7 minutes, with a total of 14½ minutes.

Mr. COX. So the time that we are speaking of, Mr. Speaker, comprises also the time allotted for purposes of debate to the Select Committee on Homeland Security?

The SPEAKER pro tempore. That is correct.

Mr. TURNER of Texas. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. PASCRELL), one of the most vigorous advocates for equipping and training first responders to protect America.

Mr. PASCRELL. Mr. Speaker, the tragic events of September 11, and the anthrax attacks shortly thereafter, reinforced the possibility of a widespread bioterrorist strike on America; and that is very real. There was a report submitted to us by Warren Rudman, who was the chairman of the Independent Task Force on Emergency Responders dealing with this subject very recently, and in that report it says the following: public health labs in most States still lack basic equipment and expertise to adequately respond to a chemical or a biological attack, and 75 percent of State laboratories report being overwhelmed by too many testing requests.

In fact, Mr. Speaker, we were told of this threat well before 9–11. In January of 2001, a report submitted by the National Intelligence Council stated that the number of players, that is, state players and nonstate players, bioterrorism sponsored by state governments, bioterrorism sponsored by nonstate terrorist organizations throughout the world possessing or seeking to acquire a biological weapon, that group is growing despite the fact that biological weapons are banned by international treaty.

We were warned of this in January, 2001. While Congress has made progress over the last 18 months on expanding our vaccine stockpile, an enormous amount of work still remains. The Project BioShield Act of 2003 is so important because it encourages the development for new countermeasures against a bioterror attack in a comprehensive manner. This committee, the Select Committee on Homeland Security, was given a rude awakening upon hearing the testimony of Mr. Paul Redmond, the assistant secretary for information analysis at the Department of Homeland Security. We learned that Mr. Redmond's office had

only one person working under him on the bioterror threat and that Mr. Redmond had limited access to the intelligence himself. Imagine, we are asking two people to protect 290 million Americans about a possible biological threat they do not know about.

The Cox-Turner amendment, approved by our committee, correctly concentrates on increasing not only access to intelligence but an increase in the staff of those folks who collect intelligence. Specifically, it requires that the Secretary of the Department of Health and Human Services be provided all intelligence information from all other agencies relating to the threats regardless of classification and regardless of whether the Secretary has requested the information.

This bill is not just about creating a significant stockpile of vaccines and medical devices. It is about making sure that our first responders do have the tools to effectively operate their attack. Mr. Speaker, they will be the first ones there, be it a firefighter, be it a cop, be it someone working in emergency services. They will be the first one there; and if they do not know what they are doing, if we do not train them, if we do not provide the training, we are doing a disservice to them and we are certainly putting them in harm's way. A nurse or a doctor will be able to immediately provide a vaccine and prevent the spread. A fireman will have a mask to breathe purified air while a building with biological agents burns.

This bill will make those and other lifesaving tools available so we can begin to protect ourselves, protect our children and our grandchildren from the threats of today and the unfathomable biological threat of tomorrow. This is just the beginning, Mr. Speaker. There is a great deal that we still do not know. When one reads the report of the National Intelligence Council on biological warfare, one understands what scale we are talking about and what a delayed onset is and what a delayed response will lead to. Most biological agents cause symptoms that have a delayed onset ranging from a few hours to many days. This is serious business. The fact that an attack has taken place can be masked, and the identification of the perpetrators would be extremely difficult to find out. I am confident, Mr. Speaker, that H.R. 2122 will help, will help protect every American against the unimaginable.

The importance of Project BioShield cannot be overstated, and I congratulate the leadership of both parties for bringing it to the floor today.

Mr. COX. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from the State of Washington (Ms. DUNN), the vice chairman of the full Select Committee on Homeland Security.

Ms. DUNN. Mr. Speaker, I rise today in support of the Project BioShield Act of 2003. As the Members have heard today, Mr. Speaker, from the debate we have had on the floor, this is truly bipartisan legislation. It is also a major step towards giving Americans necessary protections to address the biological and the chemical threats that exist today. H.R. 2122 will provide for private companies the incentives they need to develop vaccines for biological agents. It also will increase our national pharmaceutical stockpile, and it will provide DHS, the Department of Homeland Security, better intelligence capabilities so that they can protect against biological and chemical attacks.

Earlier this year, President Bush announced his intentions to develop a vaccination program that would protect against an attack involving biological and chemical weapons. For months, three committees, including my committee, the Select Committee on Homeland Security, have held numerous hearings to consider the best ways to protect our constituents. I believe it is time to pass this legislation. Mr. Speaker, this bill will provide $5.6 billion over a 10-year period to develop vaccines to protect against some of the most dangerous biological agents that this country and this world has ever known. These funds are necessary to create an incentive for private companies to do research and development on drugs that might not normally be in demand in the marketplace. I believe this investment is worthwhile, considering the possible effects of a large-scale biological attack.

In addition to authorizing funds for this program, the BioShield program also addresses the sharing of intelligence. In order to develop an effective vaccination program, the Department of Homeland Security must have the intelligence capabilities to predict what the real threats are thought to be. By understanding the threats, DHS can focus its resources on those areas of highest vulnerability to the people who live in this country.

This legislation will authorize specific funds to be used by DHS for terror threat assessment. In addition, it will require other intelligence agencies such as the CIA to share timely information and threat analyses with the Department of Homeland Security.

One of the lessons we learned from the anthrax attacks during the fall of 2001 is the importance of responding to a biological attack quickly in order to minimize the damage it causes. While it is indeed tragic that during those attacks five people died, we all have to appreciate that. It could have been far worse if the vaccine had not immediately been available. H.R. 2122 will help us be prepared to respond quickly to agents such as ebola, plague and smallpox. I ask that we answer the President's call to develop the BioShield Project and that people support and that we pass H.R. 2122.

Mr. TURNER of Texas. Mr. Speaker, I yield 5 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), one of the foremost leaders in trying to prepare her city and this country to protect us against the threat of bioterrorism.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding me this time.

This is an important statement, if you will, an actuality of the work that the Select Committee on Homeland Security has done along with collaborative efforts of our respective committees of jurisdiction.

□ 1530

Let me again thank the gentleman from Texas (Mr. TURNER) for his work and the chairman for his work and realize that, as we begin this debate or as we engage in this debate, we need to do much more.

I rise to support this legislation because it takes America one step closer to being prepared in dealing with a biochemical terrorist attack. But as we consider this legislation, Mr. Speaker, I think it is important to note that, while America is on the trail, on the pathway, on the journey toward being safe, we are still not safe. We remain vulnerable. Our ports are not secure, our critical infrastructures are not secure, our communities are not protected from biochemical agents, but H.R. 2122 will help to make America safer.

The purpose of this Act is to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security and for other purposes. What it begins to do, Mr. Speaker, is to focus our attention narrowly on the question of what do we do if we are subjected to a bioterrorist attack. What kind of chemicals, if you will, will thwart the attack? What kind of research needs to be done in advance of the diabolical thoughts of anyone who would want to perpetrate a terrorist act with some chemical yet unknown?

We already have had the experience of the fear and the intimidation of anthrax. We have already had the terrible situation of people who had nothing better to do or wanted to intimidate or scare or frighten, use anything from salt to sugar to powder to suggest that they were utilizing anthrax. We know what can be done through a bioterrorist attack or the suggestion that there would be an attack by some sort of chemical.

Biological weapons pose a particularly dangerous threat. Biological weapons are highly portable and difficult to detect. So this concept of BioShield is more than overdue. Its time has come. Bioterrorism attacks not only pose a danger to human lives, they also have the ability to cripple the operation of our society and severely harm our economy.

After 9/11, when we were allowed to fly home from Washington, I held one of the first town hall meetings with over 400 people on September 14, 2001, on a Sunday, in fact, to be able to bring some sort of order to people's thoughts, the fear that was going on, the actual intimidation as far away as Houston. There were all kinds of suggestions that Houston was next in line, that Houston was about to be attacked.

But, shortly thereafter, I also held a meeting with my first responders. As we were having a meeting, my hazardous materials team had to run out to a hospital about 50 miles down from where our meeting was being held because a woman drove to the hospital saying that she had anthrax; someone had put anthrax in her apartment or in her home. And without the understanding of what anthrax represents and the hospital officials not yet experienced, took whatever she had through the hospital, up the stairs, or wherever, up the elevator and, by its very exposure, caused the hazardous materials team to have to run out and shut down the hospital. A crippling effect, maybe just one hospital, but it shows the magnitude of what can happen if we are dealing with bioterrorism.

We all recall the primary and secondary impact of the anthrax attacks in 2001. The attacks involved a series of letters mailed in pre-stamped envelopes to places like Florida and New York and to the offices of Senator TOM DASCHLE and PATRICK LEAHY. Those kinds of incidences prove that it is vital that we focus on the research aspect. I am gratified that my colleagues saw the importance of spreading the knowledge, the research, the input, the collaboration throughout our Nation.

Therefore, we have included language to make sure that we include historically black, Hispanic-serving, Native American, and Pacific Islander institutions, that they are able to be exposed, if you will, to the various opportunities to engage in high-level research so that, as they are able to relate to different cultures and different communities, they, too, can be a part of securing the homeland.

It is important as well, as I noted in an amendment that I was going to propose, that the stockpiles of chemicals that will thwart bioterrorist attacks that are in this country should be strategically placed, that they can reach any urban center and any rural area, any hamlet, any town, any village. I am glad to note by a letter that has been submitted into the RECORD dated July 16, 2003, that the Secretary of Health and Human Services recognizes that my letter had merit and that he will continue to monitor and be astutely aware of whether or not the stockpiles we have are sufficient, whether they are within the sufficient depth, and whether they will be able to protect all of America.

Let me conclude, Mr. Speaker, by simply saying that I rise to support this legislation with the knowledge that we will be inclusive and that the idea is not only to secure the places we know and that are renowned but to secure the places where people live and to make sure that the home front and the home neighborhoods are secure in our country.

I ask my colleagues to support this legislation.

Mr. Speaker, I rise today in support of H.R. 2122, the ''Project Bioshield Act of 2003.'' I support this important legislation because it takes America one-step closer to being prepared to deal with a biochemical terrorist attack. As we consider this legislation, Mr. Speaker, America is still not safe. We remain vulnerable. Our ports are not secure. Our critical infrastructure is not secure. Our communities are not protected from biochemical agents. H.R. 2122, will help to make America safer.

The purpose of the Project BioShield Act of 2003 is to ''enhance the research, development, procurement and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.'' The stated purpose of H.R. 2122 is a noble one given the danger posed by biochemical weapons.

The threat of bioterrorism is substantial, and protecting America from biochemical agents and terrorist attacks must be one of our chief concerns as we continue our work of protecting our homelands. Biological weapons pose a particularly dangerous threat. Biological weapons are highly portable and difficult to detect.

Bioterrorism attacks not only pose a danger to human lives, they also have the ability to cripple the operation of our society and severely harm our economy. We all recall the primary and secondary impact of the anthrax attacks in 2001. The attacks involved a series of letters mailed in pre-stamped envelopes to media outlets in Florida and New York and to the offices of Senators THOMAS DASCHLE and PATRICK J. LEAHY (D–VT). The anthrax attacks killed five Americans and left 13 others severely ill. The five people who died from inhalation anthrax included two postal workers at the Brentwood postal facility in Washington, a Florida photojournalist, a New York hospital worker and a 94-year-old woman in Connecticut. Thousands more were exposed to the lethal bacteria. The letters passed through various post offices and postal distribution centers along the East Coast leaving a trail of contamination. Buildings from the Brentwood mail facility, to the Congressional office buildings, to NBC headquarters had to cease operations.

The threat of bioterrorism did not end in September of 2001. As recently as April 22nd of this year in Tacoma, WA, we had a bioterrorism scare. A white powder was found in two envelopes, and 94 people had to be evacuated from a mail distribution facility. Initial tests of the powder tested positive for biotoxins that cause bubonic plague or botulism. Four people at the facility had to be decontaminated. The same day, a suspicious powder was found in a Federal Express cargo area at Southwest Florida International Airport, in Fort Myers, FL. Six people were taken to a hospital for possible decontamination, including one who suffered burning eyes and nose.

We are presently faced with the threat of a worldwide SARS outbreak. The inability of many foreign countries to adequately deal with that outbreak raises questions about our own preparedness. What about other infectious diseases like tuberculosis? There are many ailments that our medical professionals are struggling to control. We must do better in the ares of biological weapons.

The ease with which biological weapons can be manufactured is also a danger. The equipment and ingredients needed to manufacture many biological agents can be purchased over the Internet. Additionally, as our failure to apprehend those responsible for the 2001 anthrax attacks illustrates, biological terrorists can operate with more secrecy than traditional terrorists.

Positive strides have been made in the various biochemical fields. We have improved our ability to secure our borders and prevent deadly materials from entering our country. However, it is unrealistic to expect no biological weapons to enter the United States. Last year alone 30 million tons of cocaine was smuggled into the United States. If we can't stop 30 million tons of cocaine from crossing our borders, how can we expect to stop a vial filled with anthrax, botulism, or smallpox? A vial that could kill hundreds or possibly thousands.

To adequately protect our homeland from bioterrorist attacks we must address these and many other concerns in the Project Bioshield bill. The provisions of Project Bioshield provide a good start to protecting Americans from a bioterrorist attack but work remains. Presently Project Bioshield's provisions grant the National Institutes of Health new powers, through grants and contract awards, to speed effective research and development efforts on bioterrorism countermeasures. Project Bioshield also creates a long-term funding mechanism for the development of medical countermeasures, and empowers the government to purchase safe and effective vaccines. Finally, Project Bioshield authorizes the Food and Drug Administration use promising, yet uncertified, biological treatments in the case of emergencies.

The research, development, and procurement provisions of the Project Bioshield bill are instrumental to the development of countermeasures for protecting our communities. The development of effective vaccines will mean the difference between life and death. There needs to be research and development participation from diverse institutions nationwide, so that the expertise of as many biological and chemical industry leaders can be utilized. During markup of this legislation in the Select Committee on Homeland Security, I negotiated the inclusion of language to ensure that Historically Black Colleges and Universities, and institutions serving large populations of Native Americans, Hispanic Americans, and Asian Pacific Americans are meaningfully aware of research and development grants. Provisions such as this not only include diverse scientists in the research and development process, they facilitate dispersal of information to all communities.

Protecting our communities is the most challenging and most important responsibility of the federal Department of Homeland Security, the House and Senate Select Committees on Homeland Security, and all Members of this Congress. An ongoing failure of all agencies responsible for homeland security is our inability to equip our local communities with the

funds and supplies needed to counter a terrorist attack now. During recent on-site reviews in Colorado and California, I spoke with first responders and individuals responsible for securing our ports. I also organized a briefing with testimony on the issue of homeland security in Houston, TX, in April. During each of these events, America's first responders echoed the same sentiment: they lack the funding and equipment to deal with a terrorist attack.

The Project Bioshield bill is an opportunity to correct this continuing failure. If is insufficient to simply research and develop bioterrorism countermeasures. We must also get those countermeasures into the hands of the health professionals and other first responders responsible for administering vaccines to the victims of bioterror attacks. We must not delay. First responders need these supplies immediately.

Mr. Speaker, I believe the provision of H.R. 2122, the Project Bioshield bill, are good first steps in protecting Americans from biological attacks. However, I feel that our country is still not safe and that many protections need to be established to fully protect our communities from biochemical attacks.

Mr. COX. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG), the chairman of the Subcommittee on Emergency Preparedness and Response.

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

As a member of both the Select Committee on Homeland Security and the Committee on Energy Commerce, I rise in strong support of H.R. 2122, the Project BioShield Act.

Mr. Speaker, today, the House takes an important step toward preparing our Nation for the threat of bioterrorism. Clearly, we are living in a transformational era. Thirty years ago, none of us knew what biotechnology or genomics were, but, today, combined with our country's unparalleled leadership in semiconductors and computing power, we are on the verge of breathtaking breakthroughs in the field of bioscience.

Congress has played an important role not only by doubling the funding for the National Institutes of Health, but also by committing $6 billion in fiscal year 2003 to develop strategies and countermeasures to protect the American public from bioterror attacks.

Even though we are in a better position in terms of preparedness than we were just a few months ago prior to the anthrax attacks here on Capitol Hill, we have much more to do. Project BioShield is a critically important step in that process. In many ways, it will serve as our Nation's primary response to bioterror.

Mr. Speaker, the Subcommittee on Emergency Preparedness and Response of the Select Committee on Homeland Security, which I chair, held several hearings on this issue; and, during that process, we learned that having measures to counter bioterror threats will actually serve as a deterrent to those threats, as would-be terrorists see that America can be protected against bioagents which al Qaeda or other terrorists would use against us.

By providing a steady stream of funding for countermeasures, increased research capability at NIH, and expedited distribution during emergencies, project BioShield is a forward-thinking solution to bioterrorism.

Mr. Speaker, our subcommittee worked hard on this legislation. I believe it takes an important step in the right direction. I commend the full committee chairman and the other committees for their work on it, and I urge my colleagues to support the Project BioShield Act and to support H.R. 2122.

Mr. COX. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the chairman of the Select Committee on Homeland Security Subcommittee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

For years the National Institutes of Health have served as our Pentagon in the war against disease. I think Americans, as well as people around the world, have benefited. Now, we must call upon, and we do so in this important piece of legislation, for the NIH to utilize its expertise and innovation, the expertise and innovation of all of its scientists to guard this Nation against the horrors that a serious biological attack would mean.

We have already seen, Mr. Speaker, a biological attack on this country. We know the great damage that it can cause. So what this legislation is doing is taking another important step, taking another important step by this Congress to protect the Nation from the great damage that a biological attack would cause.

I thank the gentleman from California (Chairman Cox) and the entire committee for its hard work in bringing forth this important piece of legislation today.

Mr. TURNER of Texas. Mr. Speaker, may I inquire of the time remaining on both sides?

The SPEAKER pro tempore (Mr. GILCHREST). The gentleman from Texas (Mr. TURNER) has 3 minutes remaining. The time of the gentleman from California (Mr. COX) has expired.

Mr. TURNER of Texas. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, let me first commend the gentleman from California (Chairman COX), along with the gentleman from Michigan (Mr. DINGELL), the ranking member, and the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Virginia (Chairman DAVIS), and the gentleman from California (Mr. WAXMAN) for their excellent work on putting together this legislation in a bipartisan way. I know we all appreciate the work that Secretary Thompson and Secretary Ridge did on behalf of the President on this very important initiative.

I hope that we are successful with this legislation, and I hope that the desired result can be accomplished. But I also want to end with a caution that the ability of our enemies in the years ahead to develop, alter, and modify biological pathogens will be at a level unknown to us today. I urge all of us to commit ourselves to the task of developing the agility and the responsiveness that we need to address those threats that we inevitably will face in the future.

The Washington Post today spoke in an editorial entitled ''New Bugs'' that it is important for us to shorten the time frame from the identification of a dangerous pathogen to the development of a drug or antidote. The shortening of this time span will require a tremendous commitment on the part of the American people and our government, and I hope this step that we take today will be but a first step in ensuring that we can adequately meet the biological threat that this Nation will face in the future.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California (Mr. COX), the chairman of the Select Committee on Homeland Security.

Mr. COX. Mr. Speaker, I thank the gentleman from Texas for yielding me the remaining time.

I want to take a moment to say not only how productive it was to work with the gentleman from Texas but what a pleasure it has been, because both sides of the aisle, the Republicans and the Democrats, have worked together, as we should, after September 11 to put our Nation's security first.

I hope that our Nation never sees the kind of bioterror attack that we have been discussing on the floor here today. It is our job to be prepared against that eventuality. The legislative steps that we are taking today, the resources that we are providing, the intelligence infrastructure that we are building, the stockpile of vaccines and antidotes that we may requisition under Project BioShield are all intended to protect against mass casualties that would result in the event of a terrorist attack that we hope to prevent and we hope never to see in this country.

After September 11, I daresay every Member of this body determined that we will win this war against these terrorists. They are not superhuman. They are individuals. They do not have infinite capabilities. They have finite resources. We can find them, we can defeat them, and we shall. And we will be prepared. That is the purpose of this legislation today. I strongly urge a vote in support.

Mrs. LOWEY. Mr. Speaker, I support Project BioShield.

Over the last few months. I have been having meetings with local officials, first responders, hospitals, and school superintendents, to talk about how we can better prepare for the unimaginable, improve emergency planning, implement 21st century communication systems, and foster better cooperation among local, state, and federal public health and safety officials.

But all of these efforts won't amount to much if we do not have the right tools to counteract biological, chemical, radiological, or nuclear agents, and the diseases caused by such agents. And that's the crux of this legislation.

With that said, I continue to have some concerns about whether this bill will be enough of an engine to spur research within the pharmaceutical industry and if our public health system is prepared and ready to assume the new products developed by BioShield.

During the drafting process of this bill, a number of expert witnesses stated that Project BioShield might not be tempting enough bait to entice the pharmaceutical industry to bite. These fears are legitimate. And that is why I am pleased that the bill includes a provision allowing the federal government to assume this work in-hours if private industry does not or cannot produce countermeasures fast enough.

On the other hand, if BioShield is successful, which I know we all hope it will be, and new countermeasures are developed, the success of these products depend on our public health systems' ability to distribute and deliver these serums to the general public in a timely, safe, and orderly fashion. In the case of smallpox, the cost of vaccinating—roughly $200 per vaccination because of screening, testing, post vaccination surveillance, and treatment of adverse reactions—has been a significant impediment to the program. Thus, the key to effective countermeasures depends on a lot of factors and costs other than buying countermeasures and putting them in the Strategic National Stockpile.

As I have discussed with my colleagues and Administration officials during both Homeland Security Committee and Labor HHS Appropriations Subcommittee hearings, the bioterrorism grants provided through the Centers for Disease Control and Prevention and Health Resources Services Administration have not been adequate, particularly in the context of the current economy and failing state budgets. Basic health care programs are starved for cash for their core public health missions while also trying to take on treater responsibilities in the terrorism preparedness arena.

So today, I want to go on record with my colleagues that we must be prepared to better invest in our public health network if we truly want a sound and secure homeland.

Despite these criticisms, the BioShield proposal is a well-intended one, and a vitally important component in the fight agaisnt terrorism. The reality is: the more countermeasures we have, the less capable terrorists will be. And one way or another Project BioShield is going to make that happen.

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of the BioShield legislation, and commend the committees for their diligence in meeting the challenge of bioterrorism.

While this bill is an important step in ensuring our nation's preparedness for bioterrorism, I am concerned that it does not fully meet our needs. This act does well in raising our defenses against the ''bio,'' but does nothing to defend against the ''terror.''

Mr. Speaker, the point of all terrorism, including bioterrorism, is not primarily to inflict physical damage, but to undermine our social, political, and economic vibrancy. Whether terrorists succeed depends not only on our ability to prevent or mitigate the physical impact of their acts, but whether we can prevent or mitigate the paralysis, panic, and demoralization they seek to create.

Tom Kean, Rudolph Giuliani, the National Academy of Sciences, first responders, and others have talked about the need to build resilience in our communities. Our preparedness efforts must include plans to ensure that officials' communications calm instead of panic. We need to make sure that the public, first responders, teachers, and others have the proper information delivered in an appropriate way about threats, safety measures, and emergency plans. If we do not specifically address the social and behavioral impacts of terrorism and the threat of terrorism, the measure we debate today and our other preparations will not be as effective as they could be.

I support this bill as component of our defense against biological terrorism, and hope that we can take the important next step as well.

Mr. DINGELL. Mr. Speaker, I rise in support of the Project Bioshield Act of 2003. This legislation reflects bipartisan negotiations that have significantly improved the language submitted to us by the Administration. That is a credit to the Committee on Energy and Commerce and to other committees and colleagues. I commend the good work of all who participated in this endeavor.

Project Bioshield is unfortunately a necessary measure in view of the increased risk of harm to Americans in this era of heightened threats to our national security. There are no effective therapies for many of the ''select agents'' that have been identified as potential instrumentalities of terrorism. The basic purpose of Project Bioshield is to support research that will lead to the development and availability in the Strategic National Stockpile of ''countermeasures'' to combat public health emergencies that threaten our national security.

The bill has three basic features: enhanced countermeasure research; procurement of countermeasures; and emergency regulatory authority for approval and use of drugs, biologics, and devices that are qualified countermeasures. The Committees' work clarified, modified, and otherwise improved on the Administration's proposal in each of these areas.

Significantly, the bill before us contains an additional section that enhances accountability for actions taken pursuant to Project Bioshield. Congress will receive comprehensive information, not less than annually, on the major activities authorized by this act. In addition, the General Accounting Office and the National Academy of Sciences will provide reports on key economic and scientific elements of this program after it has been in effect for several years.

Finally, I commend Chairman TAUZIN of the Committee on Energy and Commerce and my other colleagues for deciding to proceed with an authorization for funding, rather than with the mandatory appropriation sought by the Administration. Bioshield should not automatically be given a higher priority over other national security or public health matters.

This is a good bill, and is a worthy continuation of our important, and bipartisan work on bioterrorism preparedness. I urge all of my colleagues to vote for this bill.

Mr. NUSSLE. Mr. Speaker, I rise today to speak on H.R. 2122, the Project BioShield Act of 2003. This Act would amend the Public Health Service Act to authorize appropriations to procure security countermeasures to treat, identify, and prevent the public health consequences of bio-terrorism.

Project BioShield has been described by President Bush as ''a key part of our all-out effort to prepare for the threat of bio-terror.'' So I am pleased that the Project BioShield Act of 2003 will be voted on today in this House.

The framework for this bill was initially established in the FY 04 Budget Resolution that was adopted in April. The budget resolution set aside $5.593 billion over ten years to establish a program to accelerate the research, development and acquisition of biomedical threat countermeasures. Recognizing the importance of this legislation, it took the somewhat usual step of establishing firewalls around these funds to ensure they are not used for any other purpose.

I am very pleased that the bill we are considering today is consistent with the budget resolution. It would authorize appropriations of $5.6 billion for fiscal years 2004 through 2013. As some of my colleagues may be aware, the House already passed appropriations for this bill as part of the Appropriations bill for Energy and Water. Accordingly, as provided by the budget resolution, I adjusted the 302(a) allocation to the Appropriations Committee to accommodate the appropriations for this important bill.

I would also like to comment on the funding mechanism for BioShield. At the time the budget resolution was adopted, it was unclear whether this program would be funded through annual appropriations or with a permanent indefinite appropriation. Both the Budget and Appropriations Committees expressed a preference for subjecting the program to periodic review of the annual appropriation process. The Administration preferred a new entitlement that would be automatically funded without further legislative action.

I believe the funding mechanism in this bill strikes the right balance. It would fund Project BioShield through what is effectively a multiyear appropriation that would give the Administration flexibility in the amount that is obligated in each year. It subjects the program to periodic Congressional review through the appropriations process but provides the pharmaceutical companies that develop the countermeasures the assurance of future funding.

In conclusion, speaking for myself, and my colleagues, H.R. 2122 reflects our strongest support for those necessary efforts to protect our people and our way of life.

Mr. VAN HOLLEN. Mr. Speaker, I rise today as the Representative of the Congressional District that is the intended home of a key component of the Project Bioshield Act, a $186 million bio-defense laboratory that is planned to be built on the northeast corner of the National Institutes of Health campus in Bethesda, Maryland. While I support the Bioshield initiative, I have serious concerns about the proposed location of the bio-defense laboratory.

Many of my constituents have expressed to me their concerns about the potential safety risks that the location of this laboratory poses to our community, and the possibility that it could become a target for terrorist attacks. Given that our government determined—even before this new laboratory was proposed—that a perimeter fence is required to safeguard the

buildings and employees at the National Institutes of Health. I believe a number of questions must be answered before we proceed further with the plan to locate the laboratory on the NIH campus.

I have written to the Director of the National Institutes of Health and asked him to address the following issues:

(1) The property of locating this laboratory in an urban setting like Bethesda, as opposed to at Fort Detrick, where a bio-safety level 3 laboratory is already under construction;

(2) if located on the Bethesda campus, whether it can be located centrally on the campus, either in a new building or by renovating an existing building and relocating the offices and laboratories of that building to a building in the location chosen for Building 33; and

(3) the precautions that will be taken to ensure that, in the event of a terrorist attack or human error, that any potential risk to our community presented by the presence of this laboratory on the Bethesda campus is minimized or eliminated.

Mr. Speaker, I know that all of my colleagues in this House are united in our common effort to combat terrorism. But we owe it to our constituents to approach this endeavor carefully. I urge my colleagues and the Administration to consider all options so that we do right by all Americans.

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

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, July 15, 2003, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, 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. COX. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1545

PROVIDING FOR CONSIDERATION OF H.R. 2691, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 319 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 319

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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes. The 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 Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 84, line 21, through page 89; page 90, line 4 through line 9. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. During consideration of the bill, points of order against amendments for failure to comply with clause 2(e) of rule XXI 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 319 is an open rule providing for the consideration of H.R. 2691, the Department of Interior and Related Agencies Appropriations Act of 2004. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration; and under the rules of House, the bill shall be read for amendment by paragraph.

The rule waives points of order against provisions in the bill for failure to comply with clause 2 of rule XXI, prohibiting unauthorized appropriations or legislative provisions in an appropriations bill, except as specified in the resolution.

The rule further waives points of order against amendments for failure to comply with clause 2(e) of rule XXI, prohibiting designated emergencies in reported appropriations bills.

Finally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 2691 provides funding for the Department of Interior as well as various agencies and programs and Departments of Agriculture, Energy, Health and Human Services. H.R. 2691 appropriates $19.6 billion in new budget authority, which is $186 million less than last year's enacted level and $110 million more than the President's request. Almost half of the bill's funding finances the Interior Department's programs to manage and study the Nation's animal, plant and mineral resources and support programs benefiting Native Americans.

Among the bill's many provisions are several of special interest to residents of central Washington and my district, including $2.5 billion for Wildland Fire Fighting and the National Fire Plan. This funding will increase firefighting readiness, hazardous fuels reduction, and forest health restoration activities.

As a Member whose district includes significant Federal land holdings, I am particularly pleased that payment in lieu of taxes, or PILT, is funded at $225 million, which is $5 million above the current enacted level and $25 million above the administration's request.

In the area of fisheries management, the committee is to be commended for providing $113 million for fisheries, an increase of nearly $10 million over the administration's request, which includes an increase of $3 million for the Washington State Hatchery Improvement Project.

It should also be noted that the bill includes $4.6 million for the Partners of Fish and Wildlife Program, of which $1.4 million goes to the Washington Regional Fisheries Enhancement programs.

Finally, Mr. Speaker, I commend the gentleman from North Carolina (Mr. TAYLOR) for his efforts to focus attention to the critically important task of maintaining our national parks.

The bill includes $682 million to attack the enormous backlog of badly needed maintenance at our national park facilities.

Mr. Speaker, this bill is a bill which carefully balances a number of important objectives, including natural resources protections and providing access for the public to our Nation's many significant parks and refuges. It makes real progress in management of forests, fisheries. And rangeland; and it does so in a cost-effective way in these challenging budgetary times.

Accordingly, Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Washington for yielding me the customary 30 minutes.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, former President Theodore Roosevelt,

one of the fathers of American conservation, said, ''In utilizing and conserving the national resources of the Nation, the one characteristic more central than any other is foresight.''

Unfortunately, in many areas H.R. 2691 is a myopic bill, lacking this essential foresight. H.R. 2691 does not protect our natural resources, America's lands and its native animals. This appropriations bill breaks promises of funds for conservation, and the bill abandons the conservation trust agreement reached and enacted into law in response to the 315 Members of the House who voted for the Conservation and Reinvestment Act.

The agreement provided for adequate funding for conservation programs that protect public lands and cultural artifacts and preserve endangered and threatened species and that assist States in their own conservation and recreation programs.

Unfortunately, this bill breaks that promise by underfunding the conservation efforts by approximately $569 million less than funding levels promised in the conservation trust agreement. Funding levels for conservation are an even $208 million less than the appropriations for fiscal year 2003. This seriously jeopardizes conservation programs like the Federal Land Acquisition, which is funded at its lowest level in 20 years. City parks are the anchors of our neighborhoods. They provide a variety of activities for youth, and the city of Rochester wrote to me requesting that Congress fund the Urban Parks Program at $50 million. The program provides supplemental funding needed by city parks and recreation departments to strengthen the recreation opportunities. But, unfortunately, the Urban Parks Program gets no funding, despite the request by 104 Members that it be restored.

We have heard a lot about the terrible plight of our national parks. This bill will do nothing to ease that. H.R. 2691 does not protect our seniors and low-income families with children. The Department of Energy's Weatherization Assistance Program reduces the energy costs for low-income families, seniors, and people with disabilities. These savings are gone and they are critical because low-income households spend 14 percent of their total income on energy compared with 33.5 percent for other households.

Since the creation of the weatherization program, 395,000 homes in the State of New York have been weatherized, but 1.5 million more are eligible and waiting for assistance. I have spent more than a few winters in New York, and I know the importance of weatherizing your house against the icy gales of winter. With the weatherization program funded at $63 million below the level requested by the President, millions of Americans will literally be left in the cold.

H.R. 2691 does not protect our American culture and history. Back in 1992, funding for the National Endowment for the Humanities and for the National Endowment for the Arts reached its funding zenith, $176 million for each agency.

Over the years the NEA and NEH budgets have been slashed again and again, and for several years the body has voted to increase the funding for the arts and humanities; but, unfortunately, the strong statement of the will of the body has been ignored. Even the President requested $152 million for the National Endowment for the Humanities, but the allocation in this bill is $15 million dollars less than the President's request.

The funding for NEA is only minimally increased and this insubstantial sum will pay for administrative overhead costs; no new grants will be created. The National Endowment for the Arts enriches our Nation and establishes cultural heritage by supporting the works of artistic excellence, advancing learning in the arts, and, importantly, strengthening the arts in communities throughout the country. They benefit our children and over and over the education given in art has proven to increase academic performance, regardless of socio-economic background.

The NEA provides grants for local arts activities in every State and every congressional district. In Buffalo, New York, the NEA provided a small $10,000 grant to a community arts group to support a program to offer weekend classes in visual arts and jazz music for African American children in Buffalo's low-income inner-city east side. Another small community grant to a group in Buffalo provided weekly workshops in media literacy and digital arts for girls ages 9 to 15.

In my colleague's home State of Washington, an 8-week summer residency program that provided psychiatrically and emotionally impaired children with instruction in creative writing, mask-making, and theatrical improvisation received a community arts grant from the NEA.

Investing in the arts is also smart business. The nonprofit arts industry alone generates $134 billion annually in economic activity and $24.4 billion in Federal, State, and local tax revenues. Every dollar the NEA invests in local theater groups, orchestras, or exhibitions generates $7 for the arts organization by attracting other grants, private donations, and ticket sales which in turn help support communities.

The National Endowment for the Humanities is at the forefront of preserving the American culture and our history. This database of knowledge is the lifeblood essential for a living, thriving democracy.

Bruce Cole, the chairman of the National Endowment for the Humanities, warns us that ''we face a serious challenge to our country that lies within our borders, and within our schools, and that is the threat of American amnesia. We are in danger of having our view of the future obscured by our ignorance of the past. We cannot see clearly ahead if we are blind to history. And a Nation that does not know why it exists or what it stands for cannot be expected to long endure.''

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

Mr. OBEY. Mr. Speaker, in 1964 when this country decided to allow oil drilling in the offshore oil lands, the decision was made to dedicate about $900 million a year from those receipts to what was called the Land and Water Conservation Fund. And the problem is that through the years Congress then decided not to keep that commitment. And so by about 3 years ago, we had had about a $13 billion surplus built up in that fund. So about 3 years ago, 315 Members of this House, over my objection, 315 Members of this House voted for what was known as CARA. It was a proposal to take programs for Federal lands acquisition, for State wildlife grants, forests legacy historic preservation, urban parks, you name it, and turn those programs into entitlements which means that regardless of the budget conditions, they would have been funded at a specific level.

□ 1600

I opposed that. I thought we ought to be able to make conservation programs a priority without making them an entitlement. In the end, I won the argument; and we had an agreement that was entered into by the gentleman from Ohio (Mr. REGULA), who then chaired the Subcommittee on Interior and Related Agencies; by the gentleman from Washington (Mr. DICKS), who is the ranking Democrat on the Subcommittee on Interior and Related Agencies; myself and several others which said, okay, we are not going to make it an entitlement, but over the next 6 years we are going to first double the amount of money that we were providing for these activities and then provide regularly scheduled increases until that program could go up from $1.6 billion to $2.4 billion.

For the first 2 years Congress kept the agreement. In the omnibus appropriation bill last year, however, the Committee on Appropriations broke its word; and it walked away from that agreement; and this bill is now $570 million below where it would be if the committee had kept its word.

At the time that we established that agreement 3 years ago, I told the House, I promised the House that if the day ever came that the Committee on Appropriations welched on the deal that I would then, as a point of honor, change my position and support making these programs entitlements because the Committee on Appropriations would have demonstrated that you could not trust it because they would not keep their word; and I am sorry to say that that is where I am at today.

So what I am going to ask the House to do today is to turn down this rule, to vote against the previous question

on the rule, so that I may be allowed to offer an amendment which will see to it that Congress keeps its promise and would provide $570 million in additional funds into those programs.

We would pay for it by reducing the size of the tax cuts for people who have incomes of over $1 million a year. We would reduce the size of those tax cuts from the $88,000 those folks are supposed to get to $85,000. So for a $3,000 reduction in the size of the tax cut that people who are earning more than $1 million a year would get, we could have Congress keep its promise on this critical national program.

This is more than just a theoretical debate about programs. This deals with real problems. It deals with the fact, for instance, that there are nine acres in Valley Forge that will be developed and lost forever unless we do something to acquire that land this year; and it means similar problems will be faced in Yellowstone, in Grand Teton, and in a number of our other national parks. It also means that we will not be keeping our word in terms of dealing with the maintenance backlog of our national parks.

So I would ask the House very simply to follow the advice of then candidate George W. Bush who said in the Presidential debate just a few months ago, ''We ought to fully fund the Land and Water Conservation Fund and provide half of that money to the States.'' The President of the United States recognized the need to do this. The Congress itself recognized the need to do it when it signed on to the compromise agreement 3 years ago. We ought to keep our word. We especially ought to keep our word to each other.

So I would urge the House to vote against the previous question on the rule so that we can endeavor to do just that.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, sadly, this fiscal year 2004 Interior appropriation bill marks yet another broken promise to the American people and a further betrayal of our country's environment. In 2000, this body adopted the historic CARA-Light Agreement, which authorized $12 million over 6 years for a number of vitally important land acquisition and conservation programs. That was truly an important day for this House and an important victory for the environment.

Mr. Speaker, I am proud to have played a part in building the support for that victory by sponsoring the amendment that restored funding for the stateside Land and Water Conservation Fund program for the first time in 5 years, but Mr. Speaker, I am not proud today of this Interior appropriations bill. In fact, this House should be embarrassed and ashamed that we would so cavalierly break our promise to the environment because it is more important to give tax breaks to millionaires. It is appalling.

The Subcommittee on Interior and Related Agencies of the Committee on Appropriations is authorized to spend almost $1.6 billion on conservation programs in fiscal year 2004. This bill, however, only appropriates $990 million for these programs, which is $570 million less than the CARA-Light agreement requires. Meanwhile, the demand for funding of these conservation programs continues to grow and grow.

The National Park Service conducted a survey in 2002 that asked every State to estimate the total request they have received for land and water conservation funds over the past 3 fiscal years and then compared those requests to the funding each State has received. The results of this survey demonstrated a shocking nationwide unmet need of 92 percent. These are cities and towns in each of our district and in every one of our States that go wanting year after year for their neighborhood park to be improved or their open space to be saved from development.

Since 1964, the Land and Water Conservation Fund has been responsible for the acquisition of nearly 7 million acres of protected land and open space and the development of more than 38,000 State and local parks and recreation areas. The LWCF is a widely popular and very effective program. This bill does not do this program justice.

The Interior bill provides less than half of the documented need for the full funding of the stateside Land and Water Conservation Fund, less than half. In my home State of Massachusetts, the Executive Office of Environmental Affairs will receive a little more than $2 million in fiscal year 2004 to help address the open space and recreation needs of 351 cities and towns. It is simply not enough.

Our open space is disappearing every day. If we do not preserve this land now, we will lose it forever; and the need for safe parks and recreation areas continues to grow.

Mr. Speaker, this bill continues to systematically dismantle the structure of the Title VII Conservation Trust Fund piece by piece, program by program. It reduces the much-celebrated CARA-Light agreement to a terrible hoax and an empty gesture.

I would urge my colleagues to support the amendments that will restore funding to these conservation programs. We must live up to our obligation. We must meet our promises.

The gentleman from Wisconsin (Mr. OBEY) had an amendment that would fix all of this by taking a tiny, tiny amount of the overly generous Republican tax cut for millionaires and put it toward conservation programs. Unfortunately, Mr. Speaker, the Committee on Rules stayed true to form and said no.

I urge a no vote on the previous question and a no vote on the rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentlewoman for yielding me the time.

I rise in strong opposition to this rule, and I would ask Members to vote against the previous question so that we could have an opportunity to vote on the Obey-Dicks amendment which would restore the $570 million that has been cut from conservation spending in this country.

I also rise to say that I would oppose the Boehlert amendment that would restore $95 million to these programs. The Boehlert amendment simply is an endorsement of these cuts. It simply is an endorsement of the cuts. We were spending $450 million on Federal land and water conservation programs per a bipartisan agreement and the support of this President of the United States. If my colleagues vote for the Boehlert amendment, we are down to $130 million on State land and water conservation, a primary driver of open space and conservation programs and habitat protection and the protections of the community values, $450 million after these cuts. Even with the Boehlert amendment, that is only $118 million.

We are talking about a massive loss of opportunities for local communities to protect and provide for the conservation of land around those communities for public use, for the use of their citizens, because these dollars are matched by private dollars, by local dollars, and they drive these acquisitions.

The Boehlert amendment is simply an endorsement of a policy that is now just wreaking havoc with that bipartisan agreement, with that promise made by this Congress that we would once again start using those moneys coming into the Land and Water Conservation Fund from offshore oil drilling to protect the natural assets of this country and our local communities.

That is why we have got to vote against the previous question and the rule. Because if we voted for the Obey-Dicks amendment, then we would keep the promise that we have made. We have made that with business organizations, we have made that with conservation organizations, we have made that with restoration organizations, we have made that with communities, that these were community values where the Federal Government would help out. All of that is devastated by this legislation, and we cannot buy into an endorsement of that by buying an amendment that simply puts just a few dollars back into these accounts while these accounts initially in this bill get slaughtered by the appropriations provided in this committee.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the American people have been misled. Just like the telephone salesman who interrupts our dinner hour with an offer that is too good to be true, the Bush administration has sold the American people a tax cut by withholding some very important facts.

One of those facts is that, in order to subsidize rebate checks for people who live on estates which cover vast stretches of private land, the Bush administration now has to slash funding that would have gone to protect vast stretches of public land.

Spending on Land and Water Conservation Fund programs, which is authorized at the level of $900 million, totals less than $200 million in the bill that is currently before us. Funding that would improve and expand wildlife refuges, national parks and national forests is all being sacrificed at the altar of tax relief for the rich. What is more, the Bush administration, along with the majority here in this House, fails to provide these funds even though half the money goes directly to States for conservation and recreation purposes.

Gutting these conservation programs shatters an agreement made by this Congress just 3 short years ago when the Land Conservation, Preservation and Infrastructure Trust Fund was created as part of the Interior bill.

It should be noted that there is one exception in this bill to the majority's desire to slash and burn conservation funding. This appropriation bill would authorize a new national heritage area. This new heritage area has not even been studied by the National Park Service. It would simply be designated, and it is by no means a small designation as it would stretch over 25 counties in North Carolina and be authorized to receive $10 million in Federal funding over 10 years.

It had been my understanding that some in the majority, including the Committee on Resources chairman, opposed creation of any new heritage areas based on private property concerns; and, indeed, there are scores of Members, Republicans and Democrats alike, who are asking the Committee on Resources to consider heritage area legislation.

As such, I can only come to the conclusion, Mr. Speaker, that the inclusion of this new heritage area in this new Interior appropriations bill means that those concerns over private property rights have been addressed, and we look forward to the timely consideration of all of the heritage proposals that are now pending before this Congress.

Except for this one bright spot, however, the cuts of conservation spending contained in this bill are unacceptable. The American people should know that the national park they visit this summer is not being protected because there will be no funds to conserve park lands, and the American people should know that the conservation and recreation programs planned by their governor will have to be abandoned because the Federal Government would not come through with the matching funds.

I urge a no vote on the rule and a no on the previous question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Georgia (Mr. KINGSTON) a member of the committee.

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

I just wanted to point out, Mr. Speaker, that when we hear about the bill having more money for acquiring more land, it is important to keep in perspective how much land is actually owned by the United States, which is approximately one-third. Thirty-three percent of the land in America is owned by the Federal Government; and that does not include military bases, it does not include easements for interstate highways, it does not include State and local parks and recreation areas. So if we put in all that, it may be as high as 40 percent.

I am not on the Subcommittee on Interior and Related Agencies of the Committee on Appropriations anymore, but I had the honor of serving on it for 6 years, and I would often ask the director of the National Park Service or Fish and Wildlife or the Bureau of Land Management, how much land is enough?

We know politically 435 Members of Congress can always go home as heroes, session after session, saying I bought more land, I protected the environment, and yet nobody knows how much is good. Should the Federal Government own 90 percent of the land in America? Should it be a smaller percentage?

I think, if my memory serves correctly, in the East, it is a lot smaller percentage. In fact, I think in Georgia it is probably less than 10 percent. Massachusetts, I believe it is 14 percent. California, it is 60 percent. In Nevada, it is about 90 percent. But we have no national policy on it whatsoever.

I asked these questions to the Bush administration. I asked these questions to the Clinton administration. How much land should it be? Should it be 15 percent? Should it be 75 percent? What is the magic number?

I want my colleagues to think about this in terms of appropriations and so forth.

We had this week, most of us were visited by people from the education community on IDEA, the Individuals with Disabilities Education Act.

□ 1615

We passed our Labor, Health and Human Services, and Education bill this week; and we funded IDEA at 18 percent. We should be funding it at about 40 percent, but we have something to discuss because we have a specific vision of what funding level is adequate.

Here we are, when it comes to land acquisition, already again up to a third of the land in America owned by the Federal Government, and we do not have a top end to it. We do not have a policy. Meanwhile, not only do we not have a policy, we have a tremendous backlog.

Now, the Republicans, since 1997, have spent $2.1 billion on backlog for our public lands, maintenance and so forth. But here we still have billions of dollars in backlog, and we do not seem to be worried about that.

So I think that this subcommittee has done the right thing by going very cautiously in terms of not just funding everybody who wants a new land acquisition reelection plan, but they are trying to go at it with a little more science, a little more balance; and I think that that is a far better approach than the so-called CARA approach or some of these other plans that are out there.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I rise to urge my colleagues on both sides of the aisle to support the removal of section 137 of the Interior appropriations bill which seeks to reach a settlement of the Indian trust reform issue. This section does not belong in this bill, and any legislation dealing with settlement should be vetted through the Committee on Resources which has jurisdiction over this issue.

Mr. Speaker, for more than a century, the Federal Government has been the trustee of funds for Indian tribes and individual Indians. These funds are generated from rights and leases on lands held in trust by the Federal Government. Presently, there are approximately 300,000 Native Americans who are supposed to receive funds from the 56 million acres being held in trust for them by the Federal Government. Unfortunately, the Department of the Interior has been unable to fully and accurately account for the trust fund money.

Both Secretaries of Interior for the past two administrations have been held in contempt of court for failing to fulfill their fiduciary responsibility to Native Americans. In order to force the government to account for the money believed to be owed them, a group of Native Americans filed a class action lawsuit against the Secretary of the Interior.

Now, recently, Mr. Speaker, the House Subcommittee on Interior of the Committee on Appropriations offered language in section 137 of its bill in an attempt to settle this dispute. If this language were allowed to advance, it would give the Secretary of the Interior the authority to unilaterally settle any claim related to the balance of the individual Indian accounts currently held in trust.

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

Mr. PALLONE. I yield to the gentleman from Washington.

Mr. DICKS. On a voluntary basis in the first year. The gentleman did not use the word voluntary. In the second year, then they have to work it out if there has not been a voluntary agreement in the first year.

I just wanted to clarify that point.

Mr. PALLONE. Reclaiming my time, Mr. Speaker, I appreciate the ranking member's comments.

The same Department of Interior that has consistently failed to manage the trust accounts would have complete authority to end all of the claims by individual Indian account holders.

Now, while I appreciate, and I want to tell the gentleman from Washington I do appreciate the attention that is being given to this issue by my colleagues on the Committee on Appropriations, but I do not feel that a fair resolution can be reached without having all the major players at the table. To that end, I urge my colleagues once again to support the removal of section 137 from the Interior appropriations bill and allow the Committee on Resources to try to reach a fair and equitable solution that both tribal leaders and the Department of the Interior can agree upon.

If I can say to the gentleman from Washington and also the chairman of the subcommittee, I do appreciate the fact that they have been willing to allow us to take this section out and have the Committee on Resources try to come up with a fair and equitable solution; and I really understand the gentleman's frustration with the fact that, for several years now, that this issue is still outstanding and has a major impact in terms of funding and the level of appropriations. But we really feel on the committee that we can deal with this effectively and appreciate the opportunity to be allowed to do so.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Speaker, I rise in opposition to the rule for the consideration of the fiscal year 2004 Interior Appropriations Act. I oppose the rule because it did not allow an important amendment to be offered by the ranking Democratic member of the full Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY). The Obey-Dicks amendment, which I strongly supported, would have added $569 million to the bill to restore the Conservation Trust Fund.

I regret the Obey amendment was not allowed, because I believe it was the only real way that we could have addressed the shortfall of over half a billion dollars in the Interior bill. Obviously, we could never find the offsets within our allocation to fully fund the trust fund, and we should not have to. The conservation agreement provided for an additional allocation to our subcommittee and was never intended to come at the expense of other programs in the bill.

The bill under consideration today shortchanges the Conservation Trust Fund by $569 million, providing only $1 billion of the authorized $1.56 billion. In fact, the fund is $208 million below last year, despite built-in increases under the program through 2066.

Nobody wants to see increases in this area more than I do, but we must be honest that we cannot find the money from within our bill. The Conservation Trust Fund that was established in 2000 called for a separate allocation to our subcommittee and to the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies to be used specifically for these purposes. It was never intended to come from within our 302(b) allocation to the Subcommittee on Interior.

The gentleman from Wisconsin (Mr. OBEY) should have been allowed to offer his amendment, and we should have been able to have a real debate on a real amendment to restore this important program.

And I want to reiterate what was said earlier, that the President, when he was campaigning for President, said he was going to fully fund the Land and Water Conservation Fund. That is $450 million Federal and $450 million for State-side programs. That budget request has not gotten up here. They tried to change certain things and call them land and water conservation, but in fact it was not the bill as enacted.

I would also point out that over the years a surplus has accrued under the title of the Land and Water Conservation Fund of about $13 billion, and that is why the CARA movement was so powerful a few years ago. I think over 315 or 320 Members of the House voted for CARA, which would have created mandatory spending of $3 billion for the next 15 years. Some of the most senior and influential Members on conservation issues in this body strongly supported it and advocated it; and we in the Committee on Appropriations came up with this alternative, which the gentleman from Wisconsin (Mr. OBEY) and I sponsored, along with the gentleman from Ohio (Mr. REGULA). That is why there is such concern out there in the conservation community that we have not kept this commitment.

So I regretfully urge people to vote against the rule. There are other issues in this bill, but we will have a chance to discuss them once we get into general debate.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I would like to speak in opposition to the rule because the rule would violate the rules of the House. It would allow, for the fourth time, the authorization of a tax on average Americans who choose to recreate on our Federal lands.

Now, I have no problem with charging for use of developed sites, I have no problem with special use areas, and certainly no problem for the parks. We have already heard how the parks are underfunded. But to charge Americans who live in remote rural communities in my district and elsewhere throughout the West in the United States to drive and park their car for dispersed recreation in an undeveloped area, whether it is hunting or fishing or just taking the grandkids for a walk, as a grandma in Oak Ridge might do, they have to pay a large annual fee, $35, to drive out of this poor community which is completely surrounded by national forestlands. They have to pay that fee.

Yet the authorizing committee in the House, the committee which should authorize such a tax, because there is a tax, and this is the party that does not want new taxes, and this would be a new tax because it is going to extend it without an authorization, without hearings, without any appropriate action for another 2 years in this bill, and that violates the rules of the House. But that is protected under this rule from my raising a point of order against it. This is not the proper way to move forward on this issue.

There is a legislation introduced by Senator THOMAS of Wyoming that would make this program permanent for the parks, and I would be happy to support that, and the House would. We have Members of the majority party here who are working on legislation, the gentleman from California (Mr. POMBO) and the gentleman from Colorado (Mr. MCINNIS), that would change the program a little bit, because they feel parts of it are inappropriate and are restricting the public's right to access their lands without charge in areas where there is no discernible investment or need for such a barrier charge.

And the program itself is problematic. For the $36 million that were raised by the Forest Service, $13 million of it got to the ground. So it is not only an oppressive tax on average Americans, it is an unbelievably inefficient tax when you begin to look at the collection costs and all the other problems that arise from this particular program. I mean, that is about a one-third efficiency rate. I do not think many of us would support any other tax that would only provide about a third of the revenues which it assesses against people to the purpose which it purports to fulfill.

So I urge my colleagues to oppose the rule for this reason and for others articulated by my friend and colleague from Washington State so that we can more fairly debate this bill and more fairly and properly address issues such as this rec fee demo tax on Americans.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, shortly I will ask Members to vote no on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will make in order the Obey amendment to restore funding for the conservation programs that have been shortchanged in the bill.

This amendment would add $569 million to the bill's conservation programs in order to bring them up to their authorized spending levels. The Obey amendment offsets this spending increase with a 3.21 percent reduction in the tax breaks received by taxpayers earning more than $1 million a year. This amendment was submitted to the Committee on Rules last night and rejected by the majority.

The cost of this amendment is fully paid for. The money would come by slightly reducing the 2004 tax cut for those with incomes in excess of $1 million. It seems to me these millionaires could easily spare a small part of their very large tax breaks to help protect our precious national resources.

So I will urge Members on both sides of the aisle to vote no on the previous question. A no vote will not stop the House from taking up the Interior appropriations bill. However, a yes vote will prevent the House from considering the Obey amendment.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

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

Mr. Speaker, I urge my colleagues to vote for the previous question and for the rule.

I just might add that this is an open rule. The subcommittee and the full committee made some difficult decisions at prioritizing needs to fund particularly the Department of the Interior. Of course, there are differences of opinion on how those priorities should be, but this open rule allows for a restructuring, if this body decides that is the correct way to go, to restructure those priorities.

So I think it is a good rule. It is an open rule. I urge my colleagues to vote for the previous question and for the rule.

The material previously referred to by Ms. SLAUGHTER is as follows:

PREVIOUS QUESTION FOR H. RES. 319—RULE ON H.R. 2691, FISCAL YEAR 2004 INTERIOR APPROPRIATIONS

At the end of the resolution, add the following:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Obey of Wisconsin or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT NO. 2 BY REPRESENTATIVE OBEY

AMENDMENT TO H.R. 2691, AS REPORTED

OFFERED BY: MR. OBEY OF WISCONSIN

On page 7, line 13, strike ''$14,000,000'' and insert ''$49,920,000''.

On page 14, line 8, strike ''$23,058,000'' and insert ''$99,135,000''.

On page 25, line 24, strike ''$131,154,000'' and insert ''$330,117,000''.

On page 97, line 17, strike ''$29,288,000'' and insert ''$149,742,000''.

On page 17, line 12, strike ''$75,000,000'' and insert ''$100,000,000''.

On page 16, line 11, strike ''$24,560,000'' and insert ''$43,500,000''.

On page 91, line 3, strike ''$290,758,000'' and insert ''$335,272,000''.

On page 22, line 23, strike ''$71,000,000'' and insert ''$90,000,000''.

On page 23, line 1, strike ''$30,000,000'' and insert ''$34,000,000''.

On page 22, line 17, strike ''$305,000'' and insert ''$30,000,000''.

On page 154, after line 13, add the following:

SEC. ____. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Public Law 108-27) shall be reduced by 3.21 percent.

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

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

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

Ms. SLAUGHTER. 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 the resolution, if ordered; on passage of H.R. 2122; on suspending the rules and adopting H. Con. Res. 6; and, without objection, on authorizing closed meetings of the conferees on H.R. 1588, if a motion to that end is offered immediately after the vote on H. Con. Res. 6.

The vote was taken by electronic device, and there were—yeas 219, nays 199, not voting 16, as follows:

[Roll No. 371]

YEAS—219

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bereuter
Biggert
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
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Feeney
Flake
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
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
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

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

Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
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—16

Berkley
Brown, Corrine
Cole
Deal (GA)
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Johnson (IL)
Kolbe
Lowey
Millender-McDonald
Payne
Royce
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1650

Ms. WATSON, Mr. LARSON of Connecticut and Mr. ISRAEL changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 371 I was in a meeting at the White House with the President. Had I been present, I would have voted ''yea.''

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 371 I was unavoidably detained. Had I been present, I would have voted ''yea.''

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

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

RECORDED VOTE

Ms. SLAUGHTER. 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 232, noes 189, not voting 13, as follows:

[Roll No. 372]

AYES—232

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

NOES—189

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

NOT VOTING—13

Berkley
Brown, Corrine
Cox
Deal (GA)
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Payne
Royce
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1700

Mr. CRAMER and Mr. MOLLOHAN changed their vote from ''aye'' to ''no.''

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.

Stated for:

Mr. ROYCE. Mr. Speaker, on rollcall No. 372, I was in a meeting at the White House with the President. Had I been present, I would have voted ''aye.''

Mr. WELLER. Mr. Speaker, on rollcall No. 372, had I been present, I would have voted ''aye.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to rule XX and the previous order of the House, the remainder of this series will be conducted as 5-minute votes.

PROJECT BIOSHIELD ACT OF 2003

The SPEAKER pro tempore. The pending business is the question on the passage of the bill, H.R. 2122, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 421, nays 2, not voting 11, as follows:

[Roll No. 373]

YEAS—421

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
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-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
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)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—11

Berkley
Brown, Corrine
Cannon
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Sweeney
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1707

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF CHRONIC OBSTRUCTIVE PULMONARY DISEASE AWARENESS MONTH

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 6.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. OSE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 6, 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 423, nays 0, not voting 11, as follows:

[Roll No. 374]

YEAS—423

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
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-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
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)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
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—11

Berkley
Brown, Corrine
Castle
Emerson
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Millender-McDonald
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1715

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.

□ 1515

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION.

Mr. HUNTER. Mr. Speaker, pursuant to clause 12 of House rule XXII, I move that meetings of the conference between the House and Senate on H.R. 1588 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. HUNTER). Under the rule, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 398, nays 23, not voting 13, as follows:

[Roll No. 375]

YEAS—398

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
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emanuel
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Fattah
Feeney
Flake
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCotter
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
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
Oxley
Pallone
Pascrell
Pastor
Paul
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)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (CO)
Upton
Van Hollen
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—23

Blumenauer
Carson (IN)
Clay
Conyers
DeFazio
Delahunt
Farr
Filner
Hinchey
Jackson-Lee (TX)
Kucinich
Lee
Lewis (GA)
McDermott
Miller, George
Owens
Payne
Stark
Tierney
Udall (NM)
Velazquez
Waters
Watson

NOT VOTING—13

Berkley
Brown, Corrine
Camp
Cox
Ferguson
Fletcher
Gephardt
Janklow
Jefferson
Kilpatrick
McCollum
Millender-McDonald
Sweeney

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1723

Mr. PAYNE, Ms. VELÁZQUEZ, and Ms. JACKSON-LEE of Texas changed their vote from ''yea'' to ''nay.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

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

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 108–212) on the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mrs. CAPITO. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2022

Mr. OWENS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2022.

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

There was no objection.

GENERAL LEAVE

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

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. Pursuant to House Resolution 319 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2691.

□ 1725

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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, with Mr. LATOURETTE 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 North Carolina (Mr. TAYLOR) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

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

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

Mr. Chairman, today we bring before the House for fiscal year 2004 appropriations a bill for the Department of the Interior and related agencies. This is a good bill that balances many competing needs and stays within the 302(b) allocations for budget authority.

Mr. Chairman, this bill is fiscally responsible, providing about $100 million more than the budget request but nearly $200 million less than the fiscal year 2003 level. The bill takes care of our public lands, the national parks, wildlife refuges, forests, and lands managed by the Bureau of Land Management. It has been increased not as much as some would like; and I pledge that in conference, we will try to increase that as much as possible.

The bill focuses on conservation initiatives, including operation and maintenance of Federal lands, stateside grants for land preservation and recreation, State wildlife grants, habitat improvements on both public and private lands, eradication of invasive species, and protection of endangered species.

We hear arguments that we are not doing enough for the conservation program in this bill. I disagree. There is nearly $1 billion in the bill for programs in the conservation spending category. But more to the point, there are a great number of critically important conservation programs in this bill that have never been included in the conservation spending category but are equally important.

□ 1730

We provide increases of $73 million for national parks, $30 million for national wildlife refuges, and $93 million for wildlife restoration and forest health. I would argue that most of the funding in this bill is for conservation activities.

Some Members will argue that we need to buy more Federal lands. What we really need is to do a better job of taking care of lands we have and this bill does that.

Fire fighting needs are addressed in this bill. In addition to providing the necessary funding for suppressing wildfires, we continue support for the National Fire Plan with the investment of $2.5 billion. We support preparedness activities so that we have the people and equipment in place to handle wildfires. We provide funding increases for hazardous fuels reduction, State fire assistance, and forest health programs. I am proud of the balance we have achieved in these critical programs that are important to all Americans.

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

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

The bill provides for the continued construction of critically needed schools and hospitals for the American Indians and Alaskan Natives. It is included in a resolution to the contentious litigation between the United States and the American Indians dealing with the individual Indian trust monies. This bill provides prompt, fair, and reasonable resolution of those long-standing claims. This lawsuit has been diverting scarce resources away from critical programs that benefit the Indian people. We need to stop spending hundreds of millions of dollars, if not billions, on litigation support and redirect those funds to Indian education, health, wildlife, law enforcement and other important Indian programs.

My good friend, the gentleman from California (Mr. POMBO), chairman of the Committee on Resources, will move to strike this provision on jurisdictional grounds. He has committed to resolving this conflict through the authorizing process. Mr. Chairman, if we do not do this, we will literally be spending perhaps $2.4 billion in continuous accounting measures that will do nothing to solve this problem. It will be taken away from Indian health and education.

Finally, the bill takes care of our cultural agencies and provides the funding needed to ensure that the Smithsonian Institution maintains its responsibility for providing quality visitor services and world-renowned research. It provides the administration's request for the National Gallery of Art and for the National Endowment for the Arts.

The Interior and Related Agencies Appropriations bill for fiscal year 2004 is a bill that I believe strikes an appropriate balance among competing funding needs, and I ask for support for the bill.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management					
Management of lands and resources	820,344	828,079	834,088	+13,744	+6,009
Wildland fire management:					
Preparedness	275,411	282,725	302,725	+27,314	+20,000
Fire suppression operations	159,309	195,310	170,310	+11,001	-25,000
Other operations	215,433	220,690	225,690	+10,257	+5,000
Other appropriations (P.L. 108-7)	189,000	---	---	-189,000	---
Subtotal	839,153	698,725	698,725	-140,428	---
Central hazardous materials fund	9,913	9,978	9,978	+65	---
Construction	11,898	10,976	10,976	-922	---
Land acquisition	33,233	23,686	14,000	-19,233	-9,686
Oregon and California grant lands	104,947	106,672	106,672	+1,725	---
Range improvements (indefinite)	10,000	10,000	10,000	---	---
Service charges, deposits, & forfeitures (indefinite)	7,900	20,490	20,490	+12,590	---
Offsetting fee collections	-7,900	-20,490	-20,490	-12,590	---
Miscellaneous trust funds (indefinite)	12,405	12,405	12,405	---	---
Total, Bureau of Land Management	1,841,893	1,700,521	1,696,844	-145,049	-3,677
United States Fish and Wildlife Service					
Resource management	911,464	941,526	959,901	+48,437	+18,375
Construction	54,073	35,393	52,718	-1,355	+17,325
Land acquisition	72,893	40,737	23,058	-49,835	-17,679
Landowner incentive program	39,740	40,000	40,000	+260	---
Rescission	-40,000	---	---	+40,000	---
Subtotal	-260	40,000	40,000	+40,260	---
Private stewardship grants	9,935	10,000	10,000	+65	---
Rescission	-10,000	---	---	+10,000	---
Subtotal	-65	10,000	10,000	+10,065	---
Cooperative endangered species conservation fund	80,473	86,614	86,614	+6,141	---
National wildlife refuge fund	14,320	14,414	14,414	+94	---
North American wetlands conservation fund	38,309	49,560	24,560	-13,749	-25,000
Neotropical migratory birds conservation fund	2,981	---	5,000	+2,019	+5,000
Multinational species conservation fund	4,768	7,000	5,000	+232	-2,000
State wildlife grants	64,577	59,983	75,000	+10,423	+15,017
Total, United States Fish and Wildlife Service	1,243,533	1,285,227	1,296,265	+52,732	+11,038
Appropriations	(1,293,533)	(1,285,227)	(1,296,265)	(+2,732)	(+11,038)
Rescission	(-50,000)	---	---	(+50,000)	---
National Park Service					
Operation of the national park system	1,564,331	1,631,882	1,636,882	+72,551	+5,000
United States Park Police	77,921	78,859	78,859	+938	---
National recreation and preservation	61,268	47,936	54,924	-6,344	+6,988
Urban park and recreation fund	298	305	305	+7	---
Historic preservation fund	68,552	67,000	71,000	+2,448	+4,000
Construction	325,712	327,257	303,199	-22,513	-24,058
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	---	---
Land acquisition and state assistance	171,348	238,634	131,154	-40,194	-107,480
Total, National Park Service (net)	2,239,430	2,361,873	2,246,323	+6,893	-115,550
Appropriations	(2,269,430)	(2,391,873)	(2,276,323)	(+6,893)	(-115,550)
Rescission	(-30,000)	(-30,000)	(-30,000)	---	---
United States Geological Survey					
Surveys, investigations, and research	919,272	895,505	935,660	+16,388	+40,155

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Minerals Management Service					
Royalty and offshore minerals management	264,477	264,446	264,446	-31	---
Use of receipts	-100,230	-100,230	-100,230	---	---
Oil spill research	6,065	7,105	7,105	+1,040	---
Total, Minerals Management Service	170,312	171,321	171,321	+1,009	---
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	104,408	106,424	106,424	+2,016	---
Receipts from performance bond forfeitures (indefinite)	273	275	275	+2	---
Subtotal	104,681	106,699	106,699	+2,018	---
Abandoned mine reclamation fund (definite, trust fund)	190,498	174,469	194,469	+3,971	+20,000
Total, Office of Surface Mining Reclamation and Enforcement	295,179	281,168	301,168	+5,989	+20,000
Bureau of Indian Affairs					
Operation of Indian programs	1,845,246	1,889,735	1,902,106	+56,860	+12,371
Construction	345,988	345,154	345,154	-834	---
Indian land and water claim settlements and miscellaneous payments to Indians	60,552	51,375	55,583	-4,969	+4,208
Indian guaranteed loan program account	5,457	6,497	6,497	+1,040	---
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	(+94,568)	---
Total, Bureau of Indian Affairs	2,257,243	2,292,761	2,309,340	+52,097	+16,579
Departmental Offices					
Insular Affairs:					
Assistance to Territories	48,183	43,623	46,623	-1,560	+3,000
Northern Marianas	27,720	27,720	27,720	---	---
Subtotal	75,903	71,343	74,343	-1,560	+3,000
Compact of Free Association	8,926	4,125	4,354	-4,572	+229
Mandatory payments	12,000	12,000	12,000	---	---
Subtotal	20,926	16,125	16,354	-4,572	+229
Total, Insular Affairs	96,829	87,468	90,697	-6,132	+3,229
Departmental management	71,957	97,140	79,027	+7,070	-18,113
Working capital fund	---	---	-20,000	-20,000	-20,000
Financial management system migration project	---	---	---	---	---
Rescission	---	---	---	---	---
Office of the Solicitor	47,462	50,374	50,374	+2,912	---
Office of Inspector General	36,003	39,049	39,049	+3,046	---
Office of Special Trustee for American Indians					
Federal trust programs	140,359	274,641	219,641	+79,282	-55,000
Indian land consolidation	7,928	20,980	20,980	+13,052	---
Total, Office of Special Trustee for American Indians	148,287	295,621	240,621	+92,334	-55,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Natural resource damage assessment fund	5,501	5,633	5,633	+132	---
Payments in lieu of taxes	218,570	200,000	225,000	+6,430	+25,000
Total, Departmental Offices	624,609	775,285	710,401	+85,792	-64,884
Total, title I, Department of the Interior:					
New budget (obligational) authority (net)	9,591,471	9,763,661	9,667,322	+75,851	-96,339
Appropriations	(9,671,471)	(9,793,661)	(9,697,322)	(+25,851)	(-96,339)
Rescissions	(-80,000)	(-30,000)	(-30,000)	(+50,000)	---
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	(+94,568)	---
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest and rangeland research	250,049	252,170	267,230	+17,181	+15,060
State and private forestry	284,712	315,823	290,758	+6,046	-25,065
National forest system	1,353,444	1,369,573	1,400,792	+47,348	+31,219
Wildland fire management:					
Preparedness	677,996	609,747	698,000	+20,004	+88,253
Fire suppression operations	351,964	604,580	520,000	+168,036	-84,580
Other operations	341,008	327,448	406,632	+65,624	+79,184
Other appropriations (P.L. 108-7)	636,000	---	---	-636,000	---
Subtotal	2,006,968	1,541,775	1,624,632	-382,336	+82,857
Capital improvement and maintenance	548,450	524,571	560,473	+12,023	+35,902
Land acquisition	132,945	44,130	29,288	-103,657	-14,842
Acquisition of lands for national forests, special acts	1,062	1,069	1,069	+7	---
Acquisition of lands to complete land exchanges (indefinite)	232	234	234	+2	---
Range betterment fund (indefinite)	3,380	3,000	3,000	-380	---
Gifts, donations and bequests for forest and rangeland research	91	92	92	+1	---
Management of national forest lands for subsistence uses	5,506	5,535	5,535	+29	---
Total, Forest Service	4,586,839	4,057,972	4,183,103	-403,736	+125,131
DEPARTMENT OF ENERGY					
Clean coal technology:					
Deferral	-87,000	---	-86,000	+1,000	-86,000
Fossil energy research and development	620,837	514,305	609,290	-11,547	+94,985
SPR petroleum account (by transfer)	---	(5,000)	---	---	(-5,000)
Naval petroleum and oil shale reserves	17,715	16,500	20,500	+2,785	+4,000
Elk Hills School lands fund	---	36,000	---	---	-36,000
Advance appropriations, FY 2005	36,000	---	36,000	---	+36,000
Energy conservation	891,769	875,793	879,487	-12,282	+3,694
Economic regulation	1,477	1,047	1,047	-430	---
Strategic petroleum reserve	171,732	175,081	175,081	+3,349	---
SPR petroleum account	6,954	---	---	-6,954	---
Rescission	-5,000	---	---	+5,000	---
(Transfer out)	---	(-5,000)	---	---	(+5,000)
Subtotal	1,954	---	---	-1,954	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
Northeast home heating oil reserve	5,961	5,000	5,000	-961	---
Energy Information Administration	80,087	80,111	82,111	+2,024	+2,000
Total, Department of Energy:					
New budget (obligational) authority (net)	1,740,532	1,703,837	1,722,516	-18,016	+18,679
Appropriations	(1,796,532)	(1,703,837)	(1,772,516)	(-24,016)	(+68,679)
Advance appropriations	(36,000)	---	(36,000)	---	(+36,000)
Rescissions	(-5,000)	---	---	(+5,000)	---
Deferral	(-87,000)	---	(-86,000)	(+1,000)	(-86,000)
(Transfer out)	---	(-5,000)	---	---	(+5,000)
(By transfer)	---	(5,000)	---	---	(-5,000)
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Indian Health Service					
Indian health services	2,475,916	2,502,393	2,556,082	+80,166	+53,689
Indian health facilities	373,745	387,269	392,560	+18,815	+5,291
Total, Indian Health Service	2,849,661	2,889,662	2,948,642	+98,981	+58,980
OTHER RELATED AGENCIES					
Office of Navajo and Hopi Indian Relocation					
Salaries and expenses	14,397	13,532	13,532	-865	---
Institute of American Indian and Alaska Native Culture and Arts Development					
Payment to the Institute	5,454	5,250	5,250	-204	---
Smithsonian Institution					
Salaries and expenses	460,196	476,553	489,748	+29,552	+13,195
Rescission	-14,100	---	---	+14,100	---
Subtotal	446,096	476,553	489,748	+43,652	+13,195
Repair, restoration and alteration of facilities	82,883	---	---	-82,883	---
Construction	15,896	---	---	-15,896	---
Facilities capital	---	89,970	93,970	+93,970	+4,000
Total, Smithsonian Institution	544,875	566,523	583,718	+38,843	+17,195
National Gallery of Art					
Salaries and expenses	76,717	88,849	88,849	+12,132	---
Repair, restoration and renovation of buildings	16,125	11,600	11,600	-4,525	---
Total, National Gallery of Art	92,842	100,449	100,449	+7,607	---
John F. Kennedy Center for the Performing Arts					
Operations and maintenance	16,204	16,560	16,560	+356	---
Construction	17,486	16,000	16,000	-1,486	---
Total, John F. Kennedy Center for the Performing Arts	33,690	32,560	32,560	-1,130	---
Woodrow Wilson International Center for Scholars					
Salaries and expenses	8,433	8,604	8,604	+171	---
National Foundation on the Arts and the Humanities					
National Endowment for the Arts					
Grants and administration 1/	115,732	117,480	117,480	+1,748	---

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 2003
AND BUDGET REQUESTS AND AMOUNTS RECOMMENDED IN THE BILL FOR 2004 (H.R. 2691)
(Amounts in thousands)

	FY 2003 Enacted	FY 2004 Request	Bill	Bill vs. Enacted	Bill vs. Request
National Endowment for the Humanities					
Grants and administration	108,919	135,878	120,878	+11,959	-15,000
Matching grants	16,017	16,122	16,122	+105	---
Total, National Endowment for the Humanities	124,936	152,000	137,000	+12,064	-15,000
Total, National Foundation on the Arts and the Humanities	240,668	269,480	254,480	+13,812	-15,000
Commission of Fine Arts					
Salaries and expenses	1,216	1,422	1,422	+206	---
National Capital Arts and Cultural Affairs					
Grants	6,954	5,000	7,000	+46	+2,000
Advisory Council on Historic Preservation					
Salaries and expenses	3,643	4,100	4,100	+457	---
National Capital Planning Commission					
Salaries and expenses	7,206	8,230	7,730	+524	-500
United States Holocaust Memorial Museum					
Holocaust Memorial Museum	38,412	39,997	39,997	+1,585	---
Presidio Trust					
Presidio trust fund	21,188	20,700	20,700	-488	---
Total, title II, related agencies:					
New budget (obligational) authority (net)	10,196,010	9,727,318	9,933,803	-262,207	+206,485
Appropriations	(10,266,110)	(9,727,318)	(9,983,803)	(-282,307)	(+256,485)
Advance appropriations	(36,000)	---	(36,000)	---	(+36,000)
Rescissions	(-19,100)	---	---	(+19,100)	---
Deferral	(-87,000)	---	(-86,000)	(+1,000)	(-86,000)
(Transfer out)	---	(-5,000)	---	---	(+5,000)
(By transfer)	---	(5,000)	---	---	(-5,000)
Grand total:					
New budget (obligational) authority (net)	19,787,481	19,490,979	19,601,125	-186,356	+110,146
Appropriations	(19,937,581)	(19,520,979)	(19,681,125)	(-256,456)	(+160,146)
Advance appropriations	(36,000)	---	(36,000)	---	(+36,000)
Rescissions	(-99,100)	(-30,000)	(-30,000)	(+69,100)	---
Deferral	(-87,000)	---	(-86,000)	(+1,000)	(-86,000)
(Transfer out)	---	(-5,000)	---	---	(+5,000)
(By transfer)	---	(5,000)	---	---	(-5,000)
(Limitation on guaranteed loans)	---	(94,568)	(94,568)	(+94,568)	---

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

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

Mr. DICKS. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to again thank our new chairman, the gentleman from North Carolina (Mr. TAYLOR), for the way he has approached the process this year. He and the staff have worked with us and tried to craft a balanced bill within a limited allocation. And I want to also commend the staff of the committee, Debbie Weatherly, Chris Topic, Loretta Bowman, Joel Kaplan, Greg Kanadle, Mike Stevens and Lesley Turner. We have a very collegial working relationship, and it is something that, I think, the House would be proud of.

During committee consideration, I offered two important amendments that I felt would have significantly improved this bill. The first amendment sought to add money for wildland fire accounts in an attempt to lessen the massive borrowing to fight forest fires. I was extremely pleased that the administration came forward last week with a $289 million request as part of an emergency supplemental, and I plan to strongly support those funds being provided as quickly as possible.

The second amendment that I offered related to the conservation funding and the shortfall in the Conservation Trust Fund. The amendment was not adopted, and the Committee on Rules would not allow a similar amendment to be offered by the gentleman from Wisconsin (Mr. OBEY) on the House floor today. I find that unfortunate because the issue of the Conservation Trust Fund is enormously important to the gentleman from Wisconsin (Mr. OBEY) and I, as co-authors of the trust fund with the former chairman, the gentleman from Ohio (Mr. REGULA).

We reached a deal in 2000 as a compromise to the CARA legislation that would have created a new $3 billion mandatory program and instead created this trust fund to elevate funding levels for critical programs without a new entitlement.

The new trust fund raised conservation spending for key programs in this bill from $514 million up to $1.2 billion and added built-in increases that would have brought conservation spending in this bill to $2 billion in 2006. I was pleased that the committee stuck to its word for the first 2 years of the agreement.

This year, however, the interior bill falls $569 million short. The shortfall impacts each and every program under the trust fund: both Federal and State programs under Land and Water Conservation Fund; the Forest Legacy Program; Cooperative Endangered Species; the North American Wetlands Conservation Fund; State Wildlife Grants, Historic Preservation, Payments in Lieu of Taxes; and the Urban Parks Program.

Most of these programs are either below the President's request or below last year, despite the fact that the trust funds provided for increases. And while I am deeply disappointed in the funding levels for conservation programs, there are other aspects of this bill that I strongly support.

The bill provides $115 million above the President's request for the National Fire Plan, which I strongly support. It includes money to continue two national environmental restoration projects by the National Park Service, the Everglades Restoration Project in Florida and the Elwha River Recovery Project in the State of Washington.

Additionally, the bill contains important language related to the Everglades that protects the Federal interest and ensures that the State of Florida is meeting its obligations to improve the quality of water entering the Everglades.

The bill also contains language relating to competitive sourcing that I believe is necessary to ensure that Congress has a clear understanding of what the administration's intentions are in this area. This committee recently learned that both the National Park Service and the U.S. Forest Service had plans to spend several million dollars on these activities without following standard reprogramming guidelines and without clear direction from Congress.

I consider this bill a work in progress and am hopeful that we can work together on areas of this bill that I believe still need improvement.

At the appropriate time, I intend to offer an amendment with my colleague, the gentlewoman from New York (Ms. SLAUGHTER), to increase money for the National Endowment for the Arts and the National Endowment for the Humanities. We were successful with a similar amendment last year, and I hope this year we can again come together and show the full support of the House for the two endowments.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHERWOOD), a valued member of the committee.

Mr. SHERWOOD. Mr. Chairman, I rise in strong support of the interior appropriations bill, and I want to commend the gentleman from North Carolina (Chairman TAYLOR) for putting together a balanced and fiscally responsible bill that meets the natural resources, recreational, energy and cultural needs of all Americans.

This bill does its part to contain Federal spending in that it adheres to the 302(b) budget allocation and provides nearly $200 million less than what was contained in the FY 2003 bill. At the same time, it sets priorities with increases in national parks operations and backlog maintenance, the national wildlife refuges and the national forest system. It provides funds for the weatherization program and increases the administration's request for the abandoned landmines program that is so important to Pennsylvania.

The bill provides $2.5 billion, with a B, for the National Fire Plan and includes substantial increases for fire fighting readiness, hazardous fuels reduction and State and community assistance.

I am particularly pleased that the bill provides $33 million dollars for Forest Service forest health initiatives, including funds to control and manage adelgids in the East.

The bill also contains language I support regarding the operation of the Northeast Home Heating Oil Reserve. I feel that the reserve has not been responsive enough to winter heating needs in the Northeast and may too narrowly define supply disruptions. The bill's report language will direct the committee on the circumstances and the various scenarios on which the reserve will be used.

To those who say the bill does not contain enough money for conservation and land acquisition, I would point out that the bill contains $1 billion for programs funded under the conservation spending category as well as other programs in the National Parks Wildlife Refuges, Federal forests and other areas that are important conservation efforts but do not technically fall under the conservation category.

In regard to land acquisition, we already own one-third of the United States. We need to manage that better before we buy new things. This is a balanced and responsible bill, and I commend the chairman for his leadership and urge my colleagues to give it their full support.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democratic member of the full committee.

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

Mr. Chairman, I am simply going to repeat most of what I said about 40 minutes ago with the sure understanding that almost nobody was listening the first time and perhaps I might catch some more ears this time.

I would very much like to vote for this bill. It has, through the years, been one of my favorite bills in this place; but I am not able to and still keep my word to this institution.

As I said earlier to the House, in 1964 when the country decided that we were going to begin offshore oil drilling, an agreement was made to put about $900 million dollars a year of that revenue into preservation of key pieces of land around the country with the Federal Government and the States both participating in protecting that land.

The problem is over the years that commitment was not kept and gradually about a $13 billion surplus was built up in that funds. That is why 3 years ago 315 Members of this House passed what was known as the CARA legislation. And what that was was an attempt to make that prior understanding finally a reality by turning

funding for a number of those conservation programs into entitlements.

I opposed that. I thought we ought to be able to make conservation a high priority without turning it into an entitlement superior on claims to the Treasury on items like education or health care for that matter. I did not think they were superior. I thought they should be considered equal. And folks who had those beliefs, folks who had my beliefs essentially won the debate or at least we won the argument, and we shook hands on an agreement. And under that agreement, the gentleman from Washington (Mr. DICKS), myself, and the gentleman from Ohio (Mr. REGULA) on the minority side of the aisle, at that time serving as chairman of this subcommittee, agreed that we would double funding for those conservation programs and then over time have increments that would raise funding to $2.4 billion.

We did that in order to stave off an entitlement; and for the first 2 years this committee stuck to the agreement. But in the omnibus appropriations bill last year, the committee backed away from that agreement; and this bill takes us some $570 million below that agreement; and that is why I cannot support the bill as it stands.

We tried in the rule to have the rule defeated so that we would have an opportunity to add that $570 million to the bill and to pay for it by reducing by $3,000 the tax cut that is scheduled to go to people who make over a million dollars a year in this country. We would have reduced that tax cut from $88,000 to $85,000, making hardly a dent in it. I think most people in that bracket would have gladly said, look, the national parks and national forests are a high priority. By all means, make those changes. But the House did not do it; and so in my view at this point, this bill cannot be repaired as far as I am concerned because I believe, above all else, in keeping my word.

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I promised people on the other side of the debate 3 years ago that if the Committee on Appropriations did not stick to the deal that I would change my position and instead support making these programs an entitlement, and so from this point on that is where I stand on this issue.

I must say I am deeply distressed that my committee saw fit not to keep the agreement they entered into 3 years ago. That was not an authorization agreement that was entered into 3 years ago. That was an appropriations agreement. And the Committee on Appropriations, as one of the great committees of this House, ought to keep its word. It has not on this bill, and that is why, regardless of other changes in the bill, I cannot vote for this bill as it presently stands.

I recognize some people have other considerations, but I believe it is important that we keep our word to each other and that we keep our word to the American people. This bill is going to be seriously short; and, as a result, we will lose our ability to preserve and set aside forever key pieces of land in places such as Yellowstone, Grand Teton, nine key acres in Valley Forge. It is a shame, but that is what this House has come to on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

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

Mr. BOEHLERT. Mr. Chairman, I rise in support of this bill. Overall, this is a reasonable bill, given the budgetary constraints. It could have been an even better bill if my colleagues on the other side of the aisle had not decided that it was more important to make a political statement, to score political points than to make progress.

As was mentioned earlier in the debate on the rule, I was prepared to offer an amendment that would have moved $95 million from fossil fuel research and development, money that the administration did not request, into a range of conservation accounts.

The impact of my amendment would have been to free up more money for such popular and important programs as the Federal and State Land and Water Conservation Fund, State wildlife conservation programs, historic preservation, forest legacy, and urban parks and recreation. This money is desperately needed for these important programs, and the amendment was backed by just about every single environmental and sportsmen's group. So this was an amendment that would have done some real good for the American people, real people.

But my colleagues on the other side of the aisle decided they did not want the amendment to pass. Why not? Was it because they opposed putting more money into conservation programs? No. Was it because they thought the amendment would cause any harm to the public? No. Was it because they thought the amendment was bad for the environment? No.

The only reason this amendment was being vociferously opposed is because that seemed like a way to score political points. They did not want anything to pass that would demonstrate Republican support for conservation and the environment. What a sad commentary on the state of American politics.

So, instead of a good debate on conservation that would have led to an increase in spending for programs that benefit the American people, we are going to have a pathetic and pointless debate about a make-believe proposal that would reduce the tax cut. My colleagues know and I know that is going nowhere.

I hasten to remind my friends on the other side of the aisle that the tax cut battle is over. The bill was passed by the Congress, signed by the President.

Here are the choices we face. Either go with the Boehlert amendment, adding $95 million to very important programs in the area of conservation and protecting the environment, or do nothing. The other side opted to do nothing because they wanted to have a political advertisement. We all know about the obscene cost of political advertising, but $95 million per statement is pretty darn expensive, and the American people are the losers. Sad day.

Mr. DICKS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY), a member of the subcommittee.

Mr. HINCHEY. Mr. Chairman, I am a bit mystified by the statement that was just made by my friend and colleague from New York. The Democrat party is not in the majority in this House. We do not control the agenda. That is controlled by the Republican party, and there is no reason why an amendment that a Republican Member wants to bring forward should not be brought forward and everybody has an opportunity to vote on it. I am sure I would have voted for it if the gentleman had brought it out here.

It is not too late. Let us bring the amendment out here, discuss it. If the amendment has merit, then it will pass. I do not see any reason why it is not going to be brought forward. It is your amendment. You are in control of the House. You bring it forward.

I want to thank the gentleman from Washington (Mr. DICKS), the ranking member, for yielding me the time; and I appreciate his leadership and hard work on this bill.

I also want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR), our chairman, for his hard work. I have enjoyed working with our chairman on the process that put this bill together. We had a good series of hearings earlier this year that led to some spirited discussions among the members of the subcommittee, and I want to thank the professional staff on both sides for all the good work that they have done.

There are some very good initiatives in this bill. Very importantly, the subcommittee's vigorous oversight of Everglades restoration is reflected here.

Despite admonishments from me and several subcommittee members, including the chairman and the chairman of the full committee, the State of Florida enacted legislation earlier this year that casts considerable doubt on the commitment to Everglades restoration. The provisions contained in this bill will ensure that the Federal interest in restoration is maintained by protecting the water quality that is crucial to the healthy functioning of the Everglades ecosystem.

The increased funding for Indian health and education in the bill is commendable, as is the subcommittee's concern with the administration's rush to contract out jobs within the Park Service and the Forest Service. A good job was done there.

Again, to the gentleman from North Carolina's (Mr. TAYLOR) credit, the bill restores some of the most egregious cuts proposed by the administration, such as those that would have crippled the important scientific research at both the Forest Service and the Geological Survey.

I recognize that the gentleman from North Carolina (Mr. TAYLOR) is working with an insufficient allocation that is the direct result of the Republican tax cuts, and that is a problem that has devilled this process throughout. My colleagues cannot take $3 trillion out of the Treasury and then expect to have enough money to meet the needs of the country, and this is what we are facing throughout this appropriations process, and it is unfortunately reflected in this bill as well.

Arts funding is still frozen at 30 percent below what it was 10 years ago, and energy research lacks the necessary resource and vision to put us on a path to energy independence. But beyond the low allocation, even more troubling is the ideologically driven opposition to conservation funding that permeates the bill, particularly land acquisition. This bill completely walks away from our responsibilities to protect and conserve lands.

The tilt of this bill towards the notion that the Federal Government somehow owns too much land runs counter to the desire of the American people to preserve open space and natural resources. While I certainly agree that we should take care of what we already own, we have got an obligation to protect the best of what remains, sensitive and threatened forests, coastal lands, mountains, plains and wetlands that provide ecological, scenic and recreational values of national significance.

Federal land acquisition programs in this bill are funded at $100 million. This is $213 million below last year's level, more than a 50 percent cut, and even $87 million below the President's request. The lack of land acquisition funding in this bill means lands that could otherwise be protected may now be lost forever.

These cuts are incredibly shortsighted. The demand for open space and protected areas will only continue to grow as our population swells and land development pressures increase.

So the bill contains a number of important provisions, but so far as the land acquisition and conservation measures are concerned it is inadequate.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, the gentleman in the aisle makes a good point. We have worked well together across the center aisle, Republicans and Democrats. We have to work across the center aisle. We have worked well over the years. This time that cooperation stopped at the center aisle because a conscious decision was made not to go forward with a $95 million add-on which we could embrace warmly but rather to go forward with nothing because they want a partisan statement.

Mr. HINCHEY. Mr. Chairman, if the gentleman would yield, that would be a mistake; and I urge my colleague to bring that amendment out here so we could debate it. Bring it out.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA) former chairman and valued member of the subcommittee.

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

Mr. REGULA. Mr. Chairman, I thank the chairman of the subcommittee for yielding me the time.

I want to express my strong support for the fiscal year 2004 Interior appropriations bill. As a member of the Subcommittee on Interior and Related Agencies, I believe this is a balanced bill that addresses many of our most urgent needs. I want to express my appreciation to the gentleman from North Carolina (Mr. TAYLOR) and his staff for their hard work in putting together a good bill under very tight budget constraints.

Mr. Chairman, this bill addresses a number of important national priorities. It provides funding increases for our four land management agencies, the National Park Service, the Fish and Wildlife Service, the Forest Service and the Bureau of Land Management, which provide wonderful recreation opportunities for the American people.

To improve the visitor experience, the bill provides focused funding to address the continuing backlog of maintenance on these public lands, including $682 million for our national parks and a restoration of $47 million for our national forests.

During my past tenure as chairman of the committee, I made reducing of the maintenance backlog a top priority. We created the Recreational Fee Demonstration Program, which allows the land management agencies to raise additional revenues to further address their maintenance needs. Most of the fee stays at the site where it is collected and is used for maintenance and other enhancements to the visitor's experience.

This demo program, which would be extended under this bill, continues to be a success. We have collected over $1 billion thus far, which was put most largely into maintenance and enhancing the visitor's experience. It has provided a real benefit for those Americans who have visited our parks, forests and other public lands.

The bill restores deep cuts made in the President's budget to the U.S. Geological Survey and further provides a $16 million increase over the fiscal year 2003 level. This funding will enable USGS scientists to better understand the Earth's processes and allow them to provide first-rate scientific data to those responsible for managing and conserving our natural resources.

In particular, I want to highlight funding included for the America View program which allows universities to collect remote sensing data and analyze it for both educational and land planning purposes.

This bill continues our strong support in Congress for the restoration of the Everglades, providing $68 million toward this project. However, I remain concerned that recent actions taken by the Florida legislature undermine the Federal-State commitment, and it is a Federal-State commitment, to restoration. It is my understanding that we will consider an amendment to condition Federal funding on assurances that the State of Florida is meeting its prior commitments to improve water quality. I ask my colleagues to support this amendment when it is considered.

I am pleased that the committee has worked to restore a number of serious cuts in the President's budget for important programs at the Department of Energy. The bill specifically restores funding for fuel cell research in fossil energy to current enacted levels. This will allow the Solid State Energy Conversion Alliance initiative, which is developing standardized fuel cell components that would be used in many different types of fuel cell applications, to continue to move forward.

I also appreciate the committee's efforts to restore cuts in the President's budget to the Industries of the Future program within Energy Conservation, particularly those relating to steel and metal-casting.

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These programs support technological advances that make our domestic industries more energy efficient and, as a result, more competitive in the global marketplace.

The bill continues our commitment in Congress to implement the National Fire Plan, which is very timely given the serious situation in the West. It provides $115 million above the President's request, including substantive increases for readiness, hazard fuels reduction and forest health. These are commonsense measures that will help us both prevent and more adequately contain wildfires.

Lastly, I am encouraged by the committee's work to develop a coordinated national plan for the acquisition of Federal lands. I believe the Federal Government needs to focus less on acquiring new lands and more on taking care of the property and facilities it already has. Under this bill, the Secretaries of Interior and Agriculture would develop a plan outlining clear acreage goals and conservation objectives for lands acquisition. I believe this reevaluation will provide for better and more focused use of limited funding resources.

Mr. Chairman, this is a very balanced bill that Chairman TAYLOR has produced in the subcommittee, and it

funds many important national priorities. I urge its expeditious consideration and passage.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a valued member of the House and a person who is very interested in environmental issues in the Pacific Northwest.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's yielding me this time. I have great sympathy for the hard work that the subcommittee has done, both the chairman and ranking member; but I appreciate also what the gentleman from Washington (Mr. DICKS) said about this being a work in progress, and I sincerely hope that it will be.

I heard the gentleman from New York (Mr. BOEHLERT) talk about his concern that there was not great enthusiasm for an amendment that would restore approximately $90 million for Conservation Trust Fund activities. Mr. Chairman, I can understand the reticence on behalf of a number of Members of this Chamber to embrace that, but we had an agreement.

A bill passed overwhelmingly under the leadership of the gentleman from Florida (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) that passed by a veto-proof margin through the House and had tremendous momentum in the Senate. There was an agreement. The gentleman from Ohio (Mr. REGULA), I was pleased to see here, was part of this artful effort to put together an agreement that solved the problem in the short term. Now we have seen this agreement shattered.

Because of the continuing resolution and what is in the bill that is before us today, we would shortchange what that agreement was overwhelmingly supported by this Chamber by almost $1 billion. I do not think that there are very many people here who are going to embrace with great enthusiasm a 10 percent solution when we have massive unfunded commitments to the stateside portion of that.

In my community, where the committee has visited the Columbia River Gorge, there is priceless land in a conservation area where there are willing sellers that want to complete the deal, but there is not money available. There is underfunding in the arts. And I am convinced that there will be action in this work in progress that will bring people together and the will of this body will be heard, I think in a bipartisan majority, that hopefully will restore that funding for the arts.

Mr. Chairman, it is not any lack of interest in true bipartisanship. I think the agreement that the gentleman from Ohio (Mr. REGULA), the gentleman from Washington (Mr. DICKS), the gentleman from Florida (Mr. YOUNG), and the gentleman from Wisconsin (Mr. OBEY) were a part of was a classic example of that bipartisanship. It is time to reach back, restore it in this work in progress.

Now, one specific that I would make reference to. I will be offering in the course of the debate on this bill an amendment that would reduce water-intensive agriculture in the one wildlife refuge in the United States where there is unregulated agriculture practicing on leased land dealing with the Klamath basin. I hope we will be able as a Chamber to come forward to solve that problem. But in the meantime, I commend the subcommittee for its hard work and look forward to this work in progress solving the CARA problem.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself 1 minute to enter into a colloquy with the gentleman from Pennsylvania.

Mr. SHERWOOD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Pennsylvania.

Mr. SHERWOOD. Mr. Chairman, regarding funding for the U.S. Geological Survey's Minerals Assessment Team, there was confusion regarding whether this important activity was included in the bill. I have been informed that when the gentleman restored the mineral program, it also included the restoration of the Mineral Information Team Commodity reports.

Minerals and mineral products accounted for over $370 billion to the economy in 2002. This survey is the only institution, either public or private, that provides these important resource assessments, and I would ask the chairman if this is his understanding regarding the restoration of this important program.

Mr. TAYLOR of North Carolina. Mr. Chairman, reclaiming my time, the gentleman, as usual, is correct in his assessment of the situation. It has been restored.

Mr. DICKS. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. ROTHMAN), a valued member of the Committee on Appropriations to engage in a colloquy with the chairman of the subcommittee.

Mr. ROTHMAN. Mr. Chairman, I thank the ranking member for yielding me this time, and I would like to address my remarks to the distinguished chairman of the subcommittee.

Mr. Chairman, I rise to discuss an important issue regarding the Fish and Wildlife Service's ongoing work in the Hackensack Meadowlands area of New Jersey. The Fish and Wildlife Service has termed the 8,400-acre Hackensack Meadowlands an ''aquatic resource of national importance,'' an area 10 times the size of Central Park in New York City, located in the most densely populated area of the most densely populated State in the Nation, New Jersey, just a handful of miles from the Empire State Building. The Meadowlands is home to 65 species of nesting birds and 50 species of fish and shellfish.

During the last 2 fiscal years, Mr. Chairman, Congress has directed the service to assist the U.S. Army Corps of Engineers in its ongoing feasibility study of preparing alternative approaches to preserving the meadowlands. In fiscal year 2003, the committee provided $180,000 for the service's New Jersey field office for such purposes. I want to thank both Chairman TAYLOR and Ranking Member DICKS for their past and continuing support of this important project.

To continue the service's coordination with the Army Corps as well as its development of a comprehensive restoration plan that will recommend long-term management options for the Hackensack Meadowlands, an additional $50,000 is needed in fiscal year 2004 so that the New Jersey field office can complete the hiring of a field biologist and an environmental toxicologist.

As the interior bill moves to conference with the Senate, I ask that the distinguished chairman consider the funding requirement for this important effort.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. ROTHMAN. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman from New Jersey for his leadership on this program. The Hackensack Meadowlands are indeed an important resource and a reasonable priority for the service.

I am advised that the unanticipated budgetary delays have hindered the prompt hiring of the personnel the gentleman mentioned. I will look forward to working with the gentleman as we move forward towards conference to ensure that the service has the resources it needs to continue its consultative role on the Army Corps' meadowlands ecosystem restoration study.

Mr. ROTHMAN. Reclaiming my time, Mr. Chairman, I want to thank the gentleman from North Carolina (Mr. TAYLOR) and my distinguished ranking member for all their help on this issue and look forward to their continuing support on this issue.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky (Mrs. NORTHUP).

Mrs. NORTHUP. Mr. Chairman, I want to enter into a colloquy with the chairman of the subcommittee.

Mr. Chairman, UPS's primary hub is located in my district. The United Parcel Service, known as UPS around the world, employs 22,000 people in my district. It just completed a $1 billion expansion and is the largest taxpayer in the State of Kentucky. In 2001, UPS supported approximately 7.1 million packages from overseas and exported 11.4 million packages going overseas. A significant portion of this volume is under the jurisdiction of the U.S. Fish and Wildlife Service.

Considering the volume of products under their jurisdiction, it is only logical to designate Louisville, Kentucky, as the port of entry for international trade in Fish and Wildlife resources in the coming year. That designation only

reflects the fact that in modern day Fish and Wildlife jurisdiction has to be not only at our ports but also at the primary designations at our airports.

Mr. Chairman, I know that right now there is $700,000 in the budget that is for Atlanta; but I am eager to see that moved, as the Senate has done, to Louisville.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTHUP. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would say to the gentlewoman from Kentucky that I know she has worked long and hard on this project, and it will be my intent to see that it is funded, working with her and the Senate.

Mrs. NORTHUP. Reclaiming my time, Mr. Chairman, I thank the chairman very much.

Mr. DICKS. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I want to thank the ranking member for yielding me this time, and I rise to engage the chairman of the subcommittee in a colloquy regarding American Indians and homeland security.

Mr. Chairman, I am concerned that as we move forward with the interior appropriations bill it is important to highlight the fact that no funds have been appropriated for tribal homeland security initiatives. Since the September 11 attacks, we have had allocated significant funds to secure the homeland against future terrorist attacks; however, Indian country has been excluded from all homeland security plans.

I would ask that my colleagues recognize that tribes need to be included in the national strategy for homeland security. This is of particular importance for those tribes that are required to help protect the Nation's borders.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I wish to assure the gentleman that I agree with his assessment of the situation. I am not sure that the interior bill is the appropriate place to provide this funding, but I will work with the gentleman to address these needs in future appropriations bills.

Mr. PALLONE. Reclaiming my time, Mr. Chairman, I want to thank the chairman for his consideration.

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

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. OLVER), our distinguished colleague and member of the Committee on Appropriations.

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

First of all, I want to thank the chairman, the gentleman from North Carolina (Mr. TAYLOR), and the ranking member, the gentleman from Washington (Mr. DICKS), for their very hard work in bringing forward this bill. And I particularly thank both the staffs, the majority led by Deb Weatherly and the minority led by Mike Stephens, because the work of bringing forward the bill, the difficult work, is really done by them.

I appreciate very much that the bill includes important increases in many areas. For instance, there is a $335 million increase over the fiscal 2003 base funding for the National Fire Plan, which is critically important to the Nation's ability to both fight and prevent catastrophic forest fires. And I think it is very commendable that we have a $240-some million increase for Indian health education and trust reform, while that still is probably a good deal less than is needed.

Unfortunately, despite the positive aspects, and those are only a couple of them, the 2004 appropriations bill remains flawed in key areas. These failings include, first, a continuing policy of freezing funding for the National Endowment for the Arts at levels 30 percent less than provided a decade ago, despite repeated votes on the floor of the House in support of increased funding. Second, the rejection of the President's request to increase funding for the Department of Energy's weatherization program, which is critical in helping poor families reduce their energy costs and is funded at a level $63 million below the President's request.

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But most particularly, I regret the retreat from the committee's previous commitment to adequately fund conservation programs to protect public lands and cultural artifacts, to preserve endangered and threatened species, and to assist States in their own conservation and recreation programs.

These conservation programs are funded at a level which is $208 million below the current year and $569 million below the level authorized in the Conservation Trust Agreement reached less than 3 years ago. These conservation programs include, and I will just mention a couple, the Forest Legacy Program, where 93 Members of the House wrote the committee in support of the Forest Legacy Program. These 93 Members asked for an increase from $68 million to $158 million. Instead, this bill funds Forest Legacy grants to the States at $45 million, which is a level 30 percent less, lower, than last year.

Secondly, the North American Wetlands Conservation Fund where 225 Members of the House wrote the committee and encouraged us to increase funding for the Wetlands Conservation Program. Instead, that level is less than half the President's request. Instead of increasing the program modestly, we have in fact cut it by a third.

The Stateside Assistance Program which is funded at $98 million, about a 40 percent reduction from the President's request, and the Urban Parks Program where no funding is provided. The Urban Parks Program has been in place for 30 years, and it was zeroed out. It was part of the same CARA agreement made 3 years ago which is not being maintained under this bill.

I certainly hope I will be able to vote for this legislation after the final conference report. It is my intent to do so if some of these failings have been corrected along the way.

Mr. DICKS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER), one of the leading environmental advocates in the House of Representatives.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for all of his work on this bill and to the chairman of the committee for all of their time and effort to bring this bill to the floor.

But I do want to say how disappointed I am with this legislation in terms of its treatment of the conservation spending and the conservation accounts. As previous speakers have noted, these accounts were created based upon a bipartisan agreement and an agreement to fund them when we had under consideration the CARA legislation, which was really designed to redeem the promise that this government made to the people of this country that, in exchange for offshore oil drilling, we would create an account, the Land and Water Conservation Account, and those monies would be used for the acquisition and protection of public and local lands, stateside land and water conservation for State and local governments to acquire land and communities to acquire land, and the Federal account for Federal lands.

That was the agreement. There were overwhelming votes in the committee on a bipartisan basis; there were overwhelming votes on the floor of the House. The Committee on Appropriations responded with the funding of these accounts, and now we see that those accounts were savaged. This was a promise. This was an account that was created for the acquisition of these lands, both federally and locally. That account has several billion dollars in it in surplus, and yet we see what happens; those accounts were taken down from $450 million on the Federal side and $450 million on the state side.

It is just unacceptable, because what do these Federal dollars do at the local level? They attract corporate money, they attract foundation money, local people make contributions. The fastest-growing organizations in the environmental movement are land trusts where communities come together to try to protect the natural assets of their communities, to protect the values in their communities, to create open space so that people can enjoy a quality of life. That is what those Federal dollars do. They are all matched at the local level.

Now we see instead of $450 million, we are going to have around $100 million. It is breaking a promise. It is breaking a promise with the people of this country. We tried to offer, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Washington (Mr. DICKS) were going to offer an amendment; but it would not be made in order to restore the funding for those accounts. And those accounts should be restored in toto.

Maybe what we should do is we should object to every suspension bill where a Member of the Republican Party is asking to acquire additional land. I sit on the Committee on Resources; and we pass bill after bill where Members of the other party want to acquire land, another 10 acres, another 20 acres, move the boundary east, west, add to this national park, add to this wilderness area. Why do they do that? Because the communities they represent want this done. They are responding to the desires of their constituents. And now instead of $450 million being available, there will be $100 million. If the Republicans dislike the program this much, they should not put in any more requests. There should at least be enough money in this bill to fund the Republican requests for land acquisition. That ought to be the minimum.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I ask the gentleman if it is true that the President of the United States when he ran for President said we were going to have full funding of the Land and Water Conservation Fund, $450 million for Federal, $450 million for state-side, and now we are down at $197 million for both programs?

Mr. GEORGE MILLER of California. Mr. Chairman, that was his promise during the campaign, and it was his promise after he was elected. He was asked by the supporters of CARA in the campaign. I hate to say this, but he endorsed the bill and the concept and the money before the Democratic nominee did. He was out there saying this is important. Why? Because he understands this is community-driven. This is the best in our Federal system. Local people have these needs; they have raised local money. The Federal Government provides a catalyst from an account that was set aside specifically for that purpose. The gentleman has done an incredible job on these conservation accounts over the last several years, but now all of a sudden it looks like they just got in the car and drove over the cliff on this one.

We will see who puts in the requests for the dollars. So no more Federal land, and yet bill after bill is passed out of the Committee on Resources, and then the Committee on Appropriations is supposed to fund it.

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

Mr. Chairman, I was a member of the Subcommittee on the Interior, was not a member of this agreement that Members are talking about being made. No Congress can bind another Congress to an agreement because each Congress changes.

I would point out that given our funds, we have done a great deal in the area of conservation spending. We are putting in more than $1 billion in this program. In addition, we have spending categories that were not even established in 2001, and there are many billions of dollars in this bill that address conservation. Neither this administration nor this committee has failed in our effort to address the question of conservation. We have, however, tried to balance the bill given the fact that we have a deficit this year.

I am sure the gentleman will soon be addressing us and criticizing us in a few months about the deficit. This is the only time we can address it in our appropriations area.

Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. GILCHREST) for a colloquy.

Mr. GILCHREST. Mr. Chairman, I rise to engage the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee, in a colloquy regarding the eradication and control of exotic, invasive nutria through a partnership of Federal and State agencies and private organizations in Maryland.

I would like to thank the chairman for including funding for the Maryland Nutria Eradication and Control Act within the national wildlife refuge operations and maintenance budget. In the Chesapeake Bay, both the Blackwater National Wildlife Refuge and the Chesapeake Bay field office are partners in the Nutria Eradication and Control Project management team with other Federal agencies, the State of Maryland, and private landowners around the refuge. It covers over 60,000 acres of marsh, and it has been a 5-year program.

Funds made available for this project have been authorized by Public Laws 105–322 and 108–16, which specify that, ''In the State of Maryland, the Secretary shall require that the program consist of management, research, and public education activities carried out in accordance with the document published by the United States Fish and Wildlife Service entitled 'Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds,''' dated March 2002.

This strategy describes a comprehensive approach to nutria eradication on the Blackwater National Wildlife Refuge and the surrounding areas. We have lost over 7,000 acres of marshland up to this point from this invasive species.

In the past few years, Maryland nutria eradication funds were appropriated and administered through the Partners for Fish and Wildlife Program, and this ensured that the project funding was not limited to use on the refuge. The refuge receives separate funds directly for use on the refuge system.

The interior appropriations bill we are considering today includes generous funds for the current nutria project for this year, but the funds are entirely within the budget of the Blackwater National Wildlife Refuge. It is vital that funds be applied to the entire project so that USDA trappers can be compensated and the Fish and Wildlife Service can procure and maintain the necessary equipment and facilities on the refuge and continue to support the Nutria Eradication and Control Project.

Is it the understanding of the chairman that the service, through the Blackwater National Wildlife Refuge, should continue to support the Nutria Eradication and Control Project in Maryland, as authorized, throughout the 60,000 acres impacted by nutria as well as on the refuge itself?

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Mr. Chairman, I thank the gentleman for his interest in the Chesapeake Bay and his leadership in addressing the threat posed by invasive species to our public. The committee intends that the funds appropriated for the Nutria Eradication and Control Project in Maryland be applied to the eradication strategy, as authorized, and not to be limited to activities within the boundaries of the refuge.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for his attention to this issue.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. HALL).

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

Mr. HALL. Mr. Chairman, with the House scheduled to consider the interior appropriations bill for 2004, I wanted to take a minute to urge my colleagues to consider for a moment the important research and development programs administered by the Department of Energy that are funded in this bill.

R&D in areas such as clean coal technology, fuel cells, highly-efficient gas turbines, and integrated gasification combined cycle power plants ensure that power plants can run cleaner and more efficiently, allowing us to meet ever-increasing demands on power generators. Equally important are enhanced recovery technologies for oil and natural gas which enable us to continue to fuel our cars and heat our homes.

Mr. Chairman, I believe that dollar for dollar, these programs may be the very best investment this country can

make to sustain and strengthen our Nation's economy, bar none. As the ranking member of the Committee on Science, I congratulate the Subcommittee on the Interior and Related Agencies for increasing the fossil energy funding by $99 million over the President's request. However, as much as this increase is, it is still below the levels appropriated last year. I remain concerned about the folks at OMB. I urge my colleagues to support the bill as reported out of the Committee on Appropriations.

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Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I would like to engage the gentleman from North Carolina in a colloquy regarding the Steens Mountain Cooperative Management Protection Act of 2000 as it relates to access to private inholdings.

Mr. Chairman, I am concerned that the Bureau of Land Management needs to be reminded of its responsibilities to provide for the continuation of normal and generally used modes of access to private inholdings. This is especially important now because the Bureau of Land Management is in the process of finalizing its land management plans for the Steens Mountain Cooperative Management and Protection Area. I ask for the gentleman's assistance in this matter.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. WALDEN of Oregon. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Let me assure the gentleman that I will convey his concerns to the Department of the Interior. I agree with his assessment of the situation relating to access to private inholdings.

Mr. WALDEN of Oregon. Mr. Chairman, I believe that management concerns should be addressed through acquisition exchanges and ask for the gentleman's help in this area as well.

Mr. TAYLOR of North Carolina. Within the current budget constraints we will do our best to address the gentleman's concerns.

Mr. WALDEN of Oregon. Mr. Chairman, I appreciate that and thank the gentleman for his work.

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

We have a lot of concerns about all legislation that comes before Congress. There is never enough money, we feel, to spend all the money for all the needs that we have. This year we have a deficit. We have a balanced bill in this Interior bill. We think it addresses adequately all concerns within our ability to spend. I want to thank the gentleman from Washington (Mr. DICKS) and the committee, both the majority and the minority, for the work that they have done on this.

I urge my colleagues to support this bill.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in support of H.R. 2691, the Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2004 and at this time I want to thank the Chairman of the Subcommittee on Interior Appropriations and the Ranking Member for bringing this bill to the floor. I also want to thank Chairman BILL YOUNG and Ranking Member DAVID OBEY of the full committee for their leadership and support.

H.R. 2691 appropriates funding for the Department of the Interior and other related agencies including the Office of Insular Affairs. The Office of Insular Affairs (OIA) was established on August 4, 1995 through Secretarial Order No. 3191. In part, the OIA was established to help the U.S. government fulfill its responsibilities to the four U.S. territories (American Samoa, Guam, the U.S. Virgin Islands and the Commonwealth of the Northern Mariana Islands) and the three freely associated states (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

Territorial assistance provided by the OIA as appropriated through Congress provides substantial financial resources to these governments, including the government of American Samoa. Once again, I am pleased that my colleagues have supported my efforts to make sure that American Samoa's funding remains in place despite the budget cuts this country is facing and despite our nation's need to increase funding for the war on terrorism.

More than 100 years ago, the traditional leaders of American Samoa ceded their islands to the United States and our sons and daughters have served in record numbers in every U.S. military engagement from WWII to present operations in our war against terrorists. The people of American Samoa have stood by the United States in good times and bad and to this day American Samoa serves as a refueling point for U.S. naval ships and military aircraft.

While I understand the need for budget cuts, I want to thank my colleagues for also understanding and supporting the needs of American Samoa. I thank my colleagues, both Republican and Democrat, for favorably supporting my efforts to keep American Samoa's funding in place. This funding will help American Samoa improve its infrastructure and address its critical education, health care and transportation needs. I urge my colleagues to support this bill.

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

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he or she has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $834,088,000, to remain available until expended, of which $1,000,000 is for high priority projects, to be carried out by the Youth Conservation Corps; $2,222,000 is for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487; (16 U.S.C. 3150); and of which not to exceed $1,000,000 shall be derived from the special receipt account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601–6a(i)); and $3,000,000 shall be available in fiscal year 2004 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump sum grant without regard to when expenses are incurred; in addition, $32,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program; to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $834,088,000, and $2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities: *Provided,* That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors.

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire preparedness, suppression operations, fire science and research, emergency rehabilitation, hazardous fuels reduction, and rural fire assistance by the Department of the Interior, $698,725,000, to remain available until expended, of which not to exceed $12,374,000 shall be for the renovation or construction of fire facilities: *Provided,* That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: *Provided further,* That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: *Provided further,* That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: *Provided further,* That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement

contracts, grants, or cooperative agreements, for hazardous fuels reduction activities, and for training and monitoring associated with such hazardous fuels reduction activities, on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: *Provided further,* That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in entering into such grants or cooperative agreements, the Secretary may consider the enhancement of local and small business employment opportunities for rural communities, and that in entering into procurement contracts under this heading on a best value basis, the Secretary may take into account the ability of an entity to enhance local and small business employment opportunities in rural communities, and that the Secretary may award procurement contracts, grants, or cooperative agreements under this heading to entities that include local non-profit entities, Youth Conservation Corps or related partnerships, or small or disadvantaged businesses: *Provided further,* That funds appropriated under this head may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act in connection with wildland fire management activities: *Provided further,* That the Secretary of the Interior may use wildland fire appropriations to enter into non-competitive sole source leases of real property with local governments, at or below fair market value, to construct capitalized improvements for fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: *Provided further,* That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects: *Provided further,* That funds provided for wildfire suppression shall be available for support of Federal emergency response actions.

CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), $9,978,000, to remain available until expended: *Provided,* That notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to section 107 or 113(f) of such Act, shall be credited to this account, to be available until expended without further appropriation: *Provided further,* That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary and which shall be credited to this account.

CONSTRUCTION

For construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $10,976,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94–579, including administrative expenses and acquisition of lands or waters, or interests therein, $14,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended.

AMENDMENTS OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer amendments.

The CHAIRMAN. The Chair notes that the amendments address a portion of the bill not yet read for amendment and appear not to invoke clause 2(f) of rule XXI. Does the gentleman ask unanimous consent for their consideration at this point in the reading?

Mr. OBEY. Yes, Mr. Chairman, I do.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Amendments offered by Mr. OBEY:

On page 7, line 13, strike $14,000,000 and insert $49,920,000.

On page 14, line 8, strike $23,058,000 and insert $99,135,000.

On page 25, line 24, strike $131,154,000 and insert $330,117,000.

On page 97, line 17, strike $29,288,000 and insert $149,742,000.

On page 17, line 12, strike $75,000,000 and insert $100,000,000.

On page 16, line 11, strike $24,560,000 and insert $43,500,000.

On page 91, line 3, strike $290,758,000 and insert $335,272,000.

On page 22, line 23, strike $71,000,000 and insert $90,000,000.

On page 23, line 1, strike $30,000,000 and insert $34,000,000.

On page 22, line 17, strike $305,000,000 and insert $30,000,000.

On page 90, after line 9, add a new General Provision as follows:

SEC. _____. In the case of taxpayers with adjusted gross income in excess of $1,000,000 for the tax year beginning in 2003, the amount of tax reduction resulting from enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (Pub. L. 108–27) shall be reduced by 3.21 percent.

Mr. OBEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

There was no objection.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Points of order are reserved.

Mr. OBEY. Mr. Chairman, I have already described in my previous remarks the content of this amendment. This amendment seeks to restore funding consistent with the agreement that the Congress entered into 3 years ago with respect to the conservation programs that I cited earlier. The rule that was adopted for consideration of this bill did not protect this amendment from a point of order. Nonetheless, I would like to proceed.

It is up to the majority to decide whether they want to exercise their ability under the rule to preclude the consideration of this amendment by objecting. I would hope they would not because I think that it is in the interest of this House to keep its word and I think it is in the interest of this country to fund these conservation programs. But if the gentleman does lodge a point of order against the amendment, I will have to readily concede the point of order.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from North Carolina insist on his point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and, therefore, violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I regret that the point of order has been lodged because I think the committee ought to live up to its word, but I concede the point of order in light of the rule adopted by the House.

The CHAIRMAN. The point of order is conceded and, therefore, sustained.

The Clerk will read.

The Clerk read as follows:

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; $106,672,000 to remain available until expended: *Provided,* That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND

(REVOLVING FUND, SPECIAL ACCOUNT)

In addition to the purposes authorized in Public Law 102–381, funds made available in the Forest Ecosystem Health and Recovery Fund can be used for the purpose of planning, preparing, implementing and monitoring salvage timber sales and forest ecosystem health and recovery activities, such as release from competing vegetation and density control treatments. The Federal share of receipts (defined as the portion of salvage timber receipts not paid to the counties under 43 U.S.C. 1181f and 43 U.S.C. 1181f–1 et seq., and Public Law 106–393) derived from treatments funded by this account shall be deposited into the Forest Ecosystem Health and Recovery Fund.

Mr. TAYLOR of North Carolina. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 92, line 14, be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The text of the bill from page 8, line 23, through page 92, line 14, is as follows:

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $10,000,000, to remain available until expended: *Provided,* That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94–579, as amended, and Public Law 93–153, to remain available until expended: *Provided,* That notwithstanding any provision to the contrary of section 305(a) of Public Law 94–579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: *Provided further,* That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate, not to exceed $10,000: *Provided,* That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further,* That section 28 of title 30, United States Code, is amended: (1) in section 28f(a), by striking ''for years 2002 through 2003'' and inserting in lieu thereof ''for years 2004 through 2008''; and (2) in section 28g, by striking ''and before September 30, 2003'' and inserting in lieu thereof ''and before September 30, 2008''.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, maintenance of the herd of longhorned cattle on the Wichita Mountains Wildlife Refuge, general administration, and for the performance of other authorized functions related to such resources by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, $959,901,000, to remain available until September 30, 2005, except as otherwise provided herein: *Provided,* That not less than $2,000,000 shall be provided to local governments in southern California for planning associated with the Natural Communities Conservation Planning (NCCP) program and shall remain available until expended: *Provided further,* That $2,000,000 is for high priority projects, which shall be carried out by the Youth Conservation Corps: *Provided further,* That not to exceed $12,286,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act, as amended, for species that are indigenous to the United States (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which not to exceed $8,900,000 shall be used for any activity regarding the designation of critical habitat, pursuant to subsection (a)(3), excluding litigation support, for species already listed pursuant to subsection (a)(1) as of the date of enactment this Act: *Provided further,* That of the amount available for law enforcement, up to $400,000 to remain available until expended, may at the discretion of the Secretary be used for payment for information, rewards, or evidence concerning violations of laws administered by the Service, and miscellaneous and emergency expenses of enforcement activity, authorized or approved by the Secretary and to be accounted for solely on her certificate: *Provided further,* That of the amount provided for environmental contaminants, up to $1,000,000 may remain available until expended for contaminant sample analyses.

CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $52,718,000, to remain available until expended.

LAND ACQUISITION

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $23,058,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided,* That none of the funds appropriated for specific land acquisition projects can be used to pay for any administrative overhead, planning or other management costs.

LANDOWNER INCENTIVE PROGRAM

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $40,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided,* That the amount provided herein is for a Landowner Incentive Program established by the Secretary that provides matching, competitively awarded grants to States, the District of Columbia, Tribes, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa, to establish or supplement existing landowner incentive programs that provide technical and financial assistance, including habitat protection and restoration, to private landowners for the protection and management of habitat to benefit federally listed, proposed, candidate, or other at-risk species on private lands.

STEWARDSHIP GRANTS

For expenses necessary to carry out the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for private conservation efforts to be carried out on private lands, $10,000,000, to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided,* That the amount provided herein is for a Stewardship Grants Program established by the Secretary to provide grants and other assistance to individuals and groups engaged in private conservation efforts that benefit federally listed, proposed, candidate, or other at-risk species.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended, $86,614,000, of which $36,614,000 is to be derived from the Cooperative Endangered Species Conservation Fund and $50,000,000 is to be derived from the Land and Water Conservation Fund and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $14,414,000.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, as amended, $24,560,000, to remain available until expended.

NEOTROPICAL MIGRATORY BIRD CONSERVATION

For financial assistance for projects to promote the conservation of neotropical migratory birds in accordance with the Neotropical Migratory Bird Conservation

Act, Public Law 106–247 (16 U.S.C. 6101–6109), $5,000,000, to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), $5,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, $75,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided,* That of the amount provided herein, $6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further,* That the Secretary shall, after deducting said $6,000,000 and administrative expenses, apportion the amount provided herein in the following manner: (A) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (B) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: *Provided further,* That the Secretary shall apportion the remaining amount in the following manner: (A) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (B) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: *Provided further,* That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: *Provided further,* That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 50 percent of the total costs of such projects: *Provided further,* That the non-Federal share of such projects may not be derived from Federal grant programs: *Provided further,* That no State, territory, or other jurisdiction shall receive a grant unless it has developed, or committed to develop by October 1, 2005, a comprehensive wildlife conservation plan, consistent with criteria established by the Secretary of the Interior, that considers the broad range of the State, territory, or other jurisdiction's wildlife and associated habitats, with appropriate priority placed on those species with the greatest conservation need and taking into consideration the relative level of funding available for the conservation of those species: *Provided further,* That any amount apportioned in 2004 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2005, shall be reapportioned, together with funds appropriated in 2006, in the manner provided herein: *Provided further,* That balances from amounts previously appropriated under the heading ''State Wildlife Grants'' shall be transferred to and merged with this appropriation and shall remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 157 passenger motor vehicles, of which 142 are for replacement only (including 33 for police-type use); repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: *Provided,* That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: *Provided further,* That the Service may accept donated aircraft as replacements for existing aircraft: *Provided further,* That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in the House Report accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, $1,636,882,000 of which $10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which $98,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which $2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided,* That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police administrative facilities, and those funds necessary to reimburse the United States Park Police account for the unbudgeted overtime and travel costs associated with special events for an amount not to exceed $10,000 per event subject to the review and concurrence of the Washington headquarters office.

UNITED STATES PARK POLICE

For expenses necessary to carry out the programs of the United States Park Police, $78,859,000.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $54,924,000: *Provided,* That none of the funds in this or previous Acts for the Rivers, Trails and Conservation Assistance Program may be used for cooperative agreements or any other form of cash grant.

URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 et seq.), $305,000, to remain available until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), $71,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: *Provided,* That of the total amount provided, $30,000,000 shall be for Save America's Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further,* That any individual Save America's Treasures grant shall be matched by non-Federal funds: *Provided further,* That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President's Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further,* That Save America's Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the House and Senate Committees on Appropriations and the President's Committee on the Arts and Humanities.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, including the modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989, $303,199,000, to remain available until expended: *Provided,* That none of the funds in this or any other Act, may be used to pay the salaries and expenses of more than 160 Full Time Equivalent personnel working for the National Park Service's Denver Service Center funded under the construction program management and operations activity: *Provided further,* That none of the funds provided in this or any other Act may be used to pre-design, plan, or construct any new facility (including visitor centers, curatorial facilities, administrative buildings), for which appropriations have not been specifically provided if the net construction cost of such facility is in excess of $5,000,000, without prior approval of the House and Senate Committees on Appropriations: *Provided further,* That this restriction applies to all funds available to the National Park Service, including partnership and fee demonstration projects: *Provided further,* That no funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General file a joint report by September 30, 2003, and every six months thereafter until

December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicating that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park meets all applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing to the report indicating that the funds are available for expenditure.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 2004 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, $131,154,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which $97,500,000 is for the State assistance program including $2,500,000 to administer this program: *Provided,* That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further,* That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer $5,000,000 to the United States Fish and Wildlife Service ''Resource Management'' account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed species in the South Florida ecosystem, and may transfer such sums as may be determined necessary by the Secretary of the Interior to the U.S. Army Corps of Engineers ''Construction, General'' account for the purpose of modifying the construction of Storm Water Treatment Area 1 East to include additional water quality improvement measures, such as additional compartmentalization, improved flow control, vegetation management, and other additional technologies based upon the recommendations of the Secretary of the Interior and the South Florida Water Management District, to maximize the treatment effectiveness of Storm Water Treatment Area 1 East so that water delivered by Storm Water Treatment Area 1 East to A.R.M. Loxahatchee National Wildlife Refuge achieves State water quality standards, including the numeric criterion for phosphorus, and that the cost sharing provisions of section 528 of the Water Resources Development Act of 1996 (110 Stat. 3769) shall apply to any funds provided by the Secretary of the Interior to the U.S. Army Corps of Engineers for this purpose: *Provided further,* That, subsequent to the transfer of the $5,000,000 to the U.S. Fish and Wildlife Service and the transfer of funds, if any, to the U.S. Army Corps of Engineers to carry out water quality improvement measures for Storm Water Treatment Area 1 East, if any funds remain to be expended after the requirements of these provisions have been met, then the Secretary of the Interior may transfer, as appropriate, and use the remaining funds for Everglades restoration activities benefiting the lands and resources managed by the Department of the Interior in South Florida, subject to the approval by the House and Senate Committees on Appropriations of a reprogramming request by the Secretary detailing how the remaining funds will be expended for this purpose.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 249 passenger motor vehicles, of which 202 shall be for replacement only, including not to exceed 193 for police-type use, 10 buses, and 8 ambulances: *Provided,* That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further,* That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than 3 calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may distribute to operating units based on the safety record of each unit the costs of programs designed to improve workplace and employee safety, and to encourage employees receiving workers' compensation benefits pursuant to chapter 81 of title 5, United States Code, to return to appropriate positions for which they are medically able.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $935,660,000, of which $64,536,000 shall be available only for cooperation with States or municipalities for water resources investigations; and of which $15,227,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries; and of which $8,000,000 shall remain available until expended for satellite operations; and of which $24,190,000 shall be available until September 30, 2005, for the operation and maintenance of facilities and deferred maintenance; and of which $173,349,000 shall be available until September 30, 2005, for the biological research activity and the operation of the Cooperative Research Units: *Provided,* That none of these funds provided for the biological research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: *Provided further,* That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided,* That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further,* That notwithstanding the provisions of the Federal Grant and Cooperative Agreement Act of 1977 (31 U.S.C. 6301–6308), the U.S. Geological Survey is authorized to continue existing, and hereafter, to enter into new cooperative agreements directed towards a particular cooperator, in support of joint research and data collection activities with Federal, State, and academic partners funded by appropriations herein, including those that provide for space in cooperator facilities.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only, $164,216,000, of which $80,396,000, shall be available for royalty management activities; and an amount not to exceed $100,230,000, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for Outer Continental Shelf administrative activities performed by the Minerals Management Service (MMS) over and above the rates in effect on September 30, 1993, and from additional fees for Outer Continental Shelf administrative activities established after September 30, 1993: *Provided,* That to the extent $100,230,000 in additions to receipts are not realized from the sources of receipts stated above, the

amount needed to reach $100,230,000 shall be credited to this appropriation from receipts resulting from rental rates for Outer Continental Shelf leases in effect before August 5, 1993: *Provided further,* That $3,000,000 for computer acquisitions shall remain available until September 30, 2005: *Provided further,* That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721(b) and (d): *Provided further,* That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further,* That notwithstanding any other provision of law, $15,000 under this heading shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of MMS concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments: *Provided further,* That MMS may under the royalty-in-kind pilot program, or under its authority to transfer oil to the Strategic Petroleum Reserve, use a portion of the revenues from royalty-in-kind sales, without regard to fiscal year limitation, to pay for transportation to wholesale market centers or upstream pooling points, *and* to process or otherwise dispose of royalty production taken in kind, and to recover MMS transportation costs, salaries, and other administrative costs directly related to filling the Strategic Petroleum Reserve: *Provided further,* That MMS shall analyze and document the expected return in advance of any royalty-in-kind sales to assure to the maximum extent practicable that royalty income under the pilot program is equal to or greater than royalty income recognized under a comparable royalty-in-value program.

OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, $7,105,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 10 passenger motor vehicles, for replacement only; $106,424,000: *Provided,* That the Secretary of the Interior, pursuant to regulations, may use directly or through grants to States, moneys collected in fiscal year 2004 for civil penalties assessed under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further,* That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 10 passenger motor vehicles for replacement only, $194,469,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended; of which up to $10,000,000, to be derived from the Federal Expenses Share of the Fund, shall be for supplemental grants to States for the reclamation of abandoned sites with acid mine rock drainage from coal mines, and for associated activities, through the Appalachian Clean Streams Initiative: *Provided,* That grants to minimum program States will be $1,500,000 per State in fiscal year 2004: *Provided further,* That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 percent shall be used for emergency reclamation projects in any one State and funds for federally administered emergency reclamation projects under this proviso shall not exceed $11,000,000: *Provided further,* That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 percent limitation per State and may be used without fiscal year limitation for emergency projects: *Provided further,* That pursuant to Public Law 97–365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further,* That funds made available under title IV of Public Law 95–87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: *Provided further,* That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), as amended, the Education Amendments of 1978 (25 U.S.C. 2001–2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), as amended, $1,902,106,000, to remain available until September 30, 2005 except as otherwise provided herein, of which not to exceed $85,925,000 shall be for welfare assistance payments and notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed $135,315,000 shall be available for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts, grants, compacts, or annual funding agreements entered into with the Bureau prior to or during fiscal year 2004, as authorized by such Act, except that tribes and tribal organizations may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants, or compacts, or annual funding agreements and for unmet welfare assistance costs; and of which not to exceed $458,524,000 for school operations costs of Bureau-funded schools and other education programs shall become available on July 1, 2004, and shall remain available until September 30, 2005; and of which not to exceed $55,374,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, the Indian Self-Determination Fund, land records improvement, and the Navajo-Hopi Settlement Program: *Provided,* That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed $49,297,000 within and only from such amounts made available for school operations shall be available to tribes and tribal organizations for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year 2003 for the operation of Bureau-funded schools, and up to $3,000,000 within and only from such amounts made available for school operations shall be available for the transitional costs of initial administrative cost grants to tribes and tribal organizations that enter into grants for the operation on or after July 1, 2004 of Bureau-operated schools: *Provided further,* That any forestry funds allocated to a tribe which remain unobligated as of September 30, 2005, may be transferred during fiscal year 2006 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: *Provided further,* That any such unobligated balances not so transferred shall expire on September 30, 2006.

CONSTRUCTION

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87–483, $345,154,000, to remain available until expended: *Provided,* That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further,* That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau: *Provided further,* That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a nonreimbursable basis: *Provided further,* That for fiscal year 2004, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: *Provided further,* That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: *Provided further,* That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: *Provided further,* That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): *Provided further,* That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

(INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $60,551,000, to remain available until expended; of which $31,610,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements; and of which $18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425,

and 106–554; and of which $9,968,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation: *Provided,* That of the payment to the Quinault Indian Nation, $4,968,000 shall be derived from amounts provided under the heading ''United States Fish and Wildlife Service, Land Acquisition'' in Public Law 108–7.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, $5,797,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided,* That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further,* That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $94,568,000.

In addition, for administrative expenses to carry out the guaranteed and insured loan programs, $700,000.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts and grants, either directly or in cooperation with States and other organizations.

Notwithstanding 25 U.S.C. 15, the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 229 passenger motor vehicles, of which not to exceed 187 shall be for replacement only.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office operations, or pooled overhead general administration (except facilities operations and maintenance) shall be available for tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103–413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs for distribution to other tribes, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $74,343,000, of which: (1) $68,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided,* That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: *Provided further,* That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104–134: *Provided further,* That of the amounts provided for technical assistance, sufficient funds shall be made available for a grant to the Pacific Basin Development Council: *Provided further,* That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: *Provided further,* That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: *Provided further,* That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 221(a)(3), 221(b), 223, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association, $16,354,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $79,027,000, of which not to exceed $8,500 may be for official reception and representation expenses, and of which up to $1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided,* That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital account other than the two authorized reserves without prior approval of the House and Senate Committees on Appropriations.

WORKING CAPITAL FUND

From unobligated balances under this heading, $20,000,000 are hereby cancelled.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–6907), $225,000,000, of which not to exceed $400,000 shall be available for administrative expenses: *Provided,* That no payment shall be made to otherwise eligible units of local government if the computed amount of the payment is less than $100.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $50,374,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $39,049,000, of which $3,812,000 shall be for procurement by contract of independent auditing services to audit the consolidated Department of the Interior annual financial statement and the annual financial statement of the Department of the Interior bureaus and offices funded in this Act.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $219,641,000, of which $75,000,000 shall be available for historical accounting, to remain available until expended: *Provided,* That funds for trust management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs, ''Operation of Indian Programs'' account; the Office of the Solicitor, ''Salaries and Expenses'' account; and the Departmental Management, ''Salaries and Expenses'' account: *Provided further,* That funds made available to Tribes and Tribal organizations through contracts or grants obligated during fiscal year 2004, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: *Provided further,* That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of the enactment of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with an

accounting of such funds from which the beneficiary can determine whether there has been a loss: *Provided further,* That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 18 months and has a balance of $1.00 or less: *Provided further,* That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: *Provided further,* That not to exceed $50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: *Provided further,* That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose.

INDIAN LAND CONSOLIDATION

For consolidation of fractional interests in Indian lands and expenses associated with redetermining and redistributing escheated interests in allotted lands, and for necessary expenses to carry out the Indian Land Consolidation Act of 1983, as amended, by direct expenditure or cooperative agreement, $20,980,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment and restoration activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601 et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (Public Law 101–380) (33 U.S.C. 2701 et seq.), and Public Law 101–337, as amended (16 U.S.C. 19jj et seq.), $5,633,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided,* That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: *Provided further,* That no programs funded with appropriated funds in the ''Departmental Management'', ''Office of the Solicitor'', and ''Office of Inspector General'' may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided,* That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of wildland fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; for response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided,* That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further,* That for wildland fire operations, no funds shall be made available under this authority until the Secretary determines that funds appropriated for ''wildland fire operations'' shall be exhausted within 30 days: *Provided further,* That all funds used pursuant to this section are hereby designated by Congress to be ''emergency requirements'' pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, and must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further,* That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: *Provided,* That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Annual appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of 12 months beginning at any time during the fiscal year.

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore preleasing, leasing and related activities placed under restriction in the President's moratorium statement of June 12, 1998, in the areas of northern, central, and southern California; the North Atlantic; Washington and Oregon; and the eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 108. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore oil and natural gas preleasing, leasing, and related activities, on lands within the North Aleutian Basin planning area.

SEC. 109. No funds provided in this title may be expended by the Department of the Interior to conduct offshore oil and natural gas preleasing, leasing and related activities in the eastern Gulf of Mexico planning area for any lands located outside Sale 181, as identified in the final Outer Continental Shelf 5-Year Oil and Gas Leasing Program, 1997–2002.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior to conduct oil and natural gas preleasing, leasing and related activities in the Mid-Atlantic and South Atlantic planning areas.

SEC. 111. Advance payments made under this title to Indian tribes, tribal organizations, and tribal consortia pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) or the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.) may be invested by the Indian tribe, tribal organization, or consortium before such funds are expended for the purposes of the grant, compact, or annual funding agreement so long as such funds are—

(1) invested by the Indian tribe, tribal organization, or consortium only in obligations of the United States, or in obligations or securities that are guaranteed or insured by the United States, or mutual (or other) funds registered with the Securities and Exchange Commission and which only invest in obligations of the United States or securities that are guaranteed or insured by the United States; or

(2) deposited only into accounts that are insured by an agency or instrumentality of the United States, or are fully collateralized to ensure protection of the funds, even in the event of a bank failure.

SEC. 112. Notwithstanding any other provisions of law, the National Park Service shall not develop or implement a reduced entrance fee program to accommodate non-local travel through a unit. The Secretary may provide for and regulate local non-recreational passage through units of the National Park System, allowing each unit to develop guidelines and permits for such activity appropriate to that unit.

SEC. 113. Appropriations made in this Act under the headings Bureau of Indian Affairs and Office of Special Trustee for American Indians and any available unobligated balances from prior appropriations Acts made

under the same headings, shall be available for expenditure or transfer for Indian trust management and reform activities.

SEC. 114. A grazing permit or lease that expires (or is transferred) during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1752) or, if applicable, section 510 of the California Desert Protection Act (16 U.S.C. 410aaa–50). The terms and conditions contained in the expiring permit or lease shall continue in effect under the new permit or lease until such time as the Secretary of the Interior completes processing of such permit or lease in compliance with all applicable laws and regulations, at which time such permit or lease may be canceled, suspended or modified, in whole or in part, to meet the requirements of such applicable laws and regulations. Nothing in this section shall be deemed to alter the Secretary's statutory authority: Provided, That any Federal lands included within the boundary of Lake Roosevelt National Recreation Area, as designated by the Secretary of the Interior on April 5, 1990 (Lake Roosevelt Cooperative Management Agreement), that were utilized as of March 31, 1997, for grazing purposes pursuant to a permit issued by the National Park Service, the person or persons so utilizing such lands as of March 31, 1997, shall be entitled to renew said permit under such terms and conditions as the Secretary may prescribe, for the lifetime of the permittee or 20 years, whichever is less.

SEC. 115. Notwithstanding any other provision of law, for the purpose of reducing the backlog of Indian probate cases in the Department of the Interior, the hearing requirements of chapter 10 of title 25, United States Code, are deemed satisfied by a proceeding conducted by an Indian probate judge, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing the appointments in the competitive service, for such period of time as the Secretary determines necessary: *Provided*, That the basic pay of an Indian probate judge so appointed may be fixed by the Secretary without regard to the provisions of chapter 51, and subchapter III of chapter 53 of title 5, United States Code, governing the classification and pay of General Schedule employees, except that no such Indian probate judge may be paid at a level which exceeds the maximum rate payable for the highest grade of the General Schedule, including locality pay.

SEC. 116. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2004. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.

SEC. 117. Funds appropriated for the Bureau of Indian Affairs for postsecondary schools for fiscal year 2004 shall be allocated among the schools proportionate to the unmet need of the schools as determined by the Postsecondary Funding Formula adopted by the Office of Indian Education Programs.

SEC. 118. (a) The Secretary of the Interior shall take such action as may be necessary to ensure that the lands comprising the Huron Cemetery in Kansas City, Kansas (as described in section 123 of Public Law 106–291) are used only in accordance with this section.

(b) The lands of the Huron Cemetery shall be used only: (1) for religious and cultural uses that are compatible with the use of the lands as a cemetery; and (2) as a burial ground.

SEC. 119. Notwithstanding any other provision of law, in conveying the Twin Cities Research Center under the authority provided by Public Law 104–134, as amended by Public Law 104–208, the Secretary may accept and retain land and other forms of reimbursement: *Provided*, That the Secretary may retain and use any such reimbursement until expended and without further appropriation: (1) for the benefit of the National Wildlife Refuge System within the State of Minnesota; and (2) for all activities authorized by Public Law 100–696; 16 U.S.C. 460zz.

SEC. 120. Notwithstanding other provisions of law, the National Park Service may authorize, through cooperative agreement, the Golden Gate National Parks Association to provide fee-based education, interpretive and visitor service functions within the Crissy Field and Fort Point areas of the Presidio.

SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums received by the Bureau of Land Management for the sale of seeds or seedlings including those collected in fiscal year 2003, may be credited to the appropriation from which funds were expended to acquire or grow the seeds or seedlings and are available without fiscal year limitation.

SEC. 122. WHITE RIVER OIL SHALE MINE, UTAH. SALE.—Subject to the terms and conditions of section 126 of the Department of the Interior and Related Agencies Act, 2002, the Administrator of General Services shall sell all right, title, and interest of the United States in and to the improvements and equipment of the White River Oil Shale Mine.

SEC. 123. The Secretary of the Interior may use or contract for the use of helicopters or motor vehicles on the Sheldon and Hart National Wildlife Refuges for the purpose of capturing and transporting horses and burros. The provisions of subsection (a) of the Act of September 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

SEC. 124. Funds provided in this Act for Federal land acquisition by the National Park Service for Shenandoah Valley Battlefields National Historic District, and Ice Age National Scenic Trail may be used for a grant to a State, a local government, or any other governmental land management entity for the acquisition of lands without regard to any restriction on the use of Federal land acquisition funds provided through the Land and Water Conservation Fund Act of 1965 as amended.

SEC. 125. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 126. None of the funds made available in this Act may be used: (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when such pedestrian use is consistent with generally accepted safety standards.

SEC. 127. None of the funds made available in this or any other Act for any fiscal year may be used to designate, or to post any sign designating, any portion of Canaveral National Seashore in Brevard County, Florida, as a clothing-optional area or as an area in which public nudity is permitted, if such designation would be contrary to county ordinance.

SEC. 128. None of the funds in this or any other Act can be used to compensate the Special Master and the Special Master-Monitor, and all variations thereto, appointed by the United States District Court for the District of Columbia in the Cobell v. Norton litigation at an annual rate that exceeds 200 percent of the highest Senior Executive Service rate of pay for the Washington-Baltimore locality pay area.

SEC. 129. The Secretary of the Interior may use discretionary funds to pay private attorneys fees and costs for employees and former employees of the Department of the Interior reasonably incurred in connection with Cobell v. Norton to the extent that such fees and costs are not paid by the Department of Justice or by private insurance. In no case shall the Secretary make payments under this section that would result in payment of hourly fees in excess of the highest hourly rate approved by the District Court for the District of Columbia for counsel in Cobell v. Norton.

SEC. 130. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from Federally operated or Federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

SEC. 131. Such sums as may be necessary from ''Departmental Management, Salaries and Expenses'', may be transferred to ''United States Fish and Wildlife Service, Resource Management'' for operational needs at the Midway Atoll National Wildlife Refuge airport.

SEC. 132. No funds appropriated for the Department of the Interior by this Act or any other Act shall be used to study or implement any plan to drain Lake Powell or to reduce the water level of the lake below the range of water levels required for the operation of the Glen Canyon Dam.

SEC. 133. Section 122 of division F of Public Law 108–7 is amended as follows:

(a) Paragraph 122(a)(4) is amended to read—

''(4) TRIBALLY CONTROLLED SCHOOL.—The term 'tribally controlled school' means a school that currently receives a grant under the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2501 et seq.) or is determined by the Secretary to meet the eligibility criteria of section 5205 of the Tribally Controlled Schools Act of 1988, as amended (25 U.S.C. 2504).''.

(b) Paragraph 122(b)(1) is amended by striking the second sentence and inserting: ''The Secretary shall ensure that applications for funding to replace schools currently receiving funding for facility operation and maintenance from the Bureau of Indian Affairs receive the highest priority for grants under this section. Among such applications, the Secretary shall give priority to applications of Indian tribes that agree to fund all future facility operation and maintenance costs of the tribally controlled school funded under the demonstration program from other than Federal funds.''.

(c) Subsection (c) is amended by inserting after ''EFFECT OF GRANT.—'' the following: ''(1) Except as provided in paragraph (2) of this subsection,'' and is further amended by adding the following new paragraph:

''(2) A tribe receiving a grant for construction of a tribally controlled school under this section shall not be eligible to receive funding from the Bureau of Indian Affairs for that school for education operations or facility operation and maintenance if the school that was not at the time of the grant: (i) a school receiving funding for education operations or facility operation and maintenance

under the Tribally Controlled Schools Act or the Indian Self-Determination and Education Assistance Act or (ii) a school operated by the Bureau of Indian Affairs.''.

SEC. 134. The Secretary of the Interior shall within 180 days of the enactment of this Act submit to the House and Senate Committees on Appropriations a report that describes the condition and adequacy of educational facilities available to the Eastern Band of Cherokee Indians, the availability of lands necessary for the construction of any necessary new or replacement education facilities, and the impacts that construction of such facilities might have on natural, cultural, and other resources present within the Great Smoky Mountains National Park and the Blue Ridge Parkway. The report shall specifically address the resource implications of the land exchange described in H.R. 1409, ''The Eastern Band of Cherokee Indians Land Exchange Act of 2002'' as introduced in the 108th Congress. The Secretary shall consult with the Eastern Band of Cherokee Indians in preparing the report.

LAND EXCHANGE, WORLD WAR I NATIONAL MEMORIAL, MOJAVE NATIONAL PRESERVE

SEC. 135. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California-Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the ''recipient''), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 101–117; 115 Stat. 2278)) as a national memorial commemorating United States participation in World War I and honoring the American veterans of that war. Notwithstanding the conveyance of the property under this subsection, the Secretary shall continue to carry out the responsibilities of the Secretary under such section 8137.

(b) CONSIDERATION.—As consideration for the property to be conveyed by the Secretary under subsection (a), Mr. and Mrs. Henry Sandoz of Mountain Pass, California, have agreed to convey to the Secretary a parcel of real property consisting of approximately five acres, identified as parcel APN 569–051–44, and located in the west ½ of the northeast ¼ of the northwest ¼ of the northwest ¼ of section 11, township 14 north, range 15 east, San Bernardino base and meridian.

(c) EQUAL VALUE EXCHANGE; APPRAISAL.—The values of the properties to be exchanged under this section shall be equal or equalized as provided in subsection (d). The value of the properties shall be determined through an appraisal performed by a qualified appraiser in conformance with the Uniform Appraisal Standards for Federal Land Acquisitions (Department of Justice, December 2000).

(d) CASH EQUALIZATION.—Any difference in the value of the properties to be exchanged under this section shall be equalized through the making of a cash equalization payment. The Secretary shall deposit any cash equalization payment received by the Secretary under this subsection in the Land and Water Conservation Fund.

(e) REVERSIONARY CLAUSE.—The conveyance under subsection (a) shall be subject to the condition that the recipient maintain the conveyed property as a memorial commemorating United States participation in World War I and honoring the American veterans of that war. If the Secretary determines that the conveyed property is no longer being maintained as a war memorial, the property shall revert to the ownership of the United States.

(f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF ACQUIRED LAND.—The boundaries of the Mojave National Preserve shall be adjusted to reflect the land exchange required by this section. The property acquired by the Secretary under this section shall become part of the Mojave National Preserve and be administered in accordance with the laws, rules, and regulations generally applicable to the Mojave National Preserve.

BLUE RIDGE NATIONAL HERITAGE AREA

SEC. 136. (a) SHORT TITLE.—This section may be cited as the ''Blue Ridge National Heritage Area Act of 2003''.

(b) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

(bb) authentic tradition bearers;

(cc) historic sites; and

(dd) historically important collections of Cherokee artifacts; and

(iv) the agricultural heritage established by the Cherokee Indians, including medicinal and ceremonial food crops, combined with the historic European patterns of raising livestock, culminating in the largest number of specialty crop farms in North Carolina.

(D) The artifacts and structures associated with those legacies are unusually well-preserved.

(E) The Blue Ridge Mountains are recognized as having one of the richest collections of historical resources in North America.

(F) The history and cultural heritage of the Blue Ridge Mountains are shared with the States of Virginia, Tennessee, and Georgia.

(G) there are significant cultural, economic, and educational benefits in celebrating and promoting this mutual heritage.

(H) according to the 2002 reports entitled ''The Blue Ridge Heritage and Cultural Partnership'' and ''Western North Carolina National Heritage Area Feasibility Study and Plan'', the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

(c) DEFINITIONS.—

(1) In this section:

(A) HERITAGE AREA.—The term ''Heritage Area'' means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term ''management entity'' means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term ''management plan'' means the management plan for the Heritage Area approved under subsection (e).

(D) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(E) STATE.—The term ''State'' means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under subsection (i), the Blue Ridge National Heritage Area Partnership shall be the management entity for the Heritage Area.

(B) BOARD OF DIRECTORS.—

(i) COMPOSITION.—The management entity shall be governed by a board of directors composed of 9 members, of whom—

(I) 2 members shall be appointed by AdvantageWest;

(II) 2 members shall be appointed by Hand-Made In America, Inc.;

(III) 1 member shall be appointed by the Education Research Consortium of Western North Carolina;

(IV) 1 member shall be appointed by the Eastern Band of the Cherokee Indians; and

(V) 3 members shall be appointed by the Governor of North Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into consideration Federal, State, and local plans; and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this section.

EXPEDITED PROCEDURES FOR INDIAN TRUST ACCOUNTING

SEC. 137. (a) IN GENERAL.—Notwithstanding any other provision of law, any claim against the United States arising out of any obligation of the United States or any of its agencies or officials relating to the conduct of an accounting, or the balance of, any individual Indian money account arising prior to December 31, 2000 shall be governed by the provisions of this section.

(b) STATISTICAL SAMPLING.—Not later than one year following the date of enactment of this Act, the Secretary shall formulate a statistical sampling evaluation to assess the administration of individual Indian money accounts for those accounts that were open as of December 31, 2000, and all individual Indian money accounts that were open as of October 25, 1994, or opened thereafter but closed as of December 31, 2000. The statistical sampling evaluation described in this subsection shall be conducted in a manner the Secretary deems feasible and appropriate given the availability of records, data, and other historic information, and shall estimate, so as to achieve a ninety-eight percent confidence level, the rate of past accounting error, if any, for each group or categories of individual Indian money accounts. The Secretary shall complete a statistical sampling evaluation covering all subject accounts within four years of the date of enactment of this Act.

(c) CERTIFICATION.—Upon completion of a statistical sampling evaluation for a category or group of individual Indian money accounts, the Secretary shall certify completion of the evaluation and publish such certification in the Federal Register.

(d) ADJUSTMENT OF ACCOUNTS.—

(1) Within 180 days following any certification under subsection (c), the Secretary shall adjust any individual Indian money accounts covered by that certification. The Secretary shall base such adjustment on application of the error rate, if any, determined by the statistical sampling to the average transaction amount for transactions in an account. In addition, the Secretary may also consider any factual information regarding the particular account at issue in adjusting the account.

(2) Amounts necessary for adjustments to individual Indian money accounts shall be derived from the claims and judgment appropriation provided by 31 U.S.C. 1304 in the same manner as payment of judgments received by the Court of Federal Claims under 28 U.S.C. 2414.

(e) NO DOWNWARD ADJUSTMENT.—The Secretary may consider both positive and negative errors in estimating a rate of past accounting error, but in no event shall the Secretary adjust the balance of an account downward under this Act. In the event that the Secretary determines that the rate of past accounting error for an account is zero or negative, the Secretary shall make an adjustment of zero to that account. Such a zero adjustment shall constitute an ''adjustment'' as defined in this section.

(f) JUDICIAL REVIEW.—

(1) Notwithstanding any other provision of law, judicial review of, or judicial relief with respect to, any action of the United States or any of its agencies or officials in carrying out the provisions of this section shall be made solely in accordance with this subsection.

(2) Judicial review of any agency action related to an individual Indian money account performed pursuant to this section may be had only by the filing of a petition for review in the United States Court of Appeals for the District of Columbia no later than 60 days after the Secretary's adjustment of an account. Such review shall be conducted in accordance with chapter 7 of part I of title 5, United States Code (5 U.S.C. 701, et seq.).

(3) Except to the extent, if any, that review may be required by the Constitution of the United States, no court shall have jurisdiction to review, grant, or enforce any relief with respect to any action of the United States or any of its agencies or officials in carrying out any obligation described in subsection (a) other than pursuant to paragraph (2). The provisions of this paragraph shall apply to any litigation filed before, on, or after the date of enactment of this section.

(g) ACCOUNT BALANCES.—The balance of any account as determined under this Act, including judicial review in accordance with subsection (f), shall conclusively constitute the new balance of the account as of December 31, 2000, and shall not be subject to any further adjustment based upon events or occurrences prior to that date.

(h) VOLUNTARY SETTLEMENT OF CLAIMS.—Prior to commencing the statistical evaluation provided in subsection (b), the Secretary may, at the Secretary's discretion, resolve any claim or group of claims described in subsection (a) through voluntary settlement with any holder or holders of individual Indian money accounts. Such voluntary settlement shall be paid from the claims and judgment appropriation as provided in subsection (d) and shall conclusively resolve claims under subsection (a). The holder of the account who settles shall not be entitled to any further adjustment under this section.

(i) REGULATIONS.—The Secretary may adopt such regulations, as the Secretary deems necessary to implement this section.

(j) REPORT TO CONGRESS.—The Secretary shall report to the House and Senate Committees on Appropriations, the House Committee on Resources, and the Senate Committee on Indian Affairs regarding the progress of statistical sampling evaluations at least once every calendar year until the Secretary has adjusted all accounts covered by this Act.

(k) DEFINITIONS.—As used in this Act:

(1) The term ''statistical sampling evaluation'' means an analysis of a selected statistically appropriate sample drawn from a group or groups of transactions or other data.

(2) The term ''individual Indian money accounts'' means account balances for funds held in trust by the United States for the benefit of an individual Indian which are deposited or invested pursuant to the Act of June 24, 1938 (25 U.S.C. 162a), but shall not include accounts classified by the Secretary as Special Deposit, Judgment, or Per Capita accounts.

(3) The term ''adjust'' means to revise the balance of the account pursuant to this Act.

(4) The term ''Secretary'' means the Secretary of the Interior.

SEC. 138. None of the funds in this or any other Act may be used by the Department of the Interior to support the Klamath Fishery Management Council.

SEC. 139. Notwithstanding any other provision of law, the United States Fish and Wildlife Service, heretofore and hereafter, may use funds for incidental expenses related to encouraging public participation in Service programs, and may use up to $2,000,000 per year for contracts for employment-related legal services.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, $267,230,000, to remain available until expended: *Provided,* That of the funds provided, $49,428,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, $290,758,000, to remain available until expended, as authorized by law: *Provided,* That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: *Provided further,* That each forest legacy grant shall be for a specific project or set of specific tasks: *Provided further,* That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, $1,400,792,000, to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided,* That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: *Provided further,* That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, $188,405,000.

POINTS OF ORDER

The CHAIRMAN. Are there any points of order?

Mr. POMBO. Mr. Chairman, I make a point of order against section 139 of the bill found on page 90, lines 4 through 9. This section clearly violates clause 2(b) of rule XXI as it constitutes legislation on an appropriations bill by changing existing law.

Section 139 permanently establishes an unlimited U.S. Fish and Wildlife Service ''slush fund'' for expenses related to encouraging public participation in Fish and Wildlife Service programs. The very first sentence waives existing law regarding any current limitations that the Service may have regarding these activities. For example, existing volunteer and public participation in the National Wildlife Refuge System is governed by the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998.

The Service's use of administrative funds from other programs, such as those authorized under the Pittman-Robertson Act, the African Elephant Conservation Act, the Neo-Tropical Migratory Bird Conservation Act, the Great Ape Conservation Act, and the Rhinoceros and Tiger Conservation Act are also circumscribed in scope and funding levels. Section 139 waives these limits and expands the uses of these funds. Therefore, this language constitutes legislation on an appropriations bill.

This fact was recognized by the Committee on Appropriations, which lists this section in the report accompanying this bill under ''Changes in Application of Existing Law'' on page 153. Therefore, I ask that the Chair sustain my point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and accordingly section 139 is stricken from the bill.

Does the gentleman from California have another point of order?

Mr. POMBO. Mr. Chairman, I make a point of order against section 137 of the bill, found at page 84, line 21, through page 89, line 24.

This section clearly violates clause 2(b) of rule XXI, as it constitutes legislation on an appropriations bill. This six-page section establishes a separate legal mechanism for the determination and settlement of claims regarding individual Indian money accounts maintained by the Department of the Interior as part of the Secretary of the Interior's trust responsibilities for Native Americans. The section requires the Secretary to formulate a statistical sampling evaluation for individual Indian accounts opened during a certain time frame.

This evaluation is to take place over 4 years, and the Secretary is then required to publish a notice in the Federal Register certifying the evaluation. The Secretary must then adjust certified accounts but only for increases as a result of the evaluation. The Secretary is also authorized to issue regulations to implement the section.

Finally, the section provides a judicial review mechanism for the Secretary's actions taken under this section.

These are all new substantial duties on the part of the Secretary of the Interior. The section mandates new expenditures to adjust individual Indian accounts upwards.

In addition, the very first sentence of section 137 explicitly waives existing law and regulations regarding these accounts. Therefore, the section fails at least three tests for determining whether the language constitutes legislation on an appropriations bill. This fact was recognized by the Committee on Appropriations, which lists this section in the report accompanying this bill under ''Changes in Application of Existing Law'' on page 153.

I ask that the Chair sustain my point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. TAYLOR of North Carolina. Mr. Chairman, the gentleman raises a legitimate point. The Indian trust settlement language is an authorizing issue, but before I concede the point of order, let me point out the rationale behind this important provision.

Last year, this House debated a provision limiting funding for the historical accounting of the individual Indian money accounts. During debate over this provision, both the majority and the minority members of the authorizing committee assured us that legislation would be developed forthwith to address the Indian trust issues. This did not happen.

However, this year, the new chairman of the Committee on Resources, which is the legislative committee of jurisdiction for Native American issues, has held a hearing on this critical issue and has informed me of his intention to develop legislation to resolve the Indian trust issue this year. I am convinced that, without intervention by the Congress, this issue will continue to drag on for years at the expense of other important programs in the Interior bill.

The committee proposed what I believe is a prompt, fair and reasonable resolution of these long-standing claims. To date, hundreds of millions of dollars have been spent on lawyers and accountants and not a single dollar has gone to Indian country.

Mr. Chairman, if this contentious litigation continues, we will be forced to redirect resources away from Indian education, health, wildlife, law enforcement and other important Indian programs.

Let me point out a few facts for Members to keep in mind as legislation is developed to resolve this litigation. Of the approximately 260,000 individual Indian accounts, 68 percent have balances of less than $100. Thousands of accounts have less than $1 and often less than one penny. Since 1909, a total of $13 billion has flowed through these accounts, with the majority of the money deposited after 1970. This is a far cry from the $137 billion claimed by the litigants.

Today, there are 4 million different owners of the 10 million acres of individually-owned trust lands, which makes the management of trust assets very difficult. It is important that we finally tackle this issue. I pledge my help in crafting a legislative solution.

The CHAIRMAN. Does the gentleman from Washington wish to be heard on the point of order?

Mr. DICKS. Mr. Chairman, I want to be heard on the point of order.

I would just say that I, first of all, want to associate myself with the remarks of the chairman. I think he has made very clear why the committee felt it must do what it did do. I would also say to the new chairman of the authorizing committee, it is time for action on this issue. We can no longer let this slide or neglect or not bring this to attention, because millions and millions of dollars are being wasted on lawyers and accountants instead of going out for Indian health service and all the other issues.

I concur with the chairman. We have to concede the point of order, but I would urge the chairman, please do not let us down again this year. We need action on this issue. I know the gentleman has taken over, and I urge him to take action and get a settlement. We cannot let this thing go on and on and on. I concede the point of order.

The CHAIRMAN. Does the gentleman from New Jersey wish to be heard on the point of order?

Mr. PALLONE. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. PALLONE. I spoke on this earlier on the rule.

I just wanted to say, first of all, I do commend the appropriations chair and the ranking member for their concern about this issue. I know that they are very concerned about it. I know they are legitimately concerned about the cost if something is not done.

I also want to commend my chairman and indicate on a bipartisan basis that Democrats as well as Republicans on the Committee on Resources are very concerned about this issue and realize that it must be addressed.

To his credit, our new chairman, relatively new chairman, has indicated very strongly as a result of the hearing that took place in the Committee on Resources, I believe, last week that he is going to take this up, that we are already looking at language to try to deal with the issue and come up with legislation; and I think that members of the Committee on Resources on a bipartisan basis are very much aware of the fact that we must deal with it.

□ 1845

And we will take that responsibility seriously. I know through the Chair, and I just want to say on the part of the Democrats on the committee, that if we agree with our chairman, it needs to be addressed and also understand and appreciate the fact that the appropriators are willing to let go on this at least for a while.

The CHAIRMAN. The point of order as conceded is sustained and accordingly section 137 is stricken from the bill.

Are there any amendments to that portion of the bill that is open for amendment?

AMENDMENT OFFERED BY MR. MARIO DIAZ-BALART OF FLORIDA

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MARIO DIAZ-BALART of Florida:

Page 24, line 14, strike the colon and all that follows through page 25, line 12, and insert the following:

: *Provided further,* That funds appropriated in this Act and in any prior Acts for the purpose of implementing the Modified Water Deliveries to Everglades National Park Project shall be available for expenditure unless the Secretary of the Interior, the Secretary of the Army, the Administrator of the Environmental Protection Agency, and the Attorney General file a joint report by September 30, 2003, and each year thereafter until December 31, 2006, to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the House Committee on Resources and the Senate Committee on Environment and Public Works, indicating that the water entering A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park does not meet all applicable State water quality standards and numeric criteria adopted for phosphorus throughout A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park, as well as water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, and that the House and Senate Committees on Appropriations respond in writing disapproving the further expenditure of funds.

Mr. MARIO DIAZ-BALART of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, this amendment brings funding authority back to Congress and ensures that major decisions about funding Everglades restoration, which by the way happens to be within the congressional district that I represent, that those decisions are made by Congress and not by government bureaucracies.

Everglades National Park is one of our great Nation's greatest national treasures, and current funding is critical to the future restoration of that treasure. The current bill language, Mr. Chairman, provides for a mandatory stoppage of funding based on water quality reports issued by the Department of the Interior, the Environmental Protection Agency, the Army Corps of Engineers, and the Attorney General. This would empower Federal agencies to eliminate critical funding without congressional review, Mr. Chairman.

Therefore I have offered this amendment with the gentleman from Florida (Mr. GOSS) to ensure that any possible changing of the funding levels occurs through the constitutionally appropriate body, the House Committee on Appropriations and the Senate Appropriations Committee, not solely Federal agencies. This amendment eliminates the provision that provided Federal agencies with that authority to automatically cut funding based on their reports again without the legislative having any input.

Mr. Chairman, I will continue to fight along with my other colleagues for adequate funding for Everglades restoration, and we will work with the State of Florida and the appropriate State and Federal agencies to ensure that this critical restoration project receives the necessary funds now and also in the future.

I would, Mr. Chairman, though, want to thank some people that have worked with me on this: the gentleman from California (Chairman DREIER); the gentleman from Florida (Mr. GOSS), whom I already mentioned; the gentleman from Florida (Mr. LINCOLN DIAZ-BALART); and the gentleman from Florida (Chairman YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think all of the House knows that this has been a major issue for the State of Florida, for the United States of America. The Everglades is a very unique ecological system that is not equal to anywhere else in the world. It is important that we continue on the agreements that were not easy to come by; but the partnership with the State of Florida, the partnership with the Federal Government, and the partnership with the courts, we have one responsibility, to provide for the hydrological issues, the plumbing in effect, the flow of the water. The State of Florida has a responsibility for the quality of the water.

We had a little setback. This might be mentioned later, a little setback when the legislature changed some of their agreement, but nevertheless I am prepared to accept this amendment and compliment the gentleman for working very hard not only to support and protect the Everglades program but to do it in such a way that Congress is definitely more involved, and I think he has done a really good job. This was not the original proposal that we had in the bill, but I think this is an improvement.

I want to clarify for the record that we expect these Federal agencies to submit a joint report every year on the extent to which the State is or is not meeting all applicable State water quality standards and numeric criteria adopted for phosphorus throughout Loxahatchee National Wildlife Refuge and the Everglades National Park, as well as water quality requirements set forth in the consent decree entered in the United States v. South Florida Water Management District. The submission of this report is not an option and must be done. And, again, I compliment the gentleman. I support his amendment. We are prepared to accept the amendment for the committee.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

I am pleased to associate myself with the remarks of the distinguished gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the remarks of the gentleman from Florida (Mr. MARIO DIAZ-BALART), who is the author of this particular amendment. And I want to thank them and so many other appropriators who have assisted us in making this partnership stronger and better that exists between the Federal Government and the State for a very wonderful and unique purpose of restoration of our Everglades.

The gentleman from Florida (Mr. MARIO DIAZ-BALART) correctly said that his district encompasses virtually all of the Everglades, and it is clear the national interest of all of us is in the Everglades as well. So it brought some interest together in what I think is a very workable program by this amendment that will provide for the necessary accountability, because the appropriators do have a responsibility for how those dollars are spent and the State of course has responsibility for their part of the partnership as well. We have had a good partnership. It has been almost a decade. It has worked exceedingly well, and I think it will continue to work well in the future.

As the gentleman from Florida (Chairman YOUNG) said, there was a little hiccup earlier this year when the Florida legislature, for reasons that made sense to them at the time, took unilateral action. After we reviewed the action, we felt that we needed to change the way the partnership worked a little bit, and I believe the language herein accomplishes that.

This language did just not happen overnight, as was suggested. The gentleman from North Carolina (Chairman TAYLOR), the gentleman from Ohio (Chairman REGULA), another of the cardinals, the appropriators; the gentleman from Florida (Chairman YOUNG), the overall chairman of the committee, dean of our delegation; the gentleman from Ohio (Chairman HOBSON) helped us; and the gentleman from Florida (Mr. SHAW), chairman of our delegation. That is an awful lot of horsepower to bring together, and this deserves that kind of horsepower. It is the right answer. We are where we need to be, and I urge support for this amendment.

Mr. DICKS. Mr. Chairman, I rise in support of the amendment.

I want to commend the delegation from Florida for working on this issue. This has been something that I have personally taken an interest in, gone down to Florida, seen the work on this incredible project, the work of the Park Service and all of the Federal agencies. This is truly a national environmental restoration objective, and many of us were concerned who followed this issue about the actions of the Florida legislature earlier this year; but I want to commend the gentleman from Florida (Chairman YOUNG) and the gentleman from Florida (Mr. GOSS) and the gentleman from Florida (Mr. SHAW) and the gentleman from Florida (Mr. MARIO DIAZ-BALART), our new member, for the work they have done in crafting this legislation. We even out in the West are concerned about the Everglades, and we want to see them restored; and we want to see the commitments kept between the State and Federal Government. We need to go year by year, and I think the funding for this project depends on moving the ball forward and keeping things moving in the right direction. So I commend all of the work that has been done to straighten this out, and we look forward to the first report.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this compromise amendment, which I believe will help ensure that the efforts of Congress to restore the Everglades will be successful. In agreeing to the Comprehensive Everglades Restoration Plan, the Federal Government and the State of Florida made an $8 billion commitment, equally cost shared, to restore this national treasure. Congress, on behalf of the American people, has already committed $1 billion over the last 9 years toward this effort, and throughout this process the subcommittee has maintained strong oversight of the project to ensure that these funds are spent wisely and true environmental restoration will be achieved.

Mr. Chairman, water quality is an absolute key to the success of this restoration. If we fail to address water quality issues upfront, we could potentially invest $20 billion of the taxpayers' dollars on a new plumbing system that pours tainted water into the

Everglades, and that is of course why this compromise is vitally important.

This amendment was crafted in response to the passage of a law in Florida. It seeks to ensure that the State of Florida will not fail to meet its water quality goals. It will put a string on the Federal dollars that Congress has approved, tying them to compliance with agreements the State has already made. Every year the Secretary of the Interior, the Secretary of the Army, the Attorney General, and the EPA administrator will have to file a joint report certifying that the State of Florida is meeting its prior commitments to improve water quality. If the report indicates that the State is failing to work toward that goal, they have to take another look at the funding issue.

It is unfortunate that Congress has been put into a place that they are requiring these new assurances. However, in order to ensure that Federal funds are truly going towards our shared goal, and this is the money of all the people in these United States and this is a treasure that belongs to all the people, that the environmental restoration, we have to condition their release on assurances that the State of Florida is living up to agreements it has already made. Otherwise, we risk not only wasting billions of taxpayer dollars but also further polluting the Everglades. And I commend the gentleman from Florida for agreeing to this amendment. I realize this is his district, but it is a treasure of all the American people, and I would urge support of the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. MARIO DIAZ-BALART).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Ms. SLAUGHTER:

Page 21, line 3, after the first dollar amount, insert ''(reduced by $6,000,000)''.

Page 47, line 6, after the dollar amount, insert ''(reduced by $3,000,000)''.

Page 91, line 22, after the dollar amount, insert ''(reduced by $6,000,000)''.

Page 128, line 7, after the dollar amount, insert ''(increased by $10,000,000)''.

Page 128, line 11, after the dollar amount, insert ''(increased $10,000,000)''.

Page 128, line 23, after the dollar amount, insert ''(increased by $5,000,000)''.

Ms. SLAUGHTER. Mr. Chairman, I rise to offer an amendment that by all rights should provoke no argument from the body. Last year a strong bipartisan majority voted for a modest increase for two Federal agencies that provide critical support for the arts organizations and its activities across the country. To keep the arts vibrant and flourishing, 234 Members of Congress agreed that the National Endowment for the Arts should receive a $10 million increase and that the National Endowment for the Humanities should receive an increase of $5 million. It is indeed regrettable that in the fiscal year 2003 Omnibus Appropriations bill, the will of the House was ignored and these increases for both NEA and NEH were rejected.

Now the time has come to rectify that mistake. This amendment simply restores the funding that the House agreed to last year. Meanwhile, I want to remind my colleagues that these agencies remain well below the funding level of a decade ago. As the chart clearly shows, in 1992 both NEA and NEH received $176 million in funding. That is $60 million more than NEA receives today and some $50 million more than NEH receives. Yet a majority of this body also recognizes that the nonprofit, and I emphasize nonprofit, arts industry has become an economic engine that drives $134 billion into our national economy every year.

This chart, which shows a recent economic impact study conducted by the Americans for the Arts, illustrates some very important figures. The nonprofit arts industry is responsible for almost 5 million full-time jobs, $89.4 billion in household income, $7.3 billion in State government tax revenues, and $56.6 billion in local government tax revenues.

□ 1900

Here is the most impressive figure of all: The arts community contributes $10.5 billion in Federal income tax revenues. So for the very small amount of money that we put in, $10.5 billion comes back to the Federal Treasury. The arts mean business. They mean big business for every district in this country.

It is critical to remember that this funding will help build local economies across America. NEA nurtures artistic excellence in every corner of the country, as its grants flow to each of the 50 States and to each of the 435 congressional districts. Because NEA requires State and local arts agencies as well as private organizations to provide matching funds, the process ensures that dollars will continue to flow to the arts even during difficult economic times.

Now, a word about these difficult times, and we know that they are. With our economic recovery stalled and the largest job loss in 20 years, one would think that people responsible for rebuilding State and local economies would put fuel into this enormously successful arts engine. But, unfortunately, that is not so. But the lesson for us is obvious. In the era of declining State funds when corporate and charitable giving is dangerously low, the money we provide will not only safeguard the organizations but help them to spark our local economies back into black ink. In fact, what the House should really do is triple our funding for the arts, considering all of the money that we get back and what it does for local governments. As it is, we are only asking to restore the funding that the fiscal year 2003 conference took away.

Give back the $10 million we voted for last year for NEA. It will be used to expand the Challenge America grants to make the arts more widely available in communities throughout the country.

The program has a special emphasis on extending the arts to the underserved populations, those whose opportunities to experience the arts are limited by geography, ethnicity, economics, or disability.

Give back the $5 million we voted last year for NEH. Along with the $10 million increase provided by the Interior Committee on Appropriations, it will be used to support the We the People initiative which will advance the understanding of America's history, culture, and civics, a thing we sorely need. The President has requested a total of $100 million for We the People over the coming years, and this will be just a small down payment on his request.

Please restore the funds we provided last year, and the rewards will be boundless. I do not mean just economic rewards, although they are incredible. I will not have enough time to talk about how the arts contribute to the lives of every American citizen, how they enrich our lives, spark our imagination, inspire our dreams, and calm our fears. There is not time to discuss how much better our children learn to read and write and add and subtract when the arts are part of the core curriculum.

Let me just remind my colleagues that SAT scores go up some 57 parts, just think of that, when art is part of a student's high school experience. That is a cheap price. If we really want to leave no child behind, we will send them all ahead with the arts leading their way.

Voting for this amendment is the right thing to do, and it is also the smart thing to do. I urge my colleagues to vote for this amendment cosponsored by my good friends, the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Iowa (Mr. LEACH), and also by the ranking member of the Committee on Appropriations Subcommittee on Interior and Related Agencies, the gentleman from Washington (Mr. DICKS), who fights very hard every single year. Please, please, vote yes on this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, the bill maintains the largest increases to NEA and NEH since 2002 and provides small increases for fixed costs this year. We also provide a $10 million increase for the NEH American History initiative.

Mr. Chairman, this bill must take care of our huge responsibilities for

managing Federal lands. Now, this amendment reduces administrative costs, and I would remind my colleagues that over the past 10 years we have reduced the number of personnel in departmental management by 40 percent. I would like to cut overhead further, but this amendment would damage the government's ability to properly manage our lands and programs.

This amendment would impair on-the-ground operations for environmental protection and Indian programs. It would reduce the Department's funding, including hearings and appeals in support for Indian trust reform.

My committee is watching carefully the use of funding for travel and other excessive administrative costs, and my colleagues can count on our oversight, but this amendment will not help. The bill strikes a fair balance between the needs of the arts and humanities programs and our responsibility to land management, Indian programs, and industry bills. I ask my colleagues to join me in opposition to the amendment.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of this much-deserved and long-overdue increase for the National Endowment for the Arts and the National Endowment for the Humanities.

For years, Mr. Chairman, we have been told by opponents of government funding for the arts that the private sector could easily step in if government funds were cut or flat-funded. That may have sounded reasonable during the flush economy of the 1990s, but now, with the economy mired in recession, we are seeing private sector support drying up and nonprofit arts companies withering away.

Cities and States across the country faced with deep budget deficits are being forced to cut their support for the arts as well, and it is having real consequences for the arts organizations that rely on these funds for their survival. That makes it even more critical that we increase the Federal commitment to the arts today.

Funding for the arts is one of the best investments our government makes. In purely economic terms, it generates a return that would make any Wall Street investor jealous. For just a fraction of 1 percent of the entire Federal budget, the NEA supports a thriving nonprofit arts industry which generates more than $134 billion annually, nearly 5 million full-time jobs, and returns $10.5 billion in Federal taxes each year.

With grants that touch every congressional district in the country, the NEA supports educational programs that teach children valuable lifelong skills, allows new and innovative art to find an audience, helps bring the arts to underserved communities, enables organizations to share their exhibitions and performances with the rest of the Nation through national tours and, most important, provides crucial seed money for organizations to leverage private donations.

Yet the NEA continues to suffer from the shortsighted decision by this Congress to slash its funding back in 1996 after an attempt at its outright elimination. The NEA has been forced to do more with far, far less; and, despite consistent underfunding, it has been an efficient and a productive agency. But we should at least restore the NEA to its pre-1996 levels; and we should, in fact, be considering an increase over that level, not simply the paltry funding it has had since then. Only through increased public support can the arts continue to be as vibrant as they are through the Nation.

The NEH, too, is a vital industry, but without additional funding the important work of interpreting and preserving our Nation's heritage will go unrealized. The NEH is at the forefront of preserving endangered recordings of folk music, jazz and blues; bringing Shakespeare to inner-city youth; promoting research into immigrant life and culture; and helping disseminate this information into our communities through technologies such as the Internet and CD–ROM.

The arts inspire us, challenge us, spark our creativity. They make us think, laugh, and cry. The humanities teach us about ourselves and our history and foster cultural understanding. We should be ashamed at the tiny investment we make in such important activities.

Mr. Chairman, this amendment asks only to restore the funding level that the House supported last year without any increase for inflation. The level that we supported last year, but that was unfortunately stripped during the conference. This is the very least we should do today. I urge my colleagues to support this amendment and to vote against any attempts to slash NEA funding that may be made by others.

Mr. BALLENGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in the past we were upset by the actions of the NEA, but that has changed completely to a very positive program, and with congressional oversight.

Last year, the Congressional Arts Caucus sponsored an amendment to increase funding of the NEA and the NEH. Even though the amendment was bipartisan, it was dropped during conference. This year, the Congressional Arts Caucus again wants to stress the importance of the arts to our districts and call upon the House to increase the funding for the National Endowment for the Arts by $10 million and the National Endowment of the Humanities by $5 million.

According to a 2002 study of 3,000 local arts organizations across America, the nonprofit arts industry generates $134 billion in economic activity. That is for last year. This includes $24.4 billion in tax revenue, which covers the costs many times over. Not only do governments gain economically from the arts, but almost 5 million Americans have full-time jobs in the arts industry.

In 2002, my congressional district received grants for NEA for both the Penland School of Crafts and Lenoir-Rhyne College, contributing greatly to the local communities in our lives.

Both the NEA and NEH have new programs with strong bipartisan support that will not only enhance the two agencies but will also bring a new understanding of American history and culture. Challenge America, sponsored by the NEA, and We the People, sponsored by the NEH, will both focus on educational outreach and promoting the best in arts and art education that our communities have to offer.

We owe it to ourselves and to our neighbors to support this amendment, and I urge my colleagues to vote yes on the Slaughter-Shays-Dicks-Leach amendment.

Mrs. DAVIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join my distinguished colleagues once again in making a strong plea for the high value that the arts and humanities bring to the quality of our lives. Indeed, we must provide the level of support contained in this amendment.

In San Diego, these funds have made significant contributions to a whole range of small and large arts organizations, dance companies, and museums, museums like the Museum of Photographic Arts, theater companies like the San Diego Repertory Theater, as well as the Playwrights Project, which supports budding writers.

Importantly, many grants have gone to provide outreach to new audiences organized by the San Diego Opera Association and the San Diego Performing Arts League.

Two humanity projects in San Diego are giving the opportunity to young people to develop their oral history interviewing skills by developing a record of some of our recent immigrant groups.

While we are a city proud of our existing museums, theaters, and music and dance organizations, funds from the National Endowment for the Arts and the National Endowment for the Humanities are essential to extend the availability of these institutions to our young people. Indeed, a review of recent grants reveals that the efforts emanating from these resources enable the kinds of experiences that are so important for an enlightened citizenry.

Mr. Chairman, we all join today to say how important these grants are to our communities, and each and every one of us I know can point to a number of projects, a number of opportunities that have been available that would not be there were these grants not part of the NEH and the NEA. So, today, I think all of us join in saying, let us do

what we can. Let us provide the funding that is essential to creating the kind of environment and the kind of community that we all believe in so dearly today.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate about public funding of the arts is about democracy, about the type of society we aspire to be and become. It is about opportunity: the opportunity to witness artistic expression and to create for oneself.

America today is a prosperous country. Poignantly, 70 years ago, when we became enmeshed in the deepest depression in our history, the Federal Government created a jobs program called the Works Project Administration. My grandfather headed the WPA in Iowa and, as required by statute, hired a Cedar Rapids native by the name of Grant Wood to lead Iowa's WPA arts division. Because of the WPA, artists in Iowa and across the Nation were given an opportunity to work in their chosen fields and to advance their own and society's creative impulse.

I refer back to the WPA era because when our country dissolved into social chaos, the arts brought a perspective of unity and courage. Ironically, perhaps, to some, an American solidarity of spirit was enhanced by artists who frequently highlighted social programs and who just as frequently lampooned institutions of the State, including political leaders.

These are more prosperous times, but just as with the WPA in the 1930s, government involvement in the arts today is designed to take the arts from the grand citadel of the privileged and bring it to the public at large. This democratization of the arts ennobles the American experience.

Franklin Roosevelt once noted that, ''The arts cannot thrive except when men are free to be themselves and to be in charge of the discipline of their own energies and ardors.''

□ 1915

A corollary to this Rooseveltian precept is self-evident freedom itself is constrained if the arts are shackled. Americans need to be appreciative, rather than fear, artistic expression. We must understand that arts play an increasingly central role, particularly in education. Of all the learning disciplines, they most thoroughly tap and expand the human imagination. Without hesitation, therefore, we should be supportive of the Federal commitment to arts programs.

Arts expression is an unquantifiable, but priceless, facet of our society.

Ms. MCCARTHY of Missouri. Mr. Chairman, I move to strike the requisite number of words.

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I rise today in support of the Slaughter-Shays-Dicks-Leach Amendment to increase funding for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). These endowment programs are vital to supporting the creation, preservation and presentation of the arts and humanities in America. In my district of Kansas City, Missouri, NEA and NEH grants have brought partnership projects such as the Coterie Theater and the Friends of Alvin Ailey's AileyCamp that help provide collaborative artist and youth activities which have enriched the local economy and educational experiences of our children.

Studies have demonstrated that reading and math scores improve with participation in arts education classes. A U.S. Department of Justice study found that arts education reduced student delinquency in San Antonio by 13 percent and increased the communications skills of students in Atlanta by 57 percent. Test Results from the College Board have shown that college bound students involved in the arts and humanities have higher overall SAT scores than other students.

There is no excuse for funding for the NEA at a level that is 30 percent below the 1994 level. Adopting the amendment before us would increase funding by $10 million for NEA and $5 million for the NEH. This would bring NEA and NEH funding to the level that the House approved last year by a vote of 234–192, but was later stripped from the bill in conference. I urge my colleagues to support this amendment. Investment in the arts and humanities has proven to be an invaluable contribution to American economy and the future success of our children.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to applaud our colleagues, the gentlewoman from New York (Ms. SLAUGHTER) and the gentleman from Connecticut (Mr. SHAYS), co-chairs of the Arts Caucus, and their staff for their leadership on this issue of national importance, and I rise today also in strong support of this amendment.

Congress has the responsibility to provide adequate funding to the National Endowment for the Humanities, which is the largest single funder of humanities programs in our country; and the National Endowment for the Arts, the infrastructure for private nonprofit and Federal arts initiatives.

The current state of the economy has stifled private funding which subsidizes many arts and humanities programs nationwide. The economic downturn and our budget crisis is crippling arts initiatives in many, many States, especially in my home State of California. For example, in Oakland, one of the cities in my district, most of the arts education programs are facing real extinction. The result is the gradual disappearance of arts initiatives for people of all ages, ethnic backgrounds, social and economic backgrounds.

In the vibrant, very diverse Ninth Congressional District of California, this strikes a significant blow at the foundation of our community.

It is imperative that we support funding for the NEH, which is at the forefront of preservation of our historical and cultural heritage. For more than 20 years, the NEH has supported efforts to stabilize historical materials such as crumbling books, archives, newspapers, sound recordings, films, photographs, and archeological and ethnographic objects. These are treasures which will be lost forever.

Mr. Chairman, I wish you could listen to the stories of my constituents in the Bay area. Art and music teachers have been laid off. For example, Ms. Bonnie Noble, an art teacher at McClymonds High School in Oakland, explained that students tend to take art courses to escape the harsh reality of violence which has escalated with the downfall of the economy. Already she has difficulty convincing students to pursue arts in their postsecondary studies for fear that it will distract them from securing a good job in an apparently vicious competitive market.

Mr. Chairman, every year Members of Congress proudly exhibit the art work of the winners of the Artistic Discovery Arts Competition from their districts in the halls which provide the foundation of the United States Capitol. It seems contradictory to cut funding to the programs which support creativity in our community. We enjoy the fruits of their works and witness the products of this young talent every time we walk through the tunnel for a vote when we come over to this Capitol. Can you imagine walking through those dreary tunnels with bare walls simply because we refused to adequately fund arts and humanities programs and there were no teachers left to instruct our students?

This amendment also provides funding for the NEA, which is an investment in the economic growth of communities with grants reaching every congressional district in the country. During the last 14 years, the NEA has provided funding for over 123 programs in my district alone, including the Berkley Symphony Orchestra, the Axis Dance Company, and the East Bay Institute for Urban Arts and the Museum of Children's Art.

Clearly, a vote against this amendment, which is endorsed by the bipartisan Arts Caucus, is really an action against the vital thread which sustains the pulse of American culture. I urge all Members to support this amendment.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of this amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. I support this very modest amendment and know increased funding would have a positive impact by bringing arts to underserved communities like our innercities and rural areas and by encouraging more support for preserving and promoting our cultural heritage, something all Americans should want to do.

Federal funding helps symphonies, theaters, musical productions, ballet, and educational programs. I grew up in an arts family. My mom and dad, both performing actors, met in the theater and I know the arts make a significant contribution to all of our lives. The arts improve the lives of so many people including children, the elderly and those on limited budgets who might not otherwise have the opportunity to see some very beautiful, spiritual, and enriching performances.

Federal funding helps enable talented individuals to pursue careers in the arts. Besides the obvious cultural benefit, the economic impact of the arts is real and impressive. I urge my colleagues to support this amendment and increase funding for the NEA and NEH.

Mr. ANDREWS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in very strong support of the Slaughter amendment. I appreciate the gentlewoman offering this bipartisan amendment. One of the highlights for me of the last school year was watching my 10-year-old daughter, Jackie, who took flute lessons for the first time, excel in a school musical. At this hour as we speak, my 8-year-old daughter, Josie, is in a rehearsal for her role in community theater for ''Man of La Mancha.''

The arts are an important part of our family, and we are a privileged family to have that involvement. But without the NEA and the NEH, there are many families in many corners of America who never experience the delight of the arts. The NEA and the NEH are about the democratization of arts in our country.

Now, I have heard four arguments against amendments like that of my friend, the gentlewoman from New York (Ms. SLAUGHTER). The first is it is too expensive to fund the NEA and the NEH. That is incorrect. The economic loss of withdrawal of support for the arts would be far greater than the modest cost of this amendment. Jobs that are created in tourism, in the hospitality industry, and directly through the arts themselves generate tax revenues that more than offset the very modest costs of this amendment.

The second argument I have heard against the arts is sometimes the NEA or NEH funds a particular work of art that some Members here do not like. Let me say for the record, I hope the NEA and NEH always fund arts that some politicians find objectionable. That is the nature of the artistic process. The power of the NEA and the NEH is its peer-driven mechanism, where decisions are made by people in the arts in consultation with their peers and not through the political process. May it always be that way. I commend the gentlewoman from New York (Ms. SLAUGHTER) for maintaining that tradition.

The third argument that I hear is that this is an elitist segment of the Federal budget, that by funding the arts we are somehow propagating an elitism. The exact opposite is true. There are so many people in urban and rural low-income areas around our country who would never get the chance to experience the delight of a piece of theater by Shakespeare, the grace of a ballet, the innate beauty of a painting or sculpture were it not for the extension of the arts that was provided by NEA and NEH. In my district at Camden, New Jersey, at the Leap Charter School this summer there is a program in the arts in Greek mythology and Greek drama for children, most of whom come from the very lowest echelon on the economic ladder. But they are experiencing the arts in a positive and creative way for the very first time.

Finally, we hear the argument that the amount of money is so modest that it really does not do arts organizations much good and that because there is so much money flowing into the coffers of arts organizations, they do not really need the money. Mr. Chairman, anybody who makes that argument has never been involved in a nonprofit arts organization. They have never known that that extra $10,000 or that extra $15,000 is make or break. It is the seed money that lets the organization get started so it can generate ticket revenues, so it can generate corporate and charitable contributions. It is the seed money that gives rise to the possibility of all the other revenues.

In a country that spends over $2 trillion for its governance, this is frankly an embarrassingly modest commitment to the arts and humanities. It is wise. It is just, and it is one that should enjoy the bipartisan support of this House. I urge the adoption of the amendment.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of increased funding for the National Endowment of Arts and the National Endowment for the Humanities. I represent a district that is rich in diversity, rich in pluralism, rich in people from different walks of life, different backgrounds. The grant provided from the NEA and NEH provides opportunities for people to better understand each other, to know what is going on with other people, to know what is in their thoughts, minds and ideas. We are not really talking about funding a program; we are talking about funding a way of life, to help keep America the diverse, understanding, pluralistic Nation that it is and to know what is happening in all parts of our communities and with people from all walks of life.

As the country becomes more diverse and more pluralistic, it is absolutely essential that we find ways to better acquaint each other with cultural contributions, mores and folkways of different people within our society. Although we recognize the economic plight of our Nation, we know that inordinate resources must be devoted to anti-terrorism and homeland security measures, but we also know that education and the transference of understanding are necessary to maintain and continue growth in our democracy.

Mr. Chairman, the need for understanding is so great that we do not only pay attention to programs but we also have to keep the American Dream alive and the thoughts and ideas continuously moving. We must keep music, art, culture, and hope ever-present in our lives.

The Illinois Humanities Council and others like them throughout the Nation do an outstanding job of dividing and allocating these resources. They spread them around. And we get great mileage from the meager resources that we expend. Therefore, Mr. Chairman, I would urge my colleagues to vote in favor of increased funding for this great program that allows our Nation to flourish within many cultures. Again, it is not a program. It is keeping the doors of communication open and crossfertilizing different ways of life. It is important. I would urge its passage.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentlewoman from New York's (Ms. SLAUGHTER) and the gentleman from Connecticut's (Mr. SHAYS) NEA amendment. Once again, the House of Representatives is considering an interior appropriations bill that does not include such funding for the National Endowment for the Arts and the National Endowment for the Humanities.

Funding for the National Endowment for the Arts was cut drastically in 1995 by more than 40 percent, and it has never returned to adequate levels. This year the NEA and the NEH need our support more than ever before. Private funding for the arts and the humanities has diminished with the economic downturn, leaving valuable programs in jeopardy. We know that the funding we invest in the NEA and the NEH provide a huge economic return on our Federal investment both in dollars and in jobs.

The nonprofit arts industry generates $134 billion in economic activity every year. It creates more than 4 million jobs and $10.5 billion in Federal tax revenue. Let me say that again: $10.5 billion in Federal tax revenues. However, monetary reasons are not the only argument for increasing NEA and NEH funding. In a recent study by the Arts Education Partnership, a direct correlation was found between art education, cognitive capacity, and the motivation to learn.

□ 1930

Participation in the arts and humanities can also be a source of pride and positive self-esteem. I have been a witness to this during my district's congressional art competition. Students of all ages were present and proudly displayed the objects of their hard work.

These young people gained more than praise. They gained self-respect, a feeling they will carry in all of their endeavors.

In addition, NEA programs such as Challenge America are using art as a means to bring communities together. Along with the United States Department of Housing and Urban Development and the National Guild of Community Schools, Challenge America has started a program that offers arts instruction to children living in public housing.

When we deprive the NEA and NEH of the funds it needs, we deprive this entire Nation of an active cultural community. We live in the richest nation in the world, Mr. Chairman. We must not be the most culturally impoverished.

The arts teach us to think. They encourage us to feel, to see in a new way and to speak. They help us to grow.

The Slaughter-Shays amendment to increase funds for the National Endowment for the Arts and the National Endowment for the Humanities is a very small investment. It is an investment with a return as vast as the imagination.

I urge my colleagues to support it.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I strongly support this bipartisan amendment to add the much-needed funds to the National Endowment for the Arts and the National Endowment for the Humanities. Our funding of the arts and humanities in the United States is meager indeed. It could be much greater. It should be much greater, but I would settle for at least the increase in the gentlewoman from New York's (Ms. SLAUGHTER) amendment.

The National Endowment for the Arts and the National Endowment for the Humanities play crucial roles in American cultural life. We have all heard over and over again of the benefits they bring to individuals and communities, the National Endowment for the Arts and the NEH.

The funding of these institutions provide help to many organizations beyond those that directly receive the NEA and NEH grants. As a former teacher, I can tell my colleagues that arts education helps children be better students and helps them learn critical thinking skills. This is a long overdue and a modest funding increase to build programs that use the strength of the arts and our Nation's cultural life to enhance communities in every State and every county around America.

The arts and humanities are important for our growth and our well-being. The arts and humanities are among the best investments that we as a society can make. They help our children learn. They give the elderly sustenance. They power economic development in regions that are down and out. They tie our diverse society and country together.

The arts represent the future. The arts challenge us. The arts wake us up. The arts help us learn who we are as a society and as individuals.

Will the projects that would be sponsored by this increase in funding help defend our country? Probably not, but they will make our country more worth defending.

Mrs. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today it is my pleasure to join with my colleagues in strong support of this critical amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities; and I thank my colleagues, the gentlewoman from New York (Ms. SLAUGHTER), the gentleman from Connecticut (Mr. SHAYS), the gentleman from Washington (Mr. DICKS) and the gentleman from Iowa (Mr. LEACH), for their leadership on this amendment to the Interior appropriations bill.

The arts are our cultural language. They bring our communities together. They serve to define who we are as a people, as a society, and they help us to link with other communities around the world our cultural heritages and our vast resources of our diversity.

Both the NEA and the NEH broaden public access to the arts and the humanities for all Americans. They improve the quality of our lives, those of ourselves and our children and our families.

I have spent a good deal of my career in our public schools. I have seen firsthand the positive impacts that arts have in our children's education. The arts teach our children rhythm, design, creativity and critical thinking skills. The arts have also been shown to deter delinquent behavior of at-risk youth, to help dramatically improve the academic performance, truancy rates and other critical skills, crucial skills, among our young people.

Today's economy demands a workforce that can think and work innovatively. Arts education provides a crucial part of those skills, skills that are not learned in academics of other kinds, in college, but in the child's elementary school class trip to the museum, art projects, experience with musical instruments and all of the vast array of art opportunities.

In my district on the central coast of California, students have been exposed to the virtues of music, art, poetry and dance as a result of NEA and NEH support through a grant, for example, to Art Resources Transfer in New York. The Distribution to Underserved Communities program places books on art and culture into public schools and libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Laguna Middle School Library in San Luis Obispo receives materials from this program, and they are grateful for them.

A grant to the University of California at Santa Barbara supports a partnership project of artist-led activities that provides positive alternatives for youth. I have seen our young college students interact with our elementary students in Santa Barbara, and it is a wonderful sight to behold.

Through a partnership with the American Architectural Foundation in Washington, D.C., the Mayor's Institute on City Design hosts a series of symposiums attended by mayors, urban designers and developers. The Institute is designed to provide mayors with new perspectives on creative solutions to design issues in their communities. The mayor, Marty Blum of Santa Barbara, participates in this program.

Finally, through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works, for example, Arthur Miller's The Crucible and Zoot Suit by Luis Valdez. L.A. Theatre Works distributes these audio recordings to the Buena High School in Ventura, California.

These examples illustrate to me and to my constituents the value of the dollars we appropriate here that are multiplied as they are extended into partnerships throughout our country. I urge my colleagues to vote for our children, to support the Slaughter-Shays-Dicks-Leach amendment to strengthen both the NEA and the NEH.

I will include a document about the arts programs in my district at this point in the RECORD.

CONGRESSIONAL DISTRICT 22

A partnership grant to the California Arts Council in Sacramento supports statewide programming in arts education, cultural development, artistic preservation, increased access to the arts in underserved areas, and funding for artists and arts organizations throughout the state.

NEW CUYAMA

Through a grant to Art Resources Transfer in New York, the Distribution to Underserved Communities program places books on art and culture into public and school libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Cuyama Valley High School Library in New Cuyama receives materials from this program.

SAN LUIS OBISPO

Through a grant to the Group I Acting Company in New York City, a touring production of Mark Twain's comedy Pudd'nhead Wilson is performed at the Performing Arts Center in San Luis Obispo.

In partnership with regional arts organizations, the NEA Regional Touring Program (RTP) support high-quality performances and related educational activities in communities across the country. As part of this program, Elizabeth Streb and Company perform contemporary dance at California Polytechnic State University in San Luis Obispo.

Through a grant to Art Resources Transfer in New York, the Distribution to Underserved Communities program places books on art and culture into public and school libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available

books, videos and interactive materials. The Laguna Middle School Library in San Luis Obispo receives materials from this program.

SANTA BARBARA

A grant to the University of California at Santa Barbara supports the post-production phase of Mary Anthony: A Life in Modern Dance.

A grant to the University of California at Santa Barbara supports a partnership project of artist-led activities that provides positive alternatives for youth.

Through a grant to the Herbert F. Johnson Museum of Art at Cornell University, the touring exhibition Byrdcliffe: An American Arts and Crafts Colony celebrates the centennial of Byrdcliffe, a colony founded as a center for artists and craftsmen in Woodstock, NY, in 1902. The exhibition travels to the Santa Barbara Museum of Art.

Through a grant to New York's Orpheus Chamber Orchestra, the orchestra tours with guest artists Dawn Upshaw and Richard Goode to national venues such as the Arlington Theatre in Santa Barbara.

Through a grant to the Group I Acting Company in New York City, a touring production of Mark Twain's comedy Pudd'nhead Wilson is performed at Campbell Hall at the University of California in Santa Barbara.

Through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works (e.g., Arthur Miller's The Crucible and Zoot Suit by Luis Valdez). L.A. Theatre Works distributes these audio recordings to the Eastside Branch Library in Santa Barbara.

In partnership with regional arts organizations, the NEA Regional Touring Program (RTP) supports high-quality performances and related educational activities in communities across the country. As part of this program, Anoushka Shankar performs Indian sitar music at University of California in Santa Barbara.

Through a grant to the New England Foundation for the Arts in Boston, the National Dance Project supports touring performances of contemporary dance. As part of this project, the Bill T. Jones/Arnie Zane Dance Company and the Orion String Quartet perform at University of California in Santa Barbara.

Through a grant to New York's Meet the Composer for its Commissioning Music/USA program, composer Miles Green and choreographer Elizabeth Streb present their new work Ripped at the University of California in Santa Barbara.

Through a grant to Ballet Hispanico of New York, the company travels on a nationwide tour. Known as the foremost dance interpreter of Latino culture in the United States, Ballet Hispanico's innovative repertory blends ballet and ethnic dance forms into a spirited image of contemporary Hispanic-American culture. The company's tour includes performances at the University of California in Santa Barbara.

Through a grant to L.A. Freewaves in Los Angeles, the experimental media arts festival Appropriate/Appropriated showcases artists working in the medium of film, video, web sites, and multimedia installations. Films screen for the general public in galleries, museums and other venues across Southern California, including the Contemporary Arts Forum in Santa Barbara.

Through a partnership with the American Architectural Foundation in Washington, D.C., the Mayor's Institute on City Design hosts a series of symposiums attended by mayors, urban designers, and developers. The Institute is designed to provide mayors with new perspectives on creative solutions to design issues in their communities. Marty Blum, Mayor of Santa Barbara, participates in this program.

CONGRESSIONAL DISTRICT 23

A partnership grant to the California Arts Council in Sacramento supports statewide programming in arts education, cultural development, artistic preservation, increased access to the arts in underserved areas, and funding for artists and arts organizations throughout the state.

CAMARILLO

Through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works (e.g., Arthur Miller's The Crucible and Zoot Suit by Luis Valdez). L.A. Theatre Works distributes these audio recordings to the Frontier High School in Camarillo.

Through a grant to Ririe-Woodbury Dance in Salt Lake City, the company offers creative movement classes, performance demonstrations and teacher workshops at Camarillo High School.

In partnership with regional arts organizations, the NEA Regional Touring Program (RTP) supports high-quality performances and related educational activities in communities across the country. In Camarillo, the Ventura County Superintendent of Schools presents the Footworks Percussive Dance Company and the Ririe-Woodbury Dance Company.

COALINGA

Through a grant to Art Resources Transfer in New York, the Distribution to Underserved Communities program places books on art and culture into public and school libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Coalinga District Library receives materials from this program.

MALIBU

Through a grant to Inside Out Community Arts in Venice, the School Project program is an after-school theater-based arts program serving middle and high school students. Students participating in the program attend a camping/rehearsal retreat at Grindling Hilltop Camp in Malibu.

OJAI

A grant to the Ojai Festival supports the 2002 Ojai Music Festival and the theme Last Thoughts: Beethoven, Shostakovich and Others.

In partnership with regional arts organizations, the NEA Regional Touring Program (RTP) supports high-quality performances and related educational activities in communities across the country. In Ojai, Performances To Grow On presents the Princely Players, who sing and recite poetry from the earliest sources of African-American music in this country to the civil war and the civil rights movement.

SIMI VALLEY

Through a grant to Jazz at Lincoln Center in New York City, the Essentially Ellington High School Jazz Band Competition and Festival distributes, free of charge, specially arranged compositions of Duke Ellington's music and related educational materials to schools throughout the country, including Santa Susana High School in Simi Valley.

Through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works (e.g., Arthur Miller's The Crucible and Zoot Suit by Luis Valdez). L.A. Theatre Works distributes these audio recordings to the Santa Susana High School in Simi Valley.

VENTURA

Through a grant to California-based L.A. Theatre Works, audio plays that serve the visually impaired are distributed to libraries throughout the country. L.A. Theatre Works records in front of live studio audiences and features classic and contemporary works (e.g., Arthur Miller's The Crucible and Zoot Suit by Luis Valdez). L.A. Theatre Works distributes these audio recordings to the Buena High School in Ventura.

Through a grant to Art Resources Transfer in New York, the Distribution to Underserved Communities program places books on art and culture into public and school libraries free of charge. To help rebuild collections diminished from budget cuts, local librarians choose from a long list of available books, videos and interactive materials. The Ventura County Library receives materials from this program.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Slaughter amendment and am proud to be a cosponsor of this amendment.

We have offered this amendment successfully over the last 4 years, and I just want to say to my colleagues that I was on this committee when we were funding the arts and humanities at a much more robust level, and I agree, it is amazing that the endowments do as well as they do with the reduced funding that Congress has given them.

This modest amendment, in my judgment, will do a great deal with the Challenge America program and at the Endowment for Humanities. In fact, the President asked for more money in humanities than we are giving him this year. So I think this is a very modest amendment.

I can tell from my own State of Washington the appreciation of the arts organizations for the grants that they get from the National Endowment for the Arts, the universities, the people, the professors, teachers, all those who apply to the National Endowment for the Humanities, who also does an outstanding job, but at a time when our country needs to support job creation, the charts that were shown earlier, the number of people that are employed by the nonprofits that work in the arts is very substantial.

This is an important part of our economy. This is not just in New York or Chicago or San Francisco. This is also in many of the smaller communities like my hometown of Bremerton, Washington. The Admiral Theater, they are having a group come in from Missoula, Montana.

Arts education was mentioned. I can remember Jane Alexander taking me to Garfield High School in Seattle to see a whole group of African American youth working in an arts program. Dale Chihuly with glass in Tacoma, his hometown, one of the most prolific glass artists in the world.

I think this is such a small part of the budget but such an important part,

and I am so pleased that so many of my colleagues stayed this evening after the last vote to express their support. I hope that tomorrow morning we will be able to have another victory, and I urge everyone to be here early and to help work the body and get the same great vote that we had last year when we won by 42 votes, with bipartisan support.

I urge everyone who is watching this back in their offices to be here early to support this amendment tomorrow morning when we will vote on it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of the Slaughter Amendment to increase funding to the National Endowment for the Arts and the National Endowment for the Humanities.

NEA is a great investment in the economic growth of communities. The nonprofit arts industry alone generates $134 billion annually in economic activity and $10.5 billion in federal tax revenue.

NEA's Challenge America program has strong bipartisan support and has helped broaden access to the arts and provide funds to first-time grant recipients in small & rural towns. All forms of support for the arts and humanities—State and local government, foundation, corporate, and individual donations—are down from last year, but needs are greater than ever.

NEA requires state and local arts agencies as well as private organizations to provide matching funds, ensuring that dollars continue to flow to the arts even during difficult economic times. NEA nurtures artistic excellence in every corner of the country, with grants reaching every state and every congressional district, including my own district, in Houston, Texas.

Funding for the arts and humanities is more than making pretty paintings or sculptures. It is now about national security. I serve on the Science Committee and push hard to ensure that America stays on the cutting edge in math and science—fields that we usually think of as being the bedrock upon which a strong economy are built. We spend much time and resources pushing ''back to the basics'' campaigns in our educational systems, to improve reading, writing, and arithmetic. But perhaps the tragic events of September 11th, and some of the struggles we have been grappling with since, indicate that in our quest to improve the basics, we have under-emphasized other critical areas of intellectual and spiritual growth.

It seems that many of the challenges we are facing overseas are exacerbated by the fact that we, as a nation, tend to be ignorant of other cultures, languages, and religions. In our haste to drive our children and young adults toward technology and mechanical work, we have neglected the importance of helping them understand people. Perhaps, this has contributed to the distance between us and our allies, and perhaps it has increased the hatred felt for us by our enemies.

In the fight against terrorism, it is important that we truly understand the motivations of our enemies, and the cultural needs of our friends. In the aftermath of 9/11, we found that we have a shortage of Americans who speak Arabic, and various dialects, or who could speak persuasively to Afghanis. These things must change.

The NEA and NEH are two of many organizations that raise our cultural competence. I serve on the Select Committee on Homeland Security, and in the scheme of our anti-terrorist efforts, it is an inexpensive part. But it is a critical part. Adding $15 million to budgets of the NEA and NEH is a small but important step in the right direction.

The next generation of Americans needs to be culturally aware. They need to understand the history, art, culture, literature, sociology, archaeology—all of the cultural components that make people what they are and that drive people to do the things they do. As the President has said, this is going to be a different kind of battle, and it will take a long time to win it.

The NEA should be part of that long-term strategy. It would be difficult to overspend on this enriching program.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the amendment offered by my friend from New York and strongly urge it's adoption.

Mr. Chairman, throughout the course of history, the greatest civilizations are remembered for their contributions to the arts and humanities. Indeed, public commitment to the arts and humanities, along with dedication to free government, could be described as the benchmarks of a great society. As Americans we should be collectively committed to the documentation of our history and our accomplishments.

The two greatest civilizations of the ancient world, the Greek and Roman Empires, are remembered as much for their dedications to their arts as they are with the creation of the democratic and republican forms of government. The architecture of these civilizations inspired our own Capitol building. The theater of Greece and the mosaics of Rome are timeless and engraved in history alongside the triumphs of Alexander the Great and Julius Caesar. Every child learns the Renaissance and the Reformation were watershed events of European history that revolutionized the Western world. The lesson children learn is that religious and political freedom go hand in hand with greater artistic and rhetorical expression.

In America, our contributions to democracy and free society throughout the world are unquestionable and unparalleled. But centuries from now the people of the world should look back with equal admiration to our commitment to the arts. But will they?

We need not support the arts merely to support history and posterity; the arts also have a vital impact on our economy. In my home county of Westchester, New York, the arts support over two thousand jobs and generate over $11 million in revenue for the state and local government. In Fiscal Year 2000, the arts had a total economic impact of over $92 million in Westchester alone. Nationwide, the figures are even more impressive. The arts are a $134 billion industry sustaining nearly 5 million jobs. While the federal government spends only about $250 million on NEA and NEH annually, it collects over $10 billion in tax revenue related to the arts industry, a ratio of 40 to one.

NEA and NEH dollars are crucial to the arts community, helping them leverage more state, local, and private funds. Clearly, the numbers show that investment in the arts is critical not only to our national identify, but also vital to our national economy.

Mr. Chairman, our place in history demands that we act decisively, and commit ourselves to our national heritage and culture. I urge my colleagues to support the $15 million increase for NEA and NEH, to support creativity and expression, to support our economy, and to support the place of our American civilization within the pages of history, a place our nation so richly deserves.

Mr. CASTLE. Mr. Chairman, I rise today in support of the Slaughter-Shays-Dicks-Leach Amendment to increase funding for the National Endowment for the Arts and the National Endowment for the Humanities. The arts and humanities are important both socially and economically to our nation as a whole.

Studies have shown students benefit from exposure to both the arts and humanities. I have witnessed firsthand how rewarding arts and humanities programs can be to our nations' youth. For example, the Delaware Institute for the Arts in Education, which is partially funded by grants from the NEA, provides workshops and programs that encourage teachers to enrich classroom education for their students by utilizing the arts. They provide programs for students in dance, art, music, theater, and other skills essential to a well-rounded education. Because of funding by the NEA, the Delaware Institute for the Arts and other Delaware programs help give students lifetime skills of cultural appreciation, communication, critical thinking, and teamwork.

While funding for the NEA encourages Arts education, part of the funds reserved for the NEH will support the important education initiative, We the People. We live in a country with a rich and rewarding history; a country where diversity helps create a uniquely American experience. It is vital that Americans understand our history in order to become more informed and civically minded citizens. Programs like the We the People initiative hope to do just that.

It is important for us to remember, the collective benefits gained by not only our districts but also by the nation as a whole and that is why I rise today in strong support of increased funding for the NEA and the NEH.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Slaughter-Dicks amendment to provide increased funding for the National Endowment for the Arts and the National Endowment for the Humanities. These agencies are charged with bringing the history, the beauty, the creative genius of our culture to the lives of all Americans—young and old, rich and poor, urban and rural. These agencies make sure that the vast wealth that is our national heritage is accessible to all Americans, and that is a goal worthy of our support.

Many years ago, I chaired the Greater New Haven Arts Council in Connecticut. I know first hand that the arts enrich lives, and they also contribute to the economic growth of the community.

It is important to note that our small federal contribution to these agencies is only a tiny percentage of the overall public-private investment that flows into the non-profit arts every year. But these are the most important dollars—the ones that leverage billions of dollars in state, local and private funding and fuel what is a vital non-profit arts industry. This industry creates jobs, increases travel and tourism, and generates billions of dollars in economic activity every year. That means nearly

5 million jobs nationally and more than $24 billion in revenues, more than half of which goes to states and localities. In my state, more than 30,000 Connecticut jobs are connected to the non-profit arts.

In addition, the NEA is an important partner in bringing innovative arts education programs to more American students. Arts education is critical in planting seeds of arts appreciation and in cultivating the talent that may have yet to be discovered in these young minds. The Endowment, in partnership with state arts agencies, provides millions of dollars in annual support for kindergarten through 12th grade arts education projects in communities across the country. It also funds professional development programs for arts specialists, classroom teachers, and artists.

Study after study has shown that the arts have real value in restoring civility to our society and providing our children and communities real alternatives to substance abuse and delinquency. A study published in Business Week 3 years ago cited strong business support for government funding for the arts using empirical data that demonstrated students who participate in arts programs gain self-esteem, learn to cooperate as a team—they show an improved ability to finish tasks, and a more positive attitude toward school. Business understands the value of these programs.

We know that the arts build our economy, enrich our culture, and feed the minds of adults and children alike. The NEA and NEH need this increase to fulfill their missions, and it is time we gave them this support. Vote for this amendment. Preserve our heritage and make it accessible to all.

Mr. MATHESON. Mr. Chairman, as a supporter of the arts and the humanities, I am pleased to support this amendment. During my time in Congress I have had the opportunity to meet with numerous constituents regarding the need for continued arts funding.

In this time of daunting budget deficits, we must spend our collective resources as wisely as possible. Funding for the arts is sometimes construed as a giveaway on the part of the federal government, which does not result in tangible benefits to the nation. I dispute that claim—in my district in Utah, we are fortunate to have a thriving arts and humanities community that generates revenues for the local economy, teaches our children about American cultural traditions, and builds civic spirit through public events.

I believed that our nation should invest in programs that generate benefits such as these and I hope my colleagues will join me in voting to restore funding for the National Endowment for the Arts and the National Endowment for Humanities to last year's levels.

Mrs. MALONEY. Mr. Chairman, I rise today to voice my strong support for the Slaughter-Shays-Dicks amendment. This important amendment increases funding for the National Endowment for the Arts by $10 million and the National Endowment for the Humanities by $5 million. It will continue the process of restoring federal arts funding to appropriate levels by simply providing the funding that the House passed last year.

This money will allow millions of young people and children to be exposed to the arts. In addition to the enjoyment and life-enrichment that each participant in the arts experiences, the exposure of children to the arts has been shown to improve reading and language development, mathematics skills, fundamental cognitive skills, motivation to learn, and social behavior. It is crucial that we provide enough funds for our children to have the best chance to succeed.

Sufficient funding for the arts is particularly important in these years following the tragic events of September 11. In my city of New York and across the nation, the arts have provided important outlets for the host of emotions brought on by the traumatic experiences and tremendous losses that we have all experienced.

But the arts not only help us to heal as individuals, they contribute to the economic health of our nation. The non-profit art industry generates $134 billion in economic activity each year, providing nearly 5 million full-time equivalent jobs and over $24 billion in federal, state, and local tax revenue.

We can improve our economy, aid in the healing of our nation, help our children, and create and enduring cultural legacy—all by passing this necessary amendment.

I support the Slaughter-Shays-Dicks amendment, and I urge my colleagues to do the same.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. SLAUGHTER) will be postponed.

Are there further amendments to that portion of the bill which is open for amendment?

If not, the Clerk will read.

The Clerk read as follows:

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to such lands or other lands under fire protection agreement, hazardous fuels reduction on or adjacent to such lands, and for emergency rehabilitation of burned-over National Forest System lands and water, $1,624,632,000, to remain available until expended: *Provided,* That such funds including unobligated balances under this head, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: *Provided further,* That not less than 50 percent of any unobligated balances remaining (exclusive of amounts for hazardous fuels reduction) at the end of fiscal year 2003 shall be transferred, as repayment for past advances that have not been repaid, to the fund established pursuant to section 3 of Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided further,* That notwithstanding any other provision of law, $8,000,000 of funds appropriated under this appropriation shall be used for Fire Science Research in support of the Joint Fire Science Program: *Provided further,* That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of funds for Fire Science Research: *Provided further,* That funds provided shall be available for emergency rehabilitation and restoration, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further,* That of the funds provided, $246,392,000 is for hazardous fuels reduction activities, $40,000,000 is for rehabilitation and restoration, $22,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), $51,000,000 is for State fire assistance, $8,240,000 is for volunteer fire assistance, $25,000,000 is for forest health activities on State, private, and Federal lands, and $6,000,000 is for economic action programs: *Provided further,* That amounts in this paragraph may be transferred to the ''State and Private Forestry'', ''National Forest System'', and ''Forest and Rangeland Research'' accounts to fund State fire assistance, volunteer fire assistance, forest health management, economic action programs, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further,* That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming procedures contained in the House report accompanying this Act: *Provided further,* That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: *Provided further,* That in addition to funds provided for State Fire Assistance programs, and subject to all authorities available to the Forest Service under the State and Private Forestry Appropriations, up to $15,000,000 may be used on adjacent non-Federal lands for the purpose of protecting communities when hazard reduction activities are planned on national forest lands that have the potential to place such communities at risk: *Provided further,* That included in funding for hazardous fuel reduction is $5,000,000 for implementing the Community Forest Restoration Act, Public Law 106–393, title VI, and any portion of such funds shall be available for use on non-Federal lands in accordance with authorities available to the Forest Service under the State and Private Forestry Appropriation: *Provided further,* That in using the funds provided in this Act for hazardous fuels reduction activities, the Secretary of Agriculture may conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretary applicable to hazardous fuel reduction activities under the wildland fire management accounts: *Provided further,* That notwithstanding Federal Government procurement and contracting laws, the Secretaries may conduct fuel reduction treatments, rehabilitation and restoration, and other activities authorized under this heading on and adjacent to Federal lands using grants and cooperative agreements: *Provided further,* That notwithstanding Federal Government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may award contracts, including contracts for monitoring activities, to local private, non-profit, or cooperative entities; Youth Conservation Corps crews or related partnerships, with State, local and non-profit youth groups; small or micro-businesses; or other entities that will hire or train a significant percentage of local people to complete such contracts: *Provided further,* That the authorities described above relating to contracts, grants, and cooperative agreements are available until all funds

provided in this title for hazardous fuels reduction activities in the urban wildland interface are obligated: *Provided further,* That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed $12,000,000, between the Departments when such transfers would facilitate and expedite jointly funded wildland fire management programs and projects.

CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, $560,473,000, to remain available until expended for construction, reconstruction, maintenance and acquisition of buildings and other facilities, and for construction, reconstruction, repair, decommissioning, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: *Provided,* That up to $15,000,000 of the funds provided herein for road maintenance shall be available for the decommissioning of roads, including unauthorized roads not part of the transportation system, which are no longer needed: *Provided further,* That no funds shall be expended to decommission any system road until notice and an opportunity for public comment has been provided on each decommissioning project.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4 through 11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $29,288,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (Public Law 96–487), $5,535,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of not to exceed 124 passenger motor vehicles of which 21 will be used primarily for law enforcement purposes and of which 124 shall be for replacement; acquisition of 25 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed seven for replacement only, and acquisition of sufficient aircraft from excess sources to maintain the operable fleet at 195 aircraft for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed $100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to abolish any region, to move or close any regional office for National Forest System administration of the Forest Service, Department of Agriculture without the consent of the House and Senate Committees on Appropriations.

Any appropriations or funds available to the Forest Service may be transferred to the Wildland Fire Management appropriation for forest firefighting, emergency rehabilitation of burned-over or damaged lands or waters under its jurisdiction, and fire preparedness due to severe burning conditions if and only if all previously appropriated emergency contingent funds under the heading ''Wildland Fire Management'' have been released by the President and apportioned and all funds under the heading ''Wildland Fire Management'' are obligated.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURGESS) having assumed the chair, Mr. LATOURETTE, Chairman 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. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, had come to no resolution thereon.

□ 1945

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. BELL. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Child Tax Credit bill. The form of the motion is as follows:

Mr. Speaker, I move that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

Five. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees; and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. The gentleman's motion will appear in the RECORD.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. MICHAUD. Mr. Speaker, I offer a motion to instruct.

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

The Clerk read as follows:

Mr. MICHAUD moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Maine (Mr. MICHAUD) and a member of the opposing party each will control 30 minutes.

The Chair recognizes the gentleman from Maine (Mr. MICHAUD).

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

Mr. Speaker, today I am offering a motion to instruct conferees on the child tax credit. I want to thank my good friend, the gentlewoman from Connecticut (Ms. DELAURO), for her leadership in offering the first motion last night.

Mr. Speaker, the recent tax bill neglected 12 million children in America's low-income working families by cutting them out of the child tax credit plan. According to the House Committee on Government Reform and Oversight, in my home district in Maine 21,000 working families were cut out. There were 34,000 children in those families. These are families who work hard, pay taxes, play by the rules and who are still left out in the cold. This is just plain wrong.

It is wrong that the wealthier taxpayers will start getting their checks mailed to them next week, and these families will get nothing. I find it completely ironic that the Congress is going on vacation on the very day that 12 million children will be left behind on this child tax credit. Between the child tax credit and the Head Start bill that the House may consider in the coming weeks, the leadership of the House is delivering a one-two punch to these children and their families, and then they are turning around and skipping town. What a disgrace.

What does the congressional leadership have against working families? Why is it that 34,000 poor children in my district in Maine are not good enough for them? Their tax bill gives $90 billion of tax cuts exclusively to millionaires. It would cost a fraction of that to fix the problem and extend child tax credits, but they cannot seem to find a dime for the people who work and who are poor.

This motion to instruct does a simple few things. It tells the conferees to agree to the Senate language that provides for tax credit checks to be mailed immediately to low-income families. It provides that the tax credit be extended to personnel in combat zones in Iraq, Afghanistan and elsewhere. It provides assistance for the families of those who died in the Columbia shuttle disaster, and it ensures that this minimal cost is fully offset. The conferees could easily accomplish these changes and bring us a final bill within 2 days, which is what this motion calls for.

The right thing for Congress to do is to pass this motion to pass a child tax credit and to give working families the tax relief that they deserve.

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

Mr. BRADY of Texas. Mr. Speaker, I claim the time in opposition to the motion to instruct, and I yield myself such time as I may consume.

Mr. Speaker, Washington, as most Americans know, is simply not the real world. Here in Washington, budget increases are called cuts, $900 toilet seats are considered a bargain and, under this proposal, those who do not pay Federal income taxes will receive Federal income tax relief. That just does not make sense. The House this afternoon agreed, defeating this motion 220 to 206, yet we are back at this discussion again, unfortunately, for partisan political purposes.

Republicans in this House and across the country care very much about children. We care very much about families. But we think it is important to note that the Democrat motion to instruct, the one we are talking about tonight, would reduce the child tax credit for millions of children in America.

The Democrat motion to instruct allows the child credit to drop from $1,000 to $700 after the 2004 election. As a result, millions of low- and middle-income families will receive a smaller child tax credit right after the elections. Now, that sounds like Washington: Promise tax relief, then take it back after the election.

Well, not in this House. Because the Republican House-passed bill ensures the child tax credit remains at the $1,000 level throughout the decade, which is going to make it easier for families with children to make ends meet.

The Democrat motion to instruct does not eliminate the marriage penalty in the child credit until 2010, nearly 6 years from now, and even then it only goes so far to do it for 1 meager year. Under the Democrat motion, millions of children will be denied the child credit simply because their parents are married. Let me repeat that: Under the Democratic motion, millions of children will be denied the child credit simply because their parents are married. Well, the Republican House-passed bill benefits middle-income families by eliminating the child credit immediately.

The House-passed bill does not deny the child credit to military families. We will probably hear that tonight. Military families, including those who are deployed abroad, such as my brother Matt, Master Sergeant Matthew Brady, who serves in Iraq today in the 62nd Medical Brigade, they are already receiving a refundable child credit and will continue to receive a refundable child credit under the Republican House-passed bill.

The Democrat motion, on the other hand, would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit. Well, that is not good enough for our military.

Finally, the House-passed bill provides more tax relief to military families because it includes $806 million, $806 million, of military tax benefits. These provisions have passed this Republican House on numerous occasions and are awaiting action.

Mr. Speaker, because there are, I think, a number of Members who want to speak on the other side, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, Mr. Speaker, I yield 4 minutes to the good gentleman from Arkansas (Mr. BERRY) and would just comment that this is not politics. This is the exact same motion that that House passed on June 12.

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

Mr. BERRY. Mr. Speaker, when the economy is falling on its face, unemployment is rampant, and chaos worldwide reigns, it is time for us to return to the bedrock that we built this Nation on, something that I love to read and I love to talk about, the greatest document ever written, with the exception of the holy Bible. It is the Declaration of Independence.

It says in the second paragraph, ''All men are created equal.''

It does not say rich people are better than poor people. It does not say that

Republicans are better than Democrats. It does not say that you are better if you do not have to sweat for a living. It does not say that if you do not have callouses on your hands you should not pay taxes, but, if you do, you should.

It says, ''All men are created equal and endowed by their Creator with certain unalienable rights, and among those are life, liberty and the pursuit of happiness.''

I think it is time that this Congress and this country remind themselves what built this great Nation. It was the blood, sweat and tears from working people, the kind of people we are talking about helping with this bill.

Now, I do not hardly ever vote for a tax cut. I do not like to pay taxes any better than anybody else does, but we cannot afford it. We cut taxes and increased spending five times in this administration in 2 years, more than the Clinton administration did in 8 years, and built up a debt. My grandchildren are sitting right there, and we are dumping debt on them at a rate that they are not going to be able to carry. That is the reason I do not vote for tax cuts.

But, Mr. Speaker, this tax cut is meager; and it is paid for. To deny the working people of this country the ability to have a piddling $3.5 billion tax cut when we have passed trillions of dollars in tax cuts for the richest people in this country is patently ridiculous.

Now, I know my colleague on the other side of the aisle means well and has got a good heart and thinks he is doing the right thing. But this is not about partisan politics. It is about America. It is about giving working people an even break. We are talking about benefiting 12 million of the poorest children in this country.

□ 2000

How in this wild world can we possibly deny that small benefit to working people? Throughout American history, the greatest industrialists, the richest people in this Nation recognized that working people have to be successful. We cannot all sit back and draw dividends off our stocks. Somebody has to work. That is what has made this country so powerful. Working people were allowed to be successful.

But in the last 2 years, we have seen an assault on working families in this country that is unprecedented, that continues day after day after day on the floor of this House, and it is time to bring it to an end. It is time to be fair. It is time to be honest. It is time to admit to the American people this just simply will not work. Give working people a chance. I urge my colleagues to vote for the child tax credit and do the right thing and stand up and be Americans.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from Alabama (Mr. DAVIS).

Mr. DAVIS of Alabama. Mr. Speaker, let me thank the gentleman from Maine (Mr. MICHAUD) and the gentleman from Arkansas (Mr. BERRY) for their eloquence and the insight they bring to so many Americans who are outside this Chamber tonight, and for being consistent and direct voices for so many people in this country who do not have a voice.

The gentleman from Maine (Mr. MICHAUD) pointed out that 1 week from now a large number of people in this country will receive the first installment on the child tax credit. They will go to their mailboxes as we prepare to go to recess; they will reach in and find a check that they can use in August. But in the Seventh Congressional District of Alabama, a significant number of people will reach into that mailbox and they will not find anything. 40,000 families in my district have heard something about a child tax credit. They do not necessarily know what we are debating about and who is supposed to get it, but they have heard something about a child tax credit. They are going to reach in their mailboxes next week and they will not see it. These 40,000 families in my district and their counterparts all around this country of ours will wonder just why it is that when we are cutting taxes in this country, when we are saying that it is imperative that we cut taxes in this country, they will not understand why they have been left out.

We stand here tonight on behalf of those 40,000 people who live in my district and their counterparts all around this country, and I think we should ask ourselves some very basic questions. When we lose touch with the people who do the work in this country, when we lose touch with the people who use their hands to earn a living, we have changed the kind of America that we are.

Whether Members fully understand it or not, and I think most do, this is a country that was built on the sweat and tears of people who do not have a lot of resources and who have needs. I will tell Members that so many economists agree that the recovery that we hope for, if it is to happen, will be built on the backs of the people who use their hands. They are the ones that we advocate for tonight.

A lot of people as they come home listen to these debates and listen to these arguments; and, frankly, they do not understand a lot of the technical terms that we use. They do not know what a motion to recommit is or what a suspension is, but they do understand what it means to be ignored. They understand what it means to be left out.

We believe on this side of the aisle, just as those Members on the other side of the aisle believe, in this democracy of ours; and we believe that this is a very special, God-blessed experiment that we have built in this country, but we will not be all that we can be when we leave out some of our people.

Sometimes back in my district I quote someone whose name is not very well-remembered now, an Italian poet called Dante, and he said something that I think speaks as well as anything I have ever heard as to what separates this side of the aisle from the other side: ''The Lord does not weigh the sins of the kind and the cruel-hearted on the same scale. I would rather have the occasional errors of a government acting in the spirit of charity than the consistent omissions of a government frozen in the ice of its own indifference.''

It may very well be that this tax cut that we seek, if it is passed, will give somebody somewhere who does not deserve this credit some money. It may very well be. It may very well be that some person who is not a hard-working person will benefit from this credit; but I will tell Members that I, and so many other Americans, would rather do a little too much if we have to than be indifferent towards people who face a lot of indifference in their lives.

I know from the gentleman from Maine's background, as much as anyone in this Chamber, that he knows what it means to work for a living. I come from, as do you, the wrong side of the tracks. I was literally born next to the railroad tracks in Montgomery, Alabama. So many people who come from the neighborhoods that we lived in are the ones who would benefit from this credit. They are the ones who feel that we are turning a deaf ear to them when they see us sit here day after day dealing with this obscure issue and that obscure issue, but they cannot see us coming to grips with the real problems in their lives.

So as I prepare to close tonight, I hope that this whole Chamber will appreciate that when you leave out a significant chunk of the people in your country, when Members turn a deaf ear to them, we cannot expect them to fully believe in the American Dream. I am troubled when a significant number of people in this country are told that the American Dream is not there for them. We would do well to remember the impact of what we do. We would do well to recognize that when we leave people out, we tell them, in effect, that they do not matter; you tell them, in effect, that they do not have value. That is not the kind of democracy that we have built. It is not the kind of country that we have built, and we ought to rise up in a bipartisan way and pass this motion. We should do what the Senate has done, do what the President says we ought to do, and give relief to the families that need it.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, working families in America matter, so much so that this Congress has repeatedly not only provided tax relief to help them balance their budget and to help them make ends meet, to help them raise their children and plan for their retirement and help them take care of their elderly parents and grandparents. I think the best thing we can do for working

families is to make sure that they continue to work, and for those who have been laid off, to get them back into the type of job that they can raise a family on.

I think that is what is so important about President Bush and this recent tax relief; we are boosting this economy and putting more than a million Americans back to work within the next few years. We are encouraging our businesses to invest more right now to hire summer workers, to hire new people into their small businesses.

For me, I understand when you are not working, you are not paying Social Security, Federal income tax, or paying into Medicare. The best way we can balance the budget and start paying down our debt is to get this economy moving. That is what the President's tax relief and job bill is all about.

In Texas, for example, because of this tax relief for working families, we have the equivalent of new jobs that will be created, enough that we could build two new Pentagons each year in Texas and fill every office with a new Texas worker. That is real jobs for working families, and that is what tax relief is all about.

Members have heard tonight that the President's bill deprives millions of low-income families of a tax break for children. Nothing could be further from the truth. The only ways in which these families could be denied tax relief is if they had an income tax liability in the first place, and they do not. On the contrary, low-income families, those who are working hard not only do not have an income tax liability, but they receive generous checks from their neighbors through the government as a result of the refundable portion of the child credit and the earned income tax credit.

While most Americans think of a refund as getting money back because you overpaid your taxes, in this case refundability means you get a check back even though you did not pay taxes into the Federal Government. Here is an example. For a single mom with two children under the current child tax credit, this mom works, makes $25,000 a year, her tax liability before the credit is pretty small, $800. We provide today a child tax credit of almost $600. We send her a refundable earned income tax credit, a check from her neighbors, from their taxes, of almost $1,700. So we send her $2,282 not only to pay her part of the Federal Government, but to pay her part of payroll taxes as well, the ones that go to Social Security and Medicare, perhaps unemployment, all of which she and her family will use in her lifetime.

America cares about working families, so much so that we take from our own paychecks to help people who do not have enough to make ends meet. One thing we do not hear tonight is that the most recent tax relief increased the number of people who do not have to pay at all by almost 4 million people.

Since 2002, nearly 10 million tax filers have been taken off the tax rolls, working families who no longer have to pay any Federal income tax whatsoever, and now in America nearly 30 percent of all our taxpayers pay no Federal income taxes whatsoever. The remaining 70 percent pay their share for them and then their share of government. We care so much about working families who have high Federal income tax rates that we want to provide relief to shoulder that burden.

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, I rise in support of the motion for the child tax credit plan. I made a promise to the people when I was campaigning that I would be their voice in Washington and I would listen to them. I told them I would take my marching orders from them. I would be listening and I would be the voice for them here. Whether I am here in Washington or whether I am back in my district, people are telling me to address the child tax credit issue. They say, What is wrong with the folks in Washington? Why are they not addressing that issue? That is what we sent you there for.

Mr. Speaker, that is why I came here today, that is why I am speaking tonight. This House has passed tax cut after tax cut for the wealthiest people in America, but we simply refuse to look at the lowest-income individuals who live in our country. I will talk about some of those in a few minutes. I am here today to stand up for them, to talk for them.

Let me say, originally I voted for the tax credit that was passed. A few Democrats voted for it. I did for a reason. I represent a district that has 58 percent of the people living in households that earn less than $40,000 a year. I am in their homes many times because many of them are my neighbors in the small farming community of Pall Mall where I live. I see them and I talk to them. They do not understand why this Congress would be willing to give the tax cuts that we have given and ignore them.

Members say they really have not paid any tax. Yes, they do. We pay 15.3 percent. The employer pays half of that, the employee pays the other half. So a family earning $40,000 a year pays roughly $3,000 a year in withholding tax, in payroll tax. It is a retirement system, but we are borrowing from that; and when they get ready to retire, the money probably will not be there.

But in my State, it is a 9¾ percent sales tax. They spend every penny they earn buying groceries, clothing, and used tires, in many cases, for their automobiles.

□ 2015

They certainly have a used automobile, not a new one, and it is certainly not a Mercedes or a Rolls Royce. It is probably a pickup truck where they can use it both to go to church on Sunday and to haul farm products from their farm.

So do not tell me that these folks are not paying taxes. Because the studies that we showed in Tennessee, the ones who earn less than $40,000 a year spend all of it virtually on taxable items, which means they are spending almost another $3,000 or better in sales tax. That is $6,000 of the $40,000 that they are paying before we take anything else out.

I do not like it being heard from this Chamber that these folks are paying no taxes, because they certainly are; and they are a major part, the backbone of our country. They are the ones that get minimum wage at their jobs that they are working at. They are the ones who get laid off first, who get an employment check with no insurance benefits. But we are not willing to give them an earned income tax credit.

Let me give Members an example of one, a family that I know. In my district, there are 109,000 people who meet the criteria of earning between $12,000 and $25,000 a year. Thirty-three thousand of those families, some 50,000 children, receive no tax credit at all. These folks own a home. They drive a used automobile. They buy clothing for their children. They go to church on Sunday. They go to work on Monday morning. In many cases an older child takes care of the child care in that family because we are stripping away in many cases the opportunity for them to have child care at home so we can give a tax break to the wealthiest.

A family I know, the father, the mother both have a college education. Both of them were teachers 8 years ago until their young son came along. They decided that the mother should stay home and raise a family as we all feel family values are extremely important. You can say we are God-fearing, flag-waving, freedom-loving Americans. This young family decided that the mother ought to stay home, and she did. They now have three children.

The father, to earn extra money, drives a school bus, earning a few thousand dollars. He takes extra time, an extra supplement because he coaches, which keeps him away from his family. Every time there is a bus trip, he volunteers to drive the bus for the extra $40 or $50 that he gets so he can again take care of his family.

They have an 8-year-old son, will be soon, 6-year-old daughter, will be soon, and soon a 2-year-old son. I know the family exceptionally well. This father works hard to be sure that those children have a home to live in, because he has a mortgage to pay, he has a car payment to pay, he has tires to put on that automobile, insurance to pay for the family and take care of their health care as well as taking care of their food that they may have.

So when we say that these folks, and I heard the other side stand up and say, it is nothing but welfare, it is a handout. I resent those statements being

made on this House floor. It is not a handout to the hard-working families who make the tough choices, who either the mother or the father one will stay home and raise and nurture that child in the values that they have been taught.

So when we say that we are handing welfare to the 58 percent of the people who live in my district by giving them a child tax credit because they are working and earning less than the wealthiest in this country and we are willing to give $88,000 per year for the people who earn a million dollars a year or more, we have a conscience problem. I would ask that our heart be our conscience and that it give wisdom to our head to where we will make the right decisions.

My hopes are that we will pass the child tax credit bill now so that families who need it most can get it. We need to stop the political games and help those hard-working families who deserve the tax credits we can give them, the families who live in my district and in your district. They deserve it.

Mr. MICHAUD. Mr. Speaker, I yield 6 minutes to the gentleman from North Dakota (Mr. POMEROY).

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

Mr. Speaker, I rise this evening on behalf of 13,000 families that I represent in North Dakota representing 25,000 children in those families. It is my plea this evening that we would pass the motion to recommit, get the House in line with the Senate and put in place the necessary statutory changes we must make so that those households earning $10,000 to $26,000, the working poor of this country, the working modest-income families of this country, that they and their children will be able to receive the same kind of support for their children that we will be mailing to households in the $26,000 to $110,000 income ranges just in the weeks ahead.

It is important we pass this motion so that this might be done immediately. Otherwise, we will have made a terrible and embarrassing mistake.

This Congress will leave town in a little more than a week. The Members of this Chamber will scatter to their districts all across the country. Many will board airplanes for fancy congressional trips to the far reaches of the world.

We do not want to be taking this departure from our duties here in Washington without responding to the need of this group, again in my State 25,000 children that ought to be getting the same kind of support that families in the $26,000 to $110,000 income range will be getting.

To suggest, as has been suggested on the other side, that these families do not pay taxes is flat-out wrong. Every dollar of this modest-income group is subject to those payroll taxes. Every month when they look at that pay stub that does not cover what they hoped it was covering, they will see the painful withholding for the payroll tax. We can help them with a check amounting to $400 per child, just like those other families are going to be getting.

And you do not think that is meaningful to this group? This could make all the difference in the world. This could be food and shelter, maybe something a little more frivolous, maybe a new bicycle. Maybe some of these children would actually be able to get new school clothes for the coming school year.

So we do not want to be flying out of town across the country and across the world leaving these families without the opportunity to get this kind of help. We have to take this action.

The Senate in realizing or having exposed, one way or the other, that we passed this massive tax cut, massive tax cut, on top of an earlier massive tax cut amounting to nearly $2 trillion worth of tax cuts, they realized that it just was untenable to not take this $3.5 billion and add it for these working poor families. So with a vote that had but two dissenting votes on the floor of the Senate, they passed a measure to fix this problem.

The House needs to take the same action. The House passed a different version. We put some other stuff in that cost $80 billion. I believe that we needed to fast track and vote there for the Senate bill. The House did not do that. It went to conference committee.

What has happened in the weeks since? Nothing. Nothing has happened. And nothing will happen before we leave town. That is why we need to revisit this issue. We need to pass the version that aligns perfectly with what the Senate passed so we get this bill to the President where he has said he will sign it and get these working families the relief they need with this child tax credit.

There is one other group we desperately need to attend to, and I do not think any of us could look our constituents in the eye if we do not attend to this one. This is another aspect of the problem that I really want to talk about. It involves the combatants on our behalf in harm's way tonight in Iraq and other combat zones in the country.

Believe it or not, the way this works is that combat pay, pay in a combat zone, is not subject to tax. By virtue of that, all enlisted people in Iraq getting shot at this afternoon are not going to qualify because their incomes are going to fall in this $10,000 to $26,000 category. Can you imagine that?

I looked at this week's Newsweek, and right across the top of the story line on what is going on in Iraq is picture after picture of a beautiful young American person killed since peace was declared, since the war was successfully concluded in Iraq. This is a very dangerous place, and our people are serving in harm's way, thousands of miles from their families, on our behalf today.

Are we, as Members of Congress, comfortable in this air-conditioned Chamber, prepared to look them in the eye and say, you don't get the child tax credit because the House of Representatives was too balled up in partisan nonsense to pass what the Senate passed almost unanimously, fixing this problem so your children can qualify for the tax credit? This would be a disgrace on this Chamber and a shame on every Member in it if we do not respond to the families of the combatants on our behalf in Iraq today.

Let me just give you the particulars. An E–5 or E–6 sergeant, 6 years of service, two children, paid $29,000 a year. If he does not serve in combat, both of his children qualify for the credit, get the $1,000 credit. If he is in combat for 6 months, his credit would drop to $450, and the Senate bill helps these people.

This is a terrible problem. We have got to fix it. The Senate bill fixes it. The House bill does not. For these families I represent and for the families of our combatants, pass the motion to recommit, fix this problem, and go home with our heads up for the August recess, not our heads down in shame.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 1 minute just to make the point that I think it is shameful to use our Armed Forces, our men and women over in Iraq today, which includes my little brother who is in harm's way each day. I think it is shameful to use them for petty partisan politics, especially when the House bill that passed provided $806 million of relief for our military that our colleagues across the aisle cheerfully voted against.

What bothers me is that this Republican House has worked so hard to increase the pay, the housing, the readiness of our military men and women, including my little brother, and as he told me the other day in an e-mail from Iraq, he and his colleagues find it very disturbing that they are used for these petty partisan politics when in fact we should be providing them the relief that we can.

I should point out as well that under this Democrat motion to instruct not only does this child tax credit end quickly but we dangle it in front of our military for 2 years and then yank it out right after the elections, which definitely qualifies for petty partisan politics at a time this country cannot afford.

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

Mr. BRADY of Texas. I yield to the gentleman from North Dakota.

Mr. POMBO. I thank the gentleman for yielding.

The simple fact of the matter is the military tax fairness bill is held at the desk. We are ready to vote on it. It is being held up. I do not know why.

Secondly, this bill, if we pass a motion to recommit, will get the families of these soldiers qualification for the child tax credit. Failure to take this action does not get them that relief.

Mr. BRADY of Texas. Reclaiming my time, I would make the point that not

only this afternoon did this House vote down this motion to instruct, but we had ample opportunity to pass tax breaks for our military. In fact, we as Republicans in the House did in the President's tax relief and our Democratic colleagues, and I know they have good hearts and the fact of the matter is they are patriotic, they care about our military, but they voted almost unanimously to deny this help for our military.

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

Mr. MICHAUD. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. PALLONE), who is a proven fighter for working families and has been a leader in the whole health care area as well.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from Maine for those comments and also mention the fact that he is here this evening bringing this motion up, and I commend him for that. I know that the hour is getting late around here and a lot of us have left, but it is great that he is doing this.

I have to say, it just upsets me so much that we are once again this evening talking about the exclusion of these 12 million children from the child tax credit. The partisanship, and I know the gentleman from Texas talked about pettiness. I do not think it is petty.

I am a father of three. I have a daughter who is 9, a son who just turned 8, and another little daughter who is 5. Obviously, with our salary, there is no problem taking care of them. But I watch the people in my district, and there are many even in New Jersey which tends to be higher income, higher cost of living as well, there are many families that are impacted by this and that would benefit if you were willing to adopt this motion to instruct and go to conference and include this child tax credit for these 12 million children.

□ 2030

And it really pains me because I know how difficult it is. Times are tough. A lot of people are unemployed. A lot of people are not making what they used to make. Talk about taxes, in my home State property taxes are so high. These people pay payroll tax. They pay high property tax. The suggestion that somehow they are not paying taxes is absurd. When the average person goes home at night, they do not worry about whether it is an income tax to the Federal Government or a tax to the State or property tax to local government. They are paying taxes, and they deserve a break, particularly in these tough economic times; and what I understand is that the conference has not even met. There was supposedly going to be a conference on this to try to include these 12 million kids, and the conference has not even met.

So what I am hearing from the other side of the aisle, from the Republicans, is they just do not care. They are not going to address this at all. I know that it may sound petty to some on the Republican side to hear us talk about this impacts the military, but the fact of the matter is that if I was in Iraq and I was worried about my kids back at home and how much they have and whether they are going to make ends meet, I would be looking for some break like this; and I would like to see those kids included and the parents of those kids who happen to be in combat in Iraq or in other places around the world as part of the active military. They should be included. I know the gentleman talked about this military tax fairness bill. My understanding is it is right here at the desk. You are in the majority. The Republicans are the leaders, in the majority around here. Take up the bill. Do not look at us to blame us about whether or not this bill has passed. You can take it up tonight or tomorrow at any time. But the bottom line is there is absolutely no justification, I have not heard a single justification for not including these kids and this child tax credit.

Think about the fact that the House and Senate Republicans who took less than a week to reconcile differences between two giant $500 billion tax bills that are now causing this huge deficit cannot seem to come to an agreement on a much smaller bill to expand the child tax credit to the children's parents earning between $10,000 and $26,000 a year. You were able to do it for the big tax bill, but the conference cannot meet on this much smaller bill. I do not know what the holdup is.

I think our colleagues are just content to leave Washington this week without correcting the situation. And I am particularly upset with President Bush who last month advised House Republicans to pass this child tax credit legislation and send it to him so he could sign it, big brouhaha, send it to me, I will sign it. Now he sits silently as the congressional Republicans do nothing. I think that silence is an indication of the President's true intentions. Otherwise, I do not know where he is. He disappeared. He does not seem to care about it anymore.

I do not hear anybody on the Republican side talking about this anymore. A couple of them were talking about it a few weeks ago, but now nobody talks about it.

How many times do we have to, as Democrats, come to the floor and point out the unfair treatment that these hard-working American families receive with the passage of the Republican tax bill and yet they do not want to do anything for them? This is simply a question of fairness. How can Republicans say it is fair to give a millionaire a tax break of more than $90,000 while giving nothing to millions of working families. We should not leave here today, this week, or certainly next week until this injustice is corrected. And I see that one of my colleagues is here.

Mr. BRADY of Texas. Mr. Speaker, I yield myself 15 seconds.

I make the point again this House has already provided record tax relief for our military families including those deployed abroad. There is not a need to pick up another tax relief bill for the military. We have done so, and our Democratic colleagues voted strongly against it.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), a man who stands very strongly for working families and for tax relief.

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

I did not plan to come here and speak tonight on this subject. I wanted to speak a little later, but I could not let this pass. I want to commend the gentleman from Texas for standing up to this tonight.

To hear the rhetoric from the other side of the aisle, it is just surreal. We are talking here and I keep hearing tax credit. Tax credit, tax credit, tax credit. Tax credit to me, and I think to most Americans, implies some sort of tax liability. If an individual does not have that amount of tax liability, how could it be a tax credit? I understand we may want to have a debate around here about ways to aid families who are in need. If we are going to have that debate, let us have it on the right terms. Let us call it something different. Let us not call it a tax credit if there is no tax liability there. Let us call it whatever, something else. But let us take it for what it is. It is a redistribution of income from some people to other people. Let us not call it a tax credit.

And as for the claim that individuals do pay other taxes, property taxes, sales taxes, surely they do. Surely they do. But this is the Federal Government, and we are stewards of money that comes here to the Federal Government, and we should not try to distribute money based on what individuals pay in their home States. If we did that, then we would be in a world of hurt here. We are stewards of money that comes to the Federal Government, and we ought to give tax credit where it is due and where it is deserved, and that is for those who pay taxes. I think that is a principle that we should not violate. There are other programs, and we have talked about them and debated them; but let us have that debate on the right terms and call it something different than a tax credit.

And again I commend the gentleman from Texas for saying what he has said and for doing it so articulately.

Mr. MICHAUD. Mr. Speaker, parliamentary inquiry. Who gets to close?

The SPEAKER pro tempore (Mr. GINGREY). The gentleman from Maine (Mr. MICHAUD) has the right to close and has 1 minute remaining.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Let me close our portion of this. And I appreciate the gentleman from

Maine's direction on this issue. While we may disagree and the parties may disagree on the policy issues, let me tell the Members I think we both have a love for this country, both are trying to do the right thing. We may have different approaches to it, but I know he has a good heart; and I appreciate his service here in Congress.

Let me point out that we care very much about working families and their children, so much so that in the last few years we have taken nearly 4 million families on the lower-income level and completely absolved them from the Federal income taxes, just said they do not have to pay Federal income taxes at all; so much so that now almost 30 percent of Americans fall into that category, which is a record high for those who do not have and do not owe Federal income tax. And in the tax relief plan for families that do pay Federal income taxes, we gave them a credit, helped them pay for raising children because things are so expensive. We reduced the marriage penalty because it simply was wrong to tax people more simply because they were married. This has been a great help for working families with children.

For those who pay income taxes, we said we want less of them to pay these taxes. So we expanded the 10 percent, the very lowest tax rate so more and more people would pay less of their Federal income taxes. And then for all the other working families, we said, look, Washington takes too much their money to pay for those $900 toilet seats and those $300 hammers and for those hundreds of programs that duplicate each other. We think the best way to get this economy going is to leave the money in their pockets, the best way to help small business hire new workers and keep them on is to put more money back into those small businesses. We knew that the best way to pay off this debt and get this budget balanced again is to get people back to work again by giving them the power of their own paycheck. So this Republican House and this President have bent over backward in record ways to make sure that working families with children can make ends meet better.

But make no mistake about our policy and principle. Our principle is income tax relief should go to those who pay income taxes. So the child tax credit is targeted to those who owe Federal income taxes. So much do we provide relief that for those who do not owe any Federal income taxes whatsoever, we already provide them tax credits, help, checks from their neighbors, from their paycheck to help them. We call it the earned income tax credit. We even provide some refundability, some more checks from their neighbors to help them with their children. So not only for those working families do we say they do not owe Federal income taxes but other neighbors say we will pay their payroll taxes, we will pay their share of Social Security, we will pay their share of Medicare, we will pay their share of unemployment, we will pay for reduced and free school lunches because their kids do need to eat. We will pay for free health care. We think it is important that their children are healthy. We will pay for free public transportation because we want their children to have opportunities.

This is a very caring America. We care for families who are low income, but we care for working families who make a little more than that. For the cafeteria worker who provides the free school lunch, we care about their taxes. For the bus driver who helps provide the free public transportation, we care about their tax burden. For the nurse who provides the free health care, we care about their tax burden as well. So this child tax credit is for those who pay Federal income taxes.

This Democratic motion to instruct yanks that child tax credit, that steps away from these working families as soon as the next election is over. That is flat wrong. And on behalf of this Republican conference, we oppose this Democratic motion to instruct. It would reduce the child tax credit for millions of children, and that is not right.

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

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

As I mentioned earlier, the right thing for Congress to do is to pass this motion, to pass the child tax credit, and to give the working families a tax relief that they deserve. A lot of people out there are hurting. There are certain areas actually in the State of Maine, labor market areas, where the unemployment rate is over 38 percent. When we look at other labor market areas, they are in double-digit numbers. Working families do need this tax relief. So I hope this body would support the motion.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 2045

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GINGREY). 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.

ENHANCING THE WAR ON TERRORISM BY REDUCING ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I rise today to continue a series of discussions I am having on the unforeseen and undesirable effects resulting from our Nation's current immigration policies.

There has been much talk in recent years about ''holding the line'' against the flood of illegal immigrants flowing across our Nation's borders. Unfortunately, as I mentioned in my comments last week, our recent attempts to control the border have not been a resounding success. I certainly do not believe that our Nation's borders should be left wide open. Especially today, in light of terrorist threats, we must know who is entering the country and leaving the country.

Unfortunately, Mr. Speaker, we currently have very little idea who is entering the country outside of the legal ports of entry on the border. Some have estimated that 700,000 illegal immigrants breach our borders every year.

We can try to tighten our border enforcement even more than we already have, but as long as the U.S. offers Mexicans more opportunity for work than Mexico does, for example, people risk their lives to cross the border.

According to Steven Camarota of the Center for Immigration Studies, ''A real effort to control the border with Mexico would require perhaps 20,000 agents and the development of a system of formidable fences and other barriers along the parts of the borders used for illegal crossings.''

I believe the wisdom of embarking on such a project is questionable, at best. Rather, I would submit that a program that allows these workers to enter the country legally is a smarter national security strategy.

Regularizing the flow of workers across the U.S.-Mexico border will give the Federal Government the opportunity to get a handle on who is present in the United States. It will also free up resources for border security and the war on terrorism.

While there are border crossers who have malicious intentions, locating them among the throngs of illegal immigrants is akin to finding a needle in a haystack. By drastically reducing the number of illegal immigrants crossing the U.S.-Mexico border, we can shrink that haystack and more easily target those entering the U.S. who wish to do us harm.

We in Arizona recently saw an example of the troubling violence that can occur when criminal aliens are not apprehended. A United States Park Ranger at Organ Pipe Cactus National

Monument, Kris Eggle, was shot and killed while chasing Mexican drug smugglers last summer. Eliminating the majority of illegal border traffic would make it easier to track down and prosecute criminals like Chris Eggle's killer.

The vast majority of those entering the country illegally are looking for the opportunity to work hard and improve their lot in life, not to commit terrorist acts. According to statistics provided by the Border Patrol, only 1 percent of those apprehended on the southwest border are come into the U.S. to commit crimes.

Permitting those already present in the United States to participate in the program would also encourage millions of currently undocumented workers to register with the government. Shrinking the undocumented population would provide less cover for terrorists who do enter the country and attempt to blend in.

A temporary worker program would deal a severe blow to the black market that currently supports illegal immigrants as well. The demand for people smugglers, fraudulent documents, and other enterprises that facilitate illegal immigration would be greatly reduced.

Mr. Speaker, regularizing the flow of undocumented migrants entering the country will greatly improve our Nation's border security, help us fight the war on terrorism, and redirect resources that have not been used effectively through our current immigration policy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. HINCHEY) is recognized for 5 minutes.

(Mr. HINCHEY addressed the House. His remarks will appear hearafter in the Extensions of Remarks.)

EXCHANGE OF SPECIAL ORDER TIME

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from New York (Mr. HINCHEY).

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

There was no objection.

CONGRESS SHOULD SUPPORT AN INDEPENDENT COMMISSION TO INVESTIGATE THE BUSH ADMINISTRATION'S DISTORTION OF EVIDENCE OF IRAQ'S WMD PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, a grass-roots organization called moveon.org has an online petition right now seeking an independent commission to investigate the Bush administration. I will read it. ''Congress should support an independent commission to investigate the Bush administration's distorting of evidence of Iraq's weapons of mass destruction program.''

They are supporting H.R. 2625, a bill sponsored by the gentleman from California (Mr. WAXMAN), that would create an independent commission that would look into the intelligence that led up to certain representations that the Bush administration has made.

People want answers to questions. So what we are doing for the next several nights, some of us, is reading some of these letters and comments that have come as a result of this on-line petition.

These are the ones that have come from Illinois. Out of 320,000 people who signed the petition, there were thousands of comments. These are the ones from Illinois, and I would like to read just a few of them.

I think my colleagues will find that what these letters do is question the intelligence that was provided, or question the representations that were made, but do not question the integrity. I think my colleagues will agree with that.

I am reading now. ''My son is a reservist who has been called into active duty on account of the war on Iraq. This is the second time since 9/11 that he has had to put aside his college studies and go on the front line to serve our country. Considering his sacrifice alone, he and I need to know the truth about why he assisted in the war effort.'' That is from Patricia from Woodridge, Illinois.

''Two of my sons are in the military. They told me, ''Mom, we have to do what we are commanded. It is your responsibility to help make sure we are only asked to do what is morally and ethically right.' That is why I urge Congress to thoroughly investigate the events leading to the war in Iraq.'' That is from Marge in DeKalb, Illinois.

''Two of my best friends are sergeants in the U.S. Army. They signed up and put their lives on the line to protect and defend our country for people like me. We owe it to them to make sure that when we ask them to put their lives in danger the reasons are just, valid, and truthful. I cannot imagine how the families of the servicemen and women who died in Iraq must feel now, knowing that, perhaps, their sons, daughters, spouses, moms and dads died not because they were defending us against a true threat but because of political or financial reasons. Let us investigate this fully and give our service members the dignity they deserve,'' says Jennifer from Chicago.

''As the mother and mother-in-law of a son and son-in-law sent to Iraq to risk their lives, it is important to me that an independent commission investigate our actions in Iraq and the reasons presented for doing so. We may be the most powerful Nation the world has ever known, but we have acted like cowards and weaklings. We have an obligation to be an uplifting role model to other nations. Instead, this government has chosen to reiterate the bully mentality. We raise our children to find positive ways to resolve disagreements and conflicts. Why? This government says that being the biggest and toughest guys gives you the right to stomp on whoever you want. Who will our children listen to?'' From Marlena in Chicago.

''My father is a veteran,'' says Trisha from McHenry Illinois, ''like his brother, his father, and his uncles. My mother's brothers are veterans, like their uncles. While many prominent members of this administration can claim no legitimate military service, it is terrible to think that they may have sent our men and women to Iraq for false reasons and that you would let them get away with it. Our servicemen and women are risking their lives for us, and it is our duty to make sure it is not for reasons other than what this administration has led us to believe. Your duty in this matter is not to your political party. Your duty is to the American people and to the Armed Forces who serve this country. An independent, bipartisan commission is warranted in this matter.''

And Trisha adds, ''Also, if you are going to keep passing resolutions supporting our Armed Forces, please stop cutting their benefits, give them a raise, and be nicer to veterans.''

''My brother is a member of the Illinois National Guard,'' says Penny from Freeport, ''and is currently serving our country in Iraq. I fear that he is risking his life under false pretenses. It is not only our right but our responsibility as American citizens to hold someone liable and seek the truth. We need to establish an investigative commission as soon as possible.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1472

Mr. SULLIVAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1472.

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

There was no objection.

MISAPPROPRIATIONS OF TAXPAYER FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FEENEY) is recognized for 5 minutes.

Mr. FEENEY. Mr. Speaker, there are several gentlemen from Florida here tonight, including my cohort and friend MARIO DIAZ-BALART, along with the gentleman from Texas (Mr. HENSARLING) and a lot of the Republican freshman class. We have been very concerned, as we review the last 5 or 6 or 8 years' worth of Federal spending, about some, really, misappropriations that are going on. It is very bothersome.

I will tell my colleagues that Ronald Reagan once defined the American taxpayer as somebody that worked for the Federal Government but did not have to take the civil service exam. Unfortunately, that is all too often too true.

The Americans for Tax Reform group actually estimates, based on economic estimates, that the average American has to work this year 193 days, well into July, just to pay their cost of Federal, State, and local taxes and regulations. That is obscene. It is a big problem.

I will tell my colleagues that P.J. O'Rourke once said that trusting your money to government bureaucrats and politicians was a little bit like giving whiskey and car keys to teenage boys. It is just a bad idea.

So I am delighted to join the gentleman from Texas (Mr. HENSARLING), the gentleman from Florida (Mr. MARIO DIAZ-BALART) and most of the Republican freshman class who enthusiastically have said we are going to come down here to the well on a regular basis every week and we are going to talk about some of the outrageous misexpenditures of our constituents' money that offend us so badly.

We are grateful for the fact that we can stand here and talk to people around the country about the fact that we want every politician that serves with us and every bureaucrat and administrator that serves with us to know one thing: They do not want to be the victim of next week's most outrageous expenditure. They do not want to be, if you are the procurement officer in a specific government agency, the topic of the major speech that week. We intend to, for example, have some awards for the most outrageous abuse of taxpayers' dollars.

Now, I will tell my colleagues that 2 years ago there was at least $17 billion worth of expenditures for which there was no accountability. The agencies that spent the money could not tell us what happened to the money.

Aside from misexpenditures, there is the problem of duplication. We have a homeless problem in America, but there is something wrong when there are over 50 different Federal agencies dealing with the issue of the homeless. The duplication of services is a big problem.

We will regularly be coming and talking to our colleagues about the Washington Waste Watchers led by the gentleman from Florida (Mr. MARIO DIAZ-BALART), led by the gentleman from Texas (Mr. HENSARLING), led by the Republican freshman class in 2003 to talk about how we can make government more accountable to all of our taxpayers.

□ 2100

I will tell you that, finally, there is something fundamentally wrong when, for example, the National Parks Service 4 years ago purchased an outhouse, a place where people could relieve themselves, and spent more than $800,000. Imagine that. Think for a second about what the bears did in that park, in that forest; but we spent $800,000 for people to relieve themselves.

We want everybody in charge of government dollars to know we will be here on a daily basis, on a weekly basis reminding them that we know spending other people's money is an intoxicating experience, but we intend to hold you accountable.

The SPEAKER pro tempore (Mr. GINGREY). 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.)

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to take my time out of order.

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

There was no objection.

INVESTIGATE IRAQ'S WEAPONS OF MASS DESTRUCTION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, my constituents in Marin and Sonoma counties in California are as deeply concerned as the gentlewoman from Illinois' (Ms. SCHAKOWSKY) constituents are about their sons and their daughters dying in Iraq and the rationale the Republican administration has used to put them there.

Americans are willing to sacrifice, Mr. Speaker, but only when those sacrifices are clearly justified. The lack of confidence my constituents show in our current White House results in the American people being unsure that their sacrifice in Iraq is justified.

One of my constituents, Nina, from Sausalito writes, ''I believe the majority of Americans are good-hearted people who would not have supported the war on Iraq had they understood the true motivations for it. I believe that the administration knew this, and actively distorted information it gave the people in order to gain public support. We are supposed to live in a democracy, but how can we truly be a nation run by the people and for the people if our government is not open and honest in its communications with us?''

Some people think that Nina's suspicions, Mr. Speaker, are ridiculous. They cannot imagine how anyone could mistrust their leadership.

I understand that. After 9–11 we all wanted to trust our Nation's leaders completely, but now our complacency is being shaken. A Walter Pincus article in today's Washington Post reads: ''Between October 7, when President Bush made a speech laying out the case for military action against Hussein, and January 28, when he gave his State of the Union address, almost all the other evidence had either been undercut or disproved by U.N. inspectors.''

The issue, Mr. Speaker, is that people like Nina believe that when you are talking about war, it is not morally acceptable to send soldiers to early graves unless the evidence is absolutely overwhelming.

People who supported war in Iraq argue that the evidence was overwhelming, but that begs the question. If the evidence was so overwhelming, why was the indisputable evidence kept secret while citing disputed evidence over and over again?

My constituents do not think that adds up.

Paul from Mill Valley says it very simply: ''We, the people, deserve to know if the principal justification that was used to commit this country to war in Iraq was true or a fabrication to manipulate public opinion.''

And James from Greenbrae writes that the disgust is bipartisan: ''As a registered Republican, I too have had it.'' That is a very serious statement, and that is why we need a thorough bipartisan investigation into Iraq's weapons of mass destruction.

Stephanie from Sonoma had some instructions for me also: ''Support an independent commission to investigate the Bush administration's distortion of evidence. The facts that have begun to come out are so alarming it would be a travesty to let this go without investigation.''

Graham from Santa Rosa also had some advice about an investigation: ''If there was no wrong doing, then the Bush administration should have nothing to worry about.''

Mr. Speaker, it is time to get the facts. I urge all of my colleagues to support the Waxman bill, H.R. 2625, for an independent bipartisan commission to investigate Iraq's weapons of mass destruction. We should not be afraid of the truth.

WASHINGTON WASTE WATCHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HENSARLING) is recognized for 5 minutes.

Mr. HENSARLING. Mr. Speaker, I rise today as a co-founder of the Washington Waste Watchers, a project of Republican freshmen dealing not with calorie counting but with counting all of the different wasteful programs of the Federal Government. We are dedicated to bringing the disinfectant of sunshine into the shadowy corners of the wasteful Washington bureaucracy. From this point forward we will be highlighting a myriad of examples of how the Federal Government routinely squanders the hard-earned money of the American families, and we will offer reforms to end these long-held Washington wasteful practices.

Why is this initiative important now? Although we have heard some good economic news, positive economic growth, a growing stock market, a strong housing market, we have also heard some not-so-good economic news. The budget deficit is still too high.

Now, Democrats say the only way to cut deficits is to raise taxes on the American family. Does that sound familiar? It is the same refrain we have heard from them for years. We have a deficit, but it is not because we are taxed too little. It is because Washington spends too much. And in Washington we have a spending problem, not a taxing problem; and much of this Washington spending, Mr. Speaker, is pure waste, fraud, and abuse.

Recently, we passed a budget resolution in Congress asking every authorizing committee to make recommendations for eliminating waste, fraud, and abuse in their jurisdictional areas. We asked them to find savings equivalent to one percent of their budget. Something nobody ever does around here, find savings. We asked for only 1 percent and the Democrats fought us every step of the way, saying it is impossible to save money in Washington without gutting Federal programs.

Mr. Speaker, they are wrong.

Let me cite just a few examples. The Department of Housing and Urban Development made $2.6 billion in section 8 overpayments. Almost 10 percent of their entire budget just disappeared into thin air. That is enough money to pay the down payment for 300,000 people to get into their first homes. Now, instead of using it to help families, the Washington bureaucracy just wasted it. And Democrats want to raise our taxes to pay for more of this?

The Medicare program paid out $13.3 billion last year to people who did not even qualify for the program. That is enough money to pay one-third of the cost of a prescription drug benefit program for our seniors this year. But instead of using the money to help seniors, the Washington bureaucracy just wasted it. And Democrats want to pay our taxes to pay for more of this?

In another example, as you heard my colleague, the gentleman from Florida (Mr. FEENEY) say, the National Parks Service spent $800,000 on an outhouse and it does not even work. The only thing it flushes is the money of the hard-working American family down the drain. And Democrats want to raise our taxes to pay for more of this?

The list goes on. Social Security pays benefits to dead people. Over the past 5 years, law enforcement has arrested over 7,000 fugitives who were illegally receiving food stamps. They include 1,500 accused drug offenders, 31 murderers, 45 sex offenders and child molesters, and hundreds wanted for assault and robbery. Over a 3-year period, the illegal food stamp practice known as trafficking has cost taxpayers $660 million. And Democrats want to raise our taxes to pay for more of this?

Twenty-three percent of the people having their student loans discharged due to disability actually hold down full-time jobs, costing the Federal Government $40 million a year. And Democrats want to raise our taxes to pay for this?

Medicare pays five times as much for a wheelchair as the Veterans Administration does. Five times as much for the same wheel chair? Why? Because the Veterans Administration will competitively bid the wheelchair and Medicare will not.

Fortunately, the Republicans in the House just fixed this one without any help from the Democrats.

Mr. Speaker, these are just a few examples of the Washington waste, and we are just scratching the surface. One can see that many Federal programs routinely waste 10, 20, even 30 percent of their taxpayer-funded budgets and have for years.

Mr. Speaker, in the real world if you lose that much money, you will go broke or you will go to jail; but in Washington it is just an excuse to ask for even more money from the taxpayer next year. Mr. Speaker, this has got to stop. There are a thousand different ways we can save money in Washington without cutting any needed services and without raising taxes on the hard-working American families. When it comes to Federal programs, it is not how much money Washington spends; it is how Washington spends our money. And that is what the Washington Waste Watchers is about.

BE HONEST WITH AMERICAN TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this week U.S. deaths in the war in Iraq surpassed the number of lives lost in the first Persian Gulf War, 220 Americans have died, another today, with over 740 wounded. If you recall back in February, Army Chief of Staff Eric Shinseki, a soldier's soldier, testified to this Congress that several hundred thousand soldiers might be necessary for the occupation of Iraq.

He was immediately attacked by Deputy Secretary of Defense Paul Wolfowitz, who termed General Shinseki's assessments as wildly off the mark. Wolfowitz said, ''I am reasonably certain that the Iraqi people will greet us as liberators, and that will help us to keep requirements down.''

Secretary of the Army Thomas White sided with Shinseki, not Wolfowitz, sealing his own fate. White announced his resignation 2 months later. General Shinseki himself stepped down as Army Chief of Staff and retired from the military about 5 weeks ago, June 11; and neither Secretary Rumsfeld nor Mr. Wolfowitz attended the ceremonies honoring General Shinseki for his lifetime of service to our country. Then last week, Secretary Rumsfeld admitted that the Bush administration does not know how long the occupation of Iraq will last. Secretary Rumsfeld also was forced to admit he does not know how much the occupation will cost. Indeed, the costs have doubled from $2 billion a month now to $4 billion a month, and the costs are rising daily.

There are approximately 150,000 U.S. troops in Iraq. Secretary Rumsfeld would say only that they may be there for the foreseeable future and the number could be increased if necessary. Mr. Wolfowitz has not been heard to say that Secretary Rumsfeld's estimate is not wildly off the mark, even though it is very close to what General Shinseki predicted.

As far as the Wolfowitz prediction that Americans would be greeted as liberators and that would keep the force level low, it bears noting that more than 30 Americans have been killed in Iraq, with more casualties every day, since President Bush landed on that flight deck and said that peace was at hand.

A close look at the record will reveal that Secretary Rumsfeld's predictions about U.S. force levels in Iraq are skyrocketing. As recently as 2 months ago, he was predicting that our force levels could be reduced by 30,000 by the end of the year; but a Time Magazine article I will include in the RECORD tonight shows that the idea appears to be shifting closer to what General Shinseki told us initially, and today General Wesley Clark warned that our U.S. Armed Forces are overstretched because of Iraq and we need to take measures to take care of our men and women in uniform. Reserves need to be called up and we need a rotation plan because, let us face it, we are going to have to sustain the force in Iraq for some time. And I would add, sending Marines trained for aggressive combat to do policing is an absolutely inappropriate deployment.

We can look back to the date of May 1 when our soldiers were led to believe that they would be coming home in June. Then they were told on May 24 that maybe they would come home in August. And then Secretary Rumsfeld said last week they would be home by September. And then Major General Buford Blount said today that troop levels must remain at the current level and all bets are off.

This is not the way to treat the men and women who are giving their lives in the interest of this country. I have a very simple statement and that is: stop jerking our forces around. Treat them with the respect that they are due.

It is very odd to me that General Tommy Franks announced his retirement with 160,000 men and women under his command in the field.

□ 2115

I can remember back to Vietnam, when General Abrams stayed the course right to the very end; in World War II, when our generals stuck it out through thick and thin.

Strange things are happening. Maybe we do not know all the facts, but I want to voice my concerns tonight about the safety of our men and women in uniform and the importance of rotation and a definite time when they can take a break. They deserve it. If that requires a draft in our country, so be it, but no General or any President or any Secretary of Defense or any Under Secretary of Defense should have our men and women in harm's way without the rotation that they are due for the absolutely incredible job that they have done for us.

In the RECORD tonight I would like to place several articles that document the statements of many of our soldiers who are in Iraq today, and I would commend them to my colleagues and say God bless those who are in the field for us. We are thinking of you every minute that we hold these positions here in Washington. We want to bring you home as quickly as possible. We want to meet our worldwide obligations, but, absolutely, you deserve a break, especially those who have been there in the Persian Gulf for over a year now. It is long overdue.

[From Reuters.com, July 16, 2003]

U.S. SOLDIERS COMPLAIN OF LOW MORALE IN IRAQ

(By Sue Pleming)

WASHINGTON.—Fed up with being in Iraq and demoralized by their role as peacekeepers in a risky place, a group of U.S. soldiers aired their plight on U.S. television on Wednesday and said they had lost faith in the Army.

Told several times they would be going home only to have their hopes dashed this week, a small group of soldiers from the 3rd Infantry Division in Iraq spoke of poor morale and disillusionment with Defense Secretary Donald Rumsfeld.

''If Donald Rumsfeld were here, I'd ask him for his resignation,'' one disgruntled soldier told ABC's ''Good Morning America'' show.

Asked by a reporter what his message would be for Rumsfeld, one said: ''I would ask him why we are still here. I don't have any clue as to why we are still in Iraq.''

About 146,000 U.S. troops are serving amid mounting security threats in postwar Iraq. The death toll has now equaled the number killed in the 1991 Gulf War.

Sgt. Filipe Vega said they had expected to return home soon after the fall of Baghdad on April 9. ''We were told the fastest way back home is through Baghdad and that's what we did. Now we are still here,'' he complained.

The 3rd Infantry Division was the first U.S. unit to enter Baghdad after driving through southern Iraq through Kuwait.

Sgt. Terry Gilmore described a phone call with his wife Stacey when he told her he would not be coming home soon.

''When I told her she started crying and I almost started crying. I just felt like my heart was broken. I could not figure out . . . how they could keep us here after they told us we were coming home.''

In Washington, a Pentagon spokeswoman said she understood the frustration, but said morale was still high. ''It's obviously a frustrating situation for some of them, but it does not represent the entire 3rd Division.''

She added: ''When you get down to the individual soldier level, you can clearly see the dedication.''

The wives of two of the soldiers appeared on the same show. ''Just send my husband home—send all the soldiers home. They have done the job they were supposed to do,'' said Rhonda Vega from Hinesville, Georgia.

Stacey Gilmore said U.S. troops were ill-prepared for the post-war phase. ''They were told after the fighting ended they were coming home. All I know is that morale is low and they are just hanging in there, sticking through it.''

[From Time Magazine, June 26, 2003]

IRAQ: WHEN CAN WE GO HOME?

(By Tony Karon)

President Bush faced a call this week from a senior member of his own party's foreign policy establishment to ''level'' with the American people about Iraq. Senate Foreign Relations Committee Chairman Richard Lugar was not harping on the whereabouts of Saddam Hussein's alleged weapons of mass destruction; he was urging the president to give the electorate a more realistic picture of the scale and duration of the U.S. occupation mission in Iraq, and to impress on them the importance of staying the course. Fresh from a visit to Baghdad, Lugar warned: ''The idea that we will be in just as long as we need to and not a day more—we've got to get over that rhetoric. It is rubbish! We're going to be there a long time.''

A similar warning came from Thomas Pickering, who had served the first President Bush as UN ambassador and had headed up a Council on Foreign Relations study on Iraq which concluded that the U.S. mission had lacked ''vision and strategy.'' Pickering, too, urged Bush to make clear that the current U.S. deployment of some 200,000 troops in and around Iraq would have to be maintained for a long time to come. Or, as General John Abizaid, who will assume command of the Iraq mission from the retiring General Tommy Franks next month, put it in congressional testimony this week, ''for the foreseeable future.''

For obvious domestic political reasons, the Bush Administration going into the war had downplayed the scale and duration of a postwar occupation mission. When then-Army Chief of Staff General Eric Shinseki told legislators that such a mission would require several hundred thousand U.S. troops, his assessment had been immediately dismissed by Deputy Defense Secretary Paul Wolfowitz as ''wildly off the mark.'' Wolfowitz explained that ''I am reasonably certain that (the Iraqi people) will greet us as liberators, and that will help us to keep requirements down.'' Six weeks ago, Defense Secretary Rumsfeld was still suggesting the U.S. force in Iraq could be reduced to 30,000 by the end of the year. But the prevailing assessment in Washington appears to be shifting to the idea of a figure closer to Shinseki's.

The changing assessment in Washington is being spurred by the realization that the security problem confronting U.S. and British troops in Iraq is not simply maintaining order in the face of looting and lawlessness, but instead that coalition forces are facing what appears to be an escalating guerrilla insurgency. And that means the occupation mission is costing not only American treasure—currently an estimated $3 billion a month—but also American lives. U.S. forces come under attack every day in Iraq, and they have suffered combat casualties at a rate upward of one death every other day. Six British MPs were killed near Basra on Tuesday and eight were wounded in a second incident; a U.S. Marine was killed en route to help ambushed comrades Wednesday; two U.S. troops were reported missing overnight Thursday in Baghdad, and later in the day Centcom announced that a Special Operations soldier had been killed and eight wounded by hostile fire during an operation southwest of Baghdad. Two Iraqis employed to help restore Baghdad's electricity supply were among those killed in a rocket attack on a U.S. convoy Thursday, while saboteurs blew up two important oil pipelines earlier in the week, apparently recognizing their ability to disrupt power supplies by targeting some of the country's 4,000 miles of oil and gas pipelines.

The coalition body count is mounting steadily in the postwar insurgency, despite two large sweep operations north of Baghdad last weekend designed to eliminate resistance. U.S. commanders have begun to acknowledge that they're facing an organized insurgency, blaming remnants of the old regime and jihadists from other Arab countries who had come to Iraq to fight the U.S. More worrying are the attacks that have occurred this week south of Baghdad, in predominantly Shiite areas. An insurgency confined to the Sunni minority is more easily contained than one whose base extends to the Shiite majority.

Average daily temperatures in Baghdad now are upward of 110 degrees, and U.S. troops who had hoped to be home in time for July 4th cookouts instead find themselves facing an enemy indistinguishable from the (often hostile) civilian population. And the enemy's strategy is to avoid ever presenting himself as a visible target, hoping to sap American morale and alienate the U.S. from the local population through hit and run attacks, and sabotage of reconstruction efforts.

Washington is hoping to lighten the load with an infusion of some 20,000 troops slated to be sent—in small contingents, mostly at U.S. expense—from those NATO countries that supported the war. But the number that actually arrive in Iraq may shrink somewhat if it turns out they're headed into a counterinsurgency mission rather than a more pedestrian peacekeeping affair. This week's British casualties, in what had ostensibly been the most tranquil part of Iraq, won't help Washington's recruitment efforts. Britain's own force levels in Iraq had been reduced from 45,000 during the war to around 15,000, although following the latest incident the government faces conflicting pressures to both increase and reduce its exposure in Iraq.

More robust contributions have been asked of India and Pakistan, but while the leaders of both countries are inclined to comply, both face strong domestic opposition. The U.S. is also embarking on a plan to train and equip a new Iraqi national army comprising some 60,000 men, although that project will likely take years to complete. In the short term, despite local recruitment and the planned deployment of more foreign troops, most, if not all of the heavy lifting will remain the preserve of the U.S. and British forces.

Iraq, of course, is not the only peacekeeping mission requiring the attention of the U.S. and its allies. Some 11,000 coalition troops remain deployed in Afghanistan against the Taliban and al-Qaeda, while peacekeeping duties are the preserve of the 4,800 foreign troops grouped under the banner of the International Security Assistance Force, whose small numbers confine its work to the capital, Kabul. A number of U.S. legislators and South Asia experts are quietly warning that the security situation there is in danger of unraveling in the face of Taliban resurgence and internecine warlord conflicts, and that turning the situation around requires either expanding the terms of the U.S. deployment to stabilizing Afghanistan, or else significantly expanding ISAF. (ISAF has one advantage in that it has drawn on major troop contributions from NATO members that had opposed the Iraq war—Turkey, France and Germany.)

The U.S. exit strategy from Iraq has always been to install a stable, friendly Iraqi government whose oil revenues would give it financial independence and withdraw the bulk of the force that had overthrown Saddam's regime. But the scale of the challenge of remaking Iraq forced Washington to adapt its plans. When U.S. viceroy Paul Bremer arrived to take the reins from the hapless Jay Garner he chose to keep political authority in U.S. hands rather than betting prematurely on any Iraqi group. To the chagrin of most of Iraq's many political factions, Bremer has put talk of a transitional government in the deep freeze, and instead plans to draw Iraqis into a much slower process of consultation over a new constitution. That, of course, leaves the occupation authority without an Iraqi face, which further inflames nationalist passions—but managing an occupation mission such as Iraq invariably throws up mostly lesser-evil choices.

It was clear from the moment Bremer took over that the process of achieving the Bush administration's political objectives in post-Saddam Iraq might take years of patient nation-building. But what has become equally clear, in recent weeks, is that it may also require winning a second war, of counterinsurgency.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GINGREY). The Chair reminds all Members to address their remarks to the Chair.

WASTE, FRAUD AND ABUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise today to speak about our efforts towards reducing waste, fraud and abuse in the Federal Government. It is a problem that has been plaguing the American taxpayers for far too long. With so little accountability on the Federal level, our government has grown like an unchecked cancer, basically ransacking and pickpocketing the taxpayers pocket, wasting taxpayer dollars so the Federal Government does not have the dollars it needs to get the job done.

How does this happen? It happens by disregarding erroneous tax returns; by Medicare making thousands of overpayments, refusing to improve their bookkeeping system; in effect having the government waste, fraud and abuse occurring so that we do not have the taxpayer dollars necessary in those areas we want to have it.

Before I begin, allow me to address some specific areas that are of interest to me so we can begin the process to start to reform the Federal Government to address the issue of the deficit and hopefully bring our budget back in line to balance.

Go back, if you will, and imagine if the Federal Government was actually able to account for that $17.3 billion back in 2001 or that $20 billion in overpayments that they made in that same year. If we were able to do that, we would be able to bring our Federal deficit that year within eight points better than we did that year. Eight points, eight percent, it is not that much, but at least it is a step in the right direction.

Today we have already heard of the creation of a new organization of dedicated freshmen members of Washington's Waste Watchers. This is a group that is dedicated to literally cut the fat to address the issue of waste, fraud and abuse, to try to reverse the years of neglect on the Federal level when it comes to Federal spending.

When I go back to the folks back in the 5th Congressional District in New Jersey where I represent, I hear countless times from those people of how hard it is to send in their tax dollars from their hard-earned paychecks that they make each week, to send it down to Washington only to hear all the stories in the press of how we spend the money down here. When they hear that money is being misspent, wasted, their response is shock and disappointment.

Mr. Speaker, Americans did not send us to Washington just to spend their money. They sent us here to spend their money in the right way, not to waste their money, not to abuse their money, not to lose their money, but to spend it to help those needed recipients, as we intended to.

It is time that we in Congress start putting some pressure on those Federal agencies to get their books in order, to crack down on fraud and abuse, to cut the waste.

I sit on the Committee on the Budget, and we had the Inspector General folks from the Department of Education come in, and they spoke of improper loan forgiveness for false death and disability claims and questionable handling of student loan funds. What this means is that there is less dollars to go into the classroom for the textbooks and overcrowded classrooms because we sent the Federal dollars we want to there.

But this is just one example. There are so many more that we are going to hear as we go on in this program.

Examples on the Medicare program, which pays as much as eight times the cost of other Federal agencies for drugs and programs, Medicare that when you compare it to programs like the VA, the VA spends $130 for a wheelchair, Medicare $571. Medicare versus the VA, VA spends 700 bucks for a bed. Medicare spends around 1,700 bucks, a 230 percent increase for the same program. Medicare from 1996 to 2002 spent $83 billion in improper payments.

We also had some testimony from some other people, people from the Inspector General's office in the Department of Health and Human Services. They told us that upwards to 5 percent or more of all funding that goes into Medicare is misused and wasted. This House just voted on a $400 billion package for prescription drugs. Five percent of $400 billion comes to a potential $20 billion of more waste, fraud and abuse.

How do we avoid this problem in that area? There is a couple of recommendations. One is to have accounting mechanisms in place for all the money that is spent. It is not there. Secondly is to have verification mechanisms for the employees and have those employees be held responsible and accountable and, thirdly, have more resources for the Inspector Generals to conduct the audits to find that waste, fraud and abuse that we are talking about here. That is just another example that our constituents back home hear about of waste, fraud and abuse on the Federal level.

Mr. Speaker, I remind my colleagues that the American people did not send us to Washington, the American people did not elect us to be Members of Congress to spend their money ineffectively. They sent us here to make sure that the money is spent efficiently and effectively. They sent us here to make sure that there is not that waste, fraud and abuse.

U.S. FOREIGN POLICY AND POST-WAR IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, as one of the cochairs of the Democratic Study Group on National Security, along with the gentleman from California (Mr. SCHIFF) and the gentleman from New York (Mr. ISRAEL), I am very delighted to stand on the floor this evening to talk about American foreign policy and post-war Iraq.

I certainly want to extend appreciation to our leader, the gentlewoman from California (Ms. PELOSI), for having the foresight and vision to establish our Democratic Study Group on National Security.

I supported the President's decision to go to war against Iraq and remove Saddam Hussein from power. I am also pleased that this regime can no longer victimize the Iraqi people. The United States military has done very well, a superb job, and I am very proud of our soldiers, our sailors, our airmen, but we cannot let go of Iraq just yet.

As the world's only remaining superpower, we must recommit ourselves to peace, diplomacy and nation building now that the war is winding down.

The United States of America is a strong Nation, with the strongest military in the world, but with that force must exist a strong diplomatic strategy. The situation in Iraq teaches us that we cannot simply overwhelm a regime with force and then disengage from the area. If we do not back our strength of action with strength of diplomacy, then we will fail in our goal to provide a rebuilt, free democracy in Iraq.

I am concerned that there is a lot more that still needs to be done to make Iraq a safe and secure country, more than the United States can

achieve on its own. This task is so monumental that we must be open to accepting all types of assistance from other countries. Increased multilateralism reduces our financial burden, reduces our exposure of our troops, helps repair our international alliances and diffuses the international and regional criticisms that we are receiving about our presence in Iraq today.

The United States currently has approximately 150,000 military personnel in Iraq, and between 12,000 and 15,000 allied forces are also in Iraq. In order to avoid the financial burden and criticism that the United States is an adversarial occupation force in Iraq, it is important to involve more international forces. And given the current level of deadly guerrilla attacks on our American soldiers, 34 American soldiers have died since the President declared major combat operations over on May 1, and the growing strength of Saddam Hussein's loyalists, it is very clear that this war is very far from being over.

We need additional forces and particularly an international force of police officers and civilians that can keep the peace in Iraq so that rebuilding can take place. There can be no building in Iraq if Iraq is not secure and safe.

We must involve the United Nations. We must involve NATO and other nations in rebuilding Iraq's infrastructure. And most importantly, as a fundamental prerequisite to economic redevelopment, the United States and the international community must reestablish Iraq's banking system. You cannot move to rebuild anything if your banking system is out of repair. We must create a uniform currency, and we must develop a plan for an electronic system of financial transactions that includes lines of credit, capital requirements and prudential oversight.

In addition, Iraq needs that uniform currency. Because, right now, there are four different forms of currency being in operation in Iraq. An economy cannot be developed if there are four pieces of different moneys. We have got to have a medium of exchange and a store of value in order to revive its economy and in order to encourage foreign investors and, most importantly, to develop Iraqi-owned businesses.

Furthermore, the United States and its allies need to help Iraq quickly increase its current oil production from 800,000 barrels per day as of now, of which 500,000 barrels per day are needed for domestic consumption, to increase to its pre-war production of 3 million barrels per day. It is vitally important that Iraq's oil industry be reestablished so that it can help pay to rebuild the country's infrastructure since it is the country's largest exporter and foreign currency earner, largest industry and one of their largest employers.

All of this requires that the United States establish a long-term plan for our military presence in Iraq, a strong long-term diplomatic strategy in Iraq to involve more nations and a blueprint with specific benchmarks and timetables for turning over the reins to the Iraqi people as soon as it is practical.

Often our parties, Democrat and Republican, we oftentimes divide on which is the more important component, foreign policy, military or diplomacy, and for some reason, too often it is assumed that to support one of these is to reject the other. I disagree. Diplomacy is nothing if not backed with strength and force. At the same time, strong force may end the immediate threat, but without diplomatic action such a victory will be short-lived and will create new instabilities.

That is where we are right now in Iraq. Indeed, our military force has won the war, but we are weak in having a strong diplomatic presence that is credible in the region to bring about a lasting peace, curb the violence and the guerrilla warfare so that rebuilding can take place.

We must have both. We must maintain a strong military to give weight to our words, both with our allies and with our enemies. And yet if the current post-war situation in Iraq teaches us anything, it is that force alone will not create stability or democracy. Diplomacy must be aggressively valued and pursued to maintain a lasting peace and to ensure our soldiers did not die in vain. Strong military and strong diplomacy must go hand in hand if we are to be successful in Iraq and successful with our foreign policy.

□ 2130

FREE-MARKET ACCESS FOR PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, Ronald Reagan used to say that, ''If you say something that's not true, and you don't know it's not true, well, that's a mistake. But when you say something that's not true and you know it's not true, well, that's a lie.''

We have had an awful lot of things that have been said in the last couple of weeks about a bill that I am very involved with in terms of opening up markets so that Americans can have access to world-class drugs at world market prices, and some of the groups have gone over the edge, especially as it relates to tying the issue of abortion to the issue of allowing Americans to have access to cheaper drugs around the world.

I want to read from a letter from one of my heroes, and he is a fellow who served in this House admirably for 6 years. I was privileged to serve with him, Mr. Speaker. Dr. Tom Coburn is an OB–GYN, and he served in Congress for 6 years. He sent a letter to Members of Congress when he heard that the pharmaceutical industry is somehow tying RU–486 to the debate about reimportation of drugs.

Now, Dr. Coburn was one of the most militant advocates and defenders of the sanctity of human life that the Congress has ever seen. He was also a supporter and an author of the bill to open up markets so that Americans could have access to those drugs at fairer prices. He says in his letter, and I will submit the entire letter for the RECORD, but he says in his letter, and I quote: ''As a pro-life practicing physician who earned a 100 percent pro-life voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality.''

He goes on, and it is a very strong letter. I also want to submit for the RECORD a letter from our colleagues, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. SMITH), who are very active and co-chairmen of the House Pro-Life Caucus, and they say in their letter, and I will submit it for the RECORD: ''While we both wish RU–486 were not legal, this debate is not about abortion.''

I want to come back to my original point, that when you say something that is not true and you know it is not true, well, that is a lie. If anyone should know the rules about RU–486, one would think that the people who make the drug would know the rules here in the United States. RU–486 cannot be purchased in the United States of America with a prescription. It cannot be purchased without a prescription. It can only be administered in a doctor's office by a doctor.

In other words, no one can go to a doctor's office and have the doctor write out a prescription to take to the pharmacy and buy the drug. Therefore, nothing that we are talking about in terms of importation of legal FDA-approved drugs from FDA-approved facilities around the world, nothing in that legislation could be impacted by RU–486 because it cannot be obtained without a prescription. It cannot be obtained with a prescription. More importantly, RU–486 is completely illegal in Canada and Mexico.

So when you say something that is not true and you know it is not true, well, that is a lie. And that is the kind of thing that we have had to deal with in the last several weeks. Now, we in politics are used to puffery. We are used to distortions. We are used to people sometimes saying things that are not completely truthful. We have half-truths. But this is a bald-face lie.

So I come to the floor today to say that people can disagree about whether or not Americans should have to pay the highest prices in the world for prescription drugs, but these groups that oppose this do so for what I believe is clearly a profit motive. In other words, it is the pharmaceutical companies who understand that if we pass this

bill, prescription drug prices in the United States are going to drop dramatically.

I have used examples and I have my charts, and people can argue with my charts, although no one does. The pharmaceutical industry can come in and say, well, it is not true that Americans really have to pay $360 for Tamoxifen while they can buy it for $60 in Germany. Maybe that is true, maybe it is not true; but that is what we found out in the research we did. We bought the drug in Munich, Germany, for $59.05. We called pharmacies here in Washington, D.C. and asked them how much does this particular drug in this particular milligrams, this number of tablets, what does it sell for, and they said it is $360.

Now, maybe we are wrong, but that is an honest mistake. But we believe we are telling the truth, and in everything we have done we have cited our sources. Now, some people have questioned our sources, but they are making up facts that they know are not true. This is not about abortion. It is not about RU–486. The question that we are going to be asked, hopefully next week, is will we stand with American consumers, or will we stand with the giant pharmaceutical industry. I hope we will get the right answer.

Mr. Speaker, I submit for the RECORD the letters I referred to above:

JULY 10, 2003.

Hon. GIL GUTKNECHT,
Cannon House Office Building,
Washington, DC.

DEAR GIL. I was shocked to learn that some opponents of free-market access for prescription drugs have begun arguing that your legislation, H.R. 2427, the ''Pharmaceutical Market Access Act of 2003'' somehow promotes abortion and, more specifically, the availability of abortion drugs such as RU–486.

As you may recall, while in the House I was the author of not only provisions to permit the reimportation of FDA-approved drugs, but also the author of the House-approved proposal to block FDA-approval of RU–486. As a pro-life practicing physician who earned a 100 percent pro-life voting record while serving in Congress, I find it ludicrous that those who oppose your legislation would resort to ad hominem attacks with no basis in reality.

I can state unequivocally that your legislation in no way, shape, or form promotes abortion. Many pro-life members are original cosponsors of your legislation and, quite obviously, do not believe your bill violates their deeply held convictions about the sanctity of life. Those who argue that your legislation makes abortion drugs more accessible by lowering overall drug prices necessitate the conclusion that in order to be pro-life one must be in favor of increasing all drug costs. I suppose the argument would be the higher the drug costs the more fervent your pro-life beliefs.

In Washington, it was always sad to see organizations drift from their core principles and take positions that defined common sense and logic. Any organization that links your legislation with the abortion debate will, in the long-term undermine their credibility and relevancy in Washington. While the pharmaceutical industry has provided many wonderful saving drugs, it would be unwise for anyone to believe that the industry that developed and fought for FDA approval of RU–486 is now motivated by a passion for the pro-life cause.

The fact that opponents of your legislation have resorted to these attacks is shameful, yet the obtuseness of their logic ultimately serves to highlight the soundness of your argument.

Sincerely yours,

TOM A. COBURN, M.D.
Former Member of Congress.

JULY 16, 2003.

DEAR COLLEAGUE. While we do not agree on the reimportation of prescription drugs, we both have devoted our careers to defending the sanctity of human life. We are disheartened by recent ads and targeted mailings that attack Members' pro-life credential even in cases where Members have 10 percent pro-life voting records.

While we both wish the RU–486 were not legal, this debate is not about abortion. Many pro-life Members are original cosponsors of legislation that would allow the reimportation of prescription drugs, and many pro-life Members staunchly oppose this proposal.

Any effort to tangle this issue with abortion is misleading. We must not confuse the fight to defend the innocent life with a dispute over whether or not to import drugs from foreign countries.

Sincerely,

JOSEPH R. PITTS,
Chairman, House Values Action Team.
CHRIS SMITH,
Co-Chairman, House Pro-Life Caucus.

DEMOCRATIC STUDY GROUP ON NATIONAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, tonight I am proud to join my colleague, the gentleman from Georgia (Mr. SCOTT), as well as our other colleague, the gentleman from New York (Mr. ISRAEL), as Chairs of the Democratic Study Group on National Security.

Mr. Speaker, we founded this group to advance principles and policies of national security which will strengthen America. We have been meeting with nations, top national security experts, and we have been taking to the House floor to respond to world events. We will also be introducing legislative matters to improve our safety here and around the world. I hope to address one of those tonight, that of the intelligence on Iraq's weapons of mass destruction.

But, first, I would like to articulate 10 principles of national security which I believe unite those that have come to associate themselves with the Democratic Study Group on National Security.

First, our soldiers. We support our men and women in uniform, our soldiers, our sailors, our marines, our airmen and -women, our veterans, our reservists, our National Guard, completely and unequivocally. Our soldiers are the foundation of our Nation's security.

Second, military strength. We believe that America's military strength is superior in every respect, and we are committed to making sure it remains that way. The supremacy of America's military capability is the cornerstone of our security.

Number three, military transformation. We believe that America's military must be transformed to one that is more versatile, more agile, more capable of responding to multiple crises in far-away places and even more technologically powerful.

Number four, troop levels. We believe America's Armed Forces must not be overextended; that our reserves must not be stretched too thin; that the number of our troops must reflect the number of our military commitments we are likely to face and the severity of those commitments. We must either reduce the number of our commitments or increase the number of our troops. As General Shinseki recently said, ''Beware the 12-division strategy for a 10-division army.''

Number five, intelligence. We believe that in the war on terrorism, top-quality human and technological sources of intelligence are essential and that the reporting of intelligence must be accurate, timely, and properly weighted. The assimilation of that intelligence will be essential if we are to avoid another September 11.

Six, vision. We believe that America cannot make itself secure by virtue of its military power alone; that moral authority, integrity, generosity, and vision are vital to our peace and prosperity. An America that inspires hope in its ideals must complement an America that inspires awe in its strength. We are a more secure America when we rally the world to our side in a great cause.

Seven, democracy. We believe that the best hope for a secure America rests in the propagation of democracy around the world and that every instrument of American influence, diplomatic, military and economic, should advance the cause of democracy abroad. Democracies are poor breeding grounds for terrorism and war.

Eight, civil rights. We believe that America must be confident in its strength, vigilant in the defense of the homeland, supportive of police and firefighters on the front line, and jealously protective of the rights of all Americans. We will not let terrorists change our way of life, we will not live in fear, and we will not undermine the civil rights which characterize our democracy.

Nine, commerce. We believe that the free and fair flow of goods and commerce has the capability of lifting countries out of the despair of poverty and that we must act resolutely to eradicate the economic deprivation which allows the germ of terrorism to spread. Americans are blessed with great plenty. We are a generous people, and we have a moral obligation to assist those who are suffering from poverty, disease, war, and famine.

Finally, number ten, world community. We believe that America lives in

an interdependent world, made smaller by travel, technology, and the demands of a burgeoning population. America has a critical role to play as the most powerful member of the world community. And in this community, as in all others, the golden rule still applies: we must act toward other nations as we would have them act towards America.

Tonight, let me address very quickly, in the remaining time that I have, one of these 10 commandments of national security, and that is sound intelligence.

I believe we ought to have an independent commission investigate the intelligence on Iraq's weapons of mass destruction. I supported the authorization of force, as did many of my colleagues, in a bipartisan manner, on the basis of intelligence that showed that Iraq possessed chemical, biological, and nuclear programs. We must determine whether that intelligence was accurate. We must determine whether that intelligence was weighted properly. We must determine whether that intelligence was presented to this Congress and the American people in an accurate manner.

This is essential, number one, because this Congress made the most important determination it can make, and that is the determination authorizing the use of force on the basis of that intelligence; and, number two, if we are to avoid another September 11, we must ensure we have a sound intelligence process. And, finally, our standing in the world, the willingness of other nations to cooperate with America in the future will be dependent on how we resolve this issue.

INCREASED EFFICIENCY IN THE FEDERAL GOVERNMENT

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, tonight I want to add my voice to those of my fellow Representatives who are calling for increased efficiency in our Federal Government. Our group has taken the charge to protect precious taxpayer dollars by streamlining and improving our Federal Government. There are many important programs that are being hurt. There are expenditures which could have been handled with much greater care. With wise stewardship, we can ensure that public servants have more prudent oversight when allocating American taxpayer dollars for Federal programs.

Mr. Speaker, in my previous life I was a simple country doctor. I want to share with my colleagues some astonishing examples of some of the extreme expenditures in the Medicare program.

Over 90 percent of Medicare payments to community medical health centers in five States, $229 million, were ''unallowable or highly questionable.''

Medicare paid roughly $20 million to dead beneficiaries between 1999 and 2000. Some of these benefits were distributed despite the fact that the Departments's database had the dates of death already logged in.

Mr. Speaker, since coming to Congress, I have been appointed a member of the House Committee on Transportation and Infrastructure. On that committee, I wanted to make certain that the United States Department of Transportation was ensuring the most efficient business practices within the agency. On March 19, 2003, I met with the Department of Transportation Inspector General, Kenneth Mead, to discuss the business practices of the agency and how the Congress can better facilitate the decrease of inappropriate expenditures in relation to transportation's spending. Inspector General Mead and I discussed the need for greater stewardship and oversight in all of the Department of Transportation's programs.

The Department of Transportation has not changed the way the agency disburses transportation funding to State and local entities since President Eisenhower was in office. We talked some tonight about trying to achieve one penny in savings for every dollar that we spend. The Inspector General of the Department of Transportation pointed out that if 1 percent of the $500 billion spent over the last 10 years on transportation programs was set-asides, the Department of Transportation would have an extra $5 billion to spend. That $5 billion, incidentally, would fund four of the current top 11 transportation building programs going on in the country today. I believe this practice could better assist the Department of Transportation in spending the taxpayers' dollars more wisely.

There are several successful transportation projects that can be used as examples for greater government efficiency. For example, Interstate Highway 15 in the State of Utah was rehabilitated ahead of schedule and under budget. Today, from my district, I met with representatives of the Dallas Area Rapid Transit and those officials reported to me that they are currently within their budget, and DART intends to return some transit funding to the Federal Government.

And, of course, we all know there are examples that are not so good of transportation projects that are overbudget and behind schedule: the Springfield Interchange, not far from here in Virginia; and perhaps the poster child of government inefficiency, the Central Artery Project in Boston, Massachusetts, the Ted Williams Tunnel, we all know down in Texas as the Big Dig.

□ 2145

We need to address the misuse of Federal transportation expenditures as soon as possible.

Members may also be interested to know the House Committee on Transportation and Infrastructure believes government efficiency is important because next week on July 22 the committee will hold a hearing on the elimination of waste, fraud, and abuse in mandatory transportation programs as required by the fiscal year 2004 budget resolution instructions. I look forward to participating in the hearing, as well as working with the Inspector General, Mr. Mead, to further address this issue within the U.S. Department of Transportation.

We are dedicated to protecting taxpayers' hard-earned dollars from being spent on inappropriate expenditures. We need to work together to ensure that our Federal Government is more effective and more efficient for the American taxpayer.

STALLED NORTHERN IRELAND PEACE PROCESS

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, tomorrow afternoon British Prime Minister Tony Blair is scheduled to address a joint session of Congress in this Chamber. Mr. Blair will likely spend much of his speech discussing both the U.S. and U.K. victory in Iraq and our efforts to bring democracy to the Iraqi people. He can certainly tout the fact that the Iraqi people are now free of oppression and finally afforded the basic human rights that were denied under the regime of Saddam Hussein.

But, Mr. Speaker, I cannot help finding it hypocritical for Prime Minister Blair to discuss freeing the Iraqis given the nature of his policies in Northern Ireland. Prime Minister Blair sent tens of thousands of British troops thousands of miles to bring democracy to a region at the same time he was denying the basic right of democracy to people only miles from the British seat of government.

Mr. Speaker, as you may know, in May Prime Minister Blair announced the indefinite postponement of the elections in Northern Ireland, which were scheduled to be held on May 29. Since his announcement, Prime Minister Blair has made little progress towards reinstating the stalled Irish peace process and providing basic human rights to the people of Northern Ireland.

Five years ago under the guidance of former Senator George Mitchell, all of the major parties, both Catholic and Protestant, signed onto an agreement that was to govern the future of Northern Ireland. The Good Friday Accords were touted near and far by human rights groups and media outlets as an agreement which would finally bring an end to the sectarian violence in Northern Ireland.

Now, just when the agreement seemed to be bearing a fruitful peace, Prime Minister Blair and his Protestant allies have decided it is time to derail the process to ensure that the citizens of Northern Ireland continue

under the control of the British Crown and be continually denied their basic human rights.

Mr. Speaker, I call on Prime Minister Blair to announce in his speech here tomorrow a specific date when elections will be held in Northern Ireland. He must indicate to this body his support for bringing democracy and home rule to the people of Northern Ireland. I also call on him to again begin the process of putting the Good Friday Accords back together. Prime Minister Blair must use his leadership to bring all of the parties back to the table and begin discussing ways to reinstate the Belfast Assembly.

Finally, I hope Prime Minister Blair will use this opportunity to address several of the concerns that I have raised on this floor several times in the past. Mr. Blair must address the issue of policing and military presence in the North. For people to feel safe and secure, they must be assured that there is a police force that is representative of the local population.

Mr. Blair should enact the Patten Commission's recommendation on police reform. The North must provide its citizens with a full, fair, and just reform of their police service. And the police service of Northern Ireland must be representative of all ethnic, religious, and political groups in Northern Ireland.

Mr. Speaker, I hope my colleagues in this body will join me in urging Prime Minister Blair tomorrow to immediately address many of the human rights concerns in Northern Ireland. It is time we bring true electoral democracy to the people of Northern Ireland.

PAYING TRIBUTE TO ROY JONES, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the achievements of one of my constituents, the World Boxing Association's heavyweight champion of the world, Roy Jones, Jr.

Roy began his rise to greatness when he was awarded the Silver Medal in the 1988 Olympics and was voted the outstanding boxer of the Games. Roy has since compiled a record of 48 wins and 1 loss with 38 of his wins being by knockouts over the period of his career. Roy Jones, Jr., earned his first title by beating IBF middleweight champion Bernard Hopkins in 1993. He quickly moved up to the super middleweight division and dominated the weight class by beating James Toney in 1994.

Roy's next move to the super light heavyweight division produced even more success by winning the welterweight boxing champion 1997, WBA 1998, and IBF titles in 1999. His only loss was due to a disqualification to Montel Griffin, which he avenged with a first-round knockout 5 months later.

Roy is widely considered the best pound-for-pound boxer of this era. He became the first boxer in over a century to win both a world middleweight title and a world heavyweight title.

Roy is one of the boxing world's best ring technicians by finding ways to beat his opponents who are often bigger than he is. He attributes much of his success in the ring to watching tapes and finding his opponents' weaknesses and then exploiting them.

On March 1, 2003, he squared off against the WBA champion, John Ruis, who had a 50-pound weight advantage over him. He won the title from Ruis, proving that only one fighter, Roy Jones, Jr., can make history and overcome such an enormous disadvantage.

Roy has always given back to his communities through mentoring of amateur boxers, encouraging locals to get involved with African American community issues through his music, and his vast philanthropic work. Roy has not forgotten his roots and always shows the pride of his hometown when he thrusts his arms in the air and screams ''Pensacola'' after each victory in the ring.

Roy is constantly distinguishing himself with achievements that are unmatched by any boxer in history. Northwest Florida is recognizing this great man by designating July 19, 2003, as Roy Jones, Jr., day.

And on behalf of the United States Congress, I would like to recognize this very special person, Roy Jones, Jr., for the example he has set in the sports world, in his country, and in northwest Florida. I offer my sincere thanks for all that he has done for northwest Florida and the United States of America.

FEDERAL DEBT AND THE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I come to the floor tonight to talk about something that apparently no one else wants to talk about: the Federal debt and the deficit. We are about to see record deficits, nothing like this country has ever seen. This year $615 billion we will borrow. Next year, $639 billion we will borrow.

The mid-session review just came out. The Office of Management and Budget tends to explain it away that it is really not the largest that has ever been before as a percent of GDP; it is less. But every time the deficit has been larger in the past, the Congress and the President have come in with a proposal of how to do something about it. This time for some strange reason no one on the majority side chooses to talk about what we are going to do to reduce the deficit.

We will hear that the tax cuts are in place and that will turn the economy around. We were told that in 2001. We were told it again in 2002, and we were told it again this year. As I have said from this floor many times, I hope Members are right, and I hope I get to eat the biggest plate of crow in town, and I see some colleagues on the floor tonight that would love to serve it up to me. But that is not what I am here tonight about. Finger-pointing does not do any good, and it darn sure is not going to do our grandchildren any good.

It is time for us to start looking at what can we do to turn this around other than talk about platitudes. We keep hearing if we just reduce spending. And the chairman of the Committee on the Budget said in his presentation today, if we just control spending. Well, let me remind Members we are at war. We are at war on the homeland front, we are at war in Iraq in which we are losing a soldier or two or three every day. The cost of that war is estimated at $4 billion per month. At no time in the history since 1812 of this country have we ever gone to war and not had a sacrifice demanded of those of us fortunate enough to stay back home. But this time some way we are looking at it differently. I guess it is not going to change because the minority party cannot change the direction that we are going.

I suppose that we can continue to talk about the deficit. We can continue to explain it. No matter how Members attempt to describe it, in the last 2 years we borrowed a trillion dollars. In the next 2 years, we will borrow in excess of $1.2 trillion. That is trillion. When we consider it took us over 200 years to borrow the first trillion dollars, that should mean something to somebody.

OMB Director Mitch Daniels has left, but where has he been over the last year or two? Usually OMB directors come up and proudly defend the economic game plan we are under, but that is not to happen.

The economy has lost 2.5 million jobs and employment has increased from 4.1 to 6.4 percent. The number of workers unemployed for more than 6 months has tripled to 2 million. That is where we are. Yet there is a curious silence of what are we going to do about it, or does it not matter? Do deficits not matter?

I have been told that now so many times. I have been here too long. During the 25 years that I have been here, I remember standing with my friends on the other side of the aisle decrying deficits. I remember voting five or six times in the last 3 years to lock up the Social Security surplus and not touch it because that is money that is reserved for the baby boomers about to begin retiring in 2011. The same folks that voted for locking it up today, just curious silence, or having some platitude, do not bother.

I remember when we passed the balanced budget constitutional amendment, which was one of the happiest

days of my life here because I believed finally we were about to put something into the Constitution to demand what we would do and not be able to do what we have now done in 2001, 2002 and 2003. Tax cuts with borrowed money, no reputable economist today believes that is good economic policy. Tax cuts with money that is surplus that should not be spent, that is a different argument. That is one I would gladly join with my friends on the other side of the aisle, but we are borrowing $639 billion next year, $615 billion this year; and we keep hearing we are just giving the money back to you because it is your money.

It is not your money. It is our children and grandchildren's money that we are giving back. The result of the supply side economic theory folks is not working.

□ 2200

It is kind of like we heard some speakers earlier today, we have got a problem in Iraq, and our plan for peace is not working as I had hoped it would, as I had been supportive and still support certainly the troops and my President regarding that endeavor. But we have got a problem, and we will continue to be on this floor talking about it. We look forward to joining with our colleagues on the other side very soon and hopefully coming up with a bipartisan solution and no finger-pointing.

FORMATION OF GROUP AIMED AT ELIMINATING WASTE, FRAUD AND ABUSE IN GOVERNMENT

The SPEAKER pro tempore (Mr. GINGREY). Under a previous order of the House, the gentleman from Florida (Mr. MARIO DIAZ-BALART) is recognized for 5 minutes.

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, we have already heard from a number of my colleagues here regarding this new working group, the Washington Waste Watchers Group, to expose and to help root out waste, fraud, abuse, the double-talk that is so rampant up here in the Federal Government.

Mr. Speaker, I am relatively new here, as you well know. This is my first term. What I have found when I got here is a number of interesting things. Number one is how here in Washington when you see huge increases in government spending, some on the Democratic side call that cuts. How we have found in a very short period of time, millions? No, Mr. Speaker, not millions, billions of dollars of wasted, of lost taxpayers' money, money that is being robbed from the taxpayer. And also, Mr. Speaker, that money is also being robbed from the people that are dependent on the services of government. It is money that is being robbed from the students, money that is being robbed from the teachers, from the law enforcement officers, from our brave men and women in uniform.

While we heard some of my colleagues specifically mention some of those billions of dollars worth of overpayments, our dear friends in the minority party propose as a solution this year on this floor $890 billion in more government spending. Mr. Speaker, while my colleagues here mention billions of dollars of lost money, money that has evaporated with zero accountability, our good friends in the minority party propose as a solution to spend another $890 billion of the hard-working American people. Take it from them, Mr. Speaker, and bring it up here so we can waste, we can misspend, we can lose and we can hire more bureaucracy.

Mr. Speaker, while we heard from some of my colleagues, Republican colleagues, about improper payments, billions of dollars of improper payments, some going for dead people that did not then go to serve, for example, our seniors, our friends in the minority party still propose increasing taxes to do more of that? Mr. Speaker, this group is a group of young, when I say young, some are younger than others, but new Members of this Chamber; and we want to see if we can change the culture a little bit here in Washington, D.C. We commend the President for trying to do the same thing, to change the culture from a culture of irresponsibility, of lack of accountability, of it doesn't matter because we will take more money from the hard-working American people to bring it up here. So it doesn't matter if we lose money, it doesn't matter if nobody is held accountable, it doesn't matter if nobody is indicted, it doesn't matter if nobody is imprisoned, it doesn't matter because we will just raise taxes on the American people, on those hard-working American people that are struggling to pay their bills.

Mr. Speaker, again, we are here to announce that, with a number of colleagues, we are not going to sit by idly and watch as money is wasted, is thrown away, evaporates, is lost. We are here to come up with solutions, to first highlight the problem and then come up with solutions, specific solutions so that the American people can know that when they send us their valuable, hard-earned tax money, that money is going to be well spent on essential services for those that truly need it and not on more bureaucracy, on more misspending, on more evaporated dollars that nobody can find.

THE GROWING FEDERAL DEFICIT

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, if only what the previous speaker said were true. If only he really cared about a balanced budget. There is an amendment that would require Congress to spend no more money than it collects in taxes, and it has been languishing in this House for 1,560 days. Every day that DENNIS HASTERT has been Speaker, we have not had one opportunity to vote on a balanced budget amendment. It was written by a Republican, a nice guy by the name of ERNIE ISTOOK. His own Speaker will not let us vote on it.

But if you guys are as serious as you say you are about a balanced budget, you can walk right over here, you can sign discharge petition number three, and it would force a vote not on my balanced budget amendment, not on Congressman STENHOLM's balanced budget amendment but on your colleague ERNEST ISTOOK's amendment to balance the budget. Your own guy. Tell your own Speaker you want to vote on your own guy to balance the budget.

Let me remind you why you need to do that. Two years ago, May 9, we passed the President's spending plan. The President's tax cuts passed with almost every Republican vote, passed with a couple of Democratic votes. I voted against it. I did not think it would work. It turns out this time I was right. In just over 2 years under that budget passed by you guys, you have increased the national debt by $1 trillion.

Let us put that in reference. If you went all the way from the Revolutionary War to 1979, the Revolutionary War, the War of 1812, the Mexican-American War, the Civil War, the Spanish-American War, World War I, World War II, Korea and Vietnam, built the interstate highway system, built the Golden Gate Bridge, the intercoastal waterway, we borrowed less than $1 trillion. In 25 months, you guys have borrowed $1 trillion.

The Speaker in the chair knows what a $1,000 check looks like. It is what a lot of us write for rent checks up here in Washington. If you wrote that $1,000 rent check a thousand times, you have spent a million. If you wrote a $1 million check a thousand times, you have spent a billion. If you wrote a $1 billion check a thousand times, you have spent a trillion. That is how much money a trillion is.

In just the past 12 months, you have increased the national debt by $544 billion. More importantly, you have stolen $371 billion from the Social Security trust fund. Mr. Speaker, the reason I say stolen is if you take it back and you do not have a plan to repay it, it is stealing. If someone pays on their payroll taxes toward Social Security, they fully expect it to be put in a trust fund just for Social Security and that it is going to be sitting there for when they need it.

That is not the plan, Mr. Speaker. I would encourage you or any of my colleagues to tell me the name of the bank account that the Social Security trust fund is put in. Because you know and I know there is not a dime in it. It is nothing but IOUs, government securities.

You have borrowed $167 billion from Medicare, the same thing. Hard-working Americans pay payroll taxes. On that payroll tax is a line item that

goes to Medicare with the promise that it would be set aside just for their retirement. There is not a penny there.

Military retirement, the Federal employees' retirement, we owe the Federal employees' retirement system, Mr. Speaker, over $500 billion. There are laws that would have prevented you back when you were in your medical practice from dipping into your employees' retirement fund for any reason, good or bad. If you had done so, you would have gone to jail. There is not a penny in the Federal employees' retirement fund. Yet you continue to borrow against it to disguise the true nature of the American debt.

You borrowed $314 billion from foreign investors, and my buddy from Cuba will love this one, because you have borrowed $52.5 billion from Communist China. You have borrowed $122 billion from Japan. We now owe $1.3 trillion to foreign nations and investors, including $122 billion to Communist China. Tell me you are proud of that. Tell me the Republican majority is proud that we owe $122 billion to China and that $50 billion a year of American tax dollars go to pay interest on what we owe just to foreigners like the Communist Chinese. Our children will have to pay back China, Japan, our foreign creditors before they can even get back to paying what we should have paid all along to Social Security, Medicare and the retirement funds. They have to repay our debts before they ever repay theirs.

This is the Republican place in history. You are responsible for more deficit spending this year than in any year in American history. Tell me you are proud of that. You are responsible for the largest increase in the national debt in American history. Tell me you are proud of that.

Mr. GARRETT of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. When the gentleman walks down there and signs the discharge petition for the balanced budget amendment, I will yield to him all night long. Until then, if he does not believe in a balanced budget, do not come down here and tell me, gee, we found $17 billion we were missing. Because the truth is, and you probably do not even know this, you could cancel all of the discretionary spending in the United States budget right now and you still will not balance the budget.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Mr. NORWOOD addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HONDA) is recognized for 5 minutes.

(Mr. HONDA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 5 minutes.

(Ms. GINNY BROWN-WAITE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. SHEILA JACKSON-LEE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. DAN BURTON 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 Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. BART STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. SOLIS) is recognized for 5 minutes.

(Ms. HILDA SOLIS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

IMMIGRATION REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, on September 10 and 11, we are going to be holding an event here in Washington, D.C. We call it the Day of Remembrance Event. The Congressional Immigration Reform Caucus is sponsoring this day of remembrance for victims of open borders on those days, September 11, in Washington, D.C.

Mr. Speaker, information about that is available if one were to go to the Web site, victimsvoice.org. Activities on that day will include press availability for dozens of victims who are willing to tell their stories, a news conference at 11 a.m. for victims identified and introduced by Members of Congress who are members of the Immigration Reform Caucus. There will be a photo display illustrating dozens of victims' stories, later a dinner program to honor victims and present the first annual Kris Eggle award for heroism in immigration law enforcement.

The purpose of the day of remembrance is to expand public awareness and understanding of the immense harm done to our Nation and our citizens by our open borders policy and lax enforcement of our immigration laws. For too long we have talked about these problems in terms only related to numbers. We have used lots of statistics to try and bring home the point that our Nation's immigration policy, or lack thereof, our Nation's open borders policy, which is really what it is, has done enormous harm to the Nation and promises to even do greater harm to the Nation.

But what we want to do on September 10 and 11, Mr. Speaker, is to actually identify the people, to put faces with the statistics, to see how these things, open borders especially and our Nation's policies toward immigration, have wreaked havoc on our population and has the potential of doing great harm to the Nation.

Over a million illegal aliens enter our country each year by coming across our porous borders. Immigration authorities do not know who they are or where they are going.

There are over 80,000 convicted felons on immigration agencies' absconders lists. They have been ordered deported but remain at large in the United States.

There are over 100,000 additional convicted felons released from jails and prisons every year and not deported, even though the laws of the United States have been broken by these people.

Over 1 million foreign workers have been allowed to come to this country to replace American workers through the H–1B and L–1 visa programs. Many of them have overstayed, hundreds of thousands of them have overstayed their visas and in fact are living here illegally but are employed in various industries, taking jobs away from Americans, forcing American citizens to change their life-style dramatically, all because American industry, American corporations have embarked upon a policy of cheap labor and they have done so with the agreement of this government and the acquiescence of the government to this policy of cheap labor.

□ 2215

These people, the folks who have been displaced by foreign workers, the folks who have had family members killed, folks who have had family members attacked, beaten, robbed, raped, all these people are victims, as well, of course, as those who have paid the ultimate price and have died as a result of the crimes committed by people who are here illegally. These people need to be recognized, and maybe, just maybe, by bringing them to the attention of the public, by bringing them to the attention of the Congress, we will be able to move one step closer to actually gaining control of our borders.

A simple request that all of them have. That is the one thing that most, in fact all of the folks who will be here,

I think, have in common, a request that our borders be secured. Many of them will be asking that our relationship, especially with countries like Mexico and other countries in Latin America, be addressed so that extradition can be achieved so that when people have fled the United States after committing these heinous crimes, fled the United States from Mexico and other places that refuse to extradite criminals back to the United States, what these victims are pleading for and the families of victims are pleading for is that we negotiate with Mexico and other countries to get these people back to face justice. That is what they will be asking for.

As I said, we will be giving out an award at that time, the Kris Eggle Award for Heroism and Immigration Law Enforcement. It will be presented at a dinner sponsored by the Congressional Immigration Reform Caucus and the National Center for Citizenship and Immigration. Kris Eggle is someone I will talk about in just a moment or two because I am going to go through quite a list this evening. I am going to go through a list of people who have been harmed by our immigration policy, personally affected.

Not too long ago, Mr. Speaker, someone came up to me and said, You know why you really cannot gain a foothold on this issue? You know why you cannot get the Congress of the United States to respond to you when you go on the floor night after night, when you offer all the amendments that you offer dealing with this issue of immigration reform? Do you know why you cannot get people to support you? It is because, frankly, when you think about it, to whom does this matter, to whom does the issue of immigration and immigration reform matter? To people coming across the border, of course, it matters a great deal. They do not want any sort of reform. They do not want anybody to stop them from coming across. For people who are bringing them across, the coyotes, the people who make money by bringing people across into this country illegally, they certainly do not want anybody to interfere. It is a big deal to them. They care a great deal about this whole issue.

To the people who are affected like the individuals that I am going to bring up here tonight, they care a great deal because they have been personally affected and maybe to the point in time when that happened, up to that point in time, they were not really concerned. They were like most Americans, and that is when this friend of mine said to me: you have got a lot of people who are concerned because they are benefiting from open borders. But to most Americans it is a little concern. It is not a big one.

And to most Americans, frankly, there is possibly the feeling that they too somehow, some way, maybe in a small way, but they also benefit from people who come across our borders illegally. They get their lawn mowed more inexpensively. They get their house painted, a variety of other things that we all know many people who are here illegally are employed doing. And to them they want to sort of look away. If one pressed individuals, they might say, yes, there is a problem. We really should do something about our borders. But down deep they think, I kind of benefit from it. I mean, maybe when I go to the grocery store and buy a head of lettuce, I am paying a few cents less for that head of lettuce. So maybe I should not care all that much and I am not going to really press it. I want to try to impress upon those people so that they can impress upon their Representatives in this body that it is important, that these things do matter, and that they too can be affected in the most severe fashion.

So I am going to talk tonight about a lot of folks who have been affected in the most dramatic way imaginable. They have had their lives turned inside out, essentially. They have had their family members, as I say, murdered. They have lost family members. They have many times been affected by our open borders. And many of the folks are people that have been affected because they have lost their jobs.

Let me say there are some, I do not know, 11 to 13 million people who are living here in the United States illegally. No one knows the exact number, of course. But that is a pretty good guess, 11 to 13 million people. And for the most part, the people who are here illegally are doing jobs that, I am told, I hear this often enough, Americans, other Americans, will not take. I challenge that, Mr. Speaker.

I challenge that notion that there are all these people here taking jobs that no other American would take. And just as an example, we will talk for just a minute about the people who are dramatically affected by massive immigration of low-skilled, low-wage workers into the United States. And these are people at the lowest economic level in our society. They are more often than not low-skilled, low-wage workers who have time and again found themselves either out of jobs or only able to obtain jobs paying very little money, and these people are affected negatively. Many of them are American citizens, many of them whose families have been here for generations, longer than my family has been here; but they find themselves unable to break out of a cycle of poverty, always stuck in low-wage jobs, and the pay for those jobs does not increase as it should in a market like ours, if in fact that market were allowed to adjust because of supply and demand.

But what happens when we allow 11 to 13 million people into this country illegally, many of them low-skilled, low-wage workers, is we depress the wage rates for people in that category. And simply because there are so many people seeking those jobs. In America today we know that we have changed dramatically from an industrial and agricultural society, a society that relied heavily on brawn as opposed to brains for the production of goods and services to now a technological society, an information-based society that relies heavily on the acquisition of knowledge and certain very important skills.

So, therefore, folks at the lower range are already at an economic disadvantage, but we put them at an even worse economic disadvantage by importing labor, by allowing the importation of labor even in illegal fashion where millions of people come here seeking jobs that require very little skill and, therefore, are paid very little. Certain employers benefit from that arrangement. That is undeniably true. And even one can say that a lot of people are coming here and bettering their lives even though they are making very little money because where they came from, it was even worse.

There is a fascinating book that has just been written; and, Mr. Speaker, I would certainly encourage anyone to get ahold of this particular book. It is called ''Mexifornia.'' ''Mexifornia.'' And it is written by a professor of the classics at an institution of higher education in California, who is also a farmer, and I believe it is Selma, California; and he is third or fourth generation on this farm, and he takes an interesting look at this phenomena. And what he describes is fascinating in a number of ways. As I said, I really do suggest people obtain this book and read it carefully because, for one thing, it is really well written. This gentleman's style of writing is great and very compelling. But it also describes a phenomenon that we do not really hear about very often, we have not read about, and that is what happens to the people who do come here as low-wage, low-skilled workers in their late teens or early 20's.

What happens to them after, I do not know, 20 or 30 years at most of hard labor in the United States, 20 or 30 years where they are making minimum wage and at first it looks alluring to them? At first it looks like they can buy things that they would not have been able to buy had they stayed in the country of their birth. A material world almost immediately appeals to them and seems within reach and within their grasp, and they begin what they think is a new life in a new world that is going to be prosperous and better for them and their family, and what they find out is that after 20 or 30 years of hard labor, they are physically incapable of doing the work anymore, but there is nothing else out there for them, that they have not achieved the ''American Dream.''

They have stayed at that same level of both income and of poverty for lo these many years, and now there is nowhere left to go. There is no upward mobility left. They are just physically not able to actually pursue that dream anymore, and they become a ward of

the state for all intents and purposes. They become unemployed and disillusioned, and so are their children. And what he points out in this book is that contrary to what has happened in the United States in the past in our history where immigrant families have come, labored hard, their children have then gone on to the next stage, that is to say, gotten an education, moved up the economic ladder and become part of the middle class, second or third generation, it is not happening for many of the people who are coming here today, especially from Mexico, and again for a wide variety of reasons, but it not happening.

That second generation is not achieving, is not moving ahead, is not getting the education. In fact, what we see is that those kids are dropping out of high school, never getting to college, and Hispanic Americans, unfortunately, Hispanics living in this country legally or illegally, and their children are not moving ahead and achieving the same sorts of goals as immigrants of the past. And as I say, there are many reasons why this may be occurring, but it is the phenomenon.

It is an interesting one, and it is one that I think should be discussed because in a way it is almost like we are importing throwaway people. We are using them for the skills that they have for the labor that they can provide, the cheap labor that they can provide for a few years and then they are discarded, and they become certainly an expense for the taxpayers of the Nation, and that is why often we hear the phrase ''cheap labor is not cheap.''

Cheap labor costs us a great deal. It costs us in terms of the depressed wage rates that it imposes upon low-skilled, low-wage workers in the United States and, therefore, essentially a drag on the economy. It costs us in terms of the infrastructure that has to be created to support the basic needs of the people who come here and of their children who do not get out of this cycle of poverty. It is a fact, an empirically provable fact, that these folks unfortunately access the welfare system far more than nonimmigrants. It is also a fact that our schools are inundated with children with great difficulties, especially language difficulties, therefore creating an expense, a significant expense, to try to teach. All these things are happening in the pursuit of cheap labor, cheap labor at the low-skill level.

By the way, the book I mentioned earlier, ''Mexifornia,'' it is written by a gentleman by the name of Victor Davis Hanson.

□ 2230

It is called ''Mexifornia: A State of Becoming.'' And in the small critique of the book the author says, ''Massive illegal immigration from Mexico into California, Victor Davis Hanson writes, ''coupled with the loss of confidence and the old melting pot model of transforming newcomers into Americans is changing the very nature of the State.'' He says, ''Yet we Californians have been inadequate in meeting this challenge, both failing to control our borders with Mexico and to integrate the new alien population into our mainstream.''

The critique says, ''Noted for his military histories and especially his social commentary of post-9/11 American life, Hanson is a fifth-generation Californian who teaches college classics courses and runs a family farm. ''Mexifornia'' is part history, part political analysis, part memoir. It is an intensely personal book about what has changed in California over the last quarter century and how the real losers in the chaos caused by hemorrhaging borders are the Mexican immigrants themselves.

''A large part of the problem, Hanson believes, comes from the opportunistic coalition that stymies immigration reform and, even worse, stifles an honest discussion of this growing problem.'' And how true that statement is. How desperately we try to avoid the discussion of this problem, yet how desperately we need to discuss the problem.

''Corporations,'' he says, ''contractors, and agribusiness demand cheap wage labor from Mexico, whatever the social consequences. Meanwhile, academics, journalists, government bureaucrats, and La Raza advocates envision illegal aliens as a vast new political constituency for those committed to the notion that victimhood, not citizenship, is the key to advancement.''

Again, how powerful those words. Mr. Speaker, I just cannot emphasize how important they are to understand. ''Advocates envision legal aliens as a vast new political constituency for those committed to the notion that victimhood, not citizenship, is the key to advancement.''

How many times I have come to this floor and explained that the problem I have is the problem that occurs in both political parties, on the one hand, the Republican Party that seeks this cheap labor and, on the other hand, the Democratic Party that seeks, as it is pointed out here, a political constituency ''committed to the notion that victimhood, not citizenship, is the key to advancement.'' Oh, how well that is put.

''Mexifornia'' is an indictment of the policies that got California into its present mess. But this beautifully written book also reflects Hanson's strong belief that our traditions of assimilation, integration, and inter-marriage may yet remedy a problem that the politicians and ideologues have allowed to get out of hand; and I certainly hope that that is possible. But I guarantee my colleagues this, and I think that Mr. Hanson agrees, if I remember correctly in the book, that unless we begin to control our borders, unless we begin to actually get a handle on our borders, to be able to say that they are even somewhat secure, we can never, and I mean never, begin to think about a solution.

Because although America is, of course, as has been stated many times, a nation of immigrants. It is a nation of immigration that has occurred at peaks and valleys where we have had significant increases over time in immigration and significant decreases. We have had periods of high immigration and periods of very low immigration, and usually those periods of high immigration are followed by periods of low immigration that give us enough time to actually integrate the people who have come here in the wave of immigration.

That is not happening today, and that is desperately needed. We need a time out, Mr. Speaker. We need time as a Nation to integrate the people who have come here, to encourage them to become part of this American mosaic. But there are so many forces arrayed against that integration, against that process that I worry about our being able to accomplish it.

I have stated on many occasions that we have something called a cult of multiculturalism that pervades our society, that encourages separation of groups in the country, again, the victimized classes. It encourages people to keep separate their language, keep separate their culture, even their political allegiances. It encourages them to keep citizenship of a country from which they came.

So now we have 6 to 8 to 10 million, we are not sure how many, people who are living here with dual citizenship, with something that has never, ever been the case in the past. We have had 100,000 at any given time in the Nation, but in the last several years it has grown into the millions and maybe close to 10 million people. Again, we are not positive, but we know there are at least 6 million, which again is far more than we have ever had in the past, people who are claiming dual citizenship.

Why is this happening, and what are the implications of that kind of a phenomenon? What does that mean for America?

I suggest that the problems are significant and that they are real and they are problems that we must discuss on this floor and we must discuss in this body and in the other body and in the White House, even though they are distressing to some, even though they are certainly politically unpopular to talk about, even though we risk the epithets that are always attached and thrown at people who do try to discuss these issues.

No one, no one, Mr. Speaker, enjoys being called names because they are committed to the concept of immigration reform. No one enjoys getting the kind of mail that we get and getting the kind of calls that I get. No one thinks that that is pleasurable. No one wants to be at odds with their own party, their own President over issues like this. Certainly I do not.

But I assure my colleagues that the problem is so severe, at least I believe it to be so severe, that one must endure those things if they are to live up to the commitment they made when they took an oath of office to serve in this body.

So tonight, as I say, among other things, I wanted to talk about individuals. I wanted to give my colleagues faces and names to go with the statistics that I oftentimes come to this body and present.

There is another Web site that I might mention. It is called ImmigrationsHumanCost.org, from which I have taken a number of individual cases that I want to share with my colleagues tonight.

As this site identifies, there are an enormous number of Americans who have been harmed by the criminals who pass through the Nation's open borders. For that reason, this section can only provide a symbolic tribute to the many unnamed victims who have been killed, raped, robbed, crippled, and otherwise personally violated.

Remember, I mentioned earlier that there are really two categories of individuals who have been harmed by our country's immigration policy: the low-wage worker and the higher-skilled workers, and I will talk about them later also, those people who have been displaced in their jobs, thrown out of their jobs or are now underemployed because we have imported what is called H–1B or L–1 workers into this country by the hundreds of thousands, now reaching I think into the millions. These people have come over from India, primarily, but from all over the world, really, and taken jobs from American workers; and, again, we will talk about that. But those people are also victims of our open borders policy, and their lives deserve to be critiqued, and their problems deserve to be identified, especially in this body that allows this kind of a thing to go on.

But first we are going to talk a little bit about the people who have been victimized by violent crime perpetrated by people who have come here illegally or have fled this country for the safe haven of Mexico and other countries that will not extradite them to the United States.

The first one I might mention is a gentleman by the name of Kris Eggle. I mentioned him before. I told my colleagues that we are going to have, on September 10 and 11 that week, we are going to be holding a series of events; and on that evening of September 10 we will be holding a dinner honoring Mr. Eggle. We are handing out an award in his name. This will be an award given to someone who has served this Nation faithfully in a law enforcement capacity and who has either given his or her life in that quest or has done something extraordinary to help defend the Nation's borders.

The murder of Kris Eggle. He was a park ranger in Organ Pipe Cactus National Monument in southern Arizona. It happened on August 9, 2002. It was very little noted by the media. We brought it to the attention of this body, this particular crime. I tried over and over again; and, finally, we did get some attention paid to it.

I went to Mr. Eggle's funeral. He was 28 years old. I went to his funeral in Arizona, and I saw his family. I saw their tears, and I saw the tears of his colleagues, and I wept with them. He was a young man cut down in his prime, killed by an illegal alien who crossed the border for the purpose of evading the law in Mexico after they had committed several murders there in some sort of drug-related deal.

Mr. Eggle was a valedictorian and an Eagle Scout who joined the National Park Service because he loved the outdoors. Organ Pipe, by the way, is considered to be the most dangerous of the national park system. Mr. Speaker, 200,000 illegal aliens and 700,000 pounds of drugs were intercepted in the park in 2001. Now that just gives us a hint of the volume of both the traffic in drugs and the traffic in people through that area, just that one area of our border. Mr. Speaker, 200,000 interdicted, 700,000 pounds of drugs. Can we imagine how much got by? I mean, they always estimate that at least five get by of every one person that gets intercepted at the border. A million people just through this area in one year. God knows how much illegal drugs were also moved through that particular area.

Remember, just a tiny little area on our southern border. Imagine what that means across the whole border and across the northern border, 5,000 miles of border.

The Eggle family is determined that the death will not be forgotten by working for real border control. Well, I commit myself and have committed myself to help the Eggles to do everything I possibly can to keep this young man's memory alive.

Let us go on. There are others. There are many others. I am going to go through quite a few this evening. Because I want their memories to remain alive, and I want their families to know that somebody does care, and that somebody, many people in this body, hopefully, are going to join me to try to do something about this, to stop it, to make sure it does not happen to other Americans.

David Nadel, a familiar community activist in Berkeley, California, owned the popular Ashkenaz dance club that featured eclectic music such as zydeco, cajun, klezmer and the blues. In 1996 he was murdered in the club by an apparent illegal alien Mexican named Juan Rivera Perez, whom Nadel had earlier ejected for harassing other patrons. Perez was in Ashkenaz as part of an English as a Second Language program graduation party. Police believe Perez escaped to Mexico, which is famously unhelpful in extraditing violent criminals.

Despite the outcry from law enforcement and from victims and the press, our government does not insist on normal compliance in law enforcement from Mexican authorities. This is a theme we are going to revisit over and over in the lives of the people I am going to talk about here and in the crimes. They have gone to Mexico. They will not send them back here.

Mexico first started out saying that if they faced the death penalty in the United States, they would not send them back because that was cruel and unusual punishment. They have now decided that even life imprisonment in the United States is cruel and unusual punishment.

Let me say clearly that it presents this picture of Mexico with this benevolent society with a very sort of progressive, if you will, attitude about criminal justice. I will tell my colleagues this, Mr. Speaker. It is not uncommon at all that people get executed in Mexico for committing certain crimes. The difference is oftentimes the police do not wait for a trial to execute the perpetrator or even the alleged perpetrator. So it is not that they have this sort of attitude that, again, we have to be much more liberal in the way we treat criminals than in the United States.

□ 2245

They could not care less how we treat criminals. Frankly, what they are doing, Mr. Speaker, is trying to use this as a way to leverage the United States into coming up with a ''migration accord,'' something that many people in this body care about a great deal, have tried many times, as a matter of fact, to get past a migration accord.

Now, what is this migration accord? It is simply an agreement between the United States and Mexico that certain people are hoping for that will, in fact, eventually create amnesty for all the people living here illegally, and the government of Mexico wants that so they use every kind of trick they can imagine to get us to do it, including the use of the extradition treaty with the United States and making it more difficult to get people back here to actually serve for their crimes.

Another case of justice denied, the murderer of a Phoenix high school student, Tanee Natividad, merely crossed the border into Mexico to escape law enforcement, her murder. A local television station was able to track down the murderer in a bar just a few miles across the border without much effort. Max LaMadrid had no reason to hide because the Mexican Government actually helps violent criminals escape American justice.

According to Arizona Attorney General Janet Napolitano, action by the Mexican Supreme Court making it more difficult to extradite criminals has ''created an incentive for people to flee into Mexico as a safe harbor.'' True, Attorney General Napolitano, you have done absolutely nothing to help us change this situation, to help

us address the problem. You are part of the problem.

At one time Mexico would not extradite criminals who might be subject to the death penalty. Therefore, they have given a free pass to rapists, kidnappers and child molesters. In fact, the investigating reporter in this case found 100 cases of violent criminals from the Phoenix area escaping into Mexico in just a few years. Meanwhile, the grieving family of a 16-year-old Tanee gets no justice, like thousands of others in the Southwest.

I want you to understand, Mr. Speaker, that for every single person I identify here, for every person whose name I bring to the attention of this body, there are literally hundreds, in fact, there are thousands and thousands of others who suffer the same sort of plight but whose names will not be brought to our attention, because for one thing, there simply is not time. We could be here for months, never once stopping in just identifying the names of the victims. But that is again what we hope to do, some of the things we hope to do on September 10 and 11 when we invite all people who have been victimized by our open borders to come to Washington, come to the Nation's Capital and express their concern, tell their story to their Representatives and to their Senators. That will be the next day's activities. On the 11th they will be visiting their Congressmen, their Senators, telling them about how they have been victimized by open borders.

Mr. Speaker, we, of course, encourage everyone to go to that Web site and sign up, victimsvoice.org.

Let us go on to Darlene Squires, the distraught mother of a disabled teenager, one of two girls who were raped on October 24, is pictured here on this page. Her daughter was one of two who were raped on October 21, 2002, by three members of a Salvadoran street gang located in Somerville, Massachusetts. Age 17 and 14, both victims are deaf and one has cerebral palsy. Miss Squires believed that the attacks were a retaliation against her family because her husband confronted the young men after they had harassed the Squires' son. Later reports indicated the men arrested for the crime were illegal aliens. Law enforcement officials who were concerned about increased violence from this, it is called MS–13 Gang, which was believed to have originated in part with soldiers and their families who left El Salvador.

Local residents estimate the gang has more than 100 members in their community. An update a few months after the Squires crime showed that gang problem in the community has only gotten worse.

The lives of many law enforcement officers have been lost at the hands of criminal and violent aliens. One such officer is David March. This is a gentleman I will talk about at some length. He was a Los Angeles County Sheriff. He was killed when he pulled over a car for a routine traffic stop. The driver was a dangerous Mexican drug dealer, Armando Garcia, which I have a picture here.

Mr. Garcia had been deported twice, get that, he had been deported twice and had a long history of violent crimes. After shooting Sheriff March twice in the head, Garcia was able to escape and is believed to be in Mexico where officials refuse to send him back for trial. Garcia is also wanted for two attempted murders.

The Attorneys General of all 50 States wrote to Attorney General Ashcroft and Secretary of State Colin Powell to demand action on the extradition issue. Now, I want to go back and explain, deported twice. This means he simply came back across the border each time, and time and again this happens. This is not unique. This is not an aberration. That is my point in bringing this out. If this were something that happened, a horrible, tragic situation that we can say, well, gee, goodness knows that does not happen a lot. It happens all the time. It happens literally thousands of times across this country. This is the gentleman, Armando Garcia, who shot Sheriff March when he walked up to the car, then got out and shot him twice more in the head.

I visited with Mrs. March not too long ago. I went to the memorial that is on a rather nondescript street in an industrial area in Los Angeles. Hundreds of thousands of cars traveling by all the time, every month or so and thousands of cars a day; and I do not know how many even notice this small memorial that is on the side of the street. But Mrs. March goes by all the time. And she stops and she gets out and she kneels down, and she says a prayer for her husband and the father of her child. And she says a prayer that her husband's killer will be extradited back to the United States and face justice so she can begin to put her life in order and put this event behind her, if you ever can, of course.

I visited that place with her and she shed tears and I shed tears. And these incidents, as I say, point out that the statistics need to be reinforced with real names and real faces so that people understand they are not just numbers. And that these people have actually experienced what they have experienced as a result of policies either adopted by this body and this government or policies we refuse to adopt, policies that would actually begin to secure the border.

It is certainly true, Mr. Speaker, that even if we did everything possible to secure our borders, even if we did everything we could possibly do, that things like this still may happen. Certainly they will. People may still be able to get across the border. Surely that is true. We will never be able to secure it 100 percent, but I guarantee you this, at least we will be able to say to Mrs. March and all of the other families of all of the other victims that we have tried everything we can do to protect them and their loved ones. We cannot say that today. In all good conscience we cannot say that today.

Now, compared with many others we have identified who suffered violent crime, Barbara Vidlak got off easy and was just a victim of identity theft. Still you would not want her problems. The rip-off of her Social Security number by an illegal immigrant has caused Barbara's phone to be turned off, loss of health insurance for her two children, as well as extra money out of her pocket for credit checks and expenses such as lost time at work. She has also had to act as a detective to track down the culprit who filled her life with turmoil and stress.

The reporting on this crime is notable for its relentless sympathy for the perpetrator, even when the damage to the victim is obvious for all to see. Rather than note how illegal immigration is not a victimless crime, reported Cindy Gonzalez, ''an immigrant rights activist'' who says that in some ways both women are victims, both Ms. Vidlak and the person who stole her identity. No, I would tell the immigrants rights activist, that is absolutely and patently untrue. Ms. Vidlak is the aggrieved party. She is the victim, not the perpetrator, not the person who stole her identity.

How about 18-year-old Tricia Taylor of Detroit? She was in court in December of 2002 to hear the plea of the illegal alien who caused her to lose both legs above the knees. Jose Carcamo was driving under the influence of alcohol and speeding when he drove over a curb and smashed Taylor into a wall. One report stated that Carcamo had 17 violations since 1995. Another noted he was drag racing at the time of the crash. It was agreed that the car was traveling between 50 and 75 miles per hour on a street posted for 25 miles per hour.

Taylor's companion, Noah Menard, suffered a fractured skull and collar bone, as well as requiring 8 pins to reconstruct her mangled elbow. The INS has twice begun deportation proceedings to return him to El Salvador, but regrettably did not follow through. Carcamo will be out of jail in a few years, but Tricia Taylor faces a lifetime of pain and disability because of another failure of the INS to remove a dangerous alien.

Another American stymied in pursuit of justice for a murder trial is Ron Cornell. His son Joey was killed by Gonzalo Villalobos who escaped to Mexico and like so many others is being protected by the Mexican Government's refusal to extradite. At one point, Gonzalo Villalobos' whereabouts in El Salvador were known precisely, but there is no extradition cooperation with that nation either.

You all remember perhaps that after the devastation of Hurricane Mitch in 1998 the United States sent $110 million in disaster relief to El Salvador, but they will not even talk to us about an extradition treaty.

In June 2002, four residents of Whidbey Island in Washington were the shooting victims of a Jamaican national who was evidently frustrated that his plans had been ruined to get a green card through a marriage to an American woman. Preston Dean Douglas angered his girlfriend Holly Swartz because he sexually abused her 7-year-old daughter. When Holly moved herself and her child into her mother's house, Douglas reacted by shooting Holly, her mother, Marjorie Monnet, the mother of eight children, Marjorie's son Bruce, and Bruce's girlfriend, Sierra Klug. Holly and Marjorie were killed. Bruce and Sierra survived. Douglas shot and killed himself. Reportedly Douglas was in the country illegally, though he was working as a bouncer at a local Chinese restaurant.

One day after New Year's 2003, 6-year-old Jose Soto was riding his bike around the parking lot in his parents' apartment house when he was struck and severely injured by a man backing out in a red truck. Witnesses were shocked when the man stopped and pulled the child from under the truck and roughly threw him aside before speeding off. At this writing, Jose is in critical condition in the Houston hospital and the perpetrator is believed to be on his way to Mexico, if not already there. The man's name was released a few days later, Jose Ines Morales. As noted above, once a criminal has reached Mexico, he has effectively alluded the law permanently.

Sister Helen Chaska was murdered in late September 2002 by being strangled with her rosary beads. The beads were found embedded in her neck. She was also raped, as was another nun who accompanied Sister Helen during walking prayers. Both women were in Klamath Falls, Oregon, doing missionary work when the crimes occurred. Her accused murderer is Maximiliano Esparza, who is in the United States illegally. He was convicted of 1988 of robbery and kidnapping in Los Angeles. He was sentenced to 6 years in prison, and he was released in 1992 and was on probation until 1995.

□ 2300

By law, this man should have been deported to Mexico after his release in 1992. Instead, the INS allowed him to remain in the United States and commit even more heinous crimes.

By the way, I want to harken back a moment to statistics I gave earlier. Right now, there are approximately 400,000 people who have been ordered to be deported; that is to say, they have somehow gotten themselves afoul of the law. They have gotten into the criminal justice system, and they have been found guilty by a court. Usually, this is an immigration court, and they have been ordered deported.

Now they are supposed to leave from the courtroom and go right into the hands of the INS and be deported to their country of origin, but we do not, in fact, deport people very often, and the INS really does not pay an awful lot of attention, so that 400,000 of the millions who have gone through this process are now walking around the United States. Eighty thousand of those, at least 80,000 of those are criminals who are violent criminals, felons, rapists, murderers, robbers, walking around our streets because the INS failed to do their job, committing crimes like the ones I am going through here.

It has been a decade since Oregon State trooper Bret Clodfelter was murdered by an illegal alien, but the crime has not been forgotten. Trooper Clodfelter of Klamath Falls had arrested three Mexican men for being drunk and disorderly, then offered them a ride and was murdered for his generosity. The prosecutor sought the death penalty, but one dissenting juror meant Francisco Manzo-Hernandez got life in prison instead. To add to the tragedy, Clodfelter's widow Rene committed suicide a year after her husband was murdered. The couple had been married just over a month when her husband was murdered.

Officer Sheila Herring was lost to a bullet from an illegal alien in an early morning altercation at a Norfolk bar on January 16. The accused man, Mario Roberto Keen, a citizen of Jamaica, had reportedly shot a man in the bar after the police were called. When several officers arrived, Keen opened fire and shot Officer Herring, who died later in surgery. Keen was shot and killed at the scene.

He had been sentenced to 5 years in prison in 1990 for the selling of cocaine and was later deported but somehow got back into the United States. Imagine that. Keen attempted to reenter the United States again in 1997, was reportedly barred from entering. It is not known when Keen was successful in entering the United States, but he did get back in. He got back in time to kill Sheila Herring.

From all accounts she was an excellent police officer, loved her job. She had been a cop in Detroit for 10 years before moving to Virginia. She was 39, had an 18-year-old daughter.

Angie Morfin of Salinas, California, testified before the House Immigration Subcommittee in June, 1999, about the murder of her 13-year-old son by an illegal alien gangster. Her boy Ruben was simply in the wrong place at the wrong time and was shot down by a Mexican who escaped to Mexico. Her testimony also noted how the Latino community in her town wants immigration laws enforced, particularly to deal with the problem of illegal gangs that are responsible for a lot of violent criminal activity. Since her son's murder, Angie Morfin has spoken out about the need for more border patrol agents and other enforcement to make her community safer so no other mother must suffer the loss she has.

Thirteen-year-old Laura Ayala went missing in March, 2002, taken just a few feet from her home in Houston. At this writing there is no child, no body, although blood identified as being hers was identified in 2002 in the car of a man believed to be connected with her abduction. Because of some evidence that she had been taken to Mexico, part of the search has been there.

One complication was that Houston's policy of sanctuary, now get this, Mr. Speaker, Houston's policy of sanctuary which disallows police from investigating a person's citizenship status is in effect. Illegal alien Walter Alexander Sorto was in police hands for traffic tickets but could not be deported because of the sanctuary policy of the city of Houston. He is believed to be connected in Laura Ayala's disappearance which occurred several months after the ticket problem. Houston police officer John Nickell testified before Congress about how sanctuary laws inhibit the effectiveness of beat cops to deal with criminals and to prevent crime.

Let me talk about this sanctuary policy for just a moment, because we had a fascinating vote on the House floor not too many nights ago. It was in the debate over the first appropriations bill for the Homeland Security Department, and I brought to the floor an amendment. The amendment said simply this, that if any city, like Houston, refuses to cooperate with the INS, has this sanctuary policy, then they could not apply for funds under the Homeland Security Act and any grant from any agency covered by the Homeland Security Department.

Now, I remind my colleagues that any city wishing to obtain the grant, all they have to do, of course, is to change this policy of sanctuary for people who are breaking the law and living here illegally, but this amendment went down. I think we got 102 votes out of 435 votes, amazing, amazing as it was to me certainly that we could not even get a majority of the people in this body to agree that the laws that we have already passed in the United States should be enforced. Amazing.

The danger on the highway from truckloads of illegal aliens in border areas has been increasing drastically. It is not unusual for a van full of aliens to speed down the road in the wrong direction, avoiding American law enforcement, causing death and injury to both American citizens and foreigners.

One of the worst examples took place near San Diego June 25, 2002, where seven people were killed, at least 31 injured when a van tried to avoid a border checkpoint by turning the lights off and speeding against oncoming traffic in the wrong lane. Larry S. Baca of Albuquerque was killed when his Ford was smashed head-on by the immigrant van and knocked airborne.

On March 10, 2003, two men were killed and 20 people injured when a stolen truck loaded with illegal aliens tried to outrun American authorities.

Dana Pevia was kidnapped from her North Carolina school bus stop in 1999 when she was only 11. In March, 2003,

she was able to escape her captivity in Mexico and visit the American consulate in Guadalajara. The officials there contacted the National Center for Missing and Exploited Children and, through them, reached Dana's mother Wanda. Wanda returned home a few days later with her two children. The apparent kidnapper Hector Frausto, a Mexican construction worker, was arrested in North Carolina on March 27. Dana was evidently forcibly kept captive by his family in Mexico for much of that time. She was only able to get away because she had the help of a sympathetic neighbor.

The unasked question is why the obvious suspect's family in Mexico was not investigated for 4 years. Was the unhelpful Mexican legal system being obstructionist yet again?

Then there was the Marti family. Sean, just 24 years old, and his daughter Sage, who was 5 months old, were killed February 27 by a drunk driver, illegal alien, who was driving the wrong way on Highway 84 in Idaho. Natalie Marti was in a coma after the head-on crash and returned slowly to waking consciousness over a period of weeks. With coma victims, full mental functioning and memory can take much longer. She had attended college in Boise where she and Sean managed an apartment complex.

Edgar Vasquez Hernandez, who worked as a house framer, was charged with two counts of vehicular manslaughter and one count of aggravated driving. Court records show Hernandez was intoxicated at the time of the crash. That story is repeated over and over and over again.

Maria Suarez was only 16 and living in Los Angeles when she was sold for $200 to a 68-year-old man, Anselmo Covarrubias, who presented himself in the neighborhood as a brujo, a magician. He raped and abused her, utilizing brainwashing where he had said he had powers of the devil, as he had done to many Mexican girls. He held them in virtual slavery. Another woman bludgeoned Mr. Covarrubias to death, and Suarez hid the weapon but was not directly involved in the killing. Still, she served 22 years in prison and is slated to be released within a year.

Phoenix police officer Robert Sitek was shot four times during a traffic stop altercation with an illegal alien that became violent.

□ 2310

He and his partner David Thwing were on routine patrol when a red truck cut off their squad car. When the officers stopped the truck, the driver began shooting. Officer Sitek was in cardiac arrest by the time he reached the hospital and lost a considerable amount of blood.

Shooter Francisco A. Gallardo was a Mexican citizen who had recently completed a 7-year prison term for aggravated assault. He had been deported after his release but had returned to Arizona. He was shot and killed as he tried to escape by Officer Thwing.

David Lazarus, a familiar name to the readers of the San Francisco Chronicle business pages, and the reporter appears occasionally on television news shows like This Week In Northern California on the local PBS affiliate.

Mr. Speaker, I appreciate the time for this evening, and I will return with stories of many, many more people who are victims of our porous borders.

INDEPENDENT COMMISSION TO INVESTIGATE DISTORTION OF EVIDENCE OF IRAQ'S WEAPONS OF MASS DESTRUCTION PROGRAMS

The SPEAKER pro tempore (Mr. GINGREY). Under the Speaker's announced policy of January 7, 2003, the gentleman from Ohio (Mr. BROWN) is recognized for 50 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, I will not consume the entire 50 minutes.

Many Members of Congress are receiving hundreds of letters each and aggregately tens of thousands of letters questioning this Congress' refusal to get to the bottom of the misinformation campaign on Iraq. Hundreds of thousands of citizens have signed an on-line petition which states that Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction programs.

Unfortunately, the leadership in this House, the Republican leadership in this body, has refused to allow serious debate on this misinformation campaign, has refused to appoint an independent commission, has refused even to hold congressional hearings on what did the President tell the American people, were the reasons that he stated to the American people justifiable, were they truthful, and/or were they misleading to the American public and as reasons given for the attack on Iraq.

As I think about it, I look at American history and I think of another time when Members of Congress were not given the opportunity to debate a major national issue that affected national security, that affected the way of life of so many Americans, that affected issues of justice. Think back to more than 150 years ago when John Quincy Adams, a former president who came back to this body after he was President, and in those days, in the 1830s and 1840s, this Congress, with a very conservative leadership, actually passed a rule to prohibit the discussion or the debate of the issue of slavery in the House of Representatives. So in the halls of Congress, slavery, one of the great shames of this country, slavery was not even allowed to be discussed on the floor because of the ruling of the legislative leadership in those days.

Today, Members of Congress have been precluded in any kind of legislative vehicle, any kind of investigation from debating this issue of the administration's distortion of evidence of Iraq's weapons of mass destruction. Perhaps the President did nothing wrong, perhaps he did, but we have not really been able to debate that here.

So what John Quincy Adams did in the 1830s and 1840s was collect letters from his constituents, he called them petitions, and he read those petitions, those letters on the House floor. In other words, he let the people of the United States speak for themselves, using his voice. He was the megaphone to allow them to speak.

Many Members of Congress the last two nights, and we will continue in the nights ahead, are doing the same thing. They are taking many of these letters that we have received, people who have signed a petition saying Congress should support an independent commission to investigate the Bush administration's distortion of evidence of Iraq's weapons of mass destruction program, and simply read those letters and allowed people to speak directly. It really is a night, as it was last night and the night before, for the people to take over the People's House, and Members of Congress, who are elected by 630,000 people, as all of us are, simply the mouthpiece for these constituents.

I would just like to share for 5 or 10 minutes, Mr. Speaker, some of these letters.

Jeff Hutchinson from Cincinnati, Ohio, wrote:

As a proud citizen of the United States of America, I am deeply concerned about the recent turn of events involving our Nation's foreign policy and our military invasion of Iraq. I have no doubt that the previous regime in Iraq was like many other contemporary governments, corrupt, violent, inhumane. I am concerned about the credibility of the United States before the international community if it is determined that this Nation enters into war based on uncertain evidence.

That was Mr. Hutchinson of Cincinnati. Those are his words, not mine, as all of these will be the words of constituents.

Thomas Gentry, Sr., Akron, Ohio, in my congressional district, wrote, ''A president and his administration must be truthful about dangers in our country. Please help form an independent commission to investigate the cloud hanging over the Bush administration for the apparent lying that took place to justify going to war with Iraq. Thank you.''

Celine Riedel, from Avon Lake, Ohio. She writes, ''Democrats should not be alone in demanding an open, full-scale investigation into the intelligence that helped plummet us into a preemptive war with Iraq. Republican Members of Congress should also be clamoring for the truth. If the American people were presented with a Gordian knot of deception, then now is the time for that knot to be untied.''

Natalie Sydorenko, from Akron, Ohio, wrote, ''No one is above the law or investigation. The truth will come

out one way or another,'' she writes. ''Those who discourage uncovering the truth will appear just as deceptive as those hiding it. Please think about it.'' Natalie Sydorenko, from Akron, Ohio.

From Columbus, Ohio, Jason Bennett writes, ''I am appalled at the apparent lack of concern in Congress at the bold deceptions carried out by the administration in its arguments for the war on Iraq. It has been clear for months to anyone paying attention that the claims regarding Iraq's attempts to buy uranium from Niger were completely baseless. I am afraid this is only the most notorious in a litany of half-truths by which we have been lead to war on and occupation of Iraq. We owe it to the boys who are dying in Iraq to get the truth behind the President's claims,'' Mr. Bennett writes.

Mark Duckwall of Yellow Springs, southwest Ohio, writes, ''It is apparent the Bush administration creatively expanded the real threat from Iraq. We are now mired in a mess that will take years, billions of dollars, and more American lives to get out of. Please show the world that we hold our leaders accountable and are a peace-loving country,'' writes Mr. Duckwall.

Mr. Brad Steinmetz of Columbus, in central Ohio, the State capital, writes, ''The absence of an independent investigation into the serious questions surrounding the basis for our involvement in Iraq gives the impression that this administration has something to hide. It is as important for President Bush to earn the trust of the American people as it is for America to earn the trust of the people of the world,'' Mr. Steinmetz writes.

Diane Ciekaway, from Athens, Ohio, the district of the gentleman from Ohio (Mr. STRICKLAND), writes, ''I feel the American people should hold their leaders to high standards of accountability. This is what we teach in our universities in our Nation and what I teach my students,'' she writes. ''Whatever the results of the inquiry, it will benefit the American public to understand how information is collected and how it is used to support U.S. policies.''

Abbey Steele, from Avon, Ohio, just down the street from where I live in Lorraine. Ms. Steele writes, ''Please take President Bush and his administration to task for massive distortion of intelligence. The country was deceived into war in order to advance a hegemonic international agenda that eschews principles of justice for those of 'might makes right.' The fact that Bush now refers to those questioning the evidence cited leading to war as 'revisionists of history,'" and those are the President's words as cited by Ms. Steele, ''demonstrates how little this administration credits the American public. We can't let this administration continue to treat the public with such cynicism, either in foreign or domestic politics. Please keep our public officials accountable,'' Ms. Steele writes.

Paul Lubben, from Berea, Ohio, near Cleveland, writes, ''The possibility that the President took us into a war based on false information must be investigated by an independent group. In my opinion, this is a most serious charge,'' Mr. Lubben says.

Ken Harlow of Powell, Ohio, in central Ohio, writes, ''The weapons of mass destruction evidence presented to justify the war in Iraq needs to be fully disclosed and investigated. How will Americans otherwise be ever able to trust their government,'' he asks.

From Ravenna, Ohio, Alan Goldstein writes, ''As you know, I have written many times on the subject of the illegal wars created by the administration over the past couple of years. Now it seems that the media and the general public are finally paying attention to the seriousness of this situation. Now is the time to join your colleagues and to correct the wrongs that have been allowed to happen.''

□ 2320

Last from Dr. Mary Lou Shaw from Southwest Ohio, ''For us to continue to have a democracy, you must fight for the American people to know the truth.''

As I stated earlier, that is a sample of the 2,500 letters that constituents from all over Ohio have written to their Members of Congress. I know there were some 6,000 letters from Illinois, some tens of thousands of letters from California, and many more from across the country, people who are concerned, people who are demanding petitioning, asking this Congress to support an independent commission to investigate the Bush administration's distortion of evidence in Iraq's weapons of mass destruction program.

I hope that leaders in this body will listen to those who are petitioning this Congress, will listen to the hundreds of thousands, perhaps even millions of voices in this country who want to know if we were deceived into war and want to get to the bottom of this, to restore the trust in the administration, to restore our trust in the President of the United States, and to restore our trust in the United States Congress, and to restore our trust in our government.

ENOUGH IS ENOUGH

The SPEAKER pro tempore (Mr. GINGREY). The gentleman from Pennsylvania (Mr. WELDON) is recognized for 40 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, enough is enough. I sat in my office last night and listened to Member after Member on the other side rail about President Bush and whether or not we could trust him in the Iraqi situation. I have listened to my colleagues tonight. Enough is enough. Mr. Speaker, this is just outrageous.

So what I have done is I have got a whole file here, and I am going to remind my colleagues on the other side of the aisle about their President for the previous 8 years, and I am going to cite articles and claims and I am going to cite the justification for the invasion of Yugoslavia as outlined by President Clinton.

Where were these voices, where were these petitions, where were these outcries when President Clinton told us about the Balkans mass deaths to justify NATO's invasion into the Balkans? The Clinton administration claimed that ethnic cleansing had killed hundreds of thousands of people, and I will include the articles from the papers in the CONGRESSIONAL RECORD.

The Clinton administration was later criticized, and I have newspaper articles here to back it up by the press for grossly exaggerating the number of victims of ethnic cleansing, the mass graves. President Clinton told us we would find 100,000 people that were murdered and that was his justification for using NATO for the only time ever to invade a non-NATO country in order to justify a war against Slobodan Milosevic where U.S. citizens, where U.S. troops, and where innocent Serbs were killed. That is the first example.

And how about when President Clinton, to justify preservation of the outdated ABM treaty and to resist congressional pressure to deploy national missile defense asserted that the U.S. would not face an ICBM threat from rogue states for decades? In fact, in 1995 the Clinton administration took the unprecedented step of releasing a classified national intelligence estimate in an effort to sway public opinion because he had vetoed the defense bill. The notorious NIE–95–19 was widely criticized by experts, including the Clinton administration's own director of the CIA, Jim Woolsey, because he said that the President was exaggerating the facts. Just 3 years later in August of 1998, North Korea exposed the Clinton administration lie when it tested an ICBM missile, the Taepo Dong-1 missile. But the Clinton administration used the CIA to mislead this Congress. His own CIA director, Jim Woolsey, on the public record said so.

Let us talk about the agreed-upon framework. It was the Clinton administration that credited itself with stopping the emergence of a nuclear-armed North Korea when it concluded the agreed-framework with Pyongyang in 1994. Critics pointed out that North Korea had already built one or two atomic bombs and was continuing its nuclear weapons program, cheating on the agreed framework. Among these critics was the North Korea advisory group of this body and we stated in November 1999 that North Korea was developing atomic weapons despite the agreed framework. And what did the administration do? They said it was not happening.

Recently, North Korea exposed the Clinton administration lie when Pyongyang admitted that for the past several years it had been cheating on the agreed framework.

How about the most famous Clinton administration distortion, the grand

lie? On over 100 occasions, including two State of the Union speeches, President Clinton credited himself with making America's children safe from the threat of nuclear war through the Moscow declaration of 1994 that supposedly removed the U.S. as a target from the guidance systems of Russian missiles. Less than 1 month after detargeting was supposed to take effect, during a major Russian strategic forces exercise held on June 22, 1994, Russian missile launches simulated strikes on the U.S., but President Clinton in the State of the Union speech on two occasions said you can sleep well tonight, America, because we have reassured the children of America that there is no fear of an offensive missile attack from Russia because we have detargeted those missiles.

High-ranking Russian officials contradicted the Clinton administration. In fact, Anton Surikov, a senior adviser to the Russian Ministry of Defense, acknowledged in a March 1995 interview, and this is after the State of the Union speech, when it was decided to detarget missiles, the decision was mostly of a political, propaganda character. And yet our President was at that podium telling the American people in two State of the Union speeches, you have nothing to worry about.

Where were my colleagues on the other side? Were they asleep? Where were their petition gatherings? Where were their demands for the honesty of the White House? Where were their outcries for the neck of the President? Where was their righteous indignation that we have been hearing on this floor tonight from my colleagues and last night from my colleagues? The silence is deafening because it is all partisan rhetoric. It is nothing but partisan rhetoric with no basis of substance.

President Clinton's former Director of CIA in testimony before Congress on February 12, 1998, said that the detargeting agreement was unverifiable, quickly reversible, and characterized as misleading.

Mr. Speaker, that was not a Republican talking; that was Jim Woolsey, CIA Director under Bill Clinton, calling his own President, who appointed him, misleading.

Where were the outcries from the other side? Where were the liberal groups across America demanding that President Clinton be held accountable? Where were they? All of a sudden today, this righteous indignation ringing out from our Democratic colleagues is sickening and disgusting.

Let us talk about M–11 missiles in Pakistan. The Clinton administration credited itself with greatly improving relations with China and achieving an understanding with Beijing on nonproliferation of technologies for missiles and weapons of mass destruction. Yet compelling evidence soon emerged that China was exporting M–11 missiles to Pakistan in direct violation of its understanding with the Clinton administration and the Missile Technology Control Regime.

The Clinton administration resisted congressional pressure to impose sanctions on China even though that is what should have been done for violating its commitments because it wanted to protect the administration's foreign policy record and public standing in the polls.

□ 2330

Consequently, despite overwhelming evidence that China was exporting missiles to Pakistan, the Clinton administration pretended that those missiles did not exist.

Mr. Speaker, in one night, in one day, I have listed five times of major significance that the leader of the party of the other side, these righteous, indignant people who have railed and whined and cried on the floor of this body said nothing about lies to the American people.

Mr. Speaker, some would say, well, these did not involve death of American citizens or war, and I would remind my colleagues, the justification that President Clinton used to take this country into war in Yugoslavia was basically a bunch of false information. In fact, it was the USA Today in July of 1999, an article that said, ''As the allied forces take control in Kosovo, many of the figures used by the Clinton administration and NATO were greatly exaggerated. Six hundred thousand ethnic Albanian men were not trapped within Kosovo or buried in mass graves, as President Clinton told a veterans group. Instead of 100,000 ethnic Albanian men feared murdered, officials now estimate about 10,000; and we think the confirmed number was 3,000.''

Mr. Speaker, that was from USA Today in 1999.

Let us go to the Little Rock newspapers. They did an investigative story on January 16, 2000, after the Clinton administration had made these outrageous claims of ethnic cleansing. Why did they say these things, Mr. Speaker? Because they wanted the Congress and they wanted the American people to support his war to get Milosevic out of power.

Let us read some of the quotes from the Arkansas Democrat Gazette, January 16, 2000:

''Of 500 potential grave sites, 150 have been opened and, no, we have not found the 100,000 missing declared by President Clinton, or the lower but probably equally preposterous figure of 10,000 advanced by British Foreign Secretary Robin Cook and repeated by the BBC.''

This was not the Republican Party. This was the Arkansas Democrat Gazette on January 16, 2000, saying that all the justification that Clinton used to go to war in Yugoslavia was false, it was erroneous.

Where was the outcry by these liberal groups in this country? Where was the outcry by the Democrats we have seen running down to the well complaining that this President needs to be investigated? Where was the consistency of the principled position of my colleagues on the other side?

Let us go on, Mr. Speaker, with the Arkansas Democrat Gazette article of January 16, 2000: ''We have more than 10,000 photographs of graves, sites and bodies, and more than 300 hours of video, and we share all our evidence with the war crimes tribunal. From survivors who are giving us testimonies, we calculate there were 6,000 Kosovo Albanians killed in the 3 months of the war,'' not before the war, in the 3 months of the war which President Clinton led, ''and perhaps 2,000 still in Serbian prisons.''

Listen to this, Mr. Speaker. In the previous 12 months before the war, there were 1,000 killed. So 1,000 were killed in the previous months, 6,000 were killed in the immediate 3 months of the war itself by the bombs of the U.S., France and Germany and the other NATO countries.

''But then the figures become a little vague. The total of dead and missing becomes 7,000 rather than 8,000; the figure of prewar killings rises from 1,000 to 2,000.'' Mr. Speaker, the information leading up to President Clinton's decision to go to war in Yugoslavia is filled with gross, not just information distorted, gross distortions of fact, lies.

Where are my colleagues? What were they saying?

Let us go on, Mr. Speaker, to some other examples.

Here is an article from the Washington Post, March 26, 2000. The headline, Was It a Mistake? We Were Suckers for the KLA was the headline of this article written by Christopher Layne and Benjamin Schwartz. Let us go through some of the claims.

''Clinton's assertion,'' and I am quoting here, Mr. Speaker, ''at a June 25, 1999, postwar news conference that the bombing was a way to stop, quote, deliberate, systematic efforts at genocide,'' he called it genocide in Kosovo. It goes on to say, ''was either disingenuous or ignorant. Before the start of NATO's bombing on March 24, 1999, almost 2,000 civilians, overwhelmingly ethnic Albanians but also Serbs, had been killed in 15 months of bitter warfare. Up to that point, there had been no genocide or ethnic cleansing.'' The genocide and ethnic cleansing started when Bill Clinton and Jacques Chirac started the war against Milosevic.

I will go on, Mr. Speaker, this same article, Washington Post, March 26, 2000:

''Not only did the forced removal of civilians result from the NATO bombing, but administration claims of mass killings, made to rally popular support for the war, turn out to have been exaggerated. Clinton defended the intervention on the grounds that the Yugoslavs had slaughtered tens of thousands.'' President Clinton said tens of thousands, Mr. Speaker. It never turned out to be true. All lies. Secretary of Defense William Cohen termed it a, quote, horrific slaughter. The numbers we now have, according

to this article in the Post, disprove those claims. U.N. numbers and U.S. numbers and Allied numbers say the information provided to Congress was wrong.

Let us go on to a story in the Contra Costa Times, March 4, 2000. ''We became involved in Kosovo after being bombarded with exorbitant claims of ethnic cleansing, subsequently proven exaggerated and largely committed after NATO started bombing.''

Another newspaper, Mr. Speaker. I do not remember my colleagues quoting from these papers. I do not remember my colleagues coming to the floor and demanding an investigation of Bill Clinton for distorting things. Not only were these distortions, they were outright, outright lies.

We will go on with that Contra Costa story of March 4, 2000:

''As a result of false and misleading news reports, Americans were led to believe tens of thousands, if not hundreds of thousands of ethnic Albanians were killed by the Serbs and buried in mass graves. Many are still under that impression.

''According to U.N. investigators who have been scouring the area since the bombing stopped, the total number of ethnic Albanians killed by the Serbs is closer to 2,000, far fewer than the number of civilians killed by NATO bombers.''

Let me repeat that statement again, Mr. Speaker. Listen to this, please, quoted from the Contra Costa Times, March 4, 2000: ''According to U.N. investigators who scoured the area since the bombing stopped, the total number of ethnic Albanians killed by the Serbs is closer to 2,000, far fewer than the total number of civilians killed by NATO bombers.''

Let us go on to some additional articles, Mr. Speaker. Mr. Speaker, the distortions of the other side are outrageous. I did not want to get up and do this. But I, Mr. Speaker, was sick and tired of sitting in my office listening to Members parade down here, 1-hour special orders, talking about how they were misled. What a crock, Mr. Speaker.

First of all, if any Member of Congress was misled by President Bush's State of the Union speech, then there has got to be something wrong with them, because the vote to give the President the use of force was in October of last year. What did they do, read the speech 3 months before it occurred? The vote did not come after the President's speech. These Members on the other side who voted to give the President the use of force to remove Saddam Hussein voted in the fall of last year, 3 months before President Bush made the State of the Union speech here.

Mr. Speaker, it is all partisan rhetoric, and I am sick of it. I am sick of it because it has no place. It has no place in this body on such a serious issue as our effort to fight the war on terrorism.

We saw the same thing with the agreed-upon framework, the lies about how we had stopped the nuclear program, and we found out just last summer that the North Koreans publicly admitted that they now had a highly enriched uranium program, were building nuclear bombs, reprocessing rods and could have cared less about an agreement signed in 1994. Yet the Clinton administration told us all along, don't worry.

Mr. Speaker, the North Korean advisory committee that issued a report to this body in 1999 had all of that documentation contained inside of it.

And, Mr. Speaker, I mentioned before the President's most famous line in the nineties, President Clinton's most famous line, that he did two times from that podium, was to stand up to the American people, look in the camera and bite his lip and say, you know, tonight the American people can sleep well because their children are protected, because no longer are Russian missiles pointed at America's children.

Mr. Speaker, that was a lie. It was a lie because the leader that I quoted from the Russian media said it, that it was purely for political purposes.

□ 2340

Jim Woolsey, who was Clinton's CIA Director, repeatedly said he wished the President would stop making those statements because there was no way to verify a detargeting practice. Did I hear my colleagues stand up and say what are they doing? Let us have an investigation of the President? Let us ask for an inquiry about what he is saying? Did I hear one Member on that side besides Jim Woolsey stand up publicly and say that Bill Clinton was misleading the American people? All of a sudden now it is election time, and they are attempting to tear George Bush down.

Mr. Speaker, it is absolutely sickening. It is disgusting, and I am not going to let it stand. If I have to get up here every night and repeat this information and ask my colleagues where they were during the 1990s, then I will do that.

On February 12, 1998, President Clinton's former CIA Director, Jim Woolsey, in testimony before Congress, strongly condemned as ''misleading'' the President's repeated claims that missile detargeting had reduced the Russian nuclear threat.

Let me read what Jim Woolsey said, Mr. Speaker. This is what Jim Woolsey, Bill Clinton's hand-appointed CIA Director said about the President: ''I wish he (President Clinton) would not continue to make that statement (about Russian missile detargeting) because though it may be technically correct . . . it is misleading . . . These missiles, (based upon) everything I have known about them over the years, could be retargeted'' in a manner of minutes or seconds. ''It is almost like saying . . . if I had a revolver here in my pocket and I took it out and pointed it at the ceiling, saying I am not targeting'' it, ''it is true. I would not be . . . I am pointing it at the ceiling. But if I lowered it,'' within a matter of seconds, ''I would be. It just takes a few seconds.''

In fact, Mr. Speaker, in an article written by Michael Waller for the American Foreign Policy Council about this whole issue of detargeting, it was actually not an article but it was testimony before the House Committee on Armed Services, he said about President Clinton's claim: ''This is a very serious claim. Yet technical experts say that the claim is impossible to make truthfully because the detargeting agreement is inherently impossible to verify.''

Mr. Speaker, I could go on and on. I did the research in 1 day. I could have gone on and probably spent weeks and weeks getting tons of additional information about the misstatements, about the denial of the missiles that were sent to Pakistan, about the misleading information leading up to the war in Kosovo. Yet we never heard one peep out of the other body. I raise all of these facts, Mr. Speaker, only as a defensive response to my colleagues on the other side. They have made such outrageous claims, and I heard it in 5-minute speeches tonight. I heard it in 1-hour Special Orders last night. I heard it right before I spoke here tonight like somehow this is not going to go refuted and, Mr. Speaker, I cannot do that. George Bush had the decency and honesty to say that when he made the State of the Union speech from that podium, perhaps that information given him, even though today he maintains it is still factually correct, should not have been included in the State of the Union speech. He was honest.

Where was the honesty of the previous President? Where was the other party that was down here railing about Bush and demanding a retraction? Where were these interest groups on the Internet demanding that we have accountability through petition drives? Where were they? They did not exist because they are a part of the Democrat machine that did not care what Bill Clinton said, did not care about distortions, did not care about out-and-out lies.

Mr. Speaker, I cannot put this entire statement in the RECORD because it would not be acceptable. I am going to put the major thrust of it in the RECORD, and I am going to ask that the quotations that I have outlined be highlighted for my colleagues to read tomorrow and for the American people to see.

Mr. Speaker, the vote on supporting the use of force for President Bush was not taken after the President's State of the Union speech. The vote by my colleagues, and they claim they were affected by what he said. I do not know how they could have been affected because that vote was taken last October, 3 months before President Bush spoke here; and what is interesting, Mr.

Speaker, is the vote was not close. Colleagues on both sides of the aisle overwhelmingly supported giving the President the use of force to remove Saddam Hussein from power. Why did we do that? Because Saddam Hussein for 10 years had denied the demands of the unified world community. Everyone knew he had weapons of mass destruction. He used them on his own people. In a previous floor speech, I gave the numbers of the amount of innocent Iraqi people and Kurdish people that were killed. But what amazes me, Mr. Speaker, is this rhetoric coming from the other side.

I heard one of my colleagues stand up and say never has a President used force to remove someone from office for human rights violations. And I remember who the speaker was, Mr. Speaker; but I am not going to name him tonight, but I know the gentleman and if I get pressed on it, I will name him and I will pull his comments out of the CONGRESSIONAL RECORD. Where was that gentleman, who happens to be a Democrat, when President Clinton justified the use of our military to remove Slobodan Milosevic from power because of human rights violations? Where are my colleagues? In fact, that is exactly what happened.

I think the administration made some mistakes in leading up to the Iraqi war. I remember being on this floor, Mr. Speaker, when Secretary of State Colin Powell was giving us a briefing, and he was talking about weapons of mass destruction. I had a chance to ask him a question. I said, Mr. Secretary, you need to talk more about the human rights abuses of Saddam Hussein, which the American people can relate to. After all, it was Bill Clinton who justified the use of force to remove Milosevic from power for human rights violations, and everyone in the world from the U.N. to Amnesty International admits publicly that Saddam Hussein is far worse than Milosevic ever was. So why do you not bring out the human rights violations of Saddam Hussein?

Why would my colleagues on the other side think it was okay to support President Clinton in using military force to remove Milosevic from power, and, by the way, they did not go to the U.N. for that vote because France knew Russia would veto a U.N. resolution? How could they support that military action, but then question President Bush when he uses military action to remove the worst human rights violator since Adolph Hitler from power just this year? And that claim of Saddam Hussein's being the worst human rights violator since Adolph Hitler does not come from me. It comes from the U.N. Special Rappateur for human rights when he was comparing the human rights record of Saddam Hussein.

Mr. Speaker, enough is enough. Members of the other side have whined. They have cried. They have screamed. They have been absolutely outrageously loud in saying that George Bush needs to be held accountable. Mr. Speaker, George Bush is accountable. The U.S. Congress supported the President in his actions against Saddam. Almost 50 nations of the world supported George Bush in our actions against Saddam. Many of my colleagues on the other side of the aisle supported George Bush in his actions against Saddam. And they did not do that because of any speech made here. They did it because of the facts. And for my colleagues to run around this city, for the contenders for the Presidency on the Democrat side to go to a national forum and declare that George Bush has misled the American people is garbage. It is poppycock. There has been no misleading. If my colleagues on the other side and if the nine candidates for the Presidential nomination of the other party want to take and look at some misleading statements, I invite them to get the CONGRESSIONAL RECORD from tonight.

Look at the facts, Mr. Speaker. Look at the facts on the Balkan mass death claims, those hundreds of thousands of people that Bill Clinton said were murdered that justified our use of military action. Look at the President's statements about new missile threats and how the national intelligence estimate in 1995 was politicized, the only national intelligence estimate ever changed by the CIA because of the Rumsfeld Commission, 3 years after Bill Clinton vetoed our defense bill based on his misstatements; the agreed-upon framework with North Korea where the Clinton administration, until it left office, said that it was in fact successful in accomplishing the objective of eliminating the North Korean nuclear program. Lies and distortions. The detargeting agreement, President Clinton's famous statement of over 100 times. In fact, we used to have a contract to keep track of him.

□ 2350

It got up to 135 times, that we could count, that President Clinton's speeches made the same statement he made twice here from this pulpit, distorting the facts to the American people for his political benefit, or the story about the M–11 missiles not being in Pakistan, when everyone knew they were there. These are just a few, Mr. Speaker.

Mr. Speaker, I will make this commitment to my colleagues. If this partisan rhetoric continues on the floor, I will be back here every night and I will refute it, and I will bring out more of the gross Clinton lies and distortions which that side remained silent on year after year after year. I challenge them to end this garbage. Enough is enough, Mr. Speaker.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HAYWORTH (at the request of Mr. DELAY) for today until 1:00 p.m. on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. WAXMAN, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HONDA, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. SOLIS, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SCOTT of Georgia, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today and July 21, 22, and 23.

Mr. FLAKE, for 5 minutes, today.

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, July 17.

Mr. MILLER of Florida, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 17.

Mr. NORWOOD, for 5 minutes, July 17 and 21.

Mr. LINCOLN DIAZ-BALART of Florida, for 5 minutes, July 17.

Ms. ROS-LEHTINEN, for 5 minutes, July 17.

Mr. FEENEY, for 5 minutes, July 23.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, July 17.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mr. STENHOLM, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 764. An act to extend the authorization of the Bulletproof Vest Partnership Grant Program; to the Committee on the Judiciary.

ADJOURNMENT

Mr. WELDON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, July 17, 2003, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-authorized official travel during the second quarter of 2003, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. BRIAN DIFFEL, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 13 AND APR. 16, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Brian Diffell	4/13	4/16	Colombia		495.00						495.00
Committee total					495.00						495.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BRIAN DIFFELL, May 16, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MS. YOUNG O. KIM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 13 AND APR. 17, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Young O. Kim	4/13	4/17	South Korea		1,244.00		3,485.92				4,729.92
Committee total					1,244.00		3,485.92				4,729.92

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

YOUNG O. KIM, May 1, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. NICK J. RAHALL II, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND APR. 21, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nick J. Rahall II	4/19	4/21	Syria		536.00	2,875.600					
Committee total					536.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

NICK J. RAHALL II, May 14, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DARRELL ISSA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 19 AND APR. 20, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Darrell Issa	4/19	4/20	Syria		536.00		3,732.93				4,268.93
Committee total					536.00		3,732.93				4,268.93

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DARRELL ISSA, May 22, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. FRED L. TURNER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 22 AND APR. 26, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Fred L. Turner	4/22	4/26	Denmark	7,774.25	1,128.00					7,774.25	1,128.00
Committee total					1,128.00						1,128.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

FRED L. TURNER, May 5, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PAUL WEBSTER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND MAY 29, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Paul C. Webster	5/25	5/28	Uganda	660,000	110.00		8,265.00		80.00	660.00	8,455.00
	5/28	5/28	England		160.00						160.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PAUL WEBSTER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND MAY 29, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Committee total					270.00		8,265.00		80.00		8,615.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAUL C. WEBSTER, June 17, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. DAVE WELDON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND MAY 30, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dave Weldon	5/25	5/29	Uganda		110.00		8,265.00		80.00		8,615.00
	5/29	5/30	England		160.00						
Committee total					270.00		8,265.00		80.00		8,615.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVE WELDON, May 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. DAVID TEBBE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 25 AND JUNE 1, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Tebbe	5/25	5/27	Egypt		434.00		6,988.77				
	5/27	5/29	Israel		724.00						
	5/29	5/31	Lebanon		244.00						
	5/31	6/01	Syria		268.00						
Committee total					1,670.00		6,988.77				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID TEBBE, June 29, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. PAUL BERKOWITZ, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND JUNE 2, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Paul Berkowitz	5/24	5/25	Netherlands		217.00				50.00		267.00
	5/26	5/30	Israel		1,460.00				200.00		1,660.00
	5/30	6/02	Austria		217.00				50.00		267.00
Committee total					1,894.00				300.00		2,194.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PAUL BERKOWITZ, June 6, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MR. GREGG L. COX, HOUSE OF REPRESENTATIVES, EXPENDED ON JUNE 5, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Gregg L. Cox	6/5	6/5	Guantanamo Bay, Cuba								
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

GREGG L. COX, June 24, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, QATAR, KUWAIT, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 28 AND MAR. 3, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Nancy Pelosi	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Hon. John Murtha	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Hon. David Hobson	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO TURKEY, QATAR, KUWAIT, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 28 AND MAR. 3, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
	3/2	3/3	Germany				(3)				
Michael W. Sheehy	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Kenny Kraft	2/28	3/1	Turkey				(3)				
	3/1	3/1	Qatar				(3)				
	3/1	3/2	Kuwait		389.00		(3)				389.00
	3/2	3/3	Germany				(3)				
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

NANCY PELOSI, Apr. 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 4 AND APR. 7, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	4/4	4/7	France		1,266.00		(3)				1,266.00
Hon. John Tanner	4/4	4/7	France		1,266.00		(3)				1,266.00
Hon. Joel Hefley	4/4	4/7	France		1,266.00		(3)				1,266.00
Susan Olson	4/4	4/7	France		1,266.00		(3)				1,266.00
Committee total					5,064.00						5,064.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUG BEREUTER, Chairman, May 15, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, CYPRUS, AND THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 20 AND APR. 25, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. J. Dennis Hastert	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Norman D. Dicks	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Rob Portman	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. John B. Shadegg	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Todd Tiahrt	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Anne M. Northup	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Judy Biggert	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. Mike Pence	4/21	4/22	Germany	140.76	153.00		(3)				
Bill Livingood	4/21	4/22	Germany	140.76	153.00		(3)				
Scott Palmer	4/21	4/22	Germany	140.76	153.00		(3)				
Ted VanDer Meid	4/21	4/22	Germany	140.76	153.00		(3)				
John Feehery	4/21	4/22	Germany	140.76	153.00		(3)				
Christy Surprenant	4/21	4/22	Germany	140.76	153.00		(3)				
Chris Walker	4/21	4/22	Germany	140.76	153.00		(3)				
Sam Lancaster	4/21	4/22	Germany	140.76	153.00		(3)				
Jake Abel	4/21	4/22	Germany	140.76	153.00		(3)				
Chris Frech	4/21	4/22	Germany	140.76	153.00		(3)				
George Behan	4/21	4/22	Germany	140.76	153.00		(3)				
Dwight Comedy	4/21	4/22	Germany	140.76	153.00		(3)				
Dr. Eisold	4/21	4/22	Germany	140.76	153.00		(3)				
Hon. J. Dennis Hastert	4/22	4/24	Cyprus		238.00		(3)				
Hon. Norman D. Dicks	4/22	4/24	Cyprus		238.00		(3)				
Hon. Rob Portman	4/22	4/24	Cyprus		238.00		(3)				
Hon. John B. Shadegg	4/22	4/24	Cyprus		238.00		(3)				
Hon. Todd Tiahrt	4/22	4/24	Cyprus		238.00		(3)				
Hon. Anne M. Northup	4/22	4/24	Cyprus		238.00		(3)				
Hon. Judy Biggert	4/22	4/24	Cyprus		238.00		(3)				
Hon. Mike Pence	4/22	4/24	Cyprus		238.00		(3)				
Bill Livingood	4/22	4/24	Cyprus		238.00		(3)				
Scott Palmer	4/22	4/24	Cyprus		238.00		(3)				
Ted VanDer Meid	4/22	4/24	Cyprus		238.00		(3)				
John Feehery	4/22	4/24	Cyprus		238.00		(3)				
Christy Surprenant	4/22	4/24	Cyprus		238.00		(3)				
Chris Walker	4/22	4/24	Cyprus		238.00		(3)				
Sam Lancaster	4/22	4/24	Cyprus		238.00		(3)				
Jake Abel	4/22	4/24	Cyprus		238.00		(3)				
Chris Frech	4/22	4/24	Cyprus		238.00		(3)				
George Behan	4/22	4/24	Cyprus		238.00		(3)				
Dwight Comedy	4/22	4/24	Cyprus		238.00		(3)				
Dr. Eisold	4/22	4/24	Cyprus		238.00		(3)				
Hon. J. Dennis Hastert	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Norman D. Dicks	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Rob Portman	4/24	4/25	United Kingdom		160.00		(3)				
Hon. John B. Shadegg	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Todd Tiahrt	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Anne M. Northup	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Judy Biggert	4/24	4/25	United Kingdom		160.00		(3)				
Hon. Mike Pence	4/24	4/25	United Kingdom		160.00		(3)				
Bill Livingood	4/24	4/25	United Kingdom		160.00		(3)				
Scott Palmer	4/24	4/25	United Kingdom		160.00		(3)				
Ted VanDer Meid	4/24	4/25	United Kingdom		160.00		(3)				
John Feehery [4]	4/24	4/25	United Kingdom		160.00		(3)				
Christy Surprenant	4/24	4/25	United Kingdom		160.00		(3)				
Chris Walker	4/24	4/25	United Kingdom		160.00		(3)				
Sam Lancaster	4/24	4/25	United Kingdom		160.00		(3)				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO GERMANY, CYPRUS, AND THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 20 AND APR. 25, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jake Abel	4/24	4/25	United Kingdom		160.00		(3)				
Chris Frech	4/24	4/25	United Kingdom		160.00		(3)				
George Behan	4/24	4/25	United Kingdom		160.00		(3)				
Dwight Comedy	4/24	4/25	United Kingdom		160.00		(3)				
Dr. Eisold	4/24	4/25	United Kingdom		160.00		(3)				
Committee total					11,020.00						

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Departed CODEL on Apr. 24, 2003 via own transportation.

J. DENNIS HASTERT, Speaker of the House, May 7, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, BAHRAIN, KUWAIT, AND IRAQ, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 1 AND MAY 6, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David L. Hobson	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Eddie Bernice Johnson	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Silvestre Reyes	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Robin Hayes	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Ed Schrock	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Hon. Mike Rogers	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Kenny Kraft	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
John Keefe	5/2	5/3	Italy		329.00		(3)				329.00
	5/3	5/5	Bahrain		642.00		(3)				642.00
	5/4	5/4	Kuwait				(3)				
	5/4	5/4	Iraq				(3)				
	5/5	5/6	Italy		329.00		(3)				329.00
Committee total					10,400.00						10,400.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DAVID L. HOBSON, Chairman, June 2, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, CANADA-UNITED STATES INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 15 AND MAY 19, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Amo Houghton, Chairman	5/15	5/19	Canada		1,102.43		(3)				1,102.43
Hon. James Oberstar	5/15	5/19	Canada		937.32		(3)				937.32
Hon. David Dreier	5/15	5/18	Canada		944.55		(3)				944.55
Liberty Dunn	5/15	5/19	Canada		1,451.66		(3)				1,451.66
Carl Ek	5/15	5/19	Canada		967.41		(3)				967.41
Hon. Phil English	5/15	5/18	Canada		1,189.93		(4)				1,189.93
Hon. Don Manzullo	5/15	5/19	Canada		937.32		(3)				937.32
Hon. Collin Peterson	5/15	5/18	Canada		1,082.55		(3)				1,082.55
Frank Record	5/15	5/18	Canada		937.32		(3)				937.32
Hon. Clay Shaw	5/15	5/19	Canada		937.32		(3)				937.32
Hon. Mark Souder	5/15	5/19	Canada		937.32		(3)				937.32
Hon. Cliff Stearns	5/15	5/19	Canada		971.82		(3)				971.82
Bob Van Wicklin	5/15	5/19	Canada		961.04		(3)				961.04
Hon. Nick Smith	5/15	5/18	Canada		985.69		(3)				985.69
Hon. Louise Slaughter	5/15	5/19	Canada		977.45		(3)				977.45
Fran Marcucci	5/15	5/19	Canada		937.32		(3)				937.32
Brad Smith	5/15	5/18	Canada		938.92		(3)				938.92
Committee total					17,197.37						17,197.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Not available.

AMO HOUGHTON, Chairman, June 18, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, KUWAIT, IRAQ, AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 27, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Travel to Italy, Kuwait, Iraq and Germany, May 24–27, 2003:											
Hon. Duncan Hunter	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Neil Abercrombie	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Anna Eshoo	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Terry Everett	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. John M. McHugh	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Ed Royce	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Vito Fossella	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Hon. Stephen F. Lynch	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Robert S. Rangel	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Henry J. Schweiter	5/24	5/25	Italy		329.00						329.00
	5/25	5/26	Kuwait		389.00						389.00
	5/26	5/26	Iraq								
	5/26	5/27	Germany								
Committee total					7,180.00						7,180.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DUNCAN HUNTER, June 3, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOUTH AFRICA AND CAPE VERDE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 31, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Amory Houghton, Jr	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	2,469.48	26.00	(3)		9,715.50	102.29	12,184.98	128.29
Hon. Steny H. Hoyer	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,862.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Hon. E. Clay Shaw	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,862.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. John R. Lewis	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,862.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Hon. James A. McDermott	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,862.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Jack F. Quinn	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Melvin L. Watt	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Lynn C. Woolsey	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Ray H. LaHood	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. R. Marion Berry	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,716.50	102.29	34,600.26	364.29
Hon. Mary N. Bono	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Hon. Lois G. Capps	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO SOUTH AFRICA AND CAPE VERDE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 23 AND MAY 31, 2003—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. N. Kay Granger	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Hon. Ruben E. Hinojosa	5/24	5/24	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.29	20,430.29	2,622.63
	5/30	5/31	Cape Verde	24,884.76	262.00	(3)		9,715.50	102.29	34,600.26	364.29
Father Daniel P. Coughlin	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
Robert W. Van Wicklin	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,726.90	102.41	31,856.90	335.41
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
Katherine A. Kless	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	355.29
Michael E. Collins	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Geoffrey C. Plague	5/24	5/24	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
	5/25	5/30	South Africa	8,826.10	1,133.00	(3)		11,604.22	1,489.63	20,430.29	2,622.63
	5/30	5/31	Cape Verde	22,130.34	233.00	(3)		9,715.50	102.29	31,845.84	335.29
Committee total					30,288				31,985.53		62,273.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

AMORY HOUGHTON JR., Chairman, June 30, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE CZECH REPUBLIC AND LATVIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND JUNE 1, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Doug Bereuter	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Mike Bilirakis	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. John Boozman	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Vern Ehlers	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Paul Gillmor	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Joel Hefley	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Nicholas Lampson	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Dennis Moore	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. David Price	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Thomas Reynolds	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. John Shimkus	5/24	5/28	Czech Republic		1,668.00		(3)				1,668.00
	5/28	6/1	Latvia		1,028.00		(3)				1,028.00
Hon. Robert Wexler	5/25	5/28	Czech Republic		834.00		6,273.72				7,107.72
Susan Olson	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(4)				6,126.34
Robin Evans	5/24	5/28	Czech Republic		1,668.00						1,668.00
	5/28	6/1	Latvia		1,028.00		(5)				4,570.22
Kay King	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(6)				6,510.34
Carol Lawrence	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(6)				6,510.34
John Lis	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(6)				6,510.34
Patrick Prisco	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(7)				6,126.34
Josephine Weber	5/24	5/28	Czech Republic		2,001.00						2,001.00
	5/28	6/1	Latvia		1,028.00		(7)				6,126.34
Committee total				51,360.00			41,557.98				92,917.98

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.
[4] Military +$5,098.34. [5] Military +$3,542.22. [6] Military +$5,482.34. [7] Military +$5,098.34.

DOUG BEREUTER, Chairman, June 5, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JORDAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 19 AND JUNE 23, 2003

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Jim Kolbe	6/20	6/23	Jordan		714.00						
Hon. Howard Berman	6/20	6/23	Jordan		714.00						
Hon. Chris Shays	6/20	6/23	Jordan		714.00						
Hon. Donald Payne	6/20	6/23	Jordan		714.00						
Hon. Ileana Ros-Lehtinen	6/20	6/23	Jordan		714.00						
Hon. William Jefferson	6/20	6/23	Jordan		714.00						
Hon. Susan Davis	6/20	6/23	Jordan		714.00						
Hon. Mark Kirk	6/20	6/23	Jordan		714.00						
Sean Mulvaney	6/20	6/23	Jordan		714.00						
Mark Murray	6/20	6/23	Jordan		714.00						
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JIM KOLBE, Chairman, June 25, 2003.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2002

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SHERWOOD L. BOEHLERT, Chairman, June 30, 2003.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

3233. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Disqualification for Crop Insurance Fraud (RIN: 0560-AG70) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3234. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — 2003 Agricultural Assistance Act — Crop Disaster Program and Livestock Assistance Program (RIN: 0560-AG95) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3235. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Addition of Australia and New Zealand to the List of Foreign Countries Eligible to Import Poultry Products (Ratite Only) Into the United States [Docket No. 02-015DF] (RIN: 0583-AC97) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3236. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Ophthalmic Drug Products for Over-the-Counter Human Use; Final Monograph; Technical Amendment [Docket No. 03N-0193] (RIN: 0910-AA01) received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3237. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Beverages: Bottled Water; Confirmation of Effective Date [Docket No. 03N-0068] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3238. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; D-tagatose and Dental Caries [Docket No. 02P-0177] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3239. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.937 of the Commission's Rule Concerning Repetitious or Conflicting Applications [FCC 03-79; WT Docket No. 02-57] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3240. A letter from the Assistant Division Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability [FCC 03-126; CC Docket Nos. 99-200, 96-98, 95-116] receivedJuly 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3241. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Garmin International, Inc.; Amendment of Sections 95.193(a) and 95.631(d) to Authorize Manufacture, Sale and Use of GPS Transmission Enhanced Family Radio Service Units; Amendment of Sections 95.193(a), 95.193(b), and 95.631(d) of the Commission's Rules Governing Permissible Communications in the Family Radio Service [FCC 03-26; WT Docket No. 01-339; RM-10070] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3242. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 1.937 of the Commission's Rules Concerning Repetitious or Conflicting Applications [FCC 03-79; WT Docket No. 02-57] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3243. A letter from the Attorney Advisor, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Garmin International, Inc.; Amendment of Sections 95.193(a) and 95.631(d) to Authorize Manufacture, Sale and Use of GPS Transmission Enhanced Family Radio Service Units; Amendment of Sections 95.193(a), 95.193(b), and 95.631(d) of the Commission's Rules Governing Permissible Communications in the Family Radio Service [FCC 03-26; WT Docket No. 01-339; RM-10070] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3244. A letter from the Senior Legal Advisor, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Implementation of Section 304 of the Telecommunications Act of 1996; Commercial Availability of Navigation Devices [FCC 03-89; CS Docket No. 97-80] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3245. A letter from the Assistant Division Chief, WCB, TAPD, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability [FCC 03-126; CC Docket Nos. 99-200; 96-98, 95-116] received July 15, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3246. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles that are firearms controlled under category I of the United States Munitions List sold commercially under a contract with United Arab Emirates (Transmittal No. DDTC 065-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3247. A letter from the Assistant Director, Executive & Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

3248. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Maryland Regulatory Program [MD-048-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3249. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-236-FOR] received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3250. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Tall Ships 2003, Navy Pier, Chicago, IL, July 30-August 4, 2003 [CGD09-03-207] (RIN: 1625-AA01, 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3251. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone: Coronado Bay Bridge, San Diego, California [COTP SAN DIEGO 03-013] (RIN: 1625-AA00) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3252. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Fireworks Display, Columbia River, Astoria, OR [CGD13-03-013] (RIN: 1625-AA00 (Formerly RIN: 2115-AA97)) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3253. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Guidance on the Application of Section 911 to U.S. Individuals Working in Iraq (Notice 2003-52) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3254. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Limitations on Assessment and Collection (Rev. Rul. 2003-80) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3255. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Application Procedures and Final Agreement for Withholding Foreign Partnerships Withholding Foreign Trusts; Additional Guidance for Qualified

Intermediaries Regarding Withholding on Small or Related Foreign Partnerships and Trusts (Rev. Proc. 2003-64) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3256. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Compensation Deferred Under Eligible Deferred Compensation Plans [TD 9075] (RIN: 1545-AX52) received July 14, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. HOBSON: Committee on Appropriations. H.R. 2754. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes (Rept. 108–212). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. 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; with amendments (Rept. 108–213). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mrs. JO ANN DAVIS of Virginia (for herself and Mr. TOM DAVIS of Virginia):

H.R. 2751. A bill to provide new human capital flexibilities with respect to the GAO, and for other purposes; to the Committee on Government Reform.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. MEEHAN, Mr. WEXLER, Mr. WEINER, and Mr. SCHIFF):

H.R. 2752. A bill to encourage the development and distribution of creative works by enhancing domestic and international enforcement of the copyright laws, and for other purposes; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself and Mr. BARRETT of South Carolina):

H.R. 2753. A bill to direct the Secretary of the Army to convey certain land in Georgia and South Carolina to the counties in which the land is located, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HOBSON:

H.R. 2754. A bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes.

By Mr. BASS (for himself and Mr. HUNTER):

H.R. 2755. A bill to authorize the President to issue posthumously to the late William ''Billy'' Mitchell a commission as major general, United States Army; to the Committee on Armed Services.

By Mr. HASTINGS of Florida:

H.R. 2756. A bill to direct the Commissioner of Internal Revenue to establish an earned income credit public awareness campaign to increase public awareness and educate Americans of the earned income credit; to the Committee on Ways and Means.

By Ms. HOOLEY of Oregon:

H.R. 2757. A bill to direct the President to assess the advisability of requiring each State to use the Death Master File of the Social Security Administration in issuing drivers' licenses to individuals; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Mr. BOSWELL, Mr. LEACH, and Mr. LATHAM):

H.R. 2758. A bill to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the ''William J. Scherle Post Office Building''; to the Committee on Government Reform.

By Mr. KLECZKA (for himself, Mr. RADANOVICH, Ms. MCCOLLUM, and Mr. SABO):

H.R. 2759. A bill to amend the Hmong Veterans' Naturalization Act of 2000 to extend the deadlines for application and payment of fees; to the Committee on the Judiciary.

By Mr. LANTOS (for himself and Mr. PAYNE):

H.R. 2760. A bill to limit United States assistance for Ethiopia and Eritrea if those countries are not in compliance with the terms and conditions of agreements entered into by the two countries to end hostilities and provide for a demarcation of the border between the two countries, and for other purposes; to the Committee on International Relations.

By Mrs. LOWEY (for herself, Mr. MARKEY, and Mr. ENGEL):

H.R. 2761. A bill to amend the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974 to strengthen security at sensitive nuclear facilities; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 2762. A bill to establish a vocational and technical education grant program; to the Committee on Education and the Workforce.

By Mr. POMBO:

H.R. 2763. A bill to amend the Internal Revenue Code of 1986 to allow a business credit for donations for vocational educational purposes; to the Committee on Ways and Means.

By Mr. SMITH of Washington:

H.R. 2764. A bill to amend title 38, United States Code, to extend to all members of the Armed Forces eligible for educational assistance under the Montgomery GI Bill the authority to transfer entitlement to such educational assistance to dependents, and to provide a six month period for enrollment under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Con. Res. 245. Concurrent resolution expressing the sense of Congress that it is in the national security interests of the United States to remain engaged in Iraq in order to ensure a peaceful, stable, unified Iraq with a representative government, and for other purposes; to the Committee on International Relations.

By Mr. RUSH:

H. Con. Res. 246. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Paul Leroy Robeson; to the Committee on Government Reform.

By Mr. ANDREWS (for himself, Mr. BILIRAKIS, Mr. PALLONE, and Mr. RYAN of Ohio):

H. Res. 320. A resolution supporting the removal of Turkish occupation troops from the Republic of Cyprus; to the Committee on International Relations.

By Mr. DEMINT (for himself, Mr. CLYBURN, Mr. SPRATT, Mr. WILSON of South Carolina, Mr. BARRETT of South Carolina, and Mr. BROWN of South Carolina):

H. Res. 321. A resolution stating the agreement of the House of Representatives with the sentiment expressed by the Senate in Senate Resolution 191; to the Committee on House Administration.

By Mr. STUPAK:

H. Res. 322. A resolution requesting that the President focus appropriate attention on neighborhood crime prevention and community policing, and coordinate certain Federal efforts to participate in 'National Night Out', including by supporting local efforts and community watch groups and by supporting local officials, to promote community safety and help provide homeland security; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

145. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 87 memorializing the United States Congress to continue providing assistance to Michigan to help eradicate bovine tuberculosis; to the Committee on Agriculture.

146. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution No. 56 memorializing the United States Congress to urge the Secretary of the Department of Health and Human Services to authorize any section 1115 demonstration waivers, and any other related Waivers, requested by State of Texas for the purposes of implementing a consumer-directed care program for the purchase of attendant care and other community care services under the state Medicaid program; to the Committee on Energy and Commerce.

147. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 71 memorializing the United States Congress to include funding for the American Red Cross Armed Forces Emergency Services in the National Defense Authorization Act and the Department of Defense Appropriations Act for fiscal year 2004; to the Committee on International Relations.

148. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 89 memorializing the United States Congress to enact legislation to support research, development, and construction of the Interstate Traveler Project through the reauthorization of the Transportation Equity Act of the 21st Century (TEA-21) and/or other related federal programs; jointly to the Committees on Science and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 33: Mr. GINGREY.

H.R. 63: Mr. PETERSON of Minnesota.

H.R. 102: Mr. PRICE of North Carolina and Mr. ABERCROMBIE.

H.R. 104: Mr. JOHN.

H.R. 135: Mr. GRIJALVA and Mr. BURNS.

H.R. 218: Mr. OSBORNE, Ms. HOOLEY of Oregon, Mr. PAUL, and Ms. ROS-LEHTINEN.

H.R. 313: Mr. UDALL of New Mexico.

H.R. 333: Mr. OWENS.
H.R. 339: Mr. OTTER.
H.R. 369: Mr. LATOURETTE.
H.R. 375: Mr. FRANKS of Arizona.
H.R. 391: Mr. PICKERING.
H.R. 440: Ms. SCHAKOWSKY.
H.R. 466: Mr. NUNES.
H.R. 486: Mr. SHIMKUS, Mr. CHOCOLA, Mrs. MUSGRAVE, Mr. HOEKSTRA, Mr. SOUDER, Mr. TERRY, and Mr. RENZI.
H.R. 515: Mr. WATT.
H.R. 594: Mr. BOUCHER and Mr. PICKERING.
H.R. 673: Mr. OTTER.
H.R. 717: Mr. SHERMAN.
H.R. 791: Mr. DREIER, Mr. GREEN of Wisconsin, Mr. CANTOR, Mr. BLUNT, and Mr. REYNOLDS.
H.R. 857: Mr. BOEHLERT.
H.R. 919: Mr. MURPHY and Mr. REYNOLDS.
H.R. 1006: Mr. LOBIONDO and Mr. OWENS.
H.R. 1177: Mr. EHLERS and Mr. NETHERCUTT.
H.R. 1179: Mr. BURNS.
H.R. 1236: Mr. COLE and Mr. NEUGEBAUER.
H.R. 1268: Ms. SCHAKOWSKY.
H.R. 1414: Mr. KUCINICH, Ms. LEE, and Mrs. NAPOLITANO.
H.R. 1472: Mr. MILLER of North Carolina, Mr. SWEENEY, and Mr. BECERRA.
H.R. 1478: Ms. ESHOO.
H.R. 1513: Mr. GARY G. MILLER of California, Mr. LATHAM, Mr. HOUGHTON, Mr. KENNEDY of Minnesota, and Mr. CANTOR.
H.R. 1565: Ms. MCCOLLUM.
H.R. 1621: Mr. OWENS.
H.R. 1622: Mr. UDALL of New Mexico, Mr. JONES of North Carolina, Mr. HOEFFEL, and Mr. SMITH of Washington.
H.R. 1626: Mr. NUNES.
H.R. 1688: Mr. UDALL of New Mexico, Mr. BAIRD, Mr. SNYDER, Mr. DEUTSCH, Ms. WOOLSEY, Mr. HOLT, Ms. WATERS, Mr. UDALL of Colorado, Mr. MICHAUD, Mr. ACEVEDO-VILA, and Mrs. TAUSCHER.
H.R. 1700: Mr. STRICKLAND.
H.R. 1708: Ms. WATSON, Mr. ALLEN, Ms. ESHOO, and Mr. SAXTON.
H.R. 1728: Mr. GIBBONS and Mr. JANKLOW.
H.R. 1752: Mr. KUCINICH, Mr. MCNULTY, and Mr. PAYNE.
H.R. 1793: Mr. BARTON of Texas.
H.R. 1828: Mr. GALLEGLY, Mr. BOOZMAN, Mr. PITTS, Mr. BROWN of South Carolina, Mr. HEFLEY, and Mr. FORBES.
H.R. 1910: Mr. GALLEGLY.
H.R. 1914: Mr. BROWN of South Carolina, Mr. STENHOLM, Mr. BLUNT, Mr. LEWIS of California, Mr. BRADLEY of New Hampshire, Mr. BURNS, and Mr. PETERSON of Minnesota.
H.R. 1943: Mr. DEMINT.
H.R. 2022: Mrs. JO ANN DAVIS of Virginia and Ms. SCHAKOWSKY.
H.R. 2032: Mr. CUMMINGS and Ms. HART.
H.R. 2093: Mr. HAYWORTH, Mr. QUINN, Mr. MILLER of Florida, Mr. SIMMONS, Mr. WILSON of South Carolina, Mrs. JO ANN DAVIS of Virginia, and Mr. LEWIS of Georgia.
H.R. 2154: Ms. DELAURO.
H.R. 2173: Mrs. JONES of Ohio.
H.R. 2213: Mr. STARK and Mr. WAXMAN.
H.R. 2224: Ms. MCCOLLUM.
H.R. 2232: Mr. HINOJOSA.
H.R. 2236: Mr. PLATTS.
H.R. 2238: Mr. GEPHARDT, Mr. MOORE, Mr. DOOLEY of Califorina, Mr. NEAL of Massachusetts, and Mr. LEWIS of California.
H.R. 2249: Mr. MOORE, Mr. DAVIS of Tennessee, Mr. BISHOP of New York, and Mr. MORAN of Kansas.
H.R. 2291: Mr. KANJORSKI.
H.R. 2309: Ms. WATERS, Ms. LINDA T. SANCHEZ of California, Mr. MATSUI, Ms. LOFGREN, Mr. WAXMAN, Mr. GEORGE MILLER of California, Ms. ESHOO, Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. FARR, Mr. CARDOZA, Mr. DOOLEY of California, Mrs. DAVIS of California, Mrs CAPPS, Mr. STARK, Mr. BACA, Ms. WOOLSEY, and Ms. SOLIS.
H.R. 2314: Mr. POMEROY.
H.R. 2347: Mrs. JO ANN DAVIS of Virginia.
H.R. 2363: Mr. DAVIS of Illinois, Mr. DEUTSCH, Mr. NADLER, and Mr. GRIJALVA.
H.R. 2379: Mr. ROGERS of Kentucky.
H.R. 2385: Mr. MATHESON.
H.R. 2416: Mr. TIAHRT.
H.R. 2422: Mr. ISRAEL.
H.R. 2426: Mr. BELL.
H.R. 2429: Mr. VAN HOLLEN.
H.R. 2446: Mr. BARTLETT of Maryland.
H.R. 2448: Mr. FOLEY, Mrs. MYRICK, and Mr. MCINNIS.
H.R. 2462: Mr. PETERSON of Minnesota and Ms. ESHOO.
H.R. 2467: Mr. MORAN of Virginia.
H.R. 2478: Mr. KANJORSKI and Ms. SCHAKOWSKY.
H.R. 2497: Mr. STARK, Mr. THOMPSON of Mississippi, Ms. SCHAKOWSKY, and Mr. DOGGETT.
H.R. 2504: Mr. FARR, Mr. RUSH, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Ms. SCHAKOWSKY, and Mrs. JONES of Ohio.
H.R. 2517: Mr. SCHIFF, Mr. PENCE, and Mr. SHIMKUS.
H.R. 2522: Mr. ACEVEDO-VILA.
H.R. 2540: Ms. LEE, Mr. BISHOP of Georgia, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. LAMPSON, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. BROWN of Ohio, Mr. JEFFERSON, Mr. FROST, Mr. GARY G. MILLER of California, Mr. GREEN of Wisconsin, Mr. BEREUTER, Mrs. JONES of Ohio, Mr. MCINNIS, Mr. LYNCH, Mr. PAUL, Mr. SCHIFF, Mr. SCHROCK, and Mr. WALSH.
H.R. 2556: Mr. SHADEGG, Mr. KING of Iowa, and Mr. HOEKSTRA.
H.R. 2568: Mrs. TAUSCHER.
H.R. 2569: Mr. ISRAEL, Ms. DELAURO, Mr. SERRANO, Mr. UDALL of New Mexico, Mr. BELL, and Mrs. JONES of Ohio.
H.R. 2579: Mr. CHOCOLA.
H.R. 2598: Mr. FORD, Mr. CONYERS, Mr. FROST, and Mr. LAHOOD.
H.R. 2603: Mr. FRANKS of Arizona.
H.R. 2611: Mr. VAN HOLLEN.
H.R. 2621: Mr. MCGOVERN, Mr. HONDA, Ms. MCCOLLUM, and Mr. RAHALL.
H.R. 2622: Mr. SMITH of Washington, Mr. CANTOR, and Mr. BLUNT.
H.R. 2650: Mr. BAIRD and Mr. OBERSTAR.
H.R. 2661: Mr. JONES of North Carolina.
H.R. 2668: Mr. QUINN, Ms. SLAUGHTER, Mr. LATOURETTE, and Mr. MCCOTTER.
H.R. 2670. Mr. SANDERS and Mr. CASE.
H.R. 2671: Mr. SMITH of Texas, Mr. FORBES, Mr. GOODE, Mr. WAMP, Mr. COLLINS, Mr. CULBERSON, Mr. KINGSTON, Mr. DUNCAN, Mr. BARTLETT of Maryland, Mr. GREEN of Wisconsin, Mr. GALLEGLY, Mr. JONES of North Carolina, Mr. GUTKNECHT, Mr. ISAKSON, Mr. GINGREY, Mr. BRADY of Texas, Mr. BEREUTER, Mr. MCCOTTER, Mr. WHITFIELD, Mrs. MUSGRAVE, Mr. KING of Iowa, Mr. CRAMER, Mr. KELLER, Mr. JENKINS, Mr. NEY, Mrs. BLACKBURN, Mr. BOEHNER, Mr. WICKER, Mr. BURNS, Mrs. JO ANN DAVIS of Virginia, Mr. WELDON of Florida, Ms. GINNY BROWN-WAITE of Florida, Mrs. MYRICK, Mr. SHIMKUS, Mr. PITTS, Mr. PENCE, Mr. HERGER, Mr. WILSON of South Carolina, Mr. SMITH of Michigan, and Mr. AKIN.
H.R. 2696: Mr. UDALL of Colorado.
H.R. 2700: Mr. SHIMKUS and Mr. RUSH.
H.R. 2704: Mr. DELAHUNT.
H.R. 2705: Mr. SHIMKUS, Mr. WU, and Mr. ALEXANDER.
H.R. 2707: Mr. UDALL of New Mexico.
H.R. 2732: Mr. KLINE and Mr. TIBERI.
H.R. 2734: Mr. BOEHLERT.
H.R. 2748: Mr. KOLBE.
H. Con. Res. 99: Mr. GRIJALVA and Mr. CLAY.
H. Con. Res. 107: Mr. BOSWELL.
H. Con. Res. 154: Ms. JACKSON-LEE of Texas.
H. Con. Res. 213: Mr. CARDOZA.
H. Con. Res. 217: Mr. REYES, Mr. CLAY, Mr. CARDOZA, Mr. FRANK of Massachusetts, Ms. WOOLEY, and Mr. MCNULTY.
H. Con. Res. 237: Mr. KOLBE.
H. Con. Res. 239: Mr. FROST.
H. Con. Res. 240: Mr. SCHIFF, Mr. JACKSON of Illinois, Mr. FATTAH, and Mr. HASTINGS of Florida.
H. Res. 273: Mr. KUCINICH.
H. Res. 304: Mr. BOOZMAN.
H. Res. 307: Mr. DOGGETT, Mr. BLUMENAUER, Mr. SANDERS, Mr. UDALL of New Mexico, Mr. MARKEY, Ms. MCCOLLUM, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. TIERNEY, Mr. RANGEL, Mr. THOMPSON of California, and Mr. CASE.

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. 1472: Mr. QUINN, Mr. ISSA, Mrs. CAPITO, Mr. BUYER, Mr. EVERETT, and Mr. SULLIVAN.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2691

OFFERED BY: MR. BEREUTER

AMENDMENT NO. 12: At the end of the bill (before the short title), insert the following new section:

SEC. 3___. None of the funds made available by this Act may be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska, or the Southeast Archaeological Center in Florida.

H.R. 2691

OFFERED BY: MR. BOEHLERT

AMENDMENT NO. 13: Page 7, line 13, after the dollar amount insert ''(increased by $3,815,000)''.

Page 14, line 8, after the dollar amount insert ''(increased by $6,550,000)''.

Page 17, line 12, after the dollar amount insert ''(increased by $10,000,000)''.

Page 22, line 17, after the dollar amount insert ''(increased by $10,000,000)''.

Page 22, line 23, after the dollar amount insert ''(increased by $5,000,000)''.

Page 25, line 24, after the dollar amount insert ''(increased by $32,600,000)''.

Page 26, line 1, after the dollar amount insert ''(increased by $20,000,000)''.

Page 91, line 3, after the dollar amount insert ''(increased by $20,000,000)''.

Page 97, line 17, after the dollar amount insert ''(increased by $7,020,000)''.

Page 107, line 16, after the dollar amount insert ''(reduced by $94,985,000)''.

H.R. 2691

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 14: Add at the end, before the short title, the following new section:

SEC. ____. None of the funds appropriated or otherwise made available by this Act may be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuges in the States of Oregon and California that permits the growing of row crops or alfalfa.

H.R. 2691

OFFERED BY: MR. WALDEN OF OREGON

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to acquire any land or interest in land for the Stewart B. McKinney National Wildlife Refuge.

H.R. 2691

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 16: At the end of the bill (before the short title), add the following:

SEC. ___. MISSOURI RIVER MANAGEMENT.

In order for the Corps of Engineers to select revisions to the Missouri River Master Water Control Manual that serve and balance the diverse interests of all river uses, including electric generation hydropower, flood control, navigation, recreation, and environmental protection, and in order to manage those uses under the Annual Operating Plan for the Missouri River, during the formal consultations under the Endangered Species Act of 1973 between the Corps of Engineers and the United States Fish and Wildlife Service regarding a new biological assessment for the Missouri River Master Control Manual, none of the funds made available by this Act shall be used to subject management of the Missouri River to the imposition of any regulatory action under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

H.R. 2691

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 17: At the end of the bill (before the short title), insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES—NATIONAL ENDOWMENT FOR THE ARTS—GRANTS AND ADMINISTRATION'' and by increasing the amount made available for ''DEPARTMENT OF AGRICULTURE—FOREST SERVICE—WILDLAND FIRE MANAGEMENT'' for hazardous fuels reduction activities by $57,480,000 respectively.

H.R. 2691

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 18: At the end of section 332, relating to the recreation fee demonstration program, page 151, after line 6, insert the following sentence:

The amendments made by this section apply only with respect to areas under the jurisdiction of the National Park Service.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, JULY 16, 2003 No. 105

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.

PRAYER

The Chaplain, ADM Barry C. Black, offered the following prayer:

O God of peace, end the civil war that rages in our hearts.

Fill our God-shaped void with Your presence and bid our striving to cease.

Thank You for Your steadfast love and Your redemptive presence among us.

Remind us that each day we make decisions for which we are accountable to You.

Give us wisdom and courage to burn life's brief candle, always aware of Your saving presence.

Use our Senators today as instruments of Your peace.

We pray this in Your strong name. 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, July 16, 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.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have a period of morning business for 30 minutes. Following that 30-minute period, the Senate will begin consideration of H.R. 2330, the Burma sanctions legislation.

Under the order from last night, there will be 60 minutes for debate on the Burma bill with a vote on passage to occur later in a series of stacked votes. After that debate, we will resume consideration of the Defense appropriations bill for debate on the Dorgan amendment on war costs, to be followed by debate on the Bingaman amendment on detainees.

The Senate will then conduct a series of three rollcall votes on the two amendments and passage of the Burma bill. These votes are expected to begin shortly after 12 noon today. Additional amendments will be offered over the course of the day, and therefore rollcall votes will continue throughout the day and evening in order to complete action on the Defense appropriations bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until the hour of 10 a.m., with the first 15 minutes under the control of the majority leader or his designee, and the next 15 minutes under the control of Senator MIKULSKI or her designee.

STALLED NOMINATIONS FOR THE SIXTH CIRCUIT

Mr. FRIST. Mr. President, I rise this morning to address a very specific situation—a dire situation—that exists in the administration of justice for the people of Tennessee, Kentucky, Ohio, and Michigan, the States that make up the Sixth Circuit Court of Appeals.

I am joined this morning by other Senators from the Sixth Circuit and, most notably, we are joined on the Senate floor by many Members of the House of Representatives, representing the four States of the Sixth Circuit.

This morning, we will be meeting with Michigan's attorney general, Mike Cox, and several other Michigan leaders. They flew down today to make their case in the Senate, encouraging us to do our job and move forward with the stalled Michigan nominations to the Sixth Circuit Court of Appeals. They will be presenting the Senate leadership with a petition of thousands of Michigan citizens asking the Senate to end this delay on the so-called Michigan four.

This petition corresponds with a concurrent resolution which has been introduced in the Michigan Legislature, also asking the Senate to end the almost 2-year delay on the Michigan nominations.

The people and leaders of Michigan are not just speaking for themselves; they speak for the people from all of the States concerned and affected by this inexcusable delay. That includes the people of Tennessee, Kentucky, as well as Ohio.

That is why last week I took the rare, but not unprecedented, action of vowing for discharge of these four stalled nominations from the Judiciary Committee, because the delay of these nominations affects more than the State of Michigan, and the entire Sixth Circuit congressional delegation does have an interest on behalf of the people of the States and districts we represent.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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In response to my discharge motion, my colleague, the senior Senator from Illinois, objected on behalf of the two Senators from Michigan on the basis that the stalled Michigan nominations had not had a hearing.

I thought at the time it was an odd objection given that the Senators from Michigan are the ones who are obstructing such hearings from even being held. Nevertheless, I respectfully considered the objection and studied the record of the Michigan nominations. This morning, I have sent a letter to Senator HATCH, chairman of the Judiciary Committee, along with Senator MCCONNELL, who also signed and wrote this letter with me, asking them to hold hearings on these nominations as soon as possible.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 16, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: As leaders of the majority and senators who represent two of the four states that comprise the Sixth Circuit, we are requesting that you hold hearings on the nominations of Judges Henry W. Saad, Susan B. Neilson, David W. McKeague, and Richard A. Griffin to the U.S. Court of Appeals for the Sixth Circuit.

On July 7, 2003, the Majority Leader filed resolutions to discharge the Judiciary Committee from consideration of these nominees. These measures would allow the full Senate to consider their nominations, three of which have been pending for nearly two years (the fourth has been pending more than one year).

We believe that the discharge resolutions are necessary because the Michigan senators have returned negative blue slips in an effort to prevent you from holding hearings on these nominees. Our understanding, however, is that the Michigan senators' objection to these nominees is based not on any substantive concerns about their qualifications, integrity, or temperament. Indeed, these four nominees are held in the highest regard and enjoy solid reputations. Nor is it based on a failure of the White House to properly consult with the Michigan senators. In fact, it appears that the Administration has been extremely solicitous of their views, having engaged in extensive consultation, as that term is properly understood.

Rather, based upon our review of the record of consultation and correspondence, it appears that the Michigan Senators object to consideration of these nominees for purposes unrelated to their personal qualifications. Simply put, they believe that two Clinton nominees from Michigan who were not confirmed should be renominated by President Bush. Because the White House has not taken the extraordinary step of renominating these two Clinton nominees, the Michigan Senators have decided to block all four of Michigan's circuit court nominees (and both of its district court nominees as well).

This is not a valid reason to hold the entire Sixth Circuit hostage and inflict damage and delay on our constitutes. This situation is unacceptable and simply cannot continue. The Michigan senators should not be able to prevent the entire Senate from acting on four outstanding nominees who would fill judicial emergencies on an appellate court that is operating with fully one fourth of its seats vacant.

There are many others, including numerous Michigan public officials, who share this view. Nine members of the Michigan congressional delegation wrote you on February 26, 2003, asking you to provide hearings for the Sixth Circuit nominees from Michigan as soon as reasonably practical. On July 3, 2003, the Michigan Senate introduced a resolution calling for the United States Senate and Michigan's U.S. Senators to act to begin the confirmation hearings on Michigan's Sixth Circuit nominees.

In response to the filing last week of the resolution to discharge the Judiciary Committee from consideration of Judge McKeague's nomination, Senator Durbin stated, ''. . . [T]his nomination for the Sixth Circuit, and the others that will be made by the majority leader, have not had the benefit of any hearing before the Senate Judiciary Committee. I believe that [a] hearing should take place before a lifetime appointment is given to any person to the Circuit Court.'' We wholeheartedly agree that the Michigan nominees to the Sixth Circuit deserve hearings, and accordingly request that you schedule hearings for Judges Saad, Neilson, McKeague, and Griffin as soon as possible.

On behalf of our constituents, we would appreciate your immediate attention to this most urgent matter.

Sincerely,

WILLIAM FRIST,
U.S. Senate Majority Leader.
MITCH MCCONNELL,
U.S. Senate Majority Whip.

Mr. FRIST. Mr. President, I also ask unanimous consent to have printed in the RECORD two letters from White House Counsel Alberto Gonzales outlining the history of these nominations.

There being no objection, the material was sordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, March 28, 2003.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN HATCH: Thank you for your letter of March 25, advising the President of a letter you recently received from Senator Levin and Senator Stabenow. As you note, Senators Levin and Stabenow have returned blue slips objecting to all five judicial nominees from Michigan pending before the Committee. The Michigan Senators' letter further suggests that the White House did not engage in adequate consultation with them regarding these nominees. You have asked me to describe the nature and extent of consultation between the White House and the Michigan Senators regarding Richard Griffin, David McKeague, Susan Bieke Neilson, Henry Saad and Thomas Ludington. We are pleased to have the opportunity to explain why we believe there has been appropriate consultation.

Before turning to a chronological review of the record, we believe a general comment is in order. Senators Levin and Stabenow insisted from the outset that President Bush should renominate to the Sixth Circuit two nominees of President Clinton—Helene White and Kathleen McCree Lewis—who had not received hearings or votes. The Senators argued that ''elementary fairness . . . necessitates that they be renominated, that hearings be held, and that they be voted up or down by the Senate Judiciary Committee.'' See Levin-Stabenow Letter to President Bush (April 3, 2001). In response, we informed the Senators that we were in fact considering Judge White and Ms. McCree Lewis, along with numerous other candidates, for the Sixth Circuit, but that the President would not commit to renominating them for those seats. We explained that it is extraordinarily rare for a President to nominate for the federal bench an individual previously nominated by his predecessor, especially when the predecessor is from another political party; that President Bush was not responsible for the failure of Judge White and Ms. McCree Lewis to attain confirmation; and that numerous individuals appointed by President George H.W. Bush to the federal courts of appeals saw their nominations lapse without Senate action at the end of 1992, and did not have their names resubmitted by President Clinton. As we summarized, ''President Bush is entitled to make his own appointments for these vacancies, and he may well prefer candidates other than those previously chosen by President Clinton.'' See Gonzales Letter to Senators Levin and Stabenow (April 10, 2001).

Following this initial exchange, in which the White House made its position very clear, we moved forward with the process of evaluating candidates for the judicial vacancies in Michigan—including Judge White and Ms. McCree Lewis, who we interviewed—and recommending nominees to the President. Throughout this process, we repeatedly consulted with the Michigan Senators, seeking their input on candidates time and time again, almost literally until the eve of their nominations. At no point did either Senator Levin or Senator Stabenow ever articulate any specific objections to any of the five nominees. Instead, the Michigan Senators consistently responded to our consultations by (1) continuing to ask that President Bush ''address'' the White and McCree Lewis situations by renominating them, and (2) refusing to provide feedback on our proposed candidates unless and until we gave in to that request.

Specifically, our records show that, prior to the nominations of the five individuals in question, the White House engaged in the following noteworthy consultations with the Michigan Senators.

April 3, 2001. The Michigan Senators write to the President to announce their position: ''[E]lementary fairness to [Judge White and Ms. McCree Lewis] . . . necessitates that they be renominated, that hearings be held, and that they be voted up or down by the Senate Judiciary committee''; and ''[n]ominating others in their stead would not only be inconsistent with your stated goal of bipartisanship, it would compound the difficult situation we are now in relative to filling the Michigan judicial vacancies on the Sixth Circuit.''

April 10, 2001. I respond in writing as described above—stating that we are considering Judge White and Ms. McCree Lewis, but that President Bush is entitled to make his own appointments for the Michigan vacancies.

May 17, 2001. At a meeting in my office, I provide the Senators with the names of individuals being considered for the Sixth Circuit (including Judges Saad, McKeague, and Griffin) and for the vacancy on the U.S. District Court for the Eastern District of Michigan (including Thomas Ludington). I invite the Senators to provide their feedback on those individuals. Senator Levin, however, states that he will not provide any reactions until ''the larger issue'' is settled.

May 17, 2001. Following up on my meeting with the Senators, Associate Counsel Brad Berenson calls the Chiefs of Staff of Senators Levin and Stabenow, again providing the

names of the candidates and soliciting the Senators' reaction.

May 23, 2001. Mr. Berenson consults again with Senator Levin's Chief of Staff regarding Judges Griffin, McKeague and Sadd—making clear that no nominations are definite, and again asking for reactions or feedback from the Senator. Mr. Berenson also delivers the same message and invitation by voice mail to Senator Stabenow's Chief of Staff.

June 7, 2001. Mr Berenson again calls Senator Stabenow's Chief of Staff seeking the Senator's reaction to the potential judicial nominees. The Chief of Staff reports that Senator Stabenow does not know any of the individuals in question and again urges that no action should be taken on them until the White/McCree Lewis situation is addressed.

June 15, 2001. Mr. Berenson again calls Senator Stabenow's chief of Staff—once again seeking the Senator's reaction to the potential judicial nominees, and notifying the Senator that Susan Bieke Neilson is under consideration for the Sixth Circuit. Mr. Berenson also calls Senator Levin's Chief of Staff to deliver the same message, but is told that the Chief of Staff can not talk until the following Monday.

June 21, 2001. After leaving several telephone messages, Mr. Berenson succeeds in contacting Senator Levin's Chief of Staff. Again, he seeks the Senator's reaction to the potential judicial nominees we had identified on May 17; he also gives notice that Susan Bieke Neilson is under consideration for the Sixth Circuit.

July 9, 2001. Mr. Berenson speaks by phone with Senator Levin's Chief of Staff regarding Judge Neilson. Mr. Berenson leaves a voice mail message about Judge Neilson for Senator Stabenow's Chief of Staff.

August 8, 2001. Mr. Berenson places phone calls to both Senators' Chiefs of Staff. Both are on vacation, so Mr. Berenson leaves messages regarding Judge Ludington.

August 10, 2001. Senator Levin's Chief of Staff writes to Mr. Berenson reiterating Senator Levin's original position.

August 14, 2001. Mr. Berenson responds to Senator Levin's Chief of Staff, explaining that ''although we gave careful consideration to the matter, including interviews of both women, the President does not intend to nominate both these women to the Sixth Circuit.'' Mr. Berenson's letter further notes that ''[we] have . . . continued to keep the Senator fully informed at every stage of our deliberations, providing the names of individuals the President is considering for appointment and repeatedly soliciting the Senator's views,'' and advises that ''we would prefer to have the Senator's input before the President makes nominations.''

August 17, 2001. I send a letter to then-Chairman Leahy (with copies to the Michigan Senators as well as to you), once again clearly setting out the White House's position. I write that ''I have met with Senators Levin and Stabenow and have listened carefully to their concerns regarding the history of nominations from Michigan to the Sixth Circuit. Although I understand their desire to have the President renominate two of President Clinton's candidates for the Court of Appeals . . . we believe it would be unfair to expect the President to do so. The net result of our discussions is an apparent standoff in which the two Michigan Senators are attempting (inappropriately, in my view) to use the threat of negative blue slips against President Bush's Michigan circuit nominees to compel the President to renominate Clinton nominees based upon grievances in which president Bush played no part.'' I also reiterate that ''[w]e remain committed to consulting closely with home-state Senators to identify judicial candidates the President may nominate with the support of the Senators; however, meaningful, good faith consultation by the Senators cannot, in my judgment, include a demand that President Bush select as nominees those individuals previously selected by the prior Administration.''

August 22, 2001. Senator Levin's Chief of Staff writes to Mr. Berenson, proposing a bipartisan commission for judicial nominations in Michigan.

August 23, 2001. Mr. Berenson responds, explaining that the White House is not willing to consider a commission in Michigan at this time. Mr. Berenson elaborates: ''Commissions exist or are under consideration in only two or three states in which history or other special circumstances clearly justify such an unorthodox mechanism. None of these circumstances exists in Michigan.''

October 9, 2001. I meet with the Michigan Senators at Senator Levin's office to discuss potential solutions to the Sixth Circuit impasse.

October 31, 2001. I speak with Senator Levin to explain why the Michigan Senators' commission proposal is not acceptable, and to inform the Senator of the president's intent to make nominations to the Sixth Circuit seats shortly.

November 1, 2001. Senators Levin and Stabenow write to urge me ''to reconsider [their] proposal to jointly establish a bipartisan judicial nominating commission for the existing Michigan vacancies on the Sixth Circuit Court of Appeals.'' Again, they do not provide any comments on Judges Griffin, McKeague, Neilson, Saad or Ludington—and they indicate that ''we could not, in good conscience, return blue slips on Sixth Circuit nominees until the unfair treatment of the nominations of [Judge White and Ms. McCree Lewis] is addressed.''

November 2, 2001. I respond to the Michigan Senators, respectfully declining to reconsider our decision not to establish a judicial nominating commission, and reiterating that we had proposed an appropriate solution to the Michigan situation. My letter also gives fair warning that ''the President will soon make nominations to all of the existing federal judicial vacancies in Michigan,'' and invites the Michigan Senators to reconsider their position.

Following these extensive consultations by the White House, the President nominated Judges McKeague, Saad and Neilson on November 8, 2001.

Still, our consultations as to the remaining vacancies continued even after this point. I met with the Michigan Senators on December 19, 2001, and again on February 7, 2002, to discuss solutions to the Michigan. situation, and I called them on June 20 and 24, 2002. Seeing no prospect of resolution, the President nominated Judge Griffin to the Sixth Circuit on June 26, 2002. Judge Ludington was nominated later that year, on September 12.

In short, we engaged in repeated pre-nomination consultations with the Michigan Senators regarding these five nominees, making every reasonable effort to get the Senators' feedback. We interviewed the candidates suggested by the Senators—Judge White and Ms. McCree Lewis. And we proposed our own reasonable solution to the matter. Notwithstanding these extensive efforts by the White House, the Michigan Senators steadfastly refused to provide feedback on the nominees, instead insisting that the President should first agree to nominate President Clinton's candidates and/or to turn the process over to a commission. After several months, with no sign of progress, and having received no specific objections to any of the individuals in question, the President proceeded with his nominations, to address the acknowledged judicial emergencies on the Sixth Circuit. These emergencies continue to this day, and affect not only the constituents of Senators Levin and Stabenow, but also the citizens of Kentucky, Ohio and Tennessee.

I believe that any reasonable observer would agree that the record described above demonstrates that the White House engaged in appropriate consultations with respect to the five Michigan judicial nominees.

I trust that this letter provides the information you need regarding our extensive consultation with the Michigan Senators. However, I would be pleased to provide additional details if necessary.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

THE WHITE HOUSE,
Washington, April 2, 2003.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.
Hon. DEBBIE A. STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATORS LEVIN AND STABENOW: I respectfully write with regard to your March 19 joint letter to Chairman Hatch, which accompanied your return of blue slips indicating your opposition to a hearing and vote for five pending Michigan nominees for federal judicial seats. Your letter explains that you are objecting to these Michigan nominees—and will continue to object to future Michigan nominees—in order to protest the fact that two of President Clinton's judicial nominees from Michigan did not receive hearings.

Although you have returned negative blue slips for all of these nominations, you do not indicate any opposition based upon qualifications to any of the five individuals in question. Nor did you express any such specific opposition during our pre-nomination consultations with your offices regarding these individuals. (This consultation history is described more fully in the attached response to any inquiry from Chairman Hatch.) In our judgment, all five nominees are indeed well qualified to serve on the federal bench, and deserve prompt hearings and votes. I will briefly review their qualifications below, before turning to your complaints regarding President Clinton's nominees and, finally, addressing your blue slips.

I. THE NOMINEES

David McKeague, Susan Bieke Neilson, Henry Saad, Richard Griffin and Thomas Ludington are well qualified for the judicial seats for which they have been nominated.

Judge McKeague has served on the U.S. District Court for the Western District of Michigan since 1991, when he was unanimously confirmed by the then-Democrat-controlled Senate. During his tenure as a district judge, he has on seven occasions been designated to sit on a panel of the Sixth Circuit. Chief Justice Rehnquist appointed Judge McKeague to serve on the Judicial Conference's Committee on Defender Services, where Judge McKeague chairs the funding subcommittee. The Chief Justice also appointed Judge McKeague to the District Judges Education Committee of the Federal Judicial Center, which Judge McKeague chairs. The American Bar Association (''ABA'') has given Judge McKeague, a ''Well Qualified'' rating for the Sixth Circuit.

Judge Neilson has served on the 3rd Judicial Circuit Court of Michigan since 1991. She has written numerous articles and was co-editor and author of Michigan Civil Procedure, a two-volume treatise on all areas of Michigan civil practice. This treatise was selected by the Michigan Judicial Institute for purchase on behalf of every trial judge in the

State of Michigan and received the ''Plain English Award'' from the State Bar of Michigan. The ABA has unanimously rated Judge Neilson ''Well-Qualified'' for the Sixth Circuit.

Judge Saad has served on the Michigan Court of Appeals since 1994. During his 1996 retention election, he received broad bipartisan support, including endorsements from the Michigan Chamber of Commerce and the United Auto Workers. Judge Saad is also active in the community. He has served as President of the Wayne State University Law School Alumni Association, Chairman of the Board of the Oakland Community College Foundation, and as a Board Member on the National Conference of Christians and Jews. In 1995, he received the Arab-American and Chaldean Council Civic and Humanitarian Award for Outstanding Dedication to Serving the Community with Compassion and Understanding. The ABA has given Judge Saad a ''Qualified'' rating. It also bears noting that Judge Saad was nominated to the Eastern District of Michigan by President George H.W. Bush a decade ago, but did not receive a hearing.

Judge Griffin has served on the Michigan Court of Appeals since 1989. He has served the bench and bar in a number of volunteer capacities. He is a former member of the federal judicial selection committee for the Western District of Michigan, and currently serves as Chairman of the Quality Review Committee for the Michigan Court of Appeals. The ABA has rated Judge Griffin ''Well Qualified'' to serve on the Sixth Circuit.

In sum, all four of the President's Sixth Circuit nominees from Michigan have extensive experience on the state or federal benches; all are active in their communities and in the bar; all have extensive support in Michigan; and all have received Well Qualified or Qualified ratings from the ABA. We respectfully submit that by any traditional standard, Judges McKeague, Neilson, Saad and Griffin are superbly qualified candidates for the vacant seats on the Sixth Circuit—seats that have been designated ''judicial emergencies'' by the Judicial Conference.

Thomas Ludington is likewise fully qualified for the district court. He has considerable experience on the state bench—having served as Chief Judge of the 42nd Circuit Court in Michigan since 1995—and enjoys wide support within the State. And he too has received a unanimous ''Well Qualified'' rating from the ABA.

II. THE BASIS OF YOUR OBJECTIONS

In explaining your negative blue slips, you note that two of President Clinton's Michigan nominees to the Sixth Circuit, Judge Helene White and Kathleen McCree Lewis, did not receive hearings or votes.

We understand your position. President Bush has explained that too many nominees of both President Bill Clinton and President George H.W. Bush did not receive timely hearings and votes. For example, two of President George H.W. Bush's Sixth Circuit nominees—John Smietanka and Justin Wilson—and his nominee to the Eastern District of Michigan, Judge Saad, did not receive hearings or votes in the then-Democrat-controlled Senate a decade ago.

President Bush has called on both parties to move on from the cycle of blame and retribution that has plagued the Senate for more than a decade. Since the 2000 campaign, the President has emphasized that every judicial nominee should receive a committee hearing and up or down floor vote within a reasonable time, no matter who is President or which party controls the Senate. On October 30, 2002, after nearly two additional years of Senate delays, the President advanced a plan involving all three Branches that would require, among other steps, the Senate to vote on nominees within 180 days of nomination. The plan would ensure a generous period of time for all Senators to gather information and have their voices heard and votes counted. Whether the nominee is John Smietanka or Helene White or Susan Bieke Neilson, whether the President is President Clinton or President Bush, whether the Senate is Republican- or Democrat-controlled, the President believes that the procedures for fair and timely Senate consideration and votes on judicial nominations should be the same.

III. THE SIGNIFICANCE OF THE BLUE SLIPS

Against this backdrop, let me turn to your blue slips.

It has been my understanding that the blue slip is not a veto, but rather a device to ensure adequate pre-nomination consultation with home-state Senators, such as has occurred in the cases of these five nominees. We understand this to have been the consistent Senate policy for at least the last 25 years—during the Chairmanships of Senators Kennedy, Thurmond, Biden and Hatch. And in recent weeks, several other Democratic Senators (including former Chairman Leahy) have argued that Jorge Rangel and Enrique Moreno, nominees of President Clinton to the Fifth Circuit, should have received hearings and votes notwithstanding what the Committee deemed to be inadequate consultation with home-state Senators—thereby implicitly embracing the view that home-State Senators should not be allowed to veto a nominee.

We agree strongly with the bipartisan policy maintained by Senators Kennedy, Thurmond, Biden, and Hatch as Chairs of the Judiciary Committee. We respectfully agree that the tradition of consultation does not and should not entail a veto for home-state Senators, particularly a veto wielded for ideological or political purposes. Rather, the intention of the Constitution and the tradition of the Senate require, in our judgment, that the full Senate hold on up or down vote on each judicial nominee. If the objections of home-state Senators to a nominee are persuasive, those objections either will deter the President from submitting the nomination in the first instance or, alternatively, will convince a majority of the Senate that the nomination should be rejected. As Senator Kennedy stated in 1981, however, the Senate has not allowed and should not allow ''individual Senators [to] ban, prohibit, or bar'' consideration of a nominee.

Once again I respectfully suggest that all Senators should have their voices heard and their votes counted on the nominations of Judges McKeague, Neilson, Saad, Griffin, and Ludington—five individuals well qualified to serve on the federal bench.

I remain hopeful that we can work together to fill these judicial emergencies and I remain ready to meet to explore options.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

Mr. FRIST. After looking at the record, I have reached the conclusion that the objection to these nominees having hearings is based not on any substantive concerns about their qualifications, or their temperament, or about their integrity. Indeed, these four nominees are held in the highest regard and enjoy solid reputations. Nor is it based on a failure of the White House to properly consult with the Michigan Senators. In fact, it appears that the administration has been extremely solicitous of their views, having engaged in extensive and good-faith consultation, as that term is properly understood.

Rather, based upon review of the record of consultation and correspondence, it appears that the Michigan Senators object to the consideration of these nominees for purposes totally unrelated to their personal qualifications. Simply put, they believe that two Clinton nominees from Michigan who were not confirmed should be renominated by President Bush. Because the White House has not taken this extraordinary step of renominating two of former President Clinton's nominees, the Michigan Senators have decided to block, to obstruct, all four of Michigan's circuit court nominees. I might add, they are blocking the district court nominees as well.

I believe the reason it is important for us to shed light on this issue is—and I am sure the American people and my colleagues will agree—that this is not a valid reason to hold the people of the entire Sixth Circuit Court hostage and inflict damage and delay on our constituents.

The situation is simply unacceptable and cannot continue. The Michigan Senators, I believe, should not be able to prevent the entire Senate from acting on four outstanding nominees who would fill what we all know are officially classified as judicial emergencies on the appellate court that is operating with fully one-fourth of its seats vacant right now. These are judicial emergencies.

I should note that one of these nominees, Judge Henry Saad, was first nominated by the first President Bush and was never given a hearing. He has been waiting, in effect, for over a decade. It bears noting that when he is confirmed by this Senate, he will be the first Arab American to serve on the Federal courts.

The Constitution of the United States requires that the Senate responsibly and expeditiously vote on the President's nominees—''yea'' or ''nay''—and allow the courts to get on with their work. Instead, what is happening is that the President's nominees to the Sixth Circuit are being held up, and the Senate is blocked from performing its constitutional duty.

Among the 12 U.S. Courts of Appeals, the Sixth Circuit is now dead last in the timeliness of its disposition of cases.

District court judges within the Sixth Circuit warn us that by having to perform regular duty as a substitute judge on the court of appeals, their own trial dockets have slowed considerably.

Only a substantial commitment on the part of the senior judges of the Sixth Circuit, district judges from the within the Sixth Circuit, and visiting appellate judges from other circuits has kept the caseload even barely manageable. The Sixth Circuit is the third busiest court of appeals, and Chief

Judge Boyce Martin has asked Congress to authorize a 17th judge for the court. The court would be overworked even if it had its full complement of 16 judges.

According to District Judge Robert Bell, W.D. Michigan, ''We're having to backfill with judges from other circuits, who are basically substitutes. You don't get the same sense of purpose and continuity you get with full-fledged court of appeals judges.'' Furthermore, ''we don't have the time or the resources that the circuit court has. You can't help to conclude that if we had 16 full-time judges with the full complement of staff, that each case might get more consideration . . .''

Those are very troubling words: ''Each case might get more consideration.'' It is unconscionable that we would deliberately allow our courts to get clogged up, backlogged, and undermined because some in Washington wish to politicize the process. Our courts are supposed to be fair and impartial. They are supposed to serve both victims and defendants. We are undermining the rights of our fellow citizens if we do not resolve this issue.

It is not just judges who are seeing what is happening. United States attorneys in Michigan tell us that the delays caused by the vacancies are complicating their ability to prosecute wrongdoers, defendants are able to commit more crime while awaiting trial, there is less consistency in the court's jurisprudence, and the United States is effectively being deprived of en banc review in some cases.

A letter signed by 31 Assistant United States Attorneys in the Eastern District of Michigan states:

> [i]n years past, it was the normal practice of the Sixth Circuit that a case would be heard by the Court approximately three months after all briefs were filed, and in most cases an opinion would issue in about three additional months. At present, due to the large number of vacancies on the Court . . . it has been taking on average between twelve and eighteen months longer for most appeals to be completed . . .

Moreover, they go on:

> [D]elays in criminal cases hurt the government . . . [T]he longer a case goes on, the more chance there is that witnesses will disappear, forget, or die, documents will be lost, and investigators will retire or be transferred . . . In some cases, convicted criminal defendants are granted bond pending appeal. The elongated appellate process therefore allows defendants to remain on the street for a longer period of time, possibly committing new offenses. In addition, the longer delay makes retrials more difficult if the appeal results in the reversal of a conviction.

They go on:

> [T]he Sixth Circuit has resorted to having more district judges sit by designation as panel members. This practice has contributed to a slowdown of the hearing of cases in the district courts, because the district judges are taken out of those courtrooms. The widespread use of district judges also provides for less consistency in the appellate process than would obtain if full-time Circuit Judges heard most of the appeals.

And they conclude:

> In some cases, the small number of judges on the Court has served to effectively deprive the United States of en banc review . . . Achieving a unanimous vote of all of those judges of the Court who were not part of the original panel is, as a matter of practice, impossible, and not worth seeking. However, if the Court was at full strength, an en banc review could have been granted with the votes of about two thirds of the active judges who were not part of the original panel.

I quote their comments at length because I want to lay out in unambiguous terms what is happening to our justice system.

Justice delayed is justice denied—justice denied to everyone, including victims, defendants, and the entire community.

President Bush has nominated four well-qualified individuals from Michigan to fill these vacancies. The objections of the Michigan Senators are, in my view, unreasonable. The basis of their complaint is that two nominees were left without hearings at the end of President Clinton's term in 2001.

They ignore the fact that two nominees were also left without hearings at the end of President Bush's term in 1993, which means that President Clinton got to appoint the same number of judges to the Sixth Circuit as the number of vacancies that came open during his Presidency.

Both parties have left nominations ending at the end of Presidents' terms. But the effort by my Michigan colleagues to block nominations at the outset of a President's term is unheard of.

Five of the Sixth Circuit's active judges—nearly half—were appointed by President Clinton.

Let me read from the Grand Rapids Press. It makes the point well, saying:

> The Constitution does not give [Sens. Levin and Stabenow] co-presidential authority and certainly does not support the use of the Court of Appeals to nurse a political grudge . . . [Sens. Levin and Stabenow] have proposed that the president let a bipartisan commission make Sixth circuit nominations or that Mr. Bush renominate the two lapsed Clinton nominations. Mr. Bush has shown no interest in either retreat from his constitutional prerogatives. Nor should he. Movement in this matter should come from Sens. Levin and Stabenow—and, clearly, it should be backward.

Our courts cannot work if we do not have judges to run them. And our communities suffer when our courts do not work—victims, who never see justice, defendants who hang in limbo, and communities that go unprotected.

President Bush's judicial nominees deserve a simple up-or-down vote. That is all that is being asked. This is one of our most important constitutional duties. We cannot use the system to nurse grudges. The consequences are too great. The public expects us to do our duty. I call upon my fellow Senators to exercise their constitutional responsibilities and free the Michigan four.

Mr. President, I yield the Republican time to the majority whip, the Senator from Kentucky.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. MCCONNELL. I thank the Chair.

Mr. President, I thank the majority leader for outlining what is truly a crisis in the Sixth Judicial Circuit, the federal circuit which includes Tennessee, Kentucky, Ohio, and Michigan.

As this chart illustrates, of the 16 judgeships on the Sixth Circuit, 4 seats are vacant. They are all Michigan seats. They are being held up by the Michigan Senators, strangely enough, as the majority leader has outlined, based upon some grievance that occurred in the past. But the problem is not the past; it is the present. We have a judicial vacancy crisis in the Sixth Circuit that affects not only the State of Michigan but litigants in Tennessee, Kentucky, and Ohio.

If we look at the second chart, we will see what the effect is on litigants. Back in 1996, the Sixth Circuit had to handle about 364 cases per active judge. For 2002, it is up to 643 cases per active judge, an increase of 77 percent.

The Sixth Circuit is essentially swamped with litigation, and justice is being denied by being delayed. It is the slowest circuit in the country. Sixth Circuit litigants have to wait on justice 50 percent longer than any other litigants in any other part of America just because they happen to be a litigant in the Sixth Judicial Circuit because of the action of the Michigan Senators in holding up all four of these well-qualified nominations to the Sixth Circuit. If you are so unfortunate as to be a litigant in the Sixth Circuit, you have to wait 50 percent longer than the national average to have your case dealt with.

Senatorial prerogatives are important, but my recollection is Senators do not get to pick circuit judges in the first place. I guess we can have an argument about the blue slip policy as it relates to district judges, but we do not get to pick circuit judges; they are a Presidential prerogative.

To simply withhold judges at the circuit level to secure nominations that the election does not give you an opportunity to achieve—in other words, the Republicans won the election in 2000—and, by doing that, dramatically disadvantage litigants not only in your own State but in three other States, seems to this Senator unfair.

I guess the issue is what can be done about it. As the majority leader indicated and as I believe the senior Senator from Illinois indicated last week—the Senator from Illinois noted that there had not been any hearings on these nominees—my suggestion and the majority leader's suggestion to the chairman of the Judiciary committee, Senator HATCH, is to have hearings on these nominees. We have sent him a letter requesting that, because of the judicial emergencies in the Sixth Circuit, he go forward with hearings on these nominees.

I hope Chairman HATCH will do that and the committee will forthwith act

on these judges, send them to the floor, and let the Senate work its will because we have a crisis. My people in Kentucky did not have anything to do with this issue, and they ought not be penalized because of actions in some other State in the Sixth Judicial Circuit. I hope Senator HATCH, the chairman of the Judiciary Committee, will hold these hearings in the very near future.

Mr. FRIST. Will the Senator from Kentucky yield for a question?

Mr. MCCONNELL. I do yield for a question.

Mr. FRIST. Mr. President, I ask the Senator from Kentucky to share his concern as to the effect this particular delay of the Sixth Circuit nominees has on the people we serve every day and how their real lives are being affected. I think that is what drives us in moving forward, recognizing this delay is simply unacceptable.

Mr. MCCONNELL. Mr. President, if you are a litigant from Tennessee or Kentucky and are having to wait 50 percent longer than a litigant in some other State because of the actions by the Senators from Michigan, it seems to me that is simply unfair. Because of some grievance that occurred in the past, some score being settled by holding hostage these litigants from Tennessee and Kentucky who had nothing to do with this situation, I think is grossly unfair.

One thing the majority leader has asked Senator HATCH to do that will help is have hearings, as has been suggested by the senior Senator from Illinois, and move forward on these nominations.

Mr. FRIST. Mr. President, I thank the Senator. That does bring into focus what we are here to do. For me, that brings into focus why, for us to be good stewards of the judiciary, we need to accelerate this process and move it forward. Indeed, that is what the Constitution calls upon us to do.

Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. The leader controls 2 minutes 15 seconds.

Mr. FRIST. I yield the remainder of our time to the distinguished Senator from Tennessee.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the majority leader and the whip for bringing this to the attention of the Senate.

I am new to the Senate. This situation is very disappointing to me as a Senator from the Sixth Circuit. I will give one example of how this affects people in real time and real lives in Tennessee, Kentucky, Ohio, and Michigan. Thirty-one assistant U.S. attorneys in the Eastern District of Michigan have written a letter to Senator LEVIN to complain that the vacancies have slowed justice, have complicated prosecutions, have enabled criminals to commit more crimes while awaiting trial, have led to less consistency in decisions, and have deprived the United States of en banc review in some cases.

A group of law professors, in a letter to the majority leader, stated that because of the unfilled judicial vacancies, the Sixth Circuit takes as long as 15 months to reach a final disposition, 5 months more than the national average.

This is unfair to the people in our State. I hope the Judiciary Committee will move swiftly to hearings and the Senate will move swiftly to consider, vote on, and hopefully confirm the Michigan four.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, how much time do the Democrats have in morning business?

The ACTING PRESIDENT pro tempore. The Democrats have 15 minutes under a previous order.

Mr. REID. Mr. President, I yield all 15 minutes to Senator MIKULSKI.

The ACTING PRESIDENT pro tempore. The Senator from Maryland is recognized for up to 10 minutes.

Ms. MIKULSKI. I thank the Chair.

Mr. President, I yield 5 minutes to the Senator from Michigan and then 10 minutes to myself.

JUDICIAL NOMINEES

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

Ms. STABENOW. Mr. President, I thank my colleague and dear friend from Maryland. She has been waiting to speak for a long time. I appreciate her graciousness in allowing me to speak for a moment.

This is a very unfortunate time in the State of Michigan. We have traditionally had bipartisan cooperation on issues that affect our wonderful State and the people we all represent. I cannot think of a time when we have had in previous Congresses Republican colleagues on the House side doing press conferences and attacking the Senators. It is very unfortunate.

Let me speak first to the numbers our distinguished majority leader just used and other Members on the other side of the aisle. It is my understanding those numbers about backlogs were prior to the filling of four vacancies on the Sixth Circuit. So we are looking at a situation where there have been four vacancies already filled. Retired judges are used to hear cases.

We do not hear about the kind of backlog and the concern about the lack of justice going on in the Sixth Circuit. I believe that is absolutely inaccurate. What we do hear is a great concern about playing politics.

There was an effort to hold up all the nominees to the Sixth Circuit under President Clinton. Now, coming into this Senate, Senator LEVIN and I have attempted to work with the administration to have a bipartisan solution to stop this. That is what we have been about, not going on with partisanship, which is what is happening now. Rather than working with us for a bipartisan solution, we see partisan press conferences. We see our colleagues on the other side of the aisle, and unfortunately our colleagues in the House on the Republican side, holding press conference after press conference attacking us, rather than working things out.

How do we work it out? Well, many States have bipartisan commissions to recommend nominees to the President, working with the Senators. We have put forward the Wisconsin motto which has the Senators from one party placing four people on a commission. The senior Republican in this case, Congressman SENSENBRENNER from Wisconsin, who is a part of this process, nominates four. They have two people from the Wisconsin bar, and the heads of the law schools. It works. It has been embraced by the White House.

It is disconcerting to me to see what has been agreed to and worked well in Wisconsin will not be allowed in Michigan. We know that in Washington State there is a commission. We know there are agreements in other States to work together with the Senators. But somehow in Michigan, instead of doing that, so our families, our workers, and our businesses can be represented and know that we will provide mainstream judges in a bipartisan way, we see unfortunate comments on the floor, we see misinformation, we see political press conferences over and over again.

This is how we got to this situation. It was partisanship in the last Senate under President Clinton, holding up the nominees. We are trying to change that and say let's stop this.

Instead of press conferences, I welcome colleagues in the Senate, as well as our House Members, to join us, to sit down and develop a motto such as Wisconsin and other States, where it works in a bipartisan way, to be able to put forward judges to fill these vacancies.

It is important who is on the bench. This is not the President's prerogative alone, nor any individual Senator. It means we need to work together because our families are affected, our business community, issues of privacy, health care, business law, the environment. Many issues are affected, and so it matters who is on the court from Michigan. We simply ask that we be treated with fairness as other Senators in other States have been, and we will continue to work to that end.

I yield back for my colleague from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Ten minutes.

Ms. MIKULSKI. I claim such time for myself.

NEED OF INTERNATIONAL COMMUNITY IN IRAQ

Ms. MIKULSKI. Mr. President, I rise today to address the situation in Iraq. Right now, America is bearing the primary burden in Iraq. Almost every day another soldier dies—not in combat but in postwar occupation. Our American soldiers must not bear this burden alone. Quite frankly, the American taxpayer must not bear responsibility for the cost of nation building alone.

I urge our President, President Bush, to build an international effort to participate in sharing the burden and the responsibility of bringing order out of chaos in Iraq.

The occupation of Iraq is something we all have to face up to. Last year, when the Senate debated the Iraq war resolution, I said this: We do not know whether our troops will be welcomed with flags or with land mines.

Now we know. Our troops are facing great and grave danger. They are facing snipers, ambush. One soldier was shot in the back as he waited to buy a soda. Another was standing in line to buy DVDs, and he was shot in the back. This is not combat with an opposing army. These are murders, these are assassinations, and we need to stand up for our troops and give them the help and the backing they need.

We need to stand up for these troops who are so dedicated, so duty driven, so wanting to do the job that America sends them to do, but they should not bear this all by themselves, with a few treasured allies.

Since the President declared the end of hostilities, 82 soldiers have died. Our troops in Iraq are not peacekeepers or nation builders. There is no peace to keep and there is no nation to build. We have to start from scratch. America's troops now are an occupying force, and they continue to face very fierce resistance in parts of Iraq. In some areas, it is guerilla war with house to house fighting with members of the Saddam Fedayeen or other groups still loyal to Saddam Hussein trying to kill them. They are trying to ambush our military convoys.

Our forces are seeking to establish order and security. Yet they are very highly visible, whether they are guarding facilities such as power stations or delivering supplies or training the Iraqi police force. This puts them at grave risk. American soldiers must not face this danger all alone.

About 148,000 American soldiers are still serving in Iraq, and we salute them. There are over 13,000 troops from the United Kingdom, Australia, Poland, and other countries, and we thank them for being there. Many Marylanders are serving there, including members of our National Guard and Reserves, and I stand up for them to make sure they get the backup they need and they can return home from their deployment.

America should not stand with just a coalition of the few. We need to have the international force of the many. This is why we need to go to the U.N. and ask for help. We need to go to NATO and get them involved, and we need to go to the world to help pay for the cost of doing this.

Occupying Iraq is not easy and it is not cheap. Rumsfeld has now doubled his estimates of the cost of occupying Iraq, from $2 billion a month to $4 billion a month. The Pentagon estimates that the total cost will be over $100 billion. The American taxpayers are bearing that responsibility, and they will bear that responsibility for some time to come. When we talk about responsibility, it should be the responsibility of the world to help rebuild the power stations while we are trying to work to create a new power structure.

Last week I supported a burden sharing amendment to the State Department authorization bill. Ninety-seven Senators agreed to that. Not one disputed it. What did it recommend? That the President ask NATO to raise a military force for deployment in postwar Iraq, and to urge NATO allies and other nations to provide troops and police to the coalition efforts in Iraq, and that the President should call on the United Nations to urge its member states to provide military forces and civilian police to promote stability and security in Iraq.

It also said go to the U.N. to ask for resources to rebuild and administer Iraq. Iraqi oil alone will not pay for this. We have to get these oil wells ready.

When the President asked for authorization to go to war, I said that if it is important enough to go to war, if it is important enough to the world to go to war, then the world should come with us.

We must bring the entire international community with us to share responsibilities and the burden of stopping these threats.

I saw the situation we are in coming. That is what I worried about, that American troops would be there by themselves, with a few steadfast allies, and the American taxpayer would be the one facing this nation building. That was my position then and it is still my position.

During the debate in the Senate, I urged the Senate to support the Levin amendment, which called for international legitimacy, for international cooperation, international support, including military and international resources, meaning real money. I spoke on the Senate floor about the threat of Saddam Hussein, and I spoke about the threats to our troops. I said then that I firmly believed Saddam Hussein was duplicitous, deceptive, and dangerous and that they had grim and goulish means to carry out their weapons plans. I did believe that they could develop, produce, and stockpile chemical and biological weapons, and I did believe that they had the means for delivering them in the region. Whether the information I was given in all my briefings was valid or not is something to probe in another forum. We are committed to doing that.

Right now, we need to acknowledge Saddam threatened not only the United States, he threatened the region and he threatened the world. Now the region and the world have to get into this. It is not too late. President Bush should mount a new diplomatic effort, recruiting allies to share these burdens of occupying Iraq and to root out the remaining resistance. We have to go to the U.N. and NATO to get formal authorization, get international help for this rebuilding. This is an opportunity to reach out, even to countries that opposed the war, such as France and Germany, and get them involved.

I hope we can answer this call before the Iraqi resistance fight grows, before more American soldiers die, without sending more troops into Iraq by getting our allies to join. If our allies join, they can help provide the troops, they can help provide the police, and they can help provide the money.

To our troops—regular, reserve, and their families—I say thanks. Thanks for helping get rid of Saddam Hussein and his regime. They were international thugs. They have made tremendous sacrifices. Each and every member of our military is part of this American family. We thank them for their bravery, their fortitude, and their gallantry. They answered the call to duty. I salute every single member of our Armed Forces.

I express my condolences to all Marylanders who lost their lives and paid the ultimate sacrifice. Captain Rippitoe, CPL Mark Evnin, SGT Kendall Waters Bey, PFC Juan Guadalupe, SP George Mitchell, and CPL Jason Mileo. I honor these men and their families, all the Marylanders wounded, and every American soldier right now either in Baghdad or in a hospital recovering.

Our troops know we count on them. They have to count on us to get them the help they need, not only with the right resources for our military but to get more military from other nations to support them. The international community was divided over whether to go to war in Iraq. Now the world should unite in support of winning the peace our American men and women have fought so hard to win and for which they have given so many sacrifices.

I yield the floor.

Mr. BAUCUS. Mr. President, I join with Senator MIKULSKI in her comments expressing concern about the United States role in Iraq, the safety of our troops in Iraq, and how proud we are of our troops. I urge the administration to do what is necessary to restore morale. The best way is to do the right thing by our troops, make sure they are strongly supported and, even more fundamentally, rethink our position in Iraq: What is our policy? What are we attempting to accomplish? Then encourage many more of our allies, both in the Arab world and other parts of the world, to join the United States.

This is a problem that will only be resolved with more thoughtfulness and more direct candor about the nature of the problem and working closely with our allies, both Arabs and others.

We should also focus a little bit more on terrorism generally rather than get diverted, as we seem to be, in specific countries. It is extremely complex, but there is building concern in the United States about United States policy in Iraq. I join those who believe we should focus more on terrorism around the world. This requires the cooperation of a lot more countries around the world to be successful. I hope we can accomplish that.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, morning business is closed.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the Senate will proceed to the consideration of H.R. 2330, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2330) 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 (Mr. GRAHAM of South Carolina). There is 1 hour of debate equally divided in the usual form with no amendments to the bill.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to discuss the Burma sanctions bill. This bill is the result of a collaborative effort between Senators MCCONNELL, GRASSLEY and myself.

When first introduced, the bill would have imposed sanctions without an opportunity for congressional review. I was concerned that Congress would simply pass a bill, and then forget about Burma.

I think that is the wrong approach when it comes to sanctions.

Senator GRASSLEY and I worked hard to ensure that Congress would have the opportunity to revisit this issue every year. The House went even further, by requiring an annual vote, plus a 3-year sunset.

Now, make no mistake about it, the actions by the dictatorship in Burma are unacceptable. The arrests and treatment of Aung San Suu Kyi are deplorable and cannot be tolerated.

Yet as is so often the case when we debate the merits of international sanctions, the question is not whether to punish Burma's ruling regime; the question is how to do so effectively.

We have learned through our own experiences that unilateral sanctions simply don't work. They rarely destabilize the oppressive regime that is the target of the sanctions. Instead, they only hurt the people—both in the target country and even here in the United States.

Unfortunately, we have also seen how, once a sanctions policy is in place, it is very difficult—no matter how ineffective the policy is, to terminate it and find a better solution.

So, how do we deal with this dilemma?

The answer is found in a simple appeal to common sense.

First, we must actively seek the cooperation of our allies. Multilateral action is essential if the policy is to be effective. Second, we must give ourselves a chance to review and revise the policy if it isn't working.

That is what this bill does with Burma. It imposes sanctions. It also encourages the president to work with our allies in the region to build a collective response. And I understand our allies are considering sanctions.

This bill also requires Congress to revisit the issue every year. If the policy is working, then we can renew it. But if it isn't working, then we can terminate it and try a new policy. This legislation will keep the dictatorship's feet to the fire. It will create regular incentives for them to change.

It is just this sort of common-sense approach that is needed with other U.S. sanctions, particularly against Cuba.

By any honest assessment, our embargo against Cuba—now in its fifth decade—is a total failure. The U.S. is alone in pursuing this failed policy, yet politics prevents us from reassessing it.

Thus, the Cuban embargo has become institutionalized. And the fight to end the embargo, even though ending it makes so much sense, has become a difficult, uphill battle.

We do not want that to happen to the Burma sanctions. We want the people of Burma to enjoy true democracy and freedom. And we want to pursue the policy that will help them achieve this. So we will try sanctions. But if they don't work, and if we are not joined by our allies in this cause, then Congress will revisit this issue in a year.

In the coming weeks, many Members will be pressing for action to reform Cuba sanctions. I hope that today's debate on Burma highlights the inconsistency of our sanctions policy, and that we can apply a common-sense approach as we move forward on other sanctions issues.

I now would like to yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

IRAQ INTELLIGENCE

Mr. CORZINE. Mr. President, I thank my distinguished colleague from Montana who as always is representing issues that make an enormous difference to the quality of our debates here on the Senate floor but, more important, to how our world works, both here at home and abroad. I appreciate it very much.

Mr. President, I rise today to join in a growing expression of concern by my colleagues and the American people about the possible misrepresentation of intelligence information by the President and the administration in building its case for the war in Iraq. Without a thorough explanation of why many of the administration's statements are in conflict, and have included claims unsubstantiated by the best intelligence, the American people, their representatives, and many of our would-be international partners in post-conflict Iraq, will most certainly begin to lose confidence in the administration's word. Simply, the Nation's credibility, in my view, is at stake.

That credibility is vital as we approach burden-sharing efforts in the reconstruction and democratization of Iraq, the projected cost of which grows each and every day.

There were reports again this morning that another American soldier lost his life in that reconstruction and democratization effort. All told, in New Jersey there have been seven men and women who have lost their lives in Iraq. We are paying a serious toll, not only in terms of financial expense, as recently reported, but, most importantly, in the life and blood of our brave soldiers.

A thorough public review is necessary, in my view, if we are to reestablish the United States' credibility. And once all the facts come to light, we need to hold those responsible accountable. Our leaders need to promptly admit and correct all misstatements, exaggerations, and overreaching interpretations.

On the White House Web site, the pages that relate to the conflict of Iraq are titled ''Denial and Deception.'' The American people can only hope that is not a moniker for the administration's presentation of its case for the war in Iraq.

As we are now all well aware, in this year's State of the Union Address President Bush said:

The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

The power of the President's allegations in those 16 short words cannot be overstated. The Bush administration, using legalistic language, was leading people to embrace, at least in my view, the view that Saddam Hussein had an active nuclear program. The President didn't say the British were claiming anything. He didn't say they alleged anything. He said they ''learned'' that Saddam was attempting to buy uranium, implicitly accepting the charge as fact.

Although just 16 words long, it was a powerful statement that resonated in the context of debates that had gone on throughout the Nation and the world. Only much later did we the people and the Congress learn this statement was based on information that our own intelligence agency earlier learned was false.

Yesterday morning, Senator LEVIN, the distinguished ranking member of the Senate Armed Services Committee, laid out seven questions about claims regarding Iraq and the uranium. Senator LEVIN argued these should be answered in the context of a bipartisan investigation. I believe that is true, and I could not agree more.

This is not just a concern about the African uranium issue. It is about whether there was a fair and full presentation to the American people. But to the list of the seven questions, I would add an eighth. If the information in the State of the Union Address was technically accurate, as administration officials have lately argued, why was it excluded in Secretary Powell's 90-minute presentation before the United Nations only 8 days later? Why was the intelligence on alleged Iraqi uranium purchases good enough for the State of the Union Address, a 1-hour speech addressing a variety of issues besides Iraq, but not good enough for a U.N. speech laying out the complete case against Iraq in painstaking detail 1 week later?

I would add a ninth question to Senator LEVIN's list. Why did we learn about the misleading nature of these comments in the State of the Union, not from the administration, but from the International Atomic Energy Agency and the media? If there is no good explanation for the administration's delay in correcting the error, it is hard to escape the conclusion this was not just a series of blunders. Was it a strategy for winning an argument? What was it about? Was there a coverup involved? I think those questions need to be asked.

This is not an academic matter. At stake is nothing less than the credibility of the United States, and that is important for protecting the American people. That credibility gets weakened each day the administration fails to provide a complete and candid explanation of what happened. Who knew? When did they know it? Why did they wait until now to break the conspiracy of silence?

Keep in mind, political leaders around the world, not just here at home, have staked their own reputations on their support of President Bush and the United States. As a consequence, many of our closest allies and their elected officials are facing enormous criticism from their own citizens, and sometimes—and this is quite telling—from their own political parties. We owe it not only to the American people but to all those who stood with us to be straight and to come clean immediately. Otherwise, this episode will only undermine our ability to win support for other critical foreign policy interests in the future, and they are substantial. In fact, without a clear explanation or an admission of fault, we put the American people at risk facing a world where our partners question our credibility on all issues—Iran and Syria, North Korea.

The problem is especially troubling when viewed in the context of a broader pattern of selective information provided by the administration. Last October, for example, during the Iraqi debate—this is one that is particularly troubling to me—Secretary James Kelly was in Pyongyang, meeting with the North Koreans. At that meeting, a meeting that occurred a full week prior to the Senate vote on the resolution authorizing force in Iraq, the North Koreans admitted to an active nuclear program. Yet despite its importance and relevance to the debate regarding Iraq and America's national security posture generally, the administration waited until after the Congress had voted on the resolution to authorize the use of force before revealing the details of the North Korean disclosure.

To this Senator, that information was both relevant and timely to the Iraqi debate. Apparently, because it might affect the tenor of the debate, the information was withheld from the full Congress until after the vote.

What are our priorities? Where were the dangers and how do we frame this issue, particularly as it relates to the security of the people of the United States? I ask, where is and where was the greater risk to the American people?

As Senator LEVIN and others have explained, there were many other instances in which the administration selectively, in some form or another, misrepresented or withheld information to support their case for the war in Iraq.

For example, the administration claimed there were linkages between al-Qaida and Iraq. But those claims now seem overstated or exaggerated and apparently were based on scant and circumstantial evidence.

Another widely discussed issue relates to Iraq's purchase of aluminum tubes, where there was considerable debate within the intelligence community about whether the tubes were useful as part of a nuclear program.

When you add up these claims, it becomes clear that the administration certainly was seeking to win an argument—not inform—and quite obviously it worked.

As John Adams once said, ''Facts are stubborn things; and whatever may be our wishes, or inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence.''

We need to ensure that the facts come out. We should do it on a bipartisan basis, and we should do it immediately. The safety and security of the American people are at stake.

We need to hold accountable not only those responsible for providing misleading intelligence but also those responsible for preventing the facts from coming out. The credibility of this President and the future credibility of the United States are at stake. I hope we can deal with this in an expeditious and clear manner. Hopefully, this in turn will set us on a course where we can share the burdens not only in Iraq but of protecting the American people around the globe in the days and years ahead.

Thank you. I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. MCCONNELL. Mr. President, the Senate is going to do something important later this morning; that is, send a message to Burma that we don't intend to do business with them any longer. In addition to that, this Freedom and Democracy Act, which will pass the Senate later this morning and go down to the President for signature, will guarantee that we have another debate in each of the next 3 years very similar to the MFN China issue with which we are all familiar where the issue came back before the Senate with an expedited procedure once a year.

This is not the last time we will be dealing with the Burmese Freedom and Democracy Act, and certainly it will not be the last time we deal with Burma until the legitimately elected leader of that country is not only out of prison but in power.

I thank my colleagues in both the Senate and House for acting quickly on the Burmese Freedom and Democracy Act of 2003. The 418–2 vote in the House yesterday complements the 97–1 vote we had on a very similar bill in the Senate on June 11.

The message from the United States Congress to the world could not be more clear—the assault on freedom in Burma will not stand.

With the cooperation and support of my colleagues in the Senate, the Burmese Freedom and Democracy Act will shortly be on its way to the White House for signature by the President.

When the people of Burma needed support in their struggle for freedom, America acted—and acted decisively.

Unfortunately, there has been no change in the situation in Burma since this measure was first introduced.

It is an outrage and a violation of human decency that democracy leader Daw Aung San Suu Kyi and other democrats continue to be held by the thugs calling themselves the State Peace and Development Council (SPDC). Instead of giving the world access to Suu Kyi, Burmese strongman General Than Shwe has dispatched his minions to regional capitals on a misinformation campaign laying blame for the May 30 ambush on Suu Kyi and her party, the National League for Democracy (NLD). Few should be duped by this desperate measure, and an import ban and other sanctions against Burma cannot come soon enough.

More must be done to support the struggle of freedom in Burma. It is past time that neighbors—especially Thailand and China—take off their blinders to the multitude of dangers posed by Burma to the region. We already know that HIV/AIDS and drug use unravels the social and economic fabric of bordering countries, and engagement with the SPDC serves only to further perpetuate lawlessness in Burma that

threatens peace and stability, not just in Burma but throughout all of southeast Asia.

The United Nations has a role to play in creating a unified front against the regime. The Security Council should be briefed by U.N. Special Envoy Razali Ismail on the situation in Burma, and further action by that body should be contemplated.

However, words of condemnation are not enough. While I was pleased to meet with Razali when he was in Washington last week, frankly, his time is better spent in Asia shuttling between capitals and marshaling support for the release of Suu Kyi and other democrats and for the recognition of the results of the 1990 elections which have never been honored. Suu Kyi and her party got 80 percent of the vote but were never allowed to take power, and she has been under house arrest for most of the last 3 years.

America's leadership is as important as it can possibly be. By signing the Burmese Freedom and Democracy Act, President Bush will clearly signal that the United States stands by the Burmese people in their hour of need. Our allies should take note of the import ban and other measures contained in the act and immediately follow suit.

The only way this is going to work is on a multilateral basis. It worked in South Africa. Generally, I am skeptical of these kinds of import bans. But there was one conspicuous example of where it worked, and that was in South Africa. The reason it did was because everybody cooperated. We are calling on the international community to isolate these thugs and not do business with them.

Change will come in Burma only if the free world has the collective will to hold the SPDC accountable for its brutality.

Some may continue to beat the ragged drum of engagement, but dialog is as dead as those the SPDC murdered on May 30. It is folly to think engagement will ''encourage positive changes'' within the SPDC. This tiger will never change its stripes. For over a decade, engagement has been tried. While the junta has made hollow promises of ''reconciliation'' with the NLD and ethnic nationalities, general Than Shwe has no intentions of relinquishing power on his own. He must be pressured by the world into doing so.

It is not enough for envoys and diplomats to meet with Than Shwe's underlings and other senior SPDC leaders in Rangoon. Than Shwe's grip in Burma is no less than Saddam Hussein's was in Iraq. If Japan, Thailand, Indonesia, and other Southeast Asian nations are to have an impact on the situation, they must deal directly with Burma's top thug.

Let me be clear. Than Shwe is personally responsible for the May 30 murders and subsequent injury and arrest of countless Burmese democracy activists. He is responsible for the ongoing and systemic egregious human rights abuses perpetuated upon the ethnic nationalities in that country.

The fact that no outsider has seen Suu Kyi since Razali's brief meeting in early June should be a cause for alarm.

We need to know exactly where she is being held and the state of her physical condition. No one has time for peek-a-boo games the junta may be interested in playing.

Suu Kyi must be immediately and unconditionally released, along with all other democrats whose only crime is advocating democracy and the rule of law.

With the passage of this act, our work on this issue is hardly over. The people of Burma can count on America's continued support for the struggle for freedom in their country. I intend to seize every opportunity to advance this cause both in Washington and abroad.

And I know that I can count on many of my colleagues to do the same. I particularly want to thank Senators FEINSTEIN and MCCAIN, who are no less outraged than I at the horrific abuses of the SPDC and the continued detention of Suu Kyi and other Burmese democrats. On the House side, Congressmen LANTOS, KING, and HYDE were equally energetic in responding to this crisis. Burma has no better friends than these freedom-loving Americans.

Democracy and the rule of law will prevail in Burma. As we near this historic vote this morning, I am reminded of the Reverend Martin Luther King's observation that the ''arc of the moral universe is long, but it bends toward justice.'' This morning, we must commit ourselves never to tire in the pursuit of justice in long-suffering Burma until Suu Kyi is free and the struggle for freedom won.

Suu Kyi has kindled the flame of freedom in the hearts and minds of her compatriots. America must ensure that it is never extinguished.

Let me close by saying that the Burmese Freedom and Democracy Act would not have moved so swiftly through the Congress were it not for the efforts of Senator FEINSTEIN and particularly Senator MCCAIN. Senators LUGAR and BIDEN of the Foreign Relations Committee gave this legislation an opportunity to move quickly. They could have insisted on it going to Foreign Relations. They did not. Senator GRASSLEY and Senator BAUCUS had very useful suggestions to make in terms of the form of the final bill. And my colleague Senator LEAHY also played an integral part.

Over in the House, Congressmen LANTOS, DELAY, THOMAS, HYDE, and KING were all instrumental in securing swift passage of the act.

In terms of staff, I just want to mention my crew who were involved: Billy Piper, my chief of staff; Brian Lewis, who is my counsel on the Senate floor; Robert Karem; and Paul Grove, a longtime friend and associate, who is the staff director of the Foreign Operations Subcommittee, who has had an intense interest in this issue for a long time.

I give special thanks and recognition to my former staffer who used to have Paul Groves' job, Robin Cleveland, who is now Assistant OMB Director in the Bush administration, who, 10 years ago, sparked my interest in this whole issue. It is hard to believe it has been 10 years, but, unfortunately, not much has changed in Burma. Ten years of the status quo is completely unacceptable. The Burmese people have a friend in Robin Cleveland.

Finally, I thank those in the NGO community for their tireless efforts in support of Burma. There are a lot of very committed activists in the United States who also travel to the area who are intensely interested in this issue and who will never give up until Suu Kyi has an opportunity to be free not only of prison but free to assume the power that she and her supporters earned in the free elections back in 1990.

Mr. President, I know Senator MCCAIN wants to speak. How much time do I have remaining?

The PRESIDING OFFICER. The majority has 19 minutes 5 seconds.

Mr. MCCONNELL. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

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 do want to make a few further observations related to Thailand, Burma's neighbor, and their policy toward Burma.

When Thai Prime Minister Thaksin Shinawatra was in Washington last week, we had an opportunity to discuss the situation in Burma and Thai policy toward the repressive regime. Unfortunately, the Prime Minister seemed to indicate that Thailand would not change its policy of engagement with the SPDC. I know the President brought it up with him as well because the President told me he brought the matter up with the Thais as well when he met the Thai Prime Minister. If we look at Thailand today, we can see the benefits of this policy they have been following.

Drug abuse has spun wildly out of control, causing His Majesty the King of Thailand to publicly comment on the threats to his beloved country from narcotics trafficking and abuse. With this abuse has come HIV/AIDS, crime and destitution.

Where do these drugs come from? Why, they come from Burma, of course.

Thailand today is home to countless innocent people seeking sanctuary from gross human rights violations and the denial of even the most basic of freedoms. Thailand's response has been

less than compassionate, with many of these men, women, and children detained and deported back to their homeland, and others denied access to humanitarian assistance.

Where do the refugees have to return? Why, Burma, of course.

Tensions along the Thai-Burma border have periodically spilled over into skirmishes between Thai soldiers and those of the SPDC. Burmese investment in armaments, including MiG aircraft purchased from Russia, pose an immediate danger to the entire region.

What is the source of this instability? Burma.

The Thai Prime Minister should have departed the United States with a firm understanding that protection of freedom in Burma was a top priority for both Congress and the administration.

Unfortunately, I do not think he got the message.

I understand that on July 31 and August 1 a meeting will be held in Bangkok between Thailand, Cambodia, Laos, and Burma to discuss economic cooperation strategies. Prime Minister Shinawatra should take note of the vote we are about to cast and reconsider hosting this meeting.

Instead of promoting economic cooperation strategies, Thailand should be working to free Aung San Suu Kyi and other democrats being detained by the SPDC. Democrats should help democrats during times of duress.

I will have more to say about Thailand at a later date, but we should have a right to expect more from the Thais who have been one of our strongest allies in that region over the years.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. 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. MCCAIN. Mr. President, first, I thank Senator MCCONNELL for his leadership on this issue, not only now as we are in an incredibly critical moment in time in the history of the struggle of the Burmese people for freedom, but for his longstanding advocacy in this noble cause and his commitment to the security and safety of one of the heroic figures of the 20th and 21st centuries, Aung San Suu Kyi.

Again, I thank him for not only motivating this body to rapid passage of this legislation but to his work with the other body which has resulted in us being able to pass it overwhelmingly today. I thank Senator MCCONNELL again, and I regret to say we are a long way from seeing a resolution of this terrible unfolding, unending tragedy taking place in Burma. I guess as a personal pique, I refuse to call it Muanmar, which the junta have changed the name to, and we have a lot more to do. But I believe what we are doing today, because of his sponsorship, will send a message throughout Burma that we have not abandoned this heroic woman, nor have we abandoned the cause of democracy and freedom in this country of gentle people who deserve a great deal better than the group of thugs who have been oppressing them and repressing them for a long period of time.

It has been almost 7 weeks since Burma's military junta orchestrated a savage attack on Burma's democrats and their leader Aung San Suu Kyi. In response Congress acted with extraordinary speed and consensus to send to the President's desk the bill before us banning imports from Burma. It is imperative that he sign it immediately, as I am confident he will.

Aung San Suu Kyi and the Burmese people can't wait, nor should Burma's rulers and neighbors wait a day longer to hear the United States speak with one voice in support of freedom in Burma. Congressional action on this bill is nearing completion, but as the Senator from Kentucky has said, our commitment to Burma's people will not end until they are free. Our resolve will not weaken as long as the junta denies the Burmese people a right to live in a nation ruled by law, not fear, led by the elected leader whose appeal no amount of violence can diminish and whose courage no amount of suffering can dim.

It is now time for Burma's leaders, especially the frontline states, to join the United States and Europe in rejecting half measures and implementing a fundamentally new approach that looks forward to Burma's liberation rather than a mere moderation of an illegitimate regime's rule. Southeast Asia will not be stable or secure as long as the generals rule in Rangoon. Placing hope in a policy of reconciliation that relies more on the junta's goodwill than on international pressure for democratic change will do nothing to alter a status quo that upholds tyranny.

China, India, and Thailand directly suffer the effects of regional insecurity caused by AIDS, drugs, and refugees that flow across Burma's borders. They also suffer the economic consequences of living next to a bankrupt nation whose economy is controlled largely by drug lords and a corrupt military elite. While China may not be troubled by dictatorship in Burma, it would clearly benefit economically from having another Asian tiger on its borders which good government and Burma's natural wealth would make it.

Democratic India would benefit strategically and economically from a fellow democracy in Rangoon that could expand Indian influence in Southeast Asia and serve as a significant trading partner.

We expect more in particular from our ally Thailand which has done little of substance to support change in Burma since the May 30 attacks. As far as I am concerned, business as usual won't cut it. We frankly expect a democratic ally such as Thailand to do more to oppose dictatorship in Burma, both out of principle and because of the insecurity its misrule brings to Thailand. We will be watching for signs of a new policy approach in Bangkok. This will be an issue in our bilateral relationship.

We welcome Japan's announcement of suspending new assistance to Burma as a result of the junta's crackdown. But Tokyo's existing aid programs send a mixed signal to the democrats who were so heartened by popular protests on their behalf in the streets of Tokyo. We would welcome the Government of Japan's reassessment of its entire policy toward Burma.

All of us appreciated ASEAN's joint statement calling for Aung San Suu Kyi's early release at the Phnom Penh summit, breaking with the group's history of noninterference in each other's affairs. But friends of ASEAN want to see it take concrete steps to prove its relevance to security and stability in Southeast Asia.

I remind my colleagues that when ASEAN admitted Burma into ASEAN, it was with the promise and commitment that things would improve in Burma. No one can argue that there has been anything but retrogression and an increase in brutality and, of course, the latest outrage in the capture and mistreatment of their freely elected leader.

Events in Burma are testing ASEAN as never before. Burma's crisis impacts every nation in the region, from AIDS, drugs, and refugees to political and economic instability. Those of us who want ASEAN to succeed expect it to play a leadership role in its own backyard and to deliver on its promises in 1997 that membership would change Burma. Some of us weren't convinced then and we are not convinced today. Burma will soon be preparing to assume ASEAN's presidency in 2006. What kind of an image does ASEAN have with Burma as its president? ASEAN's credibility can't withstand the presidency of a rogue regime that is unreconstructed and brutal, which has the blood of its people on its hands and imprisons their elected leader. As long as Burma festers, ASEAN looks either incapacitated, weak, or irrelevant.

As long as Aung San Suu Kyi remains in prison and the Burmese people live in fear, convinced Burma's neighbors are complicit in their suffering, the problem of Burma will be an issue in America's bilateral relations with nations across Asia. It is time for Burma to command the attention of the U.N. Security Council. Burma's misrule is clearly of international importance. The council has not even formally been briefed by Ambassador Razali Ismail since his visit over a

month ago to Rangoon as the Secretary General's personal representative. The United States should demand that the Security Council take up this issue.

As the United States, the EU, and even ASEAN have acknowledged, Burma is an international problem. The council would be remiss to ignore it, and even a council debate would command the attention of the generals. It might also command some attention in Beijing, Bangkok, Tokyo, and other capitals with the power to make a difference. It is past time for the United States and our allies to press this issue.

I am proud that Congress, with passage of this legislation, is speaking with one voice in support of Aung San Suu Kyi and the Burmese people. The generals must know we won't let up the pressure until Burma is free. The United States stands with the Burmese people in their struggle for the freedom that is their birthright and which the generals have stolen from them. We will do everything in our power to help them take back their country.

Mr. President, I ask unanimous consent that four editorials be printed in the RECORD. Two are from the Washington Post, one from the Wall Street Journal, and the final one a comment by Jack Straw, the foreign minister of Great Britain.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 14, 2003]

STOP STALLING ON BURMA

U.N. Secretary General Kofi Annan is scheduled to meet with President Bush at the White House today. Ahead of time, U.N. officials said they expected the two men to discuss Liberia, the Middle East and other matters. We trust that among those other matters will be a subject about which both leaders have claimed to be highly concerned: the crackdown on democracy activists in Burma. The leader of that Southeast Asian nation's democracy movement—the rightful leader of the country, in fact—remains in captivity, and neither Mr. Bush nor Mr. Annan has rallied to her defense as strenuously as one would expect.

It's been a month since Secretary of State Colin L. Powell promised prompt action to penalize the generals he referred to as ''the thugs who run the Burmese government.'' The time had come, he said in an op-ed article in the Wall Street Journal, to freeze their financial assets and ban remittances to Burma. But the administration has taken no such steps. It's been six weeks since the junta sent 3,000 vigilantes, armed with wooden bats and sharpened iron rods, to beat and stab Aung San Suu Kyi's supporters as they traveled with her in the hinterland. Aung San Suu Kyi, a Nobel peace laureate, apparently escaped injury but was taken into custody and, except for one brief interview with a U.N. envoy, has not been heard from since. The Senate shortly thereafter approved a measure banning imports from Burma, where the generals control most companies, but the bill has yet to emerge from the House. It's scheduled for action this week; the House should vote and the president should sign the bill quickly into law.

And the United Nations? You might think the Security Council would have swung into action to demand freedom for one of the world's most courageous leaders and for her colleagues and to address the threat to regional stability posed by the increasingly erratic junta. After all, there is no dispute as to her legitimacy; the party she leads overwhelmingly won an election in 1990 but has never been permitted to take its rightful place in government. So far, however, the chief U.N. response has been the election of Burma—or Myanmar, as the generals call it—to the vice presidency of the General Assembly for the session that begins in September.

For many years now, the United Nations and the United States have supported dialogue between Aung San Suu Kyi and the nation's junta leading toward peaceful democratization. She has consistently endorsed such a nonviolent process, even during many years of house arrest. With their murderous attack of May 30 and subsequent incarceration of her, Burma's leaders have shown contempt for the idea, and so far they have paid little price. The president and the secretary general could begin to change that equation today.

[From the Washington Post, June 22, 2003]

WHERE SHE IS

Since Government-sponsored goons attacked Burmese democracy leader Aung San Suu Kyi and her supporters on a provincial road May 30, the Nobel Peace laureate has been in confinement and virtually cut off from the world. In editorials earlier this month urging that Aung San Suu Kyi be freed we asked, ''Where is she?'' Now we know—and the answer could hardly be more discouraging. According to the British Foreign Office, the corrupt generals who rule Burma moved her from a ''guesthouse,'' where she had been held ostensibly for her own protection, to the notorious Insein Prison, a colonial-era monstrosity where old dog kennels have been converted to torture cells. The disclosure of the move came on Aung San Suu Kyi's 58th birthday—a nice touch, and well in keeping with the usual mode of operation of Burma's ruling thugs, who a few years back refused to allow Aung San Suu Kyi's husband to visit her even when he was dying of cancer.

Usual methods, yes, but other governments can no longer respond with their usual apathy. Burma is a beautiful, resource-rich nation of 50 million people, strategically located at the crossroads of India, China and Southeast Asia. Its largely Buddhist population, once among the best-educated in Asia, has fallen into poverty after a half-century of military misrule. Thirteen years ago the generals, misreading their subjects as dictators so often do, permitted an election—and Aung San Suu Kyi's National League for Democracy won more than four out of five parliamentary seats, even through she was under house arrest at the time. The generals nullified the election and kept the NLD leader under house arrest for most of the succeeding decade. They put hundreds of would-be parliamentarians and other NLD activists in prison. They continued to run the economy into the ground, while Burma's drug trade flourished and the generals enriched themselves corruptly.

Last year, under international pressure, the dictators released Aung San Suu Kyi and promised a dialogue leading toward democracy. But once again her popularity—freedom's popularity—seems to have surprised them. They cracked down more brutally than before, settled back to see whether the world cared—and so far seem to have seen little reaction that might worry them. On June 11 the Senate, led by Mitch McConnell (R–Ky.), voted 97 to 1 to cut off imports from Burma, which would deal a blow to the generals, who control most of the economy. A companion House bill seemed to be making progress late last week. The White House and Secretary of State Colin L. Powell have issued some tough statements.

But actions of real consequence? So far, none. Southeast Asian foreign ministers, meeting last week in Cambodia with Mr. Powell, agreed to send a delegation to Burma no later than October. October? While one of the world's most courageous political leaders languishes in one of its most infamous jails? Where are Kofi Annan and the U.N. Security Council? Where are the executive orders that President Bush could issue today? ''If the international community has the political will to stand for freedom in Burma, change can come to that beleaguered country,'' Mr. McConnell said last week. He's right. Inside Insein Prison, and throughout the larger prison that Burma has become, a lot rides on that ''if.''

[From the Wall Street Journal, June 12, 2003]

IT'S TIME TO TURN THE TABLES ON BURMA'S THUGS

(By Colin L. Powell)

WASHINGTON.—United Nations Special Envoy Razali Ismail has just visited Burma and was able to bring us news that Aung San Suu Kyi, a Nobel Peace Prize winner and the leader of a peaceful democratic party known as the National League for Democracy, is well and unharmed. The thoughts and prayers of free people everywhere have been with her these past two weeks. Our fears for her current state of health are now somewhat lessened. On May 30, her motorcade was attacked by thugs, and then the thugs who run the Burmese government placed her under ''protective custody.'' We can take comfort in the fact that she is well. Unfortunately, the larger process that Ambassador Razali and Aung San Suu Kyi have been pursuing—to restore democracy in Burma—is failing despite their goodwill and sincere efforts. It is time to reassess our policy toward a military dictatorship that has repeatedly attacked democracy and jailed its heroes.

There is little doubt on the facts. Aung San Suu Kyi's party won an election in 1990 and since then has been denied its place in Burmese politics. Her party has continued to pursue a peaceful path, despite personal hardships and lengthy periods of house arrest or imprisonment for her and her followers. Hundreds of her supporters remain in prison, despite some initial releases and promises by the junta to release more. The party's offices have been closed and their supporters persecuted. Ambassador Razali has pursued every possible opening and worked earnestly to help Burma make a peaceful transition to democracy. Despite initial statements last year, the junta—which shamelessly calls itself the State Peace and Development Council (SPDC)—has now refused his efforts and betrayed its own promises.

At the end of last month, this rejection manifested itself in violence. After the May 30 attack on Aung San Suu Kyi's convoy, we sent U.S. Embassy officers to the scene to gather information. They reported back that the attack was planned in advance. A series of trucks followed her convoy to a remote location, blocked it and then unloaded thugs to swarm with fury over the cars of democracy supporters. The attackers were brutal and organized; the victims were peaceful and defenseless. The explanation by the Burmese military junta of what happened doesn't hold water. The SPDC has not made a credible report of how many people were killed and injured. It was clear to our embassy officers that the members of the junta were responsible for directing and producing this staged riot.

We have called for a full accounting of what happened that day. We have called for Aung Sun Suu Kyi to be released from confinement of any kind. We have called for the release of the other leaders of the National League for Democracy who were jailed by the SPDC before and after the attack. We have called for the offices of the National League for Democracy to be allowed to reopen. We are in touch with other governments who are concerned about the fate of democracy's leader and the fate of democracy in Burma to encourage them, too, to pressure the SPDC.

The Bush administration agrees with members of Congress, including Sen. Mitch McConnell, who has been a leading advocate of democracy in Burma, that the time has come to turn up the pressure on the SPDC.

Here's what we've done so far. The State Department has already extended our visa restrictions to include all officials of an organization related to the junta—the Union Solidarity and Development Association—and the managers of state-run enterprises so that they and their families can be banned as well.

The United States already uses our voice and our vote against loans to Burma from the World Bank and other international financial institutions. The State Department reports honestly and frankly on crimes of the SPDC in our reports on Human Rights, Trafficking in Persons, Drugs, and International Religious Freedom. In all these areas, the junta gets a failing grade. We also speak out frequently and strongly in favor of the National League for Democracy, and against the SPDC. I will press the case in Cambodia next week when I meet with the leaders of Southeast Asia, despite their traditional reticence to confront a member and neighbor of their association, known as Asean.

Mr. McConnell has introduced the Burmese Freedom and Democracy Act in the Senate; Reps. Henry Hyde and Tom Lantos have introduced a similar bill in the House. We support the goals and intent of the bills and are working with the sponsors on an appropriate set of new steps. Those who follow this issue will know that our support for legislation is in fact a change in the position of this administration and previous ones as well. Simply put, the attack on Ms. Suu Kyi's convoy and the utter failure of the junta to accept efforts at peaceful change cannot be the last word on the matter. The junta that oppresses democracy inside Burma must find that its actions will not be allowed to stand.

There are a number of measures that should now be taken, many of them in the proposed legislation. It's time to freeze the financial assets of the SPDC. It's time to ban remittances to Burma so that the SPDC cannot benefit from the foreign exchange. With legislation, we can, and should, place restrictions on travel-related transactions that benefit the SPDC and its supporters. We also should further limit commerce with Burma that enriches the junta's generals. Of course, we would need to ensure consistency with our World Trade Organization and other international obligations. Any legislation will need to be carefully crafted to take into account our WTO obligations and the president's need for waiver authority, but we should act now.

By attacking Aung San Suu Kyi and her supporters, the Burmese junta has finally and definitively rejected the efforts of the outside world to bring Burma back into the international community. Indeed, their refusal of the work of Ambassador Razali and of the rights of Aung San Suu Kyi, and her supporters could not be clearer. Our response must be equally clear if the thugs who now rule Burma are to understand that their failure to restore democracy will only bring more and more pressures against them and their supporters.

[From the Financial Times, June 25, 2003]

BURMESE MILITARY BRUTALITY CANNOT BE TOLERATED

(By Jack Straw)

Last week was Aung San Suu Kyi's 58th birthday. What should have been a day of quiet celebration with family and friends for the Nobel Peace Prize winner was instead spent in detention in a jail outside Rangoon.

The Burmese regime's claims that she is in ''protective custody'' after her supporters clashed with opponents on May 30 lacks credibility. We know from witnesses' accounts that thugs, armed and hired by the regime, ambushed Ms Suu Kyi and her supporters in a premeditated attack. Dozens of civilians were killed and injured, scores were arrested, many more are still in hiding. The regime has closed the offices of Ms Suu Kyi's National League for Democracy and detained party leaders and workers across the country.

Ms Suu Kyi herself was taken away by the military authorities. For some time, nobody knew where she was being held, or in what conditions. Last Thursday, the Foreign Office revealed that she was being kept in a two-room hut at the notorious Insein jail just outside Rangoon.

We understand that Ms Suu Kyi is being held under the most draconian legislation that the military authorities have at their disposal—Section 10(a) of the 1975 State Protection Law. This allows for her detention, without access to family or lawyers, for up to five years—with no prospect of appeal.

She has been isolated from her supporters, both inside Burma and beyond. Attempts by others, including Mike O'Brien, a Foreign Office minister, to get in touch with Ms Suu Kyi have been frustrated by the regime. She remains cut off and locked up. This is wholly unacceptable.

Far from Ms Suu Kyi's being in ''protective custody'', the only people being ''protected'' by her detention are those in the military regime itself. They hope that by keeping her—and the democratic movement—incarcerated they can cling on to power. The military government, which attempts to run Burma through fear and intimidation, is not only brutal but also corrupt and incompetent. A once prosperous country is being run into the ground. Poverty is rife and diseases such as malaria, tuberculosis and HIV/Aids are spreading.

In stark contrast to the Burmese military junta, and to their enduring fury, Ms Suu Kyi commands the support and respect of the Burmese people. Ever since her party won an election in 1990, the regime has harassed and intimidated Ms Suu Kyi and her supporters. She has already suffered long spells of house arrest and imprisonment.

Hundreds of her supporters are also in prison, many without trial. Others have been blackmailed or intimidated into giving up politics. But whenever and wherever she travels, ordinary people still turn out in their thousands to see and hear her. For them she is a marker of hope for a better future.

The UK, together with our partners in the European Union, the US and other members of the international community, are pressing the regime to begin a process of national reconciliation and democracy. Burma's neighbors too, especially its fellow members of the Association of South East Asian Nations, have been dismayed by the detention of Ms Suu Kyi and have called publicly for her release.

We welcome this international consensus. Regrettably, the Burmese regime shows a cynical and blatant disregard for the views of others. It responds only to direct pressure. The EU has therefore decided to increase sanctions against Burma.

We have already applied an arms embargo and a ban on the sale of any items that could be used for torture or repression, on defense links and non-humanitarian aid. High-level contacts are also prohibited. We have already introduced an assets freeze and the EU has suspended Burma's trading privileges. The US has taken similar steps.

We have now agreed to take these measures further. Our ban on Burmese ministers visiting the EU will be extended to include senior managers of state-run enterprises and officials from organizations linked to the government. Further pressure will follow unless the regime moves rapidly to restore civilian rule and democracy.

The hopes and aspirations of the Burmese people cannot be frustrated. The spirit and justness of the democracy movement cannot be contained by violence or prison cells. We call on the friends of Burma, in Asia and around the world, to redouble their efforts to help Ms Suu Kyi and the people of Burma move toward national reconciliation, respect for human rights and the democracy they so richly deserve.

Mr. MCCAIN. Mr. President, the Washington Post editorial of July 14 says:

It's been a month since Secretary of State Colin L. Powell promised prompt action to penalize the generals he referred to as ''the thugs who run the Burmese government.'' The time had come, he said in an op-ed article in the Wall Street Journal, to freeze their financial assets and ban remittances into Burma. But the administration has taken no such steps. It's been six weeks since the junta sent 3,000 vigilantes armed with wooden bats and sharpened iron rods, to beat and stab Aung San Suu Kyi's supporters as they traveled with her in the hinterland. [She] apparently escaped injury but was taken into custody and, except for one brief interview with a U.N. envoy, has not been heard from since.

And the United Nations? You might think the Security Council would have swung into action to demand freedom for one of the world's most courageous leaders and for her colleagues and to address the threat to regional stability posed by the increasingly erratic junta. After all, there is no dispute as to her legitimacy; the party she leads overwhelmingly won an election in 1990 but has never been permitted to take its rightful place in government. So far, however, the chief U.S. response has been the election of Burma—or Myanmar, as the generals call it—to the presidency of the General Assembly for the session that begins in September.

The Washington Post June 22, last year:

But actions of real consequences? So far, none. Southeast Asian foreign ministers, meeting last week in Cambodia with Mr. Powell, agreed to send a delegation to Burma no later than October. October? While one of the world's most courageous political leaders languishes in one of its most infamous jails? Where are Kofi Annan and the U.N. Security Council? Where are the executive orders that President Bush could issue today?

I appreciate very much, and I referred to, Secretary Colin Powell's article that appeared in the Wall Street Journal on June 12 and, on June 25, Jack Straw's article—the Foreign Secretary, as we all know, of our close friend and ally, England. He wrote:

Last week was Aung San Suu Kyi's 58th birthday. What should have been a day of

quiet celebration with family and friends for the Nobel Peace Prize winner was instead spent in detention in a jail outside Rangoon. . . .

Far from Ms. Suu Kyi's being in ''protective custody,'' the only people being ''protected'' by her detention are those in the military regime itself. They hope that by keeping her—and the democratic movement—incarcerated they can cling on to power. The military government, which attempts to run Burma through fear and intimidation, is not only brutal, but also corrupt and incompetent. A once prosperous country is being run into the ground. Poverty is rife and diseases such as malaria, tuberculosis and HIV/AIDS are spreading.

In stark contrast in the Burmese military junta, and to their enduring fury Ms. Suu Kyi commands the support and respect of the Burmese people. Ever since her party won an election in 1990, the regime has harassed and intimidated Ms. Suu Kyi and her supporters. She has already suffered long spells of house arrest and imprisonment.

Hundreds of her supporters are also in prison, many without trial. Others have been blackmailed or intimidated into giving up politics. But whenever and wherever she travels, ordinary people still turn out in the thousands to see and hear her. For them, she is a marker of hope for a better future.

He concludes by saying:

The hopes and aspirations of the Burmese people cannot be frustrated. The spirit and justness of the democracy movement cannot be contained by violence or prison cells. We call on the friends of Burma, in Asia and around the world, to redouble their efforts to help Ms. Suu Kyi and the people of Burma move toward national reconciliation, respect for human rights, and democracy they so richly deserve.

Mr. President, we need the Security Council to debate this issue. Our Ambassador and our Secretary of State should call for that debate. Our administration, following the passage of this legislation, should immediately implement Executive orders that can further put restrictions on our relations with this gang of thugs in Burma.

Finally, there are probably people who may be viewing this action by Congress today and the comments the Senator from Kentucky, Mr. MCCONNELL, and I are making and saying: You know, Burma is a small country, far away. It is rise or fall. Its type of government has very little impact on the United States economically, culturally, politically, or militarily.

But I argue that that is not the case, particularly when we look at the flow of drugs and many other things that are happening in this country.

Why is it that these Senators are not talking about Iraq? Americans are dying—one a day—there. There is an unfolding scandal, or mini-scandal, about who knew what and when and why, and there is a great politicization of that. North Korea has threatened to develop nuclear weapons. Iraq apparently is doing that. Why isn't the Senate devoting their attention to larger issues that far more vastly affect the U.S. national security?

The answer is simple: This democracy movement in Burma is what America is all about. Over 200 years ago, in a very small country, a very small movement for independence—which was given very little chance—took place in this country. If it had not been for the help of other countries—particularly France—the United States may have achieved its independence over time, but certainly not in the way that we did.

The PRESIDING OFFICER. All time for the majority debate has expired.

Mr. MCCAIN. I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, at the risk of redundancy, what is happening in Burma is what the United States is all about—our defense of freedom and democracy, even if it doesn't affect our national interest. That is what makes America different.

I argue that this administration, this Congress, and the American people will reconfirm their commitment to their freedom, democracy, and to one of the great heroic figures in history, and that is Madam Aung San Suu Kyi, who has the profound respect, appreciation, affection, and admiration of all who have encountered her and many who have not.

I yield the floor.

Mr. MCCONNELL. Before the Senator leaves, I thank him for his passionate and insightful comments about the situation in Burma. No one has said it better. I also share his view that the U.N. ought to take up this matter. I wish to mention to my friend from Arizona that, in discussion with the special envoy, Mr. Razali, last week, he showed very little enthusiasm. The reason is that China might veto it.

I wonder if the Senator shares my view that I don't care whether China would take such an action, this needs to be discussed before the Security Council, debated among the most important countries in the world. Let the Chinese in public rationalize such an action if they are inclined to do so. I wonder if my friend shares my view on that.

Mr. MCCAIN. Mr. President, yes, I think if it is China's view that the Security Council should not take up an issue of basic fundamental human rights and democracy and wish to veto it, that is their right as members of the U.N. Security Council. But the fact is, that does not relieve the United States of our obligation to bring it up.

One other aspect. Since we have met with Mr. Razali on a number of occasions, up until our last meeting with the special envoy of the U.N., Mr. Razali, he was generally upbeat that things would get better in Burma, that some of the restrictions on Aung San Suu Kyi would be relaxed, and that we should take this moderate approach. In fact, there was even little criticism of the inclusion of Burma in ASEAN because that would bring them into the fold. Now they are facing the embarrassing prospect of, 2 years from now, Burma taking over the chairmanship of ASEAN itself. That is remarkable.

So it was very interesting to me that Mr. Razali, for all intents and purposes—from my impression of our conversation—has basically given up on the policy of sort of appeasement, bringing along the junta so they would become more democratic, et cetera. In fact, I think his statements, authenticated by events, indicate that that policy has been an abject failure.

Mr. MCCONNELL. Mr. President, the Senator from Arizona is absolutely correct. This policy of engagement has been a total failure. That is part of what our bill is about today. It is to not only establish a leadership role for the United States but to lead the world in moving in a different direction.

The Senator from Kansas is here, and he also had a chance to meet with Mr. Razali and has made an important contribution to this debate. I believe we have enough time to accommodate not only Senator BROWNBACK but Senator LEAHY as well.

Mr. BROWNBACK. Mr. President——

Mr. LEAHY. Mr. President, will the Senator yield for a moment?

Mr. BROWNBACK. Yes.

Mr. LEAHY. Mr. President, I have an inquiry. How much time is available on this side?

The PRESIDING OFFICER. There are 11 minutes 9 seconds remaining.

Mr. BROWNBACK. Mr. President, I will not speak long. The Senator from Kentucky has covered this very well, as well as the Senator from Arizona. I think it is important that the Senate take up this resolution. It is an important time to do this and it is an important cause.

There are two narrow issues I would like to comment on briefly regarding the situation of the neighboring country of Thailand.

Thailand has been a strong ally of the United States for some period of time and has worked closely with us on a number of issues in which we have a strong interest in the region. Yet on this issue of Burma, Thailand has not been constructive. As a matter of fact, it has put forward a number of really quite negative comments.

The current Thai Prime Minister most distressedly has begun an assault on Burmese exiles living as refugees on the Thai-Burma border, which leads me to the next category on which I think we need to be pressing.

I have been to the Thai-Burma border. The exiles, because of the Burmese Government, have fled to the Thai border and are in refugee camps. They are subjected to all sorts of horrific conditions—living conditions that are not appropriate, sanitation conditions that are not appropriate, and then they are being trafficked, as people move through, trying to take young women and children into the sex trade that flourishes in Thailand and other places, but particularly in Thailand.

We have seen a rapid slave trade, trafficking in persons. Sex trafficking is taking place because of the Burmese Government and what they are doing,

and the complicity of the Thai Government of not dealing with this situation on the border, of not condemning those in the Burmese Government who are causing problems.

I rise in support of the bill introduced by the Senator from Kentucky. What is happening in Burma is an extraordinary situation. It is having huge human consequences in the region with people fleeing from the Burmese Government and who then are being trafficked, and we are not getting the help and support we need from a number of countries, particularly Thailand. This seems to be propping up the Burmese regime. This is something about which we should be very clear to our allies cannot continue.

I rise in strong support of the Burmese Freedom and Democracy Act of 2003. I urge its unanimous passage and world condemnation of what is taking place by the Government of Burma.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL. Mr. President, if I may briefly say before the Senator from Kansas leaves, I thank him for having a hearing on the Burma situation and for being exceedingly involved and knowledgeable about this issue. I am sure he shares my view that this is going to be a long struggle. We are going to be dealing with this issue, unfortunately, next year when this certification process kicks in and we are back to reviewing the Burmese Government. I hope I am wrong. I hope by this time next year Aung San Suu Kyi is not only out of jail but in power. I would not bet on it.

I thank the Senator from Kansas for his important contributions.

Mr. BROWNBACK. I thank the Senator.

Mr. LAUTENBERG. Mr. President, I rise today to express my support for H.R. 2330, the Burma Sanctions bill.

It is a travesty that today, 55 years after the Universal Declaration of Human Rights and only weeks after fighting a war to liberate 24 million Iraqis, we watch the military junta in Rangoon violently and ruthlessly suppress the rights of the Burmese people.

The bill before us, like S. 1182, will send a strong message to the thugs running Burma that the U.S. Congress will not tolerate their abrogation of the rule of law.

The international community needs to follow suit. This is especially true with regard to Burma's neighbors—the countries of the ASEAN group—and the Security Council of the United Nations.

I would like to call attention to a July 14 Washington Post editorial that very clearly states the need for a unified, international approach to confronting the military junta in Burma. The editorial asserts that the United Nations must do more to push Burma toward reform and democratization. And it draws attention to the sorry fact that Burma has been elected to provide the vice president of the United Nation's General Assembly for the session beginning in September 2003.

It is appalling that one of the world's most oppressive regimes has been chosen by its neighbors for a leadership role at the United Nations. This selection serves only to undermine the credibility of the United Nations and the General Assembly.

I support H.R. 2330 because I am a strong advocate for human rights and democratic governance in Southeast Asia and around the world. I call on my colleagues to pass this bill.

I also call on administration officials to raise the military junta's suppression of human and political rights—including the illegal arrest of opposition leader Aung San Suu Kyi and at least 17 officials of her party on May 30 when they meet with their ASEAN nation counterparts.

Finally, I urge the international community to stand up to the Burmese dictatorship. We must remain steadfast in our resolve to restore the freedom of the Burmese people. 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.

Mrs. FEINSTEIN. Mr. President, I rise today to congratulate the House of Representatives for passing the Burmese Freedom and Democracy Act of 2003 and to urge the Senate to take swift action on the House bill to get it to the President's desk.

The 418-to-2 House vote to ban all imports from Burma is an important statement to support for human rights, the rule of law, and democracy in Burma.

Over 6 weeks have passed since Aung San Suu Kyi and several of her National League for Democracy colleagues came under attack by paramilitary thugs and were subsequently detained by the ruling military junta, the State Peace and Development Council, SPDC.

Since then, with the exception of a brief visit by the U.N. Special Envoy to Burma, Razali Ismail, Suu Kyi has been held incommunicado reportedly in the notorious Insein Prison.

The events of May 30 clearly indicate that the military junta has no intention of adhering to its commitment to engage the NLD in a substantive dialogue on political reform and national reconciliation.

Prompt Senate action will put the U.S. Congress firmly on record in support of Suu Kyi's immediate release and the legitimate democratic aspirations of the Burmese people as expressed by the 1990 parliamentary elections, decisively won by the NLD.

The only difference in the House bill as opposed to the Senate bill passed last month—a 3-year sunset on the sanctions—is acceptable, if not ideal.

Now, I call on the international community, in particular ASEAN and the United Nations, to follow Congress's lead and take action to bring pressure to bear on the SPDC.

A united effort is critical for sanctions to be most effective. The regime must know that the world speaks with one voice and its days are numbered.

I urge my colleagues to support the House bill so that the President can sign it into law.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, while both the Senator from Kansas and the Senator from Kentucky are on the floor, I want to take a minute to praise them for their outstanding statements. I strongly support the Burmese Freedom and Democracy Act that Senator MCCONNELL, Senator FEINSTEIN, and others have introduced and sheparded through the Senate earlier this year.

I have lost count of the number of times my good friend from Kentucky has come to the Chamber to send an important message to the very brutal and very corrupt regime in Burma. Senator MCCONNELL's message has been: Your conduct is outrageous. It should not be allowed to stand. Aung San Suu Kyi is the democratically elected leader of Burma, and she and her fellow opposition leaders must be immediately released.

The Senator from Kentucky and those who join with him are absolutely right. Our country, the greatest democracy history has ever known, must stand for democratic principles around the world. This legislation helps the United States do just that.

Since the McConnell-Feinstein legislation was introduced—and passed by the Senate 93 to 1, something we do not see too often around here—it has helped send a clear signal to the administration, ASEAN members, and the international community that we need to increase the pressure on the illegitimate regime in Burma.

We have seen some good first steps taken by the State Department, including a ban on remittances, expansion of visa restrictions, and a strong statement by Deputy Secretary Armitage on Friday.

But, U.S. action can only go so far. There has to be active pressure from Burma's neighbors in Southeast Asia. I single out Thailand, Japan, and China. These nations have to disavow what we all know has been a failed policy of engagement.

In many cases, engagement can be a good thing. In many cases, engagement can help resolve difficult international issues. This is not one of those times.

Mr. President, I am glad to see some postive developments have occured on this issue in Asia. The ASEAN nations have taken the unprecedented step of expressing concern with the situation in Burma. The Japanese have suspended some forms of aid to the regime.

But that is not enough. Other leaders in the region have to make unequivocal statements saying what we in the United States Senate are saying: Aung San Suu Kyi is the democratically elected leader of Burma and the military junta has to release her and her followers.

The world needs to do more. The U.N. has to become more involved. The Security Council should be briefed by U.N. Special Envoy Razali Ismail on the situation in Burma and Security Council action should be seriously considered.

My purpose in speaking, obviously, is to support this legislation. However, I wanted to take a moment to praise the deep and personal effort by the Senator from Kentucky on Burma. He has shown courage, but, perhaps more importantly, he has demonstrated tremendous persistence in keeping our attention focused on Burma. Sometimes we forget some of what we say is heard and has an impact in other parts of the world. In some cases, it may not be make it back to our own States, but it is heard in the parts of the world where is makes a big difference. This is one of those times.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Vermont for his kind comments on the Burma bill and appreciated his forceful advocacy of passage.

In terms of the parliamentary situation, is there time left on the Burma bill on both sides?

The PRESIDING OFFICER. That is correct.

Mr. MCCONNELL. I am prepared to yield back the time that remains on this side if the Senator from Vermont would do the same.

Mr. LEAHY. I will do the same. Should we ask for the yeas and nays?

The PRESIDING OFFICER. All time is yielded back.

Mr. MCCONNELL. Do we need to ask for the yeas and nays on the Burma bill?

The PRESIDING OFFICER. That would be appropriate.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the question is on the third reading of the bill.

The bill (H.R. 2330) was ordered to the third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to vote on passage of the bill at a time determined by the majority leader, after consultation with the Democratic leader.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2658, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 2658) making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Dorgan amendment No. 1264, to require from the President a budget amendment for the budget for fiscal year 2004 on the amounts requested for military operations in Iraq in fiscal year 2004.

The PRESIDING OFFICER. There will now be 30 minutes equally divided in relationship to amendment No. 1264 by Senator DORGAN.

Who yields time?

Mr. LEAHY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time of the quorum call not be charged either to the Republican or Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. 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. DORGAN. Mr. President, my understanding is there is a 30-minute timeframe on my amendment.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, let me indicate I have just been sitting with my colleagues, Senator STEVENS and Senator INOUYE, discussing this amendment. I want to discuss just for a moment why I have offered this amendment and then indicate that I think we have a responsibility here in the Congress to try to understand how much these operations in Iraq and Afghanistan and other areas of the world cost us and how we plan to pay for them.

Before I do that, let me say the chairman of this subcommittee and the ranking member, two Members for whom I have the highest regard—and I happen to serve on this subcommittee—have distinguished military records. The ranking member has the Medal of Honor. The chairman flew over the hump in China during the Second World War. He has a very distinguished record. I very much appreciate working with them. They have done an extraordinary job with the piece of legislation brought to the floor of the Senate to fund our defense needs.

I visited Afghanistan during the past year or so. I have not visited Iraq. But I happen to think what we have done, with the wonderful men and women who wear America's uniform, is kick the Taliban out of Afghanistan and free the people of Afghanistan. What we have done is to drive underground—at this point—Saddam Hussein and liberate the people of Iraq. It has been done by very brave, courageous, and wonderful young men and women, and with equipment which is funded by this subcommittee.

I know my colleagues likely have done what I have done. They have visited the site where they are producing a little airplane called the Predator. It is not much bigger than a little Piper Cub. It flies at about the same speed. It is a little airplane without a pilot which sits up there for nearly a day and flies around the battlefield and with a sensor can give you a vision of exactly what is on the battlefield, and you have someone sitting in Florida watching a television monitor seeing what is on the battlefield in Afghanistan or Iraq. It is really breathtaking technology which is being used.

The Predator is low tech. The Global Hawk does the same at multiples of altitude. The Global Hawk is also an unmanned aerial vehicle that has been used extensively in both theaters.

Those are the kinds of new technologies that are really quite remarkable—the technologies that are funded by this subcommittee.

In addition to the technology, weapons, and air assets and ground assets, the soldiers themselves are quite extraordinary. I appointed a young man to the United States Naval Academy, Jason Frye, from Hazen, ND. Jason Frye was recently at the Bethesda Naval Hospital. In fact, Senator INOUYE called Jason on Friday. He is a young marine who was in Iraq. He had part of his arm blown off by a rocket-launched grenade. When I went to visit him at the Bethesda Naval Hospital, he was worried about his unit. He wanted to be back with his unit. He wondered how his unit was doing in Iraq. This young man had a battlefield injury. They had to use the cord from the radio in his Humvee to wrap around his arm as a tourniquet to stop the bleeding. He got medical attention at a field hospital in Iraq.

What a remarkable young man. He is a symbol of all the young men and women who answered the call and have done their duty. Our thoughts and prayers are with them. Our hearts go out to those who have been injured and killed, and to their families.

This piece of legislation is extraordinary. It was introduced by two remarkable legislators. I am pleased to be a part of the subcommittee that supports our national defense needs and supports the men and women who serve this country.

The amendment which I have offered says there is kind of an illusion going on with respect to the cost of what we are doing in defense. It is not a deliberate illusion by anyone. It is this:

We are spending about $3.9 billion a month in Iraq at the moment—almost $4 billion. We are spending nearly $1 billion at the moment in Afghanistan. Those are the costs of the ongoing activities in both countries. Both of these activities are very important.

If we are spending about $5 billion a month—an annualized rate of about $60 billion—the question is, How will all of that be funded? Some of it is funded in this legislation. The salaries of the soldiers who would be stationed at Fort Sill, or Fort Lewis, or some other post, we would be paying those salaries anyway. Now they are in Iraq. They are being paid in Iraq.

The question is, What are the extra costs in the $5 billion a month we are spending to be in these two theaters, Afghanistan and Iraq?

The answer is, we don't know. The President likely doesn't know. The OMB and the DOD do not know. But the Pentagon's chief financial officer said last week they have a ''pretty good sense'' of what is going on on the ground for next year. Obviously, they have some planning. My expectation is we will have substantial numbers of troops on the ground in Iraq for some long while. It is not unlikely that we could see more troops going to Afghanistan at some point. If they have a good sense of what is going on on the ground, we ought to plan for that.

I respect the fact that some would say we don't know what this is going to cost next year. We know the answer is not zero. My only concern, as I indicated to the Senator from Alaska, the chairman of the subcommittee, is I don't want us to be in a situation where each spring we have to produce larger and larger supplemental appropriations bills. I would prefer we do some planning. It is certainly true, as the chairman pointed out, that we have been doing this for a long time, but not in the theaters of Bosnia, Kosovo, and others. I understand that. But these are larger numbers. We have not been confronted with $4 billion a month, and then another $1 billion on top of it, or $5 billion a month. We have never done this. We have never done this at a time when the front pages of the newspapers say we have a Federal budget deficit of $450 billion. It is a different time. We face different circumstances.

My point is we know what the answer for the cost of these operations next year is not. It is not zero. It is something. The question is, What? If the comptroller at the Pentagon has a pretty good sense of what is going to be on the ground in the next fiscal year, I would prefer we get a sense of what that is and try to plan for that and estimate that in our regular appropriations bill.

I understand the difficulty. I understand why in previous years we have always said, Well, let us just wait; we will see what the Pentagon spends on it. We will add it up and replace it in a supplemental appropriations request. I think this is a different set of circumstances.

I know there is disagreement in the Chamber. I think we are going to be in Iraq for some long while. We have been in Agfhanistan for some while now. The troop strength has been drawn down. But I think there are some storm clouds over Afghanistan. I worry a great deal about what the needs are going to be there and how to solidify and maintain what we have achieved in Afghanistan.

My own feeling is we would be better served at this point as we try to produce a final piece of legislation on Defense appropriations if we would have a supplemental amendment that says here is what we think we will need in the coming fiscal year for these operations.

Again, if the comptroller at the Pentagon has a pretty good sense of what is going to be on the ground, they very likely have documents that tell them, at least, and perhaps us, what they think they will need. Is it accurate? I do not know. But again, I know zero is not the starting point.

Having said that, I offered an amendment that asked the President to send us in 2 weeks a budget amendment giving us the information the Pentagon apparently has in terms of having a ''pretty good idea'' of what is going to be on the ground for the next fiscal year and tell us what those costs will be above that which already exists.

The chairman makes a point that money previously appropriated in a supplemental is available—a $60-plus billion supplemental, $30-plus billion of which was to replace money taken from previous accounts.

If there is money available, how much above that will be required for expenditure, and do the comptroller at the Pentagon and others know what their estimate might be of what our costs will be in the coming fiscal year? That is what my amendment is requesting.

I have visited with the chairman and ranking member about my amendment. I wanted to make the comment that I, on a general basis, believe this bill is an extraordinarily good bill. The work of the chairman and ranking member is, in my judgment, some of the best work in the Senate. I am proud to be a member of the subcommittee. I believe we ought to find a way to do this differently with respect to major theaters of operations in the annual spring request with respect to very large and larger supplementals each year.

I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Alaska.

Mr. STEVENS. Madam President, I strongly oppose Senator DORGAN's amendment. The Secretary of Defense has testified that the cost for this last month was $3.9 billion in Iraq and $900 million in Afghanistan. As was stated, we provided, in a supplemental, $62.6 billion in late April. By the time it was available, it was May. And $30-plus billion, as the Senator said, went to pay costs that had already been incurred in moving our forces to Iraq.

But the Senator's proposal would instruct the President to submit a fiscal year 2004 budget amendment for the cost of the war in Iraq. Congress has not and should not instruct the President to submit such an amendment. As a matter of fact, Congress should not instruct the President to request funds now for future contingency military operations. We have opposed that concept in the past. We have not done it, and we should not start now.

We only need to review the recent history of financing military contingencies to know this would be a dangerous precedent. Just take into account that the number of times the Congress has directed a President, any President, to submit a budget to pay for future operations is zero. We did not do it in Desert Storm. We did not do it in Somalia. We did not do it in Haiti. We did not do it in Bosnia. We did not do it in Kosovo. We did not do it in Afghanistan. And we should not do it now. The reason is clear: because to try to estimate contingency costs in the future would lead us to creating contingency funds, which could be spent in any way the Department wants them.

Any submission would be inaccurate because the operational situation could change repeatedly during any time in the future. The Department does not know how much it might need for Iraq. They do not know what accounts they might need it in. That depends on the strategy that evolves as we deal with the situation in Iraq.

I personally believe the costs in Iraq are coming down. Slowly but surely, they are coming down. The amendment would force the administration to request a large, unspecified fund from which they would transfer money to pay for whatever contingency developed. We denied that. We denied that this year. The administration made such a request and we said no, we will not do that. That would only reduce congressional oversight and would give the Department of Defense a blank check.

I asked the Congressional Research Service to look at this matter and tell us how we budgeted for wars in the past. I quote from the CRS report:

> Presidents have not requested and Congress has not provided funding for wars in advance [never]. Rather, administrations have requested . . . and Congress has subsequently appropriated money to meet specific, documented budget requirements.

That is what the O&M account is for. Presidents use the O&M account. We subsequently get their requests to add money and replace it in the accounts from which they have taken it. They show us what they have spent it for, and we go ahead and budget after the amounts have been determined.

In keeping with longstanding practice, the Department did supply us, in the President's submission, a peacetime budget for fiscal year 2004. That is for the ongoing baseline programs of the Department of Defense. It is not a wartime budget. As operational requirements change, we will see such a budget. Funding war costs separately, and in a supplemental, if necessary, makes the costs visible to Congress and ensures we do not distort the baseline funding.

We believe the Department will be able to define what the costs are when they determine what they are going to do. As they spend their money, they will come to us with fully explained, well justified, reasons for their expenditures of the moneys they have, and we will replace those moneys.

I do oppose Senator DORGAN's amendment. If he is going to present it as it is currently before us, I will move to table it.

Again, let me say, as I did yesterday, Congressman YOUNG and I did meet with the President about the problem of the total amount of money in this bill for defense and other matters, and we took $3 billion out of the President's 2004 request. His budget request has been reduced by Congress, and this amendment would require him to submit us a supplemental now to pay for costs for Iraq.

We have already agreed, in effect, that the money the President has now, the Department of Defense has now, should fund the requirements of Iraq until we determine what permanent relationships there will be there. Hopefully, that will be done by early next year, and we will know. As these account amounts decline—and I believe they will—they should not average more than $2 billion a month, in my opinion, for this calendar year. If that is the case, there will be money left in the supplemental that has already been passed and adopted by the Congress and accepted by the President.

I believe we should follow the tradition of appropriations and handle money for defense based upon a firm understanding of what the costs are, not upon predictions of what the costing will be when we are at war. We deal with a prediction budget in the overall concept of 2004. Every year we get the President's prediction of how much money needs to be spent and will be spent in the coming fiscal year, and based on that prediction we provide money.

Wartime expenses have always been treated differently. No President has asked for money in advance, no President has ever received money in advance for a wartime budget. They have had concepts, like the supplemental we passed for 2003 to carry through in terms of the 2003 actions which will carry into 2004. And we will get a supplemental for 2004 when the time comes, if that is necessary.

I yield the remainder of my time to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, listening to my chairman reminded me of my days of youth. During World War II, when I was a young man, I had the high honor of serving as platoon leader of 40 men. It was a small part of the war. But if someone had come up to me, say, my colonel, and said: How many men will you lose in the next 30 days? How many rounds of ammo will you use during the next 12 months? How many grenades will you explode during the next 12 months?—my answer would have had to have been: I don't know. There is no way of knowing how many men I will lose in this battle or the next battle. I have no idea how many rounds we will fire or how many grenades we will throw. We will do our best to maintain our force.

But to require any commander to come forth with even a good guess as to what one can anticipate—who in his right mind could have predicted what Midway would turn out to be like or the battle of Guadalcanal? No one had any idea. We had contingency plans as to how we should cope with the enemy if it came from the northern slope or the southern slope, but as for the outcome, we went into a battle once that lasted 5 days and we thought we would come through with minimal casualties. In those 5 days, we incurred 800 casualties in my little regiment, 300 dead—in a battle we thought we could resolve in 3 days. But we had no idea the opposing forces were three times our size.

I realize my colleagues are very eager to know what the costs of this war will be. Senator STEVENS and I would like to know that also because we are in charge of bringing forth to this body our recommendations on what to spend. Frankly, we have no way of knowing. We can make a calculated guess. We tried to do that the last time, and we did not succeed. So we have called upon the administration to do their best. And when the time comes they need supplemental appropriations, we will consider that, and we will inspect and just look over every account. Keep in mind, if it is going to be a calculated guess, we have no way of conducting oversight. So I hope my colleagues will be a bit more patient with us.

I realize that it may pay political dividends in some cases. But in this case we are dealing with the lives of men and women. I hope that in dealing with the lives of men and women, we will make certain that we conduct the affair in the best way possible.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Madam President, we find much to agree about, as a matter of fact. We do not fund wartime budgets in advance because we don't know what a war will cost. There is no disagreement on that score. We do not have a wartime budget, and we do not have an appropriations bill in front of us that deals with the cost of war. We agree with that.

In fact, all of us know the President indicated the war in Iraq was over. We understand at this point we have had some difficulty restoring order completely and there is some violence occurring in Iraq, but most of our troops in Iraq are not fighting. Most of the troops in Iraq are engaged in some kind of peacekeeping and restoration of order.

The point I was trying to make is this: This country always supports its troops and does so very aggressively, and no one will question whether that is the case. This subcommittee does that and does it aggressively. If we find in Iraq and Afghanistan—two theaters in which we have been engaged for some while—that troop strength in those areas remains about the same level as it has been and we are spending about $5 billion a month, my understanding is somewhere near the end of this year we will be about out of money, and we will be taking money from other accounts.

So there will be 9 months left in the next fiscal year. If they continue to spend money at that level, we are talking about $40 or $50 billion. The chairman says he expects that not to happen. I hope it does not happen. I hope we are not confronted with that choice.

My point is, if the Pentagon at this point understands some notion about what kind of troop strength they intend to have for some long while in Iraq or Afghanistan, then we should understand how we prepare and plan for paying for it.

We now face a very large Federal budget deficit. Frankly, we don't have a choice in dealing with these issues. We must pay the bill. We can't commit our sons and daughters to a war, send them overseas, whether they are restoring order or keeping peace or actually war fighting, we can't do that and say: We will not provide everything you need to be successful. That is what this subcommittee has always done under the leadership of the chairman and ranking member.

It is important for us to understand that we have a $450 billion estimated budget shortfall. It is growing by leaps and bounds. The point I am trying to make is that we are likely to face much larger expenditures in the coming 12 months to meet our military needs, and they do not exist in this bill.

The chairman has explained properly that in the past we have never required it to be a part of this bill. He indicates it is because we don't fund wars in advance. I say that we are not at this point in an active war in Afghanistan or Iraq. The war is over. The columns of humvees and tanks and mechanized vehicles moving into Iraq have stopped. Now there is a different circumstance. It is heartwrenching some mornings to hear of the attacks on American troops. But most of what is happening in Iraq is the restoration of order and the peacekeeping. It seems to me that if we are going to be there for some while, it makes sense for us to evaluate what the Pentagon thinks. They are finding documents and they are talking about them. What will that cost? And then ask the President to submit that to us along with his vision of how we deal with that, how we pay for it.

My colleague indicated we would have to fund it. Look, this is part of a broad set of priorities. Yes, this has to be funded but how? What are the consequences of it and how and where does it come from?

My point is not to cause angst to the chairman and the ranking member. If we are going to be involved in longer term theater operations that are not wartime operations but require the commitment of troops—140,000 troops

in Iraq perhaps, 20,000, 25,000 troops in Afghanistan, and that may increase—if we are going to require the placement of troops in these theaters for some longer period of time, if we have longer anticipated costs, we ought to figure out what those are and put them in the regular appropriations bill. That is the point I am making. We just have a disagreement about that.

To me, it is just about where we find ourselves in fiscal policy, what the requirements are with respect to military policy, and whether we can find a way to more orderly anticipate the future costs that we almost certainly know, and the Pentagon has some notion, and trying to respond to those and deal with them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, it is beautiful, the way my colleague from Hawaii remembers things that happened in his own life and puts in perspective what we are dealing with. I hope the Senate listens because the problem that the Senator from Hawaii had as a platoon leader is exactly the problem the Commander in Chief has right now: How much are they going to spend and where are they going to spend the money.

The Senator from North Dakota wants us to tell the President, submit a budget to tell us how money will be spent, and we don't know what the plan is because the contingencies are so great.

Let me mention to you what we have just come through. We originally intended to send part of our forces into Iraq through Turkey. When we found out we had a difficulty there because of the change in administration in Turkey, we had to take those troops out, send them back through the canal and then come back up through the Persian Gulf into Kuwait.

Could we have anticipated those costs? Could the President have submitted us a budget for that operation? Absolutely not.

One of my tasks is to handle the appropriations bills and try to assist in handling the funding for our executive branch and all branches of the Government. But one thing continues to bother me about the emphasis on the current deficit. It is big. It is going to get bigger. Do you know why? Our whole economy is getting bigger.

When I first came to Washington, I had a mortgage of about $45,000. I sort of choked about that. My God, how could I do that? Our income at the time was $30,000 a year. I thought, this is a pretty tough thing but we had to have a house for our family of seven. Now our mortgage is 10 times that. Do you know why? My income has expanded.

The same thing has happened to our Nation. Our overall gross domestic product is so large that $450 billion, $500 billion is not as great as the deficit was at least 3 years of the Clinton administration. Percentage-wise we have to start thinking about what the debt is and how it relates to overall economic activity. I hope one of the joint economic committees will come forth and explain this deficit to us. It is bad. I don't like high deficits. I don't like to owe a mortgage either.

I hope the Senate will concentrate on what we are spending and not what the size of the deficit is right now. We want to hold down expenses. I think the best way to hold down expenses is to follow the precedent we have followed in every war to date.

I am reading a book right now about the revolutionary period and how Washington tried to get the Continental Congress to give him money. He was forced to spend money and then have them help him pay for it. We borrowed money around the world, particularly from France in those days.

You talk about a deficit; my God what the Continental States must have had in terms of a deficit. Somehow or other, the country survived based upon faith and trust in the system.

The system we have followed so far is that we do not fund wars in advance. I hope the Senate will defeat this amendment.

Does the Senator have any further time?

What is the time situation?

The PRESIDING OFFICER. The Senator from Alaska has 10 seconds remaining.

Mr. STEVENS. How much time on the other side?

The PRESIDING OFFICER. There is no time on the other side.

Mr. STEVENS. Madam President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Under the previous order, that vote will occur later, and the order of the stacked votes will be determined by the leaders; is that correct?

The PRESIDING OFFICER. The order has already been determined. This amendment is first.

Mr. STEVENS. I thank the Chair.

AMENDMENT NO. 1268

The PRESIDING OFFICER. All time having expired, the Senator from New Mexico, Mr. BINGAMAN, is now recognized to offer an amendment on which there shall be 40 minutes of debate equally divided in the usual form.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Madam President, I send an amendment to the desk on behalf of myself and Senators SPECTER, DASCHLE, BYRD, LEAHY, LEVIN, ROCKEFELLER, CORZINE, DURBIN, and CARPER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DURBIN, and Mr. CARPER, proposes an amendment numbered 1268.

Mr. BINGAMAN. 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 as follows:

(Purpose: To require a report on the individuals being detained by the United States Government as enemy combatants)

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON INDIVIDUALS DETAINED AS ENEMY COMBATANTS BY UNITED STATES GOVERNMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the individuals being detained by the United States Government as enemy combatants.

(b) ELEMENTS.—Except as provided in subsection (c), the report under subsection (a) shall set forth the following:

(1) The name and nationality of each individual being detained by the United States Government as an enemy combatant.

(2) With respect to each such individual—

(A) a statement whether the United States Government intends to charge, repatriate, or release such individual; or

(B) if a determination has not been made whether to charge, repatriate, or release such individual, a description of the procedures (including the schedule) to be employed by the United States Government to determine whether to charge, repatriate, or release such individual.

(3) With respect to each such individual who the United States Government intends to charge, the schedule for the filing of the charges and the trial of such individual.

(c) CLASSIFICATION OF CERTAIN INDIVIDUALS.—(1) If the Secretary determines that the inclusion of an individual in the report under subsection (a) would harm the national security of the United States, the Secretary may include such individual in a classified annex.

(2) Determinations under paragraph (1) shall be made on a case-by-case basis.

(3) If the Secretary determines to omit one or more individuals from the unclassified form of the report, the Secretary shall include in the report an explanation of the omission of the individual or individuals.

(d) FORM.—The report under subsection (a) shall, to the maximum extent practicable, be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''enemy combatant'' means—

(A) an individual held under the authority of the Military Order of November 13, 2001 (Volume 66, No. 222, pages 57833–57836 of the Federal Register); or

(B) an individual designated as an enemy combatant and held under other legal authority.

Mr. BINGAMAN. Madam President, I came to the floor two days ago to express my concern about the administration's detention policies with respect to three different categories of

individuals, and this is particularly in the period since 9/11.

One of those groups I spoke about was immigrants. There, of course, the concern has been underscored by the report done by the inspector general in the Department of Justice pointing out the abuses that have been engaged in by both the Department of Justice and the FBI with regard to immigrants after the 9/11 tragedy.

Another group I spoke about were material witnesses. There have been several abuses there. In some cases, I think the FBI has acknowledged that. I think, again, we have a serious issue there of adequate attention to civil liberties and human rights.

The third group I spoke about is the group designated by the Department of Defense and the President as so-called enemy combatants. That is a group my amendment deals with today.

The amendment is very straightforward with regard to these individuals. It requires a report. It says to the Department of Defense, the Secretary of Defense, give the appropriate committees of the Congress a report within 90 days of the time this law becomes effective. The report shall indicate who these people are that the administration has designated as enemy combatants, and it shall tell us what plans the Department has with regard to charging these individuals with crimes, with regard to trying them for those crimes, and if there is an intention to repatriate some of these individuals to particular countries, to please advise us of that, but tell us something about who these individuals are and what you intend to do with them. That is the thrust of the amendment.

There is a proviso in the amendment that says if there is a national security problem that the Department or the Secretary of Defense sees in giving us any of this information, of course, that doesn't need to be included in the unclassified version of the report. That could be kept in a separate, classified annex and assigned whatever classification the Secretary determines is appropriate.

The administration is holding 3 individuals today—that I am aware of—in the United States as enemy combatants and is holding close to 700 at our military base in Guantanamo Bay, Cuba. In all cases, these individuals are being called incommunicado. They are given no access to counsel and no opportunity for judicial review as yet.

Let me say what I think should be obvious to everybody, and that is that I am not advocating that these individuals be released. What I am saying is that we should afford them the right to be charged with a crime. Tell us what action they have taken that justifies their incarceration, and set up some opportunity for them to be tried for those actions. Many of these enemy combatants have been in custody by our Government for well over 18 months—in some cases over 20 months.

President Bush announced recently—in the last 2 weeks—that 6 of the 700 or so of these enemy combatants will be tried by a military tribunal. As far as I know, there has been no indication yet as to what they will be tried for. There is no indication yet, or designation, or appointment of a military tribunal or commission to do the trying of these individuals. There has been no date set for these trials. But the President has said that 6 of the 680 or 700 individuals are eligible—I believe that is the phrase used by the Department of Defense and the White House—to be tried by military tribunals.

There are serious questions about how those tribunals will function, and I am sure there will be many debates about that. Even more serious is a question relating to those who remain in jail, who have not—as yet at least—been given any indication of charges, any indication of when trials might be conducted in relation to them.

The obvious question we need to be asking—we in the Congress—since we have an oversight responsibility over the administration, the executive branch, is, Where does the Government or this administration intend to go with regard to these individuals?

So far, the administration takes the position that once the President says someone is an enemy combatant, they can keep them incarcerated, presumably until the war on terrorism is over. But the President has said—and I think he is probably right—this war on terrorism is of indefinite duration; it is not a war that we can see the end of—at least not in the near future. It appears to be the President's view and the administration's view that these individuals can be kept as prisoners from now on, without the administration having an obligation to say who they are, without the administration having an obligation to charge them with a crime, without the administration having any obligation to afford them a hearing.

The administration takes the view that they do not come under the Geneva Convention, but evidently they come under none of the other procedural requirements that we have always thought applied in our system either.

In my view, this is not a tenable position. It is not consistent with the commitment to liberty and the rule of law on which this country was founded. We demand that other governments show greater respect for human rights than this, and we should be demanding better from our own Government as well.

The amendment is very straightforward and very modest, in my view. It simply says that the Secretary of Defense shall provide us with a report on the status of these detainees—provide that to the relevant committees of the Congress. Under the amendment, the report should include the name and nationality of the individuals involved, a statement as to whether our Government intends to charge them with some offense, or intends to repatriate them, or intends to release them—whatever action we intend to engage in.

There is nothing in the amendment that biases what is done with these individuals in any way. In the case of the individuals for whom such a determination has not been made, we ask for a description of the process the Department of Defense is intending to follow and the timeline for actually making a decision regarding these individuals.

Madam President, I believe strongly that we have an obligation to require some accountability with regard to this set of individuals.

We have made provision in the amendment, as I said before, so that the Secretary can withhold any information from any report he deems to be information necessary to withhold for national security reasons.

The administration, in my view, needs to take some action and needs to advise the Congress on what it is doing with these people. If the individuals have committed crimes, let's see them charged with crimes. If they have not committed crimes, let's see them repatriated. Let's see some action taken. We in Congress need to understand what that action is. That is the thrust of the amendment. I hope it will receive broad bipartisan support.

I appreciate Senator SPECTER cosponsoring the amendment, as well as the other Members I mentioned. I believe there is at least one other Member who wishes to speak in behalf of the amendment. So I reserve the remainder of my time.

Mr. LEAHY. Mr. President, the distinguished Senator from New Mexico, Mr. BINGAMAN, has an amendment which would require the Department of Defense to share with the relevant congressional committees information about those who are being held as enemy combatants. I am pleased to cosponsor this amendment.

The amendment safeguards any national security concerns by authorizing the Secretary of Defense to provide this information in classified form where national security requires it. It is a cautious amendment. It does not force the administration to change the way it designates or treats enemy combatants, but merely secures the ability of Congress to carry out the oversight that our laws, our Constitution, our traditions, and our practice require us to do.

Although the cases involving enemy combatants detained within the U.S. have been well publicized, we know very little about those who are being detained in Guantanamo Bay. Because they are held outside U.S. territory, the courts have found they do not have the power to review their detention. I do not doubt some of these detainees are dangerous individuals who wish the United States harm, but doubts have been raised on behalf of some of these detainees, and I think the Congress should have the information necessary to make judgments about this situation.

I hope this amendment will be adopted. It will make the Department of Defense to make decisions more quickly as to whether to charge many of the individuals it is currently holding. No one advocates haste that will compromise ongoing intelligence gathering or hurt our national security, but at the same time, the United States cannot be in the position of indefinitely detaining individuals without charging them with any wrongdoing. That is inconsistent with United States traditions and will continue to cause us difficulty in our relations with the nations of citizens who are being held, ranging from Pakistan to Great Britain. It also puts us in a difficult situation when we tell other countries not to do what we are doing.

Indeed, according to the New York Times, the President's decision to certify two British nationals for trial before a military tribunal created friction between our two nations, as Prime Minister Blair arrives to address a joint meeting of Congress tomorrow.

Let me be clear, this amendment does not require any enemy combatant to be charged, let alone released, but it does ask the Secretary of Defense to explain where the investigatory process stands in the case of each detainee.

Finally, I hope this amendment will encourage the administration to make decisions about what charges he intends to bring, if any, against Jose Padilla and Yaser Hamdi, U.S. citizens currently being held indefinitely without charge in the United States. Their detentions have raised grave legal questions, and it is deeply discomforting to see in this case American citizens held indefinitely, in a legal twilight zone, without access to counsel or those protections to which we believe U.S. citizens are generally entitled, and also those protections that we preach to the rest of the world we uphold and we ask them to uphold when one of our citizens is being detained in their country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, soon after the war in Afghanistan started, I joined with others to go with Secretary of Defense Rumsfeld to Guantanamo Bay to assure ourselves that the Department of Defense is complying and will comply with provisions of the Geneva Convention with regard to the treatment of prisoners who are held at Guantanamo Bay and other places arising from that war.

It is my understanding the individuals who are detained are those who have participated in the battles in Afghanistan against our soldiers, and those who are, at the request of the Department of Justice, held for suspected terrorist activities in the United States in the war against terrorism.

The Department of Defense does not have control over these personnel. I believe they are really under the jurisdiction of the Department of Justice. I do not intend to make any kind of point of order based on legislation. I think we should just face this directly.

I think the concept of Senator BINGAMAN's amendment is directly contrary to what we should be doing with regard to activities of people who have conducted themselves as enemies of the United States in war and those who are involved in the terrorist activities as part of the terrorist war against the United States.

Placing a requirement that we disclose and give a schedule as required by this Bingaman amendment is totally contrary to the best interests of the United States. It would place an unwarranted pressure on the administration to decide on charging and prosecuting enemy combatants prior to completion of intelligence and law enforcement analysis.

These people in Guantanamo Bay were held incommunicado from one another. One of the reasons was the concept of the knowledge of who else was detained might deter one of these people from giving us the information we needed to find the leaders in the war on terrorism against the United States.

The process of investigation is a very long and tedious one. These people use different languages. We found they are using names and declaring they are from countries that are totally untrue. The real problem is how to deal with these people in a way to end the war in Afghanistan and to end the war on terrorism.

It is the executive branch's authority and responsibility to conduct the global war on terrorism. It is the executive branch's responsibility to conduct the war in Afghanistan. For Congress to impose a restriction on the activities that are consistent with precedent and consistent with the manner in which similar people have been detained over the years when we have been involved in war, such as World War II, and the Germans came to our shores and the spies who were intercepted throughout the world—they were held in the combatant status. These people are in combatant status and, as such, their treatment is subject to the Geneva Convention.

Only this basic law would impose conditions upon the right of the administration and the Departments of the executive branch to fully exploit the intelligence and investigative capabilities of the detention in a combatant status in order to deal with these two terrible scourges we face right now.

Unfortunately, the war in Afghanistan seems to be taking unfortunate turns lately, and I hope we can meet that situation. We meet it through information that we gather from some of these people. I am reliably informed that some of these people, in the way they have been treated, have divulged information to us that has led to the capture and detention of others in a similar capacity as having been enemies of the United States.

In short, I think it would be highly inadvisable to adopt the Bingaman amendment, and it would have a negative impact on both the war on terrorism and the conduct of wartime operations in Afghanistan.

There are cases pending in the courts now that this amendment, I understand, would terminate because there are people who, through civil rights cases, filed to determine the court's opinion as to the ''combat status'' designation, and I do not think we should take action now as a Congress to interrupt that process.

Madam President, does Senator INOUYE wish to comment?

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, the committee has been advised, No. 1, that the procedure and process employed in Guantanamo and other places of detention meet the requirements set forth by the Geneva Convention.

No. 2, the matter is being represented by counsel and presently in court. As our chairman indicated, it would not be appropriate for this committee to be intervening while a court case is pending.

No. 3, I think we should keep in mind that this is not a war. This is an experience that this Nation has not had in its past history. This is a war on terrorism. It is not the uniformed enemy to which we are always accustomed where we know who their commanders are, we know where they are coming from, they wear a different type of uniform. In this war, we have no idea who the terrorists are. It could be this young lady here, for all I know.

Having said that, if we follow provisions of this amendment and the Defense Department and the Department of Justice are required to give out the names, the rank, the charges, et cetera, and to give an indication as to when one can expect this prisoner to be released, I think we may be working right into the hands of the organization we are trying to combat: al-Qaida.

If I were in charge of the al-Qaida operations, I would like to know what is happening to those below me. And if I new Mr. One is coming out next August or Mr. Two is coming out in September, I can make plans accordingly.

As I pointed out, this is a war that none of us have experienced in the past. The chairman and I could speak of World War II and the Hump, the Japanese, the Germans, the camps and such.

On this matter, we have never experienced anything like this. So I hope as long as Guantanamo is open to inspection—and the chairman and I have gone there. It has been always open to Members of Congress if they wish to go there for themselves to look over the conditions, to taste their food, and in fact talk to them to see if they are being tortured, as some would suggest. I think my colleagues will find that as Americans we have treated our detainees in an humane fashion.

Now, no one would want to be detained even for an hour, but in this

wartime condition and terrorist condition I think there is a necessity. We have done our duty in a way that Americans need not be embarrassed and ashamed. So I hope my colleagues will not look favorably upon this amendment and wait for another day.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. How much time remains?

The PRESIDING OFFICER. The Senator has 10½ minutes.

Mr. BINGAMAN. I yield myself such time as I may consume.

Madam President, I will respond to a few of the points my colleagues from Alaska and Hawaii made. First, I will say what this amendment does not do. There is nothing in this amendment that restricts what action the Department of Defense, the Department of Justice, or any other agency of the Government is permitted to take with regard to these enemy combatants. This is an amendment that asks for a report. It does not say certain action has to be taken with regard to these individuals. It says tell us the status.

Second, there is nothing in this amendment that affects court cases. If there are court cases related to any of these enemy combatants, then it is perfectly appropriate for the Justice Department to indicate who the person is or which individuals are involved and say they are subject to pending litigation, if that is the case. But the reality is, if one is designated an enemy combatant, they are taken out of the court system. That designation takes one out of the court system and puts them in the custody of the military. It is the position of our military that from that point on, one has no right to a hearing, no right to be charged, is an enemy combatant, and accordingly they will deal with them as they choose.

The Senator from Alaska says this is something that is probably in the jurisdiction of the Department of Justice. I think that sort of makes my case. These people are in nowhere land. They are in limbo.

There is an article that came out in the morning paper in my home State in Albuquerque where there was a little report on the speech I gave 2 days ago talking about this problem, and I will read a sentence from that report: White House spokesman Taylor Gross referred questions about BINGAMAN's speech and proposed amendment to the Justice and Defense Departments. A Justice Department spokeswoman referred questions to the Defense Department. A spokesman for the Defense Department declined to comment.

The reality is, we are allowing the administration to put these people in a category and then take the position that no rights apply to these individuals. There is no obligation on the Department of Justice to follow procedures with regard to these individuals. There is no obligation on the Department of Defense.

There is nothing in my amendment that questions the treatment of these individuals. Others have questioned the treatment of these individuals. I have not questioned the treatment of these individuals in Guantanamo. There is nothing in the amendment that questions the treatment of these individuals.

Also, the point my good friend from Hawaii has made, that this would give al-Qaida or some other terrorist organization information that could be useful to them about when individuals might be released, first, we have a proviso that anything the Department of Defense determines might be contrary to national security, they should keep it classified. They can give it any level of classification they want to give it. If they want to say it is code level classification, they can do that, whatever classification they think is appropriate.

Mr. DURBIN. Will the Senator yield for a question?

Mr. BINGAMAN. I am glad to yield to my colleague from Illinois.

Mr. DURBIN. I am happy to be a cosponsor of this amendment. I ask the Senator from New Mexico—he has made the point it is still up to the administration to decide which names and identities will remain classified and not publicly disclosed. If there is any concern about national security and the threat of terrorism, as I understand this amendment, the Senator makes a clear exception so the administration has the last word in terms of this disclosure; is that not true?

Mr. BINGAMAN. Madam President, in response to that question, let me say that is exactly right. We have gone out of our way to make it clear the Departments can keep secret, can keep code classification, whatever classification level the Department decides is appropriate, any information they think is vital to our national security. So we are saying, as to the information that is not of that type, tell us what can be told about who these people are and what the intent is as far as what to do with them.

Mr. DURBIN. I ask the Senator from New Mexico, through the Chair, if he would yield for one additional question. Is it not true historically that when we are in the midst of a national security challenge or crisis, and questions of civil liberties arise, that many times we do not want to face them head on; that it is not until later in history that we look back and say we should have asked harder questions, questions about the suspension of civil liberties in wartime, questions about internment camps, questions about policies that we followed?

If I understand what the Senator is seeking in this amendment, it is to say at this point in time what we are asking for is a disclosure of those people who have been detained and arrested and are in special status, whose rights at least may be compromised because of our concern about national security; and that disclosure is all that this amendment is about, giving the administration the last word and determination as to which names might be held back and not disclosed because of security concerns.

Mr. BINGAMAN. Madam President, in response to that follow-on question, that is exactly correct. The Senator from Illinois is exactly right in pointing out that in what we are trying to do, we are not—this is not an amendment I am offering 6 weeks after the 9/11 tragedy. This is an amendment I am offering 20 months or more after the 9/11 tragedy. We know that many of these individuals have been there well over a year and a half. It is time that we in Congress exercise our oversight responsibility and say: Who are they? What are they intending to be charged with? I do not anticipate that these are individuals we are going to some day say we have decided to release. I assume that we have them there for good reason, and that we are going to prosecute them and that we are going to find them guilty. That is my assumption, assuming the system works as it is intended to work.

So my thought is, let's get some idea of where we are going so that we begin to build in some accountability and begin to recognize what we historically have recognized, and that is that there are certain legal protections that apply if one is jailed by the United States Government. There are certain legal rights that we will be afforded.

Mr. DURBIN. I ask the Senator from New Mexico if—I do not know how much time he has remaining, Madam President.

The PRESIDING OFFICER. There are 3 minutes 15 seconds remaining.

Mr. DURBIN. If I might ask the Senator from New Mexico this question: What is at issue in his amendment, if I am not mistaken, is whether we are going to afford any form of due process to these detainees. Is it not also true that we have to look beyond these detainees to how we as Americans would be treated in other countries, whether we are establishing a standard which we could live by?

In other words, I am asking the Senator from New Mexico if we believe that we can detain individuals, without disclosure of who they are, and the circumstances of their detention, does that not invite the same conduct against Americans or service men and women overseas and give the United States little or no room to complain?

I ask the Senator from New Mexico if he is not asking for us to stand up for some basic elements of due process which we would ask to be afforded to Americans in similar situations.

Mr. BINGAMAN. In response to the question, I think the Senator from Illinois makes a very good point. If we are going to proclaim our commitment to liberty and to freedom as we always have, and as I certainly want to be able to do, and if we are going to insist that U.S. citizens, when they are captured

in overseas incidents, whether they be military or civilian, that they be given some reasonable treatment through the court systems of those countries, then we have to have some adherence to reasonable legal process for these individuals that we have incarcerated. That is all I am asking. Tell us what we are going to do. If they come back and say we are not going to do anything, then we can see whether a follow-on amendment or follow-on action is appropriate.

This amendment simply says, give us a report. Tell us the status of these individuals; tell us your plans with regard to these individuals; or give us some idea whether or not you are going to charge them. If you are going to charge them with something, tell us what you might charge them with. If you decide to make that decision later on, tell us when you might decide to make that decision.

It is the most modest of amendments. I hope very much it will be supported by my colleagues on a bipartisan basis.

How much time remains?

The PRESIDING OFFICER. The Senator has 53 seconds.

Mr. BINGAMAN. I retain that and I yield the floor.

Mr. STEVENS. Madam President, for the information of the Senate, the Intelligence Committee has access to information about enemy combatants who are being detained, including names the Red Cross is fully engaged with in the continuing meaningful access to detainees.

This Congress was briefed about the creation of the military tribunals and the handling of detainees. The tribunals were created by Executive order. That was published in the Federal Register. It has been a matter of public record for some time.

Any detainees brought before military tribunals have full access to military and, at their request, civilian counsel. We are talking now about the requirement to publish, to release these names. By the way, they have been released, in effect, in classified form, but with the intervention of our Intelligence Committee, which is the oversight committee for this body in regard to information such as this.

I cannot believe we would be faced on an appropriations bill with a matter of this kind. It does not get into money, but it does deal with something the Department of Defense has connection with. It is relevant and therefore we must deal with it.

However, the broad release of the names of these individuals, even in classified form, could compromise our ability to access information which could prevent more terrorist attacks, could prevent more attacks on our military in Afghanistan. This is a military problem in that sense. That is why the Department of Defense is involved. It is the Department of Justice's sense in terms of deciding how they are prosecuted. If they are prosecuted in civilian courts is another matter. Then they would be fully accounted for in the public sector. If the prosecutor in the tribunals—the tribunals themselves can be closed, if that is the decision. The person would still have the right to counsel and a right to be tried before the tribunal, but we would not necessarily have public access to that trial because of the information involved.

If people want to go to Guantanamo and know who is there, go there. We went there. I don't understand why we should take this action now.

By the way, the Senator is not quite correct; it not only says the names and the nationality but also whether they are to be charged, repatriated, a statement of what procedure is going to be followed to determine whether they are charged or repatriated. That is intelligence information. And with respect to such individuals in the United States, intention to charge, a schedule for the filing of the charge and the date for the trial. If it is a military tribunal, it could well be classified. To require the determination now of what would be done—it is true there is an exclusion here; the Secretary can omit. But if he omitted one or more individuals, then he would include in the report an explanation of the mission of the individual or individuals. It could include a classified index. If it could include a classified index, why should it be published? We do not publish a classified index.

The term ''enemy combatant'' means an individual held under the authority of military order of November 13, 2001, as published in the Federal Register, or an individual designated as an enemy combatant and held under other legal authorities. In both instances, they have quality access to courts that protect their rights. Other people are pursuing those cases.

The interrogation process of people like this is ongoing and very timely. It does not lend itself to detailed plans, firm dates, and firm schedules. We saw some of that when we were in Guantanamo, but the interrogation efforts in many ways require somehow to get through to an individual who has lied to us about who the person is, where they are from, and refused to give any data at all concerning their own background. They were captured under wartime conditions.

This amendment is an attempt to poke Congress' nose under a tent, that we belong only if we are in an unclassified area. That is what the Intelligence Committee has already done. I am reliably informed the Intelligence Committee has access to information about these enemy combatants in detention, including their names. If they started releasing the names of these individuals, even in classified form, it could compromise sources and methods of their acquisition and compromise the possibility of gaining information on them that might prevent further terrorist activities.

If the Senator wishes further time, I will be glad to not yield back my time but I intend to yield back the time and move to table.

Mr. BINGAMAN. I appreciate the courtesy. I will use my remaining 50 seconds.

The PRESIDING OFFICER. Forty-five seconds.

Mr. BINGAMAN. Madam President, first of all, if the Secretary of Defense believes the release of any of these names compromises our national security, he is given full reign to keep that information classified at any level of classification he decides is appropriate. So we are not in any way interfering with national security.

In my view, it is not appropriate for us to say, look, if you want to check on them, get on a plane and go down to Guantanamo. We and the American people need to be persuaded there is some adequate due process and legal process being followed.

Regarding the idea of these military tribunals, there have been no tribunals established. The President said 6 individuals out of the nearly 700 are eligible to be considered or to be tried by military tribunals. There are no military tribunals established.

I urge support for the amendment and I yield the floor.

Mr. STEVENS. Madam President, I yield back the remainder of my time.

Before that, I ask unanimous consent that the second and third votes in this stack of three votes be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield back the remainder of my time, I move to table the Senator's amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. The first vote will be on tabling the Dorgan amendment; the second vote will be on the Bingaman amendment; and the third vote will be on Burma.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1264

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided prior to a vote on the motion to table the Dorgan amendment.

Who yields time?

Mr. STEVENS. There are 2 minutes equally divided before a vote on each amendment?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. Since Senator DORGAN is not here, I will claim 1 minute. I ask unanimous consent I be recognized for 1 minute to close this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. As cosponsor of this amendment, what we are setting out to do is to ask the administration for the

costs of the Iraqi war. That is not included in this Defense bill. We are living on money appropriated in the supplemental appropriation that we know will run out before the next fiscal year ends, so we are leveraging from one supplemental appropriation to the next.

This war, in fact, is costing in the realm of $4 billion a month and the Afghanistan war another $1 billion a month. We are asking the President to disclose the cost of this war, to give us an idea for the American taxpayers and for Congress of the financial responsibility we have undertaken.

I support the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, we fund peacetime budgets in advance. Congress has never agreed to fund wartime expenses in advance. Instead, we have always, in every instance, as stated by the Congressional Research Service, funded them after those costs have been incurred and with the President's request for the payment. Presidents take the money from existing funds and we replace those funds, rather than having budgets determined in advance.

As the Senator from Hawaii so vividly pointed out, it is impossible to know what the costs will be in fighting a war in advance. That is what this amendment urges, and that is why I moved to table that, and I urge the support of the motion.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion to table. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay''.

The result was announced—yeas 53, nays 41, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—53

Akaka	Cornyn	Inhofe
Alexander	Craig	Inouye
Allard	Crapo	Kyl
Allen	DeWine	Lott
Bennett	Dole	Lugar
Bond	Domenici	McCain
Breaux	Ensign	McConnell
Brownback	Enzi	Murkowski
Bunning	Fitzgerald	Nickles
Burns	Frist	Roberts
Campbell	Graham (SC)	Santorum
Chafee	Grassley	Sessions
Chambliss	Gregg	Shelby
Cochran	Hagel	Smith
Coleman	Hatch	Snowe
Collins	Hutchison	Specter
Stevens	Talent	Voinovich
	Thomas	Warner

NAYS—41

Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Conrad	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Stabenow
Dayton	Leahy	Wyden
Dodd	Levin	

NOT VOTING—6

Edwards	Kerry	Miller
Graham (FL)	Lieberman	Sununu

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1268

The PRESIDING OFFICER (Mr. HAGEL). Under the previous order, there are now 2 minutes equally divided prior to a vote on the motion to table the Bingaman amendment.

Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, this is a very straightforward amendment which just requires a report from the Secretary of Defense on those people we are incarcerating under the status of ''enemy combatant'' and what our intentions are with regard to charging them or making a decision on charging them.

We have a proviso in there that if the release of any of this information will jeopardize national security, the Secretary can withhold that and put it in a classified annex and give it any level of classification the Secretary determines is appropriate.

So it seems to me essential that the Congress exercise some oversight of this process. If we are going to be a nation that stands for liberty and freedom and legal process, then we ought to ensure that everyone who has been taken into custody in our country be afforded some legal protection. There are no military tribunals that have been established. The problem is not resolved. We should ask for this report.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, these people are being held consistent with the Geneva Convention. The Intelligence Committee of the Senate has access to names and information concerning those who are detained.

The Red Cross is fully engaged and has meaningful access to the detainees. We need to have the interrogation process continue so that we can see if we can get information from these people that might lead to us having the ability to prevent further terrorist attacks against the United States.

They are enemy combatants. There is fully published, in the Federal Register, the procedure under which they will be handled. This amendment, as a matter of law, forces the disclosure and a plan of when they are to be released. It is contrary to the best interests of national security, in my opinion. I made a motion to table and I urge its support.

The PRESIDING OFFICER. All time has expired.

The question now occurs on agreeing to the motion to table amendment No. 1268. This will be a 10-minute vote. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 42, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—52

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bayh	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	Talent
Coleman	Inhofe	Thomas
Collins	Inouye	Voinovich
Cornyn	Kyl	Warner
Craig	Lott	
Crapo	Lugar	

NAYS—42

Akaka	Dodd	Levin
Baucus	Dorgan	Lincoln
Biden	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Jeffords	Reed
Carper	Johnson	Reid
Clinton	Kennedy	Rockefeller
Conrad	Kohl	Sarbanes
Corzine	Landrieu	Schumer
Daschle	Lautenberg	Stabenow
Dayton	Leahy	Wyden

NOT VOTING—6

Edwards	Kerry	Miller
Graham (FL)	Lieberman	Sununu

The motion was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BURMESE FREEDOM AND DEMOCRACY ACT OF 2003

Mr. STEVENS. Mr. President, pursuant to the previous order, I ask that the Senate proceed to a vote on the passage of H.R. 2330, the Burma sanctions bill.

The PRESIDING OFFICER. The Senate will now proceed to the consideration of H.R. 2330, which the clerk will report.

The legislative clerk read as follows:

A bill (H. 2330) 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 question is on passage of the bill. The yeas and nays are in order. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER (Mrs. DOLE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—94

Akaka	DeWine	Lott
Alexander	Dodd	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murkowski
Bennett	Edwards	Murray
Biden	Ensign	Nelson (FL)
Bingaman	Feingold	Nelson (NE)
Bond	Feinstein	Nickles
Boxer	Fitzgerald	Pryor
Breaux	Frist	Reed
Brownback	Graham (SC)	Reid
Bunning	Grassley	Roberts
Burns	Gregg	Rockefeller
Byrd	Hagel	Santorum
Campbell	Harkin	Sarbanes
Cantwell	Hatch	Schumer
Carper	Hollings	Sessions
Chafee	Hutchison	Shelby
Chambliss	Inhofe	Smith
Clinton	Inouye	Snowe
Cochran	Jeffords	Specter
Coleman	Johnson	Stabenow
Collins	Kennedy	Stevens
Conrad	Kohl	Talent
Cornyn	Kyl	Thomas
Corzine	Landrieu	Voinovich
Craig	Lautenberg	Warner
Crapo	Leahy	Wyden
Daschle	Levin	
Dayton	Lincoln	

NAYS—1

Enzi

NOT VOTING—5

Graham (FL)	Lieberman	Sununu
Kerry	Miller	

The bill (H.R. 2330) was passed.

Mr. STEVENS. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. I ask unanimous consent that the distinguished Senator from Louisiana have 4 minutes as in morning business.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 1419 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

AMENDMENT NO. 1269

Mr. DASCHLE. I have an amendment at the desk. I ask for its immediate consideration.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] for himself, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. DEWINE, Mr. MILLER, Mr. SMITH, and Mrs. CLINTON, proposes an amendment numbered 1269.

Mr. DASCHLE. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following:

SEC. . IN RECOGNITION OF THE NATIONAL GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NATIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE THESE FORCES ACCESS TO TRICARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Forces in the U.S. National Guard and Reserve have made and continue to make essential and effective contributions to Operation Iraqi Freedom and other ongoing military operations;

(2) More than 200,000 reserve personnel from the Army, Navy, Air Force, Marine Corps, and Coast Guard are currently serving their nation on active status;

(3) Our dependence on the National Guard and Reserve has increased dramatically over the course of the past decade. Annual duty days have grown from about 1 million in the late 1980s to more than 12 million in every year since 1996;

(4) While our dependence on the reserves has increased in the post-Cold War era, their basic pay and benefits structure has remained largely unchanged;

(5) Offering TRICARE to reservists for an affordable monthly premium enhances our national security by improving their medical readiness when called to duty, streamlining and accelerating the mobilization process, and enhancing our military's ability to recruit and retain qualified personnel to reserve duty;

(6) The Congressional Budget Office, the official, non-partisan scorekeeper of all congressional legislation, has estimated the cost of this proposal at just over one-tenth of one percent of the Administration's FY2004 defense budget request;

(7) On May 20, 2003, a strong majority of Senate Democrats and Republicans joined together and voted 85–10 for an amendment to the FY2004 Defense Authorization bill to provide reserve personnel and their families access to TRICARE regardless of their current deployment status; and

(8) The Appropriations Committee indicated in its report accompanying the FY2004 Defense Appropriations bill that it supports this proposal.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The National Guard and Reserve play a critical and increasingly demanding role in protecting our national security, and

(2) The Senate supports the Appropriations Committee position as articulated in the report accompanying the FY2004 Defense Appropriations bill and affirms its support for providing Guard and Reserve personnel access to TRICARE.

Mr. DASCHLE. Madam President, we have received word of four more reservists killed in Iraq and Kuwait over the past week. They are the 18th, 19th, 20th, and 21st reservists who have made the ultimate sacrifice during Operation Iraqi Freedom, and numerous others have been wounded.

Four other reservists have died this year in support of Operation Enduring Freedom.

Their deaths offer a stark reminder of how our military functions today. A National Guard or Reserve member is more likely to serve on active duty than at any other time in our nation's history. In fact, reservists have been called to support every military operation since Operation Desert Shield/Desert Storm, whether it was peacekeeping in the Balkans, defending our Nation's airspace after the September 11th attacks, or neutralizing the Baathist regime in Iraq.

These troops work hard to stay prepared for the time when their Nation calls, and they are eager to prove themselves when summoned to active duty. Nonetheless, we have been demanding more and more of them, and it's time that we as a Nation considered what we can give back.

For that reason, a bipartisan group of us introduced legislation earlier this year to allow reservists to pay a premium and receive coverage from TRICARE, the military health program. I joined with the Senator, from South Carolina, Mr. GRAHAM, Senator CLINTON, Senator LEAHY and Senator DEWINE, to press for inclusion of a similar proposal in the Fiscal Year 2004 Defense Authorization bill. The outcome was a strong, bipartisan vote, 85–10, in favor of allowing reservists to buy into TRICARE.

Today, we are asking the Senate to underscore our resolve to move forward on this issue. We are asking our fellow Senators to join in affirming the importance of the reserves to our national security and the necessity of a new TRICARE benefit to keep this force intact and improve its readiness.

Some have argued that we would diminish the value of active-duty service by providing the same health benefit to part-time soldiers. In fact, we are requiring reservists to pay for a benefit that comes at no charge to active-duty troops and their families.

Other have said we would be undermining recruiting and retention and

quality of life programs. This argument fails the laugh test, as any Guard and Reserve recruiting officer will tell you.

Still others say this is too costly. But when we rely so heavily on the Guard and Reserve to protect our national security, I question whether we can afford not to provide this benefit. CBO says the price tag would come to just over one-tenth of one percent of the President's proposed Fiscal Year 2004 defense budget. In return, we will take a major step toward ensuring the integrity of this force, by improving its medical readiness when called to active duty, by streamlining and accelerating the mobilization process, and by enhancing our military's ability to recruit and retain qualified personnel to reserve duty.

Today, 40 percent of our reservists between the ages of 19–35—and that represents a pretty broad spectrum of reservists on active duty today—are uninsured. It is in our national security interest to make sure they have health insurance and do not have to go for long periods of time without being able to see a doctor or provide for the most basic health needs of themselves or their families.

Today, more than 200,000 reservists are on active duty, having left behind families, careers, and their everyday lives to serve their Nation. Some may never come home. Our military relies on this force to protect our borders, our national interest, and our people.

I think it is important once again the Senate go on record and send as clear a message as we can that we are not going to rest and we are not going to quit until they have the access they deserve to the health care program they so badly need.

At this time, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. GRAHAM of South Carolina. I would like to speak, if possible.

Mr. DASCHLE. I wouldn't be calling for the vote at this point. I am just asking for the yeas and nays and for a vote later on.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. DASCHLE. I yield the floor.

Mr. GRAHAM of South Carolina. Madam President, I thank Senator DASCHLE for the great help he has been and for his partnership on this piece of legislation. I associate myself with his remarks about the TRICARE program being extended to family members of the Guard and Reserve.

During the last Desert Shield-Desert Storm conflict, I was in the Air National Guard unit that was called up to active duty. Planes, pilots, and crews went over and did a magnificent job. I was in a support role as a military lawyer. I was called to active duty—along with doctors and other folks—to take care of families who were left behind by providing legal services.

When a family member is deployed in the Guard and Reserve, more likely than not the military pay will be smaller than the civilian pay. The Soldiers and Sailors Civil Leave Act allows a renegotiation of loans and a restructuring of debt so the military pay can cover family expenses. You are not successful all the time. I spent hours negotiating new loans, house payments, and car payments so the military pay would cover the family expenses. But one thing that we haven't addressed is health care.

As Senator DASCHLE indicated, there are many members without health care. But for those who have health care, once they are activated, the physician network that your family is used to is replaced by the military.

In the case of our unit—Swamp Fox Unit in the South Carolina Air National Guard that I served in from 1991 to the present—they have been deployed six times. That is not unusual. You have families bouncing from one health care network to the other.

We are trying to make sure that continuity of health care is available to Guard and Reserve families by allowing them, in addition to their membership in the Guard and Reserve, access to the TRICARE military health care system when they are in their civilian capacity as well as when they are activated. So when they are activated, there is no major upheaval in their lives when it comes to health care. They will have a safety net.

You can't be everything to everybody. But they are having to pay a premium that is fair to them, helps reduce the cost of the bill similar to what retirees pay.

It is important to me to put this on the table, and do it in a way so we can afford it. I think the premium helps offset the cost.

I am here to report that I have talked with the administration and the Pentagon which have concerns about implementing this program now because we haven't budgeted for it in this budget cycle. We are going to compromise on the Defense authorization bill and initiate a study of the best way to provide TRICARE coverage to Guard and Reserve members in terms of cost, affordability, and availability. We will have that study. Next year, Senator DASCHLE and all of the others who have worked with us have my solemn promise we are going to go after the money necessary to fund this program.

The proposal we are speaking about today has a statement in it that they are willing to help fund this if we can find the money. This sense-of-the-Senate resolution is important in the sense that we are letting our Guard and Reserve families know we haven't forgotten about them and that we are trying to do this in an affordable and efficient way by studying it for a year. But help is going to be on the way.

The recruiting and retention problems that we suffer in the Guard and Reserve we haven't yet begun to understand. You have some Guard and Reserve units that are indispensable to the war-fighting machine that we have created and which is so effective. Their employers have suffered greatly because they are gone from their work stations in the civilian community a lot. Employers have been paying the difference between the military pay and the civilian pay in many instances.

We are going to work in a bipartisan fashion to have a tax credit. The retirement age is 60. On active duty, you can retire after 20 years of service. As a Guard or Reserve member, I am 5 years away. I have to get 5 good years somehow so I can get my retirement. I am not worried about me. But we have a proposal that for every 2 years you stay on to help your country, we will allow you to retire early. That is not part of the package we are talking about in TRICARE but it will be part of a package to upgrade Guard and Reserve benefits. The total cost for all three—health care, reduced retirement, and tax credits—is in the $15 billion range over 5 years. That is a lot of money. But I agree with Senator DASCHLE, we can't afford not to do it.

I ask all of my colleagues to look at this closely and support this sense-of-the-Senate resolution so we can sit down with the administration next year in good faith—they have been very good about dealing with this issue in a responsible way this year—and come up with the money and get a commitment from the administration, the Pentagon, the House, and the Senate to fund this program.

If we improve the benefit package, not only are we doing what we should do to help our Guard and Reserve families, which they will appreciate, but we will have a better chance of retaining these great Americans because we are asking so much of them. It is time for us to deliver a better benefit package because they have really delivered for this country.

I appreciate working with Senator DASCHLE, and the administration has been very good to work with. This time next year I hope we can take the floor and tell the Reserve and Guard families of this country that they have a benefit package that shows how much we respect and care for them.

I yield the floor.

Mr. DASCHLE. Madam President, I thank the distinguished Senator from South Carolina for his great effort on this amendment and for his generous words. He speaks from experience—first, as a member of the Guard but then also as a member of the Armed Services Committee. I appreciate the work he has done in getting us to a point where we have a commitment from the administration that they will work with us. I hope we don't have to wait a year. But I recognize reality. I believe it is important to get a commitment regardless of how long it takes.

The message we want to send today with this sense-of-the-Senate resolution is that there is strong bipartisan

support for the concept that we ought to be able to allow the Guard and Reserve to access TRICARE as soon as possible so that in the very situation the Senator from South Carolina has noted—this recognition that they may be called to active duty not once but several times as they go in and out of their role as active guardsmen—they have the time to transition with the coverage and the peace of mind required as they commit themselves once again to their country.

I hope we can get a strong bipartisan vote. I hope we recognize that, while this is not inexpensive, we estimate that one-tenth of 1 percent of the overall cost of the defense budget is a price worth paying for the commitment and the message that we send about our recognition of the important role the Guard and Reserve play today as they serve in Iraq and around the world.

I yield the floor. 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.

Mrs. BOXER. 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. LEAHY. Mr. President, I rise in strong support of the Daschle-Graham amendment. This amendment expresses the strong sense of Congress that members of the Guard and Reserve should be made eligible for the TRICARE health insurance program.

I am the co-chair of the Senate's National Guard Caucus, and I have watched closely as over 200,000 members of the Guard and the Reserves have been called to duty for the war in Iraq. Our reservists have distinguished themselves in every respect, underscoring that our Nation's defense rests—as it has been since our founding—on our citizen soldiers.

We have a responsibility to ensure that this force is as effective as possible. Yet a recent GAO report indicated that almost 20 percent of our reserves do not have access to adequate health insurance. This means that we are deploying men and women to fight when they are not as healthy as possible.

This resolution makes the strong statement in support of a cost-share program that ensures that reservists and their families have coverage. It puts the body's weight behind the strong report language in this bill and follows on the Senate's 85 to 10 vote during our consideration of the Defense authorization bill in favor of this innovative cost-share program.

The defense conferees are currently reviewing this provision, based on legislation I crafted along with Senators DEWINE, DASCHLE, and SMITH, and a strong vote today would send a signal that a final bill should include health insurance eligibility.

I urge all my colleagues to vote again to support this effort.

AMENDMENT NO. 1271

(Purpose: To require reports on U.S. Operations in Iraq)

Mrs. BOXER. Madam President, I have been working on an amendment that I trust would get support from both sides of the aisle, and I would like, at this time, to send this amendment to the desk and ask unanimous consent that the previous amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 1271.

At the appropriate place, add the following:

SEC. . REPORTS ON IRAQ

Not less than once every 30 days, the Secretary of Defense shall submit a report to the congressional defense committees, the House International Relations Committee, and Senate Foreign Relations Committee that contains the following information:

(a) Total and monthly costs of U.S. operations in Iraq,

(b) Number of U.S. military personnel serving in Iraq and the immediate region.

(c) Total and monthly contributions made by foreign governments and international organizations in support of U.S. operations in Iraq.

(d) Number of foreign military personnel serving in support of U.S. operations in Iraq,

(e) Defense articles and services offered by foreign governments and international organizations in support of U.S. operations in Iraq,

(f) Total number of U.S. casualties as a result of U.S. operations in Iraq by date and cause,

(g) All contracts in excess of $10 million entered into by the U.S. government for the reconstruction of Iraq.

Mrs. BOXER. Thank you very much, Madam President. And I am glad the clerk was able to read this amendment because I think it is a very straightforward amendment, not one of those that is convoluted.

Essentially, my amendment is an assurance that the American people will receive the full and accurate costs relating to the operations in Iraq; will know more about the monthly costs therein; will know more about the contribution of our coalition of the willing and other nations that may come in, both in terms of their support of military personnel and their monetary support, and other support; and also will have detailed reports on the casualties.

This is a very important amendment because, quite frankly, as a member of the Foreign Relations Committee myself, we do not have the information we need. I am going to attempt to prove that as I go through my points.

Basically, the amendment would require that each month—every 30 days—the Secretary of Defense send a report to the congressional committees with specific information. You have heard that information read by the clerk, so I will not go into that until my summary.

Madam President, I ask unanimous consent that Senators LANDRIEU and MURRAY be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, last August, the Senate Foreign Relations Committee, on which I serve, began a series of hearings on U.S. policy toward Iraq, hearings that began under the leadership of Senator BIDEN, and have continued with our current chairman, Senator LUGAR.

From the very first hearing, my position on this issue was very clear. I felt if our policy toward Iraq was going to be successful, it should be done in conjunction with our allies and in coordination with international institutions, such as NATO and the United Nations.

Why did I feel that way? Because I felt that the burden of this situation should be shared by the world. Surely, the world has something at stake if there is stability in Iraq, and that burden ought to be shared.

The fact is, for many different reasons—and I am not going to rehash them—the burden has not been shared. And this situation is very different than the first Persian Gulf war, where George Herbert Walker Bush built a very broad international coalition to share the burdens of war.

All we have to do is look at the cost. That is one example. The estimated cost of the first gulf war was $61 billion total. The operation was financed by more than $53 billion pledged by countries around the world, and some of that came in the form of in-kind services that also counted toward the estimate. So our allies picked up roughly 85 percent of the cost of the first gulf war. Our allies also provided a quarter of the military force on the ground.

How different is this current situation? We have 146,000 troops in Iraq, and they are dying every day. I have come to the floor to eulogize those who have died who had any connection to California. Let me say, since President Bush declared an end to major hostilities on May 1, 15 of those who were either from California or based in California have been killed. In the total of all those killed, 56 have been from California or based in California. This war is touching the people of my State very deeply.

So here are 146,000 troops from our country in Iraq, and the British, our top ally, have 12,000 troops. They certainly have been our deepest friends in this particular situation. They have 12,000 troops. We have 146,000. Poland and Australia have a small number of troops. All these troops are greatly appreciated. But you cannot come close to the type of international coalition that we had in the first Persian Gulf war or, more important, what we need to have today so that the burden does not fall so hard on our families.

Last night, I heard a report on CNN about a little child that would just break your heart. He was there with his mom. You never can script a child. This little boy said: I was supposed to

have my daddy home, and this is the second time, but the President changed his mind again.

Clearly, the President doesn't want to see little kids crying for their parents. No one does. But what it means is we need to internationalize the troops in the field so we do not have to carry this burden. We also need rules and regulations so we keep to our word about the length of the terms served over there, and that is an issue that will come back again. We had a vote on that yesterday.

For a moment I rise to talk about the money. In a hearing on July 9 before the Armed Services Committee, Secretary of Defense, Donald Rumsfeld, was unable to recall the monthly cost of U.S. operations in Iraq. The committee actually had to go into a recess so the Secretary could get the information.

This is unacceptable. I have the transcript from that hearing. I am going to read from it.

Senator BYRD:

Mr. Secretary, what is the current monthly spend rate to support our ongoing military operations in Iraq?

Mr. Rumsfeld:

I'll have to get you that for the record.

It's a combination of appropriating funds, as you know, sir, know better than any, plus the expenditures of funds taking place from Iraqi frozen assets, from Iraqi siezed assets and from U.N.-Iraqi assets under the oil-for-food program. And I can certainly have Dr. Zakheim come up and provide a very precise answer as to what's currently being spent.

Senator BYRD:

Do you recall a figure? Can you give us an estimate? I've heard the figure of $1.5 billion a month.

Secretary Rumsfeld:

I would not want to venture a guess and be wrong, sir.

Senator BYRD:

Well, somebody ought to know.

Secretary Rumsfeld:

Well, they do know. We'll be happy to brief you on that.

Well, I'd like to know now.

Well, we'd have to adjourn . . .

Well, OK.

Madam President, how do you come before the Armed Services Committee without an estimate of the cost? I don't quite understand it.

Secretary Rumsfeld says these expenditures are in a variety of categories, et cetera.

This is what Senator BYRD said:

I understand that, Mr. Chairman, but I've been around here going on 51 years and I'm on the Appropriations Committee, and we want to fund our military and meet the need. But there must be some figure, some amount that we can cite as an amount that we're spending monthly in Afghanistan and the same with respect to Iraq.

Secretary Rumsfeld:

I'm sure there is, and we'll get it for you.

Senator BYRD:

Very well. That'll be another figure we hope to have when we return, Mr. Chairman, I would hope.

And Secretary Rumsfeld says:

In that case not likely. That fast?

Senator BYRD:

Well, you like to have figures fast when it comes to appropriating money.

Secretary Rumsfeld:

That's for sure.

Senator BYRD:

I would [like to] know, on behalf of the Appropriations Committee and the Congress, how much we're spending.

Secretary Rumsfeld:

We'll try and get it for you.

Then Senator BYRD says:

Well, anyhow, so much for that . . .

I ask unanimous consent to print these conversations in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BYRD: Mr. Secretary, what is the currently month spend rate to support our ongoing military operations in Iraq?

RUMSFELD: I'll have to get you that for the record.

It's a combination of appropriated funds, as you, sir, know better than any, plus the expenditures of funds that are taking place from Iraqi frozen assets, from Iraqi seized assets and from U.N.-Iraqi assets under the oil-for-food program. And I can certainly have Dr. Zakheim come up and provide a very precise answer as to what's currently being spent.

BYRD: Do you recall a figure? Can you give us an estimate? I've heard the figure of $1.5 billion a month.

RUMSFELD: I would not want to venture a guess and be wrong, sir.

BYRD: Well, somebody ought to know.

RUMSFELD: Well, they do know. We'll be happy to brief you on it.

BYRD: Well, I'd like to know now.

RUMSFELD: Well, we'd have to adjourn and I'd have to get on the phone with Dov Zakheim.

BYRD: Well, OK.

We'll be back, won't we, Mr. Chairman?

WARNER: Yes, we will, Senator.

BYRD: And along with that, how much are we spending a month to support U.S. military forces in Iraq?

RUMSFELD: The expenditures for Iraq are in a variety of categories. You might include the salaries of the people that are serving there; those salaries would be paid whether they're serving there or they're back in Germany or back in the United States.

It might include funds, as I indicated, that are coming from other sources. It might include funds for reconstitution that are currently being spent, but we're spending on rebuilding stocks of bombs, for example, and weapons that were used during the conflict.

So it is not a question that can be posed and then answered with a single number. I wish I were able to do that, but if fall into a variety of different baskets under our appropriated funds.

BYRD: I understand that, Mr. Chairman. But I've been around here going on 51 years and I'm on the Appropriations Committee, and we want to fund our military certainly and meet the need. But there must be some figure, some amount that we can cite as an amount that we're spending monthly in Afghanistan and the same with respect to Iraq.

RUMSFELD: I'm sure there is, and we'll get it for you.

BYRD: Very well. That'll be another figure we hope to have that when we return, Mr. Chairman, I would hope.

RUMSFELD: In that case not likely. That fast?

BYRD: Well, you like to have figures fast when it comes to appropriating money.

RUMSFELD: That's for sure.

BYRD: I would know, on behalf of the Appropriations Committee on the Congress, how much we're spending.

RUMSFELD: We'll try and get it for you.

BYRD: I hear and I read that it's something like $3 billion to $3.5 billion a month to support U.S. military forces in Iraq. And where are these figures coming from that we read about, and that we in the Appropriations Committee are told from time to time?

Well, anyhow, so much for that . . .

Mrs. BOXER. If anything that happens in the Senate means anything at all, if we are not just spinning our wheels when we have committee hearings, we ought to learn what to do when things are not going right. I suggest things are not going right when a man as intelligent as Secretary Rumsfeld cannot answer a simple question like what it is costing us every single month.

We have found out from the Department of Defense Comptroller that the cost of U.S. operations in Iraq has cost $48 billion thus far. The cost per month is $4 billion, not what Senator BYRD thought, 1.3 or 1.4; it is $4 billion. And given that we are going to be in Iraq for years, not months, according to everyone, how does the administration propose we pay for this, given the tax cuts they have created, deficits as far as the eye can see, and the international community has pledged only $1.7 billion so far, and it is costing us $4 billion a month?

Sometimes it is hard for my constituents—to understand these dollars. What I have done today in a handmade chart—forgive me, it is not the most beautiful-looking chart, but I think it says it all—is ask, how do we know exactly what $45 billion a year is that we are now currently spending on Iraq? I thought I would take a look at selected issues that we care about in the Senate in a bipartisan way and tell the people of this country, as well as remind my colleagues what we are spending on these things compared to $45 billion a year in Iraq.

We spend on the Drug Enforcement Agency—that is the agency that does everything to get the bad guys who are trying to push drugs on our children and interdicting drugs at the border—in a year, $1.6 billion. We are spending $45 billion in Iraq, and we still have people waiting in line to get treatment on demand for their drug habit. We can't take them. We don't have enough money. But we are spending $45 billion in Iraq.

On higher education, across party lines, we have worked so hard to make sure we have enough money for education. Let's look at higher education—the kinds of grants and loans we give out to deserving middle-class families so that their kids can get a college education. We spend $23.4 billion on higher education in a year. We are spending $45 billion a year in Iraq.

Afterschool programs: I have a special feeling for those because I wrote

the law. Senator ENSIGN, on the other side of the aisle, and I teamed up on that one. We are spending $1 billion a year on afterschool programs, and we have thousands and thousands and thousands of children on waiting lists whom we cannot accommodate because we don't have the money. But we are spending $45 billion a year in Iraq, and that is before the major reconstruction starts.

We are all talking about Head Start. The President has a plan to give it back to the States. I oppose that fiercely. This is a program that works for poor families. Be that as it may, whether it is a block grant or a Federal program, we are spending $6.7 billion a year on Head Start. Millions of children are waiting to get in. We are spending $45 billion a year on Iraq.

Highways: There isn't one Senator in this body who would say their State doesn't need highway funding. We are spending $31.8 billion a year on highways. By the way, that comes from the gas tax our citizens pay. That is less than we are spending for a year in Iraq.

NIH, the National Institutes of Health: Again, there is no one I have ever met whose family or friends have not been touched by cancer, Parkinson's, Alzheimer's, or heart disease. The bottom line is that we are spending $27.1 billion a year to find cures for these diseases. And we are spending $45 billion a year in Iraq.

Veterans' health: These are people who have served this Nation proudly. We have made a commitment to take care of them. We are going to have a whole lot more veterans coming back from this war. We want to meet our commitments. How much do we spend a year on veterans' health? We spend $23.9 billion on all of the veterans' health. We are spending $45 billion a year in Iraq.

The Transportation Security Agency: I sit on the Commerce Committee, we know what we have to do to make sure our public is protected from these terrorists who are still in our country. There are declassified reports that say there are tens of thousands in our country. Will they strike again? We are doing everything to make sure the President has the resources he needs. But, bottom line, what are we spending on the TSA to protect the flying public? It is $5.2 billion.

There is a lot more we have to do, such as retrofit airplanes so if there is a shoulder-fired missile a terrorist gets hold of and shoots that at a plane, there will be a missile defense system through the technology that is on our military planes. We want them on civilian aircraft. This is a bipartisan issue. We don't have enough money for that. But we are spending $45 billion a year in Iraq.

Coast Guard: Again, they are out there protecting us from drugs that are being smuggled, from human cargo that is being smuggled, and looking out for terrorists. That costs $6.1 billion a year.

The EPA enforces our laws for clean air, clean water, safe drinking water, and Superfund sites. They are terribly underfunded. The Superfund sites that were to be cleaned up under this administration were cut in half. We don't have the money. As a matter of fact, the ''polluters pay'' is falling on taxpayers, and yet $8.1 billion is all we are spending, compared to $45 billion in Iraq.

My last example is the Superfund Program. If anybody has a Superfund site in their State, they know these are highly polluted sites that need to be cleaned up so that there can be economic development on those sites and so that our children and all of our people can be protected from these poisons. That is $1.3 billion, and we are spending $45 billion a year in Iraq.

Why did I go through this? Because sometimes people's eyes glaze over when they hear numbers. Mine tend to do that. We have to put this into perspective. We are spending $4 billion a month. Secretary Rumsfeld eventually came up with those numbers later. So we know that is a fact. That is what we are spending. That is $45 billion a year, and we don't come close to spending that on the priorities of the American people. We don't even come close.

So why is my amendment important? Because it is going to tell the American people how their taxpayer dollars are being spent in Iraq and how much of a contribution our allies, our friends, are making. It is also going to tell us the details of when people get wounded or killed—how did it happen and why did it happen? We need that information. We need it on behalf of the American people. That is for sure.

In closing, again, this is a very straightforward amendment. It is written in plain English. It is very clear.

I will close my statement by reading the amendment one more time. I cannot imagine why my friends on the other side would object to this. I hope they don't object. The fact is, the American people deserve to know what is happening to their tax dollars. They don't have to have a situation where someone comes up and Senator BYRD asks a question—regardless of who it is on either side of the aisle—and says, gee, I don't know. That is not acceptable.

Here is how the amendment reads:

Not less than once every 30 days, the Secretary of Defense shall submit a report to the Congressional Defense Committee, the House International Relations Committee, the Senate Foreign Relations Committee that contains the following information:

(a) Total and monthly costs of U.S. operations in Iraq;

(b) Number of U.S. military personnel serving in Iraq and the immediate region;

(c) Total and monthly contributions made by foreign governments and international organizations in support of U.S. operations in Iraq;

(d) Number of foreign military personnel serving in support of U.S. operations in Iraq;

(e) Defense articles and services offered by foreign governments and international organizations in support of U.S. operations in Iraq;

(f) Total number of U.S. casualties as a result of U.S. operations in Iraq by date and cause;

(g) All contracts in excess of $10 million entered into by the U.S. Government for the reconstruction of Iraq.

On this last one, as someone who has fought hard to end that sole source contract to Halliburton, I am very worried that this could repeat itself. That sole source contract was worth many billions—at least $7 billion or $8 billion. It didn't go out for bid. It was going to go forward and we stopped it. I thank Senator WARNER for teaming up with me to stop it.

On August 14, we are supposed to get the follow-on contract. I hope that will happen. I am counting on it. Let us not be sanguine about this whole military procurement situation. I served on the Armed Services Committee for many years on the House side. You turn your back one minute and there is another contract; it didn't go out for a bid, it is costing a fortune, and you wind up with $7,000 coffee pots on airplanes. I have been there and I have seen that. So all contracts in excess of $10 million entered into by the U.S. Government for the reconstruction of Iraq—we will know about that, I say to colleagues.

So I think if the Senate has some regard for its own power, its own role in this entire matter, then the Senate will go on record and support this very simple amendment, just asking for information on a monthly basis so we can stay ahead of the curve.

With that, Madam President, I finish my statement. I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, this amendment is redundant and unnecessary. It, in effect, requires a report to committees of Congress every 30 days by the administration on operations in Iraq.

The supplemental that the Congress passed in April just before the Easter recess providing fiscal year 2003 funds for the Iraqi operations required that many reports be submitted to committees of Congress. As a matter of fact, within 5 days of the transfer of funds from the Iraqi Freedom account, a report is sent to the Appropriations and Defense Committees of the House and Senate advising the Congress of how these funds are going to be spent.

No such reporting has been required of recent operations elsewhere in the world. For example, during the Clinton administration, no such reports were required for operations in Somalia or Bosnia or Haiti. Nor were they required during the operations in Afghanistan or Kosovo.

This report duplicates information the Department of Defense is already routinely providing through congressional hearings and briefings for Members of Congress and press organizations, news organizations that have access to the regular briefings at the Department of Defense.

The reports on the cost of Iraq and the number of personnel serving in the

region are widely available. We all know that representatives of news organizations are all over Iraq gathering information, making reports every day on television through their news organizations back to the United States and around the world. There are no secrets.

There were members of the press involved and personally present during all of the military operations and, to a great extent, Ambassador Bremer and General Abizaid still make information available to those representatives of news organizations who are seeking information about what is going on in Iraq. We all have access that is unparalleled and truly unlimited.

The Senator complains that this should be required as a matter of statute, that we ought to have an enactment of law that makes the administration provide these reports. But if we look at the supplemental the Congress adopted just before the Easter recess, that has already been done. This is redundant. It is unnecessary.

The Senator read from her amendment to tell us exactly what is in it. We have already provided for reports, and I am going to read it so everybody will know what we have already ordered the administration to do by law:

Not later than 45 days after date of enactment of this Act, the President shall submit to the Committees on Appropriations a report on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) The distribution of duties and responsibilities regarding such activities among agencies of the United States Government, including the Department of State, the United States Agency for International Development, and the Department of Defense (to be provided within 30 days within enactment of this Act)

(2) A detailed plan describing the roles and responsibilities of foreign governments and international organizations, including the United Nations, in carrying out activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq.

(3) A strategy for coordinating such activities among the United States Government, foreign governments and international organizations, including the United Nations.

(4) An initial estimate of the costs expected to be associated with such activities.

(5) A strategy for distributing the responsibility for paying costs associated with reconstruction activities in Iraq among the United States, foreign governments, and international organizations, including the United Nations, and an estimate of the revenue expected to be generated by Iraqi oil production that could be used to pay such costs.

(b) SUBSEQUENT REPORTS.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2004, the President shall submit to the Committees on Appropriations a report that contains:

(1) A list of significant United States Government-funded activities related to reconstruction in Iraq that, during the 90-day period ending 15 days prior to the date the report is submitted to the Committees on Appropriations—

(A) were initiated; or

(B) were completed.

(2) A list of the significant activities related to reconstruction in Iraq that the President anticipates initiating during the 90-day period beginning on the date the report is submitted to the Committees on Appropriations, including:

(A) Cost estimates for carrying out the proposed activities.

(B) The source of the funds that will be used to pay such costs.

(C) Updated strategies, if changes are proposed regarding matters included in the reports required under subsection (a).

(4) An updated list of the financial pledges and contributions made by foreign governments or international organizations to fund activities related to humanitarian, governance, and reconstruction assistance in Iraq.

Madam President, we would be hard pressed to require anything further that the Congress ought to know about the expenditure of funds in carrying out the operations of the activities described in this supplemental appropriations bill.

This bill we are considering enacting now in the Senate applies to appropriations that will be available beginning in the next fiscal year, fiscal year 2004. Reports are required by law now. They will continue to be required and be available to Members of Congress on whatever committee one serves—the Foreign Relations Committee, the Defense Committees, the Appropriations Committees, and any others.

We can read every day about the witnesses who are called before the Congress and questions are asked about what is going on in Iraq. We are entitled to that information. So it is not that I rise to oppose this amendment because we are not entitled to the information the Senator suggests we ought to have, but that we already have it and it is already required to be given to the Congress routinely, and it is made available under provisions of law that have already been enacted. Therefore, if you hired all the accountants and bookkeepers who would be required to fill in all the forms and submit all the documents that Senator BOXER requires, I suggest we should consider renaming her amendment. It should be the Bookkeepers and Accountants Civil Relief Act of 2003. That is my suggestion.

I hope the Senate will table the amendment, and it will be the intention of this Senator, when everybody has had an opportunity to talk about the amendment who wants to talk about the amendment, to move to table the amendment of the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, it is a sad day when one Senator will rename an amendment of another Senator who simply wants to know what it is costing my taxpayers every single day.

If the Senator is right and this has already been done, he did not complain about it then. He did not stand up and say: We want this report, but, gee, we should not have it because it is too much work.

The bottom line is, I have seen the report to which the Senator refers. It is nine pages, and it is estimates. It is not costs incurred. I have asked as recently as today to find out the contribution of other countries, and I have asked it of people in very high-up positions, and they do not have the answer.

Senator COCHRAN talks about the news: The news knows this; just turn on CNN, they know it. That is not what I was sent here to do, watch CNN. I do not want to give up my power of the purse to CNN or to Fox News or to MSNBC. He talked a long time about the press. If I wanted to be a reporter, I would have stayed a reporter. I was a reporter for a while. But people sent me here to get the facts and figures.

If the Senator believes it is a waste of time and it is a matter of bookkeeping to find out the total monthly cost of United States operations in Iraq so I can stand up at a townhall meeting and tell the people what it costs—if he thinks that is a waste of time, then I am confused. Why are we here? Why are we bothering?

Why are we bothering? If he thinks it is a waste of time to find out how many U.S. personnel are serving in the region, then I am very confused. There was a Presidential candidate who was asked that question, and he said between 100,000 and 200,000. He was right, but he was chastised. Why did he not know it was 146,000?

So perhaps the Senator believes it is not important to know in any given month how many people are serving in Iraq. I think it is, because, guess what, they are my constituents. I have lost 50 of them. So I would like to know who is over there.

I also would like to know, when one of our Americans dies, the circumstances surrounding that. I want to know what the coalition of the willing is actually doing, not what the Senator talks about, estimates.

See, he is talking about a report that talks about estimates. I am talking about what actually has occurred, and what costs have been incurred. The Senator never mentioned the fact that I am going after these contracts. Maybe that is because he does not want to go after them. The fact is we see a contract let to Halliburton, a sole-source noncompetitive bid. What does it cost? It could have cost $9 billion except some of us found out about it, and happily Senator WARNER agreed with me and we came together, and this is supposed to be ended. But it could happen tomorrow.

So I would call the Senator's position, since he has now characterized my position, the stonewall position. I could throw around charged words, too. I could call his words the cover-up-the-true-costs position. That was not my intent. I do not stand here, after a Senator is sincere, to try and demean what they do. I do not think that is right.

But since it was done to me, I say people who do not support this are not interested in knowing the truth, are not interested in getting the facts, are trying to hide something from the American people.

Now maybe the Senator feels $45 billion a year is a little bit of money. I do not know where he comes from. Maybe that is a little bit of money. Where I come from, that is a lot. We spend $1.6 billion in all on drug enforcement in this country. We are spending $45 billion, roughly, but the Senator feels we do not have to have some report that basically tells us how it is being spent. He calls it redundant when it is not at all redundant, because it is not about estimates, which is the report he is talking about, but it is about actual costs incurred.

One thing I thought we could come together on in this Senate is the people's right to know how their money is being spent, and the people's right to know, if troops are lost, what are the conditions, why did it happen, and the people's right to know who is sharing the burden of these costs.

I have spoken to families who have heard from their loved ones that our people over there are more scared now than they were during the hot war, where they performed so brilliantly. I am hearing the words ''sitting ducks'' used now. It is not a happy situation. We have to work to bring down the burden on our troops, and the financial burden on our people, and we could do that with leadership. At least the Senate ought to know the true costs, not the estimated costs. What I am talking about is accountability, and anyone can stand up and say it is redundant, but the fact is it is far from redundant because I saw the report my friend talks about and it has nothing to do with this. It is about estimates and projections. This is about reality.

So I hope that notwithstanding the opposition I have heard today, which I think frankly is couched in a way which was not fair, that my colleagues will vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. I move to table the Boxer amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Madam President, I ask consent that at 3:15 today, the Senate proceed to a vote in relation to the Boxer amendment No. 1271, to be immediately followed by a vote in relation to the Daschle amendment No. 1269, with no second-degree amendments in order to either amendment prior to the votes; provided further that there be 2 minutes for debate equally divided in the usual form between the votes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question is on agreeing to the motion to table amendment No. 1271. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU), is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—50

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	

NAYS—45

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	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

NOT VOTING—5

Graham (FL)	Lieberman	Sununu
Kerry	Miller	

The motion was agreed to.

Mr. ENSIGN. Madam President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1269

The PRESIDING OFFICER. There are now 2 minutes equally divided prior to the vote on the Daschle amendment.

Who yields time?

Mr. REID. Madam President, I suggest the absence of a quorum. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Madam President, I ask unanimous consent that the agreement to have 1 minute on each side be waived, that we start the vote immediately.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''yea.''

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 2, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—93

Akaka	Dayton	Levin
Alexander	DeWine	Lincoln
Allard	Dodd	Lott
Allen	Dole	Lugar
Baucus	Domenici	McCain
Bayh	Dorgan	McConnell
Bennett	Durbin	Mikulski
Biden	Edwards	Murkowski
Bingaman	Ensign	Murray
Bond	Enzi	Nelson (FL)
Boxer	Feingold	Nelson (NE)
Breaux	Feinstein	Pryor
Brownback	Fitzgerald	Reed
Bunning	Frist	Reid
Burns	Graham (SC)	Roberts
Byrd	Grassley	Rockefeller
Campbell	Gregg	Santorum
Cantwell	Hagel	Sarbanes
Carper	Harkin	Schumer
Chafee	Hatch	Sessions
Chambliss	Hollings	Shelby
Clinton	Hutchison	Smith
Cochran	Inhofe	Snowe
Coleman	Inouye	Specter
Collins	Jeffords	Stabenow
Conrad	Johnson	Stevens
Cornyn	Kennedy	Talent
Corzine	Kohl	Thomas
Craig	Landrieu	Voinovich
Crapo	Lautenberg	Warner
Daschle	Leahy	Wyden

NAYS—2

Kyl	Nickles

NOT VOTING—5

Graham (FL)	Lieberman	Sununu
Kerry	Miller	

The amendment (No. 1269) was agreed to.

Mr. STEVENS. Mr. 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.

Mr. REID. Mr. President, I ask the Chair to indicate to the Senate how long that vote took.

The PRESIDING OFFICER. It took 23 minutes.

Mr. STEVENS. Mr. President, I have to take credit on this one, I say to my friend. I asked that it not be completed until I completed a conference that I had conducted.

Mr. REID. I only say to my friend, the distinguished Senator from Alaska, this is not a complaint to the Senator from Alaska. This complaint is to the fact that these votes take so long and are so unnecessary. We waste so much time. We have a significant number of people on this side who want to offer amendments. There are some on the other side. We waste hours waiting for stragglers to come in on votes. If people are not here, let them not vote. We are wasting time. I hope we can speed up the votes.

Mr. President, unless the Senator from Alaska has some other matter that he wants to tend to, I ask unanimous consent that Senator KENNEDY be allowed to offer the next amendment. Senator KENNEDY has agreed—and the other side has seen the amendment—to 30 minutes on his side. We would agree to an hour evenly divided on this matter.

The PRESIDING OFFICER. Is the Senator making that unanimous consent request?

Mr. REID. Yes.

Mr. STEVENS. That is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1273

Mr. KENNEDY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1273.

Mr. KENNEDY. Mr. 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 as follows:

(Purpose: To require a report on the United States strategy for reconstruction in Iraq)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

(5) A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a UN Security Council resolution.

Mr. REID. Will the Senator yield for a unanimous consent request?

Mr. KENNEDY. Yes.

Mr. REID. Mr. President, I modify the request made a few minutes ago to indicate that there would be no second-degree amendments prior to the vote on or in relation to the Kennedy amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I have had the opportunity to share this amendment with the manager of the bill. I believe the floor manager is familiar with it.

The amendment is now at the desk. I welcome the opportunity to address the Senate on the substance of the amendment. I supported the Boxer amendment that we just voted on, which failed to carry. She was seeking important information on the Iraqi operation. I believe the American people deserve this information. But they also deserve a plan.

My amendment requires the administration to report information on that plan. This amendment asks the President to submit a report to the Congress within 30 days of enactment on the efforts to internationalize our operations in Iraq. The report would provide a timetable for the President to seek NATO participation as an institution in the ongoing operations in Iraq. It would provide a timetable for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational security force, including substantial participation by the Armed Forces of NATO member countries, to guarantee the stability and reconstruction of a democratic Iraq.

The report would include an estimate of the number of American Armed Forces personnel needed in Iraq to guarantee the stability and reconstruction of Iraq, and an estimate of the number of personnel from foreign countries that the administration believes are necessary to accomplish that goal.

Finally, if the administration chooses not to go to NATO or the U.N., the report would require an explanation of the rationale.

Last week, by a vote of 97 to 0, the Senate approved a resolution encouraging the President to consider requesting the involvement of NATO and the U.N. in Iraq. This amendment builds on that action by seeking a plan and timetable for doing just that.

The administration has had plenty of time to consider this. For the sake of the soldiers in Baghdad, it is time to act. Supporters and opponents of the war alike are enormously proud of the way our troops performed in Operation Iraqi Freedom. The speed and success of their mission in toppling Saddam Hussein demonstrated the extraordinary ability of our Nation's Armed Forces. It is no accident that so few of our forces paid the ultimate price during the 3 tumultuous weeks this took.

It was a foregone conclusion that we would win the war, but the all-important challenge now is to win the peace. In fact, we are at serious risk of losing it. Each day now, as the guerrilla war goes on, our troops and their families are paying the price. Our clear national interests in the emergence of a peaceful, stable, and democratic Iraq is being undermined.

Since May 1, when President Bush announced on the aircraft carrier that major combat operations in Iraq had ended, 82 more American troops have died. For the men and women of our Armed Forces who are dodging bullets in the streets and alleys of Baghdad, and other parts of Iraq, the battle is far from over. President Bush says to the attackers, ''bring 'em on,'' but how do you console a family by telling them their son or daughter is a casualty of the postwar period?

The debate may go on many months, or even years, about our intelligence failures before the war began. The failures of intelligence were bad enough, but the real failure of intelligence was our failure to understand Iraq. There is no question that long before the war began, the serious issue was raised about the danger of winning the war and losing the peace. In fact, it was one of the principal arguments against going to war.

Based on our past experience in Bosnia, Kosovo, East Timor, and Afghanistan, we knew the postwar rebuilding of Iraq would be difficult. These are not new issues. Rather than learning from the past experience in these previous conflicts, the administration rushed ahead, and the result has been chaos for the Iraqi people and continuing mortal danger to our troops—all because we insisted on doing it unilaterally, without the support of the two international organizations that could have made all the difference in winning the peace.

Sadly, we quickly went from liberators to occupiers in a few short weeks. Cynicism and anger against America are rife. Many Iraqis believe we are unwilling, not just unable, to restore basic services. They are losing faith and trust in our promise of a reconstructed, stable, peaceful future, and they fear that Saddam may still be alive. Under fire from guerillas who are determined to see America fail, our soldiers are now performing police

functions for which they have had little training. We are straining their endurance, and they want to know how long they will have to stay in Iraq. Even President Bush is now saying rebuilding Iraq will be a massive and long-term undertaking.

What we need most now is to share at least some of the burden with the international community. Our troops are now sent overseas for longer tours of duty than ever. Because we rely on their skill and the skill to meet commitments on a global scale, more than 150,000 troops are in Iraq, and many have been deployed in the region for close to a year. Half of our Army divisions are in Iraq or Afghanistan. Of the 33 Army combat brigades, 18 are in Iraq. The strain is also great for citizens serving in the Guard and Reserves because we depend upon them with greater frequency, ever since we reduced our forces after the cold war.

It is difficult to continue to put patriotic reservists through the deployment grinder year after year and expect them to hold up indefinitely. It is also difficult to sustain the cost of such missions. We are now spending $3.9 billion a month in Iraq, and with the ongoing costs of the war on terrorism, our operations in Afghanistan, and our potential new responsibility around the globe in places such as west Africa, let alone Iran and North Korea, we are creating an unsustainable financial burden at a time of exploding budget deficits, soaring demands for homeland security, and mounting needs for health care, education, and other domestic priorities.

As a nation with honor, responsibility, and the vision of a better world, America cannot invade and then cut and run from Iraq, but we also cannot afford the continuing costs in dollars or in blood of continuing to go it alone. If our national security is at stake, we will spare no cost.

The alternative is so obvious. Working with the international community, we can develop and implement an effective strategy to reduce the burden and risk to our soldiers, stabilize Iraq, and deliver on the promise of a better future for its people.

Whatever our divisions before the war, the challenge is very different now. There is every chance we can secure broad international support and participation in the stabilization and reconstruction of Iraq. All we may have to do is ask because so much is clearly at stake for the rest of the world.

At issue is the stability and the future of the entire highly volatile Middle East. No one would be immune from the dangers that a resentful and disorganized Iraq presents for its nation and neighbors everywhere. If we diversify the faces of the security force, it is far less likely that Iraqis will see us as the enemy, oppressor, and occupier. We want the 25 million citizens of Iraq to see the armed strangers in their country as friends and partners in their pursuit of freedom. We want the new governing council appointed last Sunday to succeed.

We need to bring regional forces into Iraq, especially Muslims. Countries such as Jordan, Pakistan, and Egypt could transform this mission with both their diversity and their expertise. The United Arab Emirates have contributed to the effort in Kosovo. Morocco, Albania, and Turkey have worked with us in Bosnia. Many nations have well-trained police. Reaching out to other countries and bringing them into the postwar process is the surest path to a stable Iraq.

But most other nations are unlikely to send troops to serve what is perceived as an American occupation. India turned us down earlier this week. Other nations will be far more likely to do their part if the international mission is approved by the United Nations or organized by NATO. Instead of asking our Armed Forces to carry out a mission they are not trained for, and to do it alone, we need to rely on the expertise and the resources of the international community. The United Nations has assumed that responsibility in other countries in the past, and it is one of the major reasons the U.N. was created. Necessity is the mother of invention.

In the case of Iraq, President Bush obviously had to modify his strong opposition to nation building. The challenge now is to move beyond unilateral nation building. The new Iraqi council announced on Sunday is a step in the right direction, but it will be much more effective if the United Nations has a major presence in overseeing it.

Those who join a United States-dominated, government-run council run the high risk of being dismissed by the Iraqis as American puppets. As long as America alone is calling the tune, Iraqi moderates may remain in the background or even oppose us.

Our interests in the emergence of a true democracy in Iraq are best fulfilled by involving the world community, and especially other Arab nations, as part of helping the Iraqis themselves shape a new Iraq. Only then would a new Iraq government be viewed as legitimate by the Iraqi people. The U.N. has a modest role now through its mandate for humanitarian issues, but it has only an advisory role in the civil administration of Iraq. That has to change. The U.N. should have a formal role in overseeing the establishment of a political process. The U.N., rather than the United States, should preside over the evolution of a new Iraqi government. Doing so will win international legitimacy and indispensable international support for this challenge, minimizing the danger that Iraqis will keep regarding their new government as a puppet of ours.

With Arab-speaking spokesmen, the U.N. could also convey a different image and a different message to the people of that country, a sense of reassurance that an overwhelming American occupation never can.

NATO, as an institution, should clearly be in Iraq as well. Military experts believe it will take at least 200,000 troops to stabilize Iraq. Our goal should be to include NATO and some of its 2 million-member pool of armed forces in military operations as soon as possible. America will provide a majority of troops, but over time the overall number of forces would decrease.

As in Kosovo and Bosnia, we should ask the United Nations Security Council to authorize NATO to organize an international security force to demilitarize and stabilize Iraq. To do so does not mean the United States should or must relinquish all military control. On the contrary, we would have a significant role in the NATO force and could continue to have a defining role in Iraq.

An American commander was in charge of American troops in Bosnia, and the head of NATO forces in Europe is and always has been an American.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Seventeen minutes.

Mr. KENNEDY. Secretary Rumsfeld told the Armed Services Committee last week that except for the area around Baghdad, most of Iraq is already secure. If that is so, then why not reduce the burden on our military and allow this large area of Iraq, which needs police officers as well as combat troops, to be turned over as soon as possible to the United Nations-approved and NATO-led force? Why not allow American and coalition forces to secure the area around Baghdad and allow other nations to provide security for the rest of Iraq?

We all know that as long as Iraq continues to dominate our attention, we cannot give other aspects of the war against terrorism the clear focus they deserve. It is not just what happens in Iraq itself, as important as that issue is, but the continuing urgency of the ongoing fight against terrorism that should persuade us to seek allies in an international plan for a peaceful Iraq. Otherwise, we run the grave risk of exposing our Nation to more terrorist attacks.

We won the war in Iraq, as we knew we would, but if our present policy continues, we may lose the peace. We must rise to the challenge of international cooperation. Saddam may no longer be in power, but the people of Iraq will not truly be liberated until they live in a secure country. The war will not be over until the fighting stops on the ground, democracy takes hold, and the people of Iraq are able to govern themselves.

My amendment asks the administration to make a major, genuine effort to enlist the official support of NATO and the United Nations for our forces in Iraq. I urge the Senate to affirm it.

Mr. President, I will take a few moments to review the amendment. It is two pages. It says:

Not later than 30 days after the date of enactment of this Act, the President shall submit to Congress an unclassified report (with

a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An Estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

(5) A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution.

Basically, what this amendment is saying is, let us hear from the President on what the plan is for postwar Iraq.

Let the Senate hear from the President his response to what was the 97 to 0 vote in the Senate Chamber last week that asked him to consider going to the United Nations, going to NATO, and reporting back to the Congress so the American people will have knowledge and understanding of exactly what the plans for the future of Iraq would be.

I hope as we were able to gather a virtually unanimous vote in the Senate last week on the previous resolution, we could gather support in the Senate on this resolution.

I reserve the remainder of my time.

Mr. STEVENS. Did the Senator modify his amendment?

The PRESIDING OFFICER. The amendment has not been modified.

Mr. KENNEDY. The amendment I sent to the desk did not need a modification. I provided for the Senator paragraph 5.

Mr. STEVENS. Mr. President, is that the subparagraph 5?

Mr. KENNEDY. Yes. That was the modification. Rather than sending the modification to the desk, I sent a completely new amendment and I believe my staff shared it with the Senator. The only difference was these four lines:

A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution.

So the purpose of the last paragraph is that if the President decides he is not going to follow this, that he will send back to the Congress and to the Senate a report stating to the American people the reasons and the justification for not doing so.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I consider the Senator from Massachusetts a great personal friend and I hope he takes no umbrage at what I am going to say. I have been here now 35 years. I certainly was not here during Senator KENNEDY's brother's administration, but I was alert and part of the national constituency at the time and admired very much what President Kennedy did in terms of handling foreign policy, and particularly the Cuban crisis.

I read this and I see an amendment that tells the President to report to Congress on what he intends to do in the future in terms of negotiations, to give us a schedule of the strategy he and Ambassador Bremer will follow almost on a daily basis. I wonder what would have happened to President Kennedy in the Cuban crisis had that been the demand of Congress, to tell us in advance what they were going to do about the possibility that those missiles from Russia might come to Cuba. I really cannot believe the Senate has gone so far that they want to handle the President's daily schedule and have it in advance.

The President of the United States is the President of the United States. I really cannot believe anyone would vote for this amendment, and I hope the Senator will reconsider his language.

This last section says the President should give a statement and justification for his actions in seeking or in failing to seek an agreement for NATO to participate, or a U.N. Security Council resolution. That is required by the Senator's amendment. First, it tells him to seek it and then it tells him to follow up on almost a daily basis through this continuum now of handling the Iraq crisis. This is worse than the amendment we considered before, which would ask the President to predict how many mortars, how many missiles, how many whatever are going to be needed in the future, what is the plan for the future contingencies that might occur in Iraq. This is saying the President should give us a schedule that the President is going to use to seek to obtain approval of a resolution for the United Nations Security Council, including participation by armed forces of NATO and member countries.

As a matter of fact, we have already delegated that authority to SACEUR and to the ambassador to NATO. They have a daily proposition. I do not imagine they themselves even give the President a daily schedule of what they are going to do in the future with regard to NATO. Certainly to ask Mr. Bremer and the President's representatives to tell us what is their schedule now and in the future in dealing with other countries, when are they going to ask for U.N. participation, NATO participation, how are they going to do it, and will they please tell us, if they do not do it, why they did not do it, and if they failed, why they failed—my God, Senator, I really believe we should seriously consider what we are doing. This expects the President to seek and obtain. No, it does not expect. It directs him: The President shall seek and shall obtain.

The Presidency is a separate, independent portion of this great democracy. We have some checks and balances on it, that is true, and they are pretty strong, but we do not have the power to tell the Commander in Chief what to do. We do not have the power over foreign affairs. He does. If he wants to make an agreement, he has to submit a treaty, and he has to submit it to us for our advice and consent, but he still has the power to make them. We cannot tell him what to do. This tells him what to do. It not only tells him what to do, it tells him to succeed and, if he fails, to tell us why he failed.

Now, I do not know, maybe I am too much of an old trial lawyer. I get excited about some things, and I hope the jury is listening. I was pretty successful as a trial lawyer, as a matter of fact, because jurors listen if you get their attention. I hope I am getting the attention of the Senate, no matter where it is, because this amendment goes far too far:

Shall submit to the Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities to the post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom.

Then it gives five separate categories of things that are done in the future. It is not a report of what has happened in the past. To demand it of the President and say the President shall submit a report to us on anything I think overlooks the concept of checks and balances.

We can ask the President to do something by a bill, and he can veto it. He is surely not going to veto this bill, although if I were President, if that came to me I would veto it because it does not represent the distinction I understand to exist under the Constitution in terms of the three great branches of this democracy.

Now, to have the President give us an estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components, predict again—predict the future, predict the contingencies, predict whether Turkey is going to participate, predict who else is going to participate, predict who will not participate, my God, do we want the President to publish that, that so far this nation has not agreed, so far that nation has not agreed?

We were privileged to listen to the Secretary of State today in a classified session upstairs give his opinion of what might be possible, but to ask even the Secretary of State to give us a plan and publish it for what he intended to do to try to achieve a goal that is a goal of all branches of our Government,

and that is terminate our affair in Iraq as soon as possible and successfully, I think it would be highly improper. I do not think he would submit it.

I take umbrage at the fact that this amendment tells the President what to do, and tells him to tell us how he is going to do it, in advance of even knowing what the circumstances are that he has to plan for.

We do not know how long we are going to be in a security situation in Iraq. I have told the Senate, and certainly I think most people know, I got a little upset when they would not let part of our committee into Baghdad. Other parts of the United States forces and executive branch are in Baghdad, and I pointed out to them that with other Senators I went in and out of Vietnam several times on helicopters that were shot at, but we went throughout Vietnam to see and report back to the Senate what was occurring. I thought we had that right to go into Iraq and report back what was occurring, but I was convinced later that—and we now know that there is a serious security threat there because of the snipers who are there, because of those people who are still so allied with the Baath party and Saddam Hussein that they are willing to literally commit suicide to cause us problems. That is not a new phenomenon if we look at what has been happening between Palestine and Israel for so many years, but we did not expect it there. I confess that was really a shock to me to hear about that, when our people were there to protect those who have been given their freedom, that some of their countrymen are willing to continue to kill us because we are protecting their own countrymen. This concept now is getting to the point of really being a difficult problem.

I think the Senate has a right to participate in these plans and to have hearings when the time comes and ask these people to come up and testify before us about what the plans are. Those plans undoubtedly would require expenditures of some Federal funds. I expect them to come before our committee and tell us they have requirements and then set forth the nature and extent of those requirements.

I certainly do not expect this committee to send a demand to the executive branch, particularly the President himself, to tell us now what they are going to do in the future and to predict now what the contingencies are in the future that have to be met or to have a statement and justification for the President for his actions in seeking or failing to seek NATO participation or a U.N. Security Council resolution. That is something the Constitution gives the power of the President to do. We are going to demand he give us a statement of justification for not taking action? I don't think that is within our province. Not at all.

I hope the Senate is listening. I hope the jury will agree with me and we will not approve this amendment.

How much time remains?

The PRESIDING OFFICER. The Senator has 19 minutes remaining.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, 82 American soldiers have been shot since the President of the United States landed on the Abraham Lincoln and effectively said this war is over. There is no postwar policy. It is a bankrupt policy.

We attended the hearings with General Garner regarding postwar Iraq policy. He lasted 21 days and was fired. Now we have new personnel in Iraq, operating out of the palace in Iraq. We have American servicemen who are in a shooting gallery over there; and the Senator from Alaska is rejecting our request for the President of the United States to tell us what our policy is?

We do not have a postwar policy for development in Iraq. We have failed intelligence. One day they are saying the army is going to defect and join us; the next day they fire the army, the next day they are trying to rehire them. One day they say they will recruit the police and the next day they say they are thugs and will have nothing to do with them. They don't have a policy.

For the Senator from Alaska to stand here and say he is indignant because the American people want to hear what the policy is surprises me just as much as I surprised him. The American people want to know how long their sons and daughters are going to be shot at in Iraq. What is the policy?

A week ago we had 97 Members of the Senate, including the Senator from Alaska, urging the President of the United States to consider going to the United Nations and to consider, as well, using NATO. The Senator from Alaska supported that.

What this amendment is saying is, tell us if you are going to go to the United Nations, tell us if you are going to include NATO. And if you are not going to, come back and tell the American people why not.

We had a President who said we were going to use NATO in Bosnia. It worked, and we reduced the number of Americans who were killed. We had a President say we were going to use NATO in Kosovo. It worked, and we reduced the number of Americans killed. We had a President who said we would bring in U.N. forces in East Timor. We did and reduced the dangers to America. There are many who believe that is a viable option. Maybe the Senator from Alaska does not, but there are a lot of people and a lot of parents who do.

I say to the Senator from Alaska, the American people are entitled to know the policy of this administration. To hear such rejection to find out the policy is amazing.

This is supposedly an open government. We would think the President would want to share his thinking in order to galvanize support. No President can lead a country in time of war unless he galvanizes the support of the American people.

We ought to know what the policy is. If this is not the policy, tell us what it is—not behind closed doors but in open session. Tell us what it is. We did not hear it at the Armed Services Committee last week from the Secretary of Defense and we did not hear it today, evidently—unless a few selected Senators heard it in a closed session.

What is wrong with requesting the President of the United States to tell the American people where we are going to be in 30 days in Iraq when our American servicemen are being shot and killed every day. I am sorry that irks or bothers the Senator from Alaska but parents of American service men and women would like to know. The American people want to know. We are entitled to that kind of information. If he does not want to go that particular route, come back and tell us what he does want to do.

This is a makeup policy over in Iraq. One person heading it up today and he is gone tomorrow. We have people deciding they will do one thing today and they change it tomorrow. In the meantime, one thing is consistent: the killing of American servicemen who are doing tasks they were not trained for and they should not be doing in that country.

Many believe it would be worthwhile to bring other troops in and share the responsibility and burden of securing Iraq. Maybe the Senator rejects that. There are people within the administration who want to go it alone. If that is the position, the posture of this President, let's hear it out and have a debate on it.

One day it is, no, we do not want to go it alone; we want to use the United Nations and NATO but we really do not want to request them. Secretary General Robertson of NATO has indicated that the United States has not made a direct appeal to him in order to galvanize NATO as an institution to provide security. Sure, some of the countries have been asked, but the Secretary General of the United Nations says the United States has not asked the United Nations in a formal way to try to take over some of the responsibilities. Maybe there is good reason for it. But the American people are entitled to know what the reasons are.

This amendment is to try to find out that information. We do have a responsibility in foreign policy in terms of making war, the war powers, as well as in approving treaties.

This Senate, the people's Senate, has a responsibility in foreign policy. The American people are entitled to know the thinking of this administration as their sons and daughters are getting shot every day. I am sorry if 30 days is too long a time. But we know what is going to happen. There will be 30 more Americans killed during that period of time. We are entitled to know.

With all respect—and I have great affection for the Senator from Alaska—I

am as troubled by his reaction as he is troubled by this amendment.

I withhold the remainder of my time.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 19 minutes and the Senator from Massachusetts has 5 minutes 24 seconds.

Mr. STEVENS. I postulate, if this power exists to do what the Senator from Massachusetts wants to do, we might not have been in Vietnam. I had a conversation with a former Senator who disagreed with President Johnson and wished he had some way of deterring him from his course.

I remind the Senator of the power of the President:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any subject relating to the Duties of their respective Offices. . . .

Nothing in this Constitution gives the Congress the right to ask for that. In fact, to the contrary, there is a specific power for the President. In section 3 of article II it says:

> He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; . . .

There is nothing in this Constitution that gives us the power to tell the President of the United States what to do—not at all. The separation of powers is one of the most distinct advantages of this democracy. It is the longest living government on the face of the Earth today because it is a government of the people, by the people, and for the people, but it has a Constitution. That Constitution we all swear to uphold and defend. Part of that Constitution is the separation of powers concept. We do not have the power to dictate to the President of the United States. We can send him a bill and ask him to do something, and he can veto it if he wishes, but we cannot, in my judgment, tell him to do anything.

We cannot command him to plan in advance; to tell us what he is going to do; to tell us what is the plan of action for an area that is still so unstable that people are being killed. I regret that as much as the Senator from Massachusetts. We all do. There is no question about that.

There seems to be building up a feeling here that somehow or another we are wrong to be in Iraq; we are wrong to stay in Iraq. Yesterday, I had in my office a young man from the 101st Airborne who had served in Iraq. I asked him, What do you think about being there?

He said: Senator, I am proud I went there, and I want to tell you I am proud of what we are doing there.

He said: I never thought I would live to see the day we would see the results of a person like Hitler. I saw those graves. I saw the way they had been treated by that dictator. We were right to be there and we are right to be there.

I believe he would go back there today if we asked him.

The problem is not the presence of our people over there in danger. The problem is people questioning our right to keep them in danger without some plan in advance that would absolutely protect them from danger. I think we have the best system of defense in the world. I know we have the best military in the world. We have the best systems available to them in the world. We have the best sensors. But it is still possible to fool all of this technology and have a person come in and kill one of them.

As a matter of fact, it is possible to come and kill one of us. We can't tell them to give us a plan how to protect us, as a matter of fact. We don't have a plan to protect ourselves, as a matter of fact.

We live in a democracy. The democracy is that we elect people to carry out the duties under this book, the Constitution of the United States. I say this amendment violates the spirit and the meaning and intent of the Constitution of the United States. It is not our right to tell the President to give us a statement of justification for his actions in seeking or failing to seek an agreement in terms of foreign policy.

I do believe that we have a right, again, to schedule hearings, to ask them to come up and give us their opinions, as we did today with the Secretary of State—off the record, however, on a classified basis because of the nature of it. I believe we have an absolute right to ask him to give us details of the money he asks us for. And he will ask us for money, I am certain. But to go this far, to say that not later than 30 days from the enactment of this bill the President shall submit to the Congress this report, a schedule, to seek approval of the United Nations authorizing multinational force; an estimate of the number of forces we are going to have there to guarantee reconstruction for each component; an estimate of the number of personnel, armed forces of foreign countries that are needed to guarantee the stability and reconstruction—all of this—a schedule for the President to seek participation as an organization of many nations in NATO, ongoing operations in Iraq—I couldn't prepare that schedule. I couldn't prepare a schedule of my actions for the next week if I tried. And I don't see how the President can prepare a schedule of his actions on a matter so deep and so intricate as trying to determine how we should complete our actions in Iraq.

If I remember right, in October we passed a resolution the President signed giving him authority to do what he is doing. That resolution didn't say, and as you do, give us your plan of action in advance; define for us your strategy in advance; give us the number of people you are going to deploy; tell us how you are going to get foreign troops to come at us; go to the U.N.; go to the NATO.

We knew better than that. We responded to his request to get our approval of his intent to use his power as Commander in Chief to try to restore freedom to Iraq. I am proud of this President and what he did. I intend to defend him as much as I can and assist him as much as I can in achieving what the Congress asked him to achieve, and I do not believe he should be put in a straitjacket to do so.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. How much time do I have?

The PRESIDING OFFICER. Five minutes 22 seconds.

Mr. KENNEDY. I will not take the time.

Mr. President, American service men and women are dying every day. This amendment does not require the President to go to the United Nations. It does not require him to go to NATO. All we are trying to find out is what his policy is. If he does not want to go to the United Nations, if he does not want to ask NATO to come in there and get additional help and assistance and troops that might provide some relief for ours—just tell us. Just tell us. He ought to be able to tell us, give us the answers very quickly.

All we are asking for is to know the policy. I think parents are entitled to know whether this President will go to ask for additional kinds of military force in terms of NATO—in Muslim countries, other countries that will be interested in helping and assisting the Americans secure Iraq. I think the American people are entitled to know whether we will follow the other measures that have been taken that have been successful in Kosovo and in Bosnia and also in East Timor.

If the President doesn't want to do it, fine, but just tell us. American servicemen are dying over there. We are entitled to know what the President is going to do.

But we do not have an answer now. We do not have an answer except more of the same. And this postwar policy is adrift. It is bankrupt. It is nonexistent. It is being made up on the back of an envelope every single day, and American service men and women are dying. That is what this amendment addresses.

Finally, the Senator from Alaska, as I understand it, voted on this resolution last week, where the Senate included in the sense-of-the-Senate resolution that the President should consider requesting formally and expeditiously that NATO raise a force for deployment. The Senator supported that sense of the Senate that the President should consider calling on the United Nations.

This was passed last week. All we are saying is, if you are not going to do it, tell us you are not going to do it, and tell us within the 30-day period. If you are going to do it, let us know that as well.

I think the American people are entitled to know what our policy is because I don't believe they do know, today.

I reserve my time.

Mr. STEVENS. How much time remains?

The PRESIDING OFFICER. The Senator from Alaska has 12 minutes; the Senator from Massachusetts has 2 minutes 24 seconds.

Mr. STEVENS. Mr. President, I sense the Senator from Massachusetts wants to place the responsibility for those who are in harm's way, who do lose their lives, who do, as we say, make the ultimate sacrifice for democracy; and he wants to have a plan in advance.

It is true I voted for that resolution. It was precatory. It was a sense of the Senate saying to the President of the United States we think he ought to get as many people in there to help as possible. We think we ought to get the U.N. involved. We think we ought to use NATO forces to the extent we think we can. We think we ought to get a burden-sharing arrangement in Iraq because it is in the best interests of the whole world that we have eliminated Saddam Hussein. It is in the best interests of the world that peace be restored in Iraq. I firmly believe that.

We passed a resolution that told the President to use all necessary means to achieve the objectives we outlined. He asked for our approval of his intention to deploy our forces to take down the Saddam Hussein regime.

I absolutely agree. I voted for the resolution. It had nothing to do with asking the President to make the statements and to give us within 30 days a statement of justification for his actions in seeking or failing to seek NATO participation or a United Nations Security Council resolution: Thirty days; tell us now; and, if you haven't done it in 30 days, you failed. How is that consistent with the Constitution?

If we want to sort of assess blame for the deaths that are occurring in Iraq or Afghanistan, as far as that is concerned, we all share the blame. We are Americans who asked young people to volunteer. We didn't conscript them. Every single one over there—God bless them—is a volunteer. I think we are the only nation in the world today that has a totally volunteer military. We asked them to join. We asked them and told them what their duties would be. Their duty is to obey the commands of the Commander in Chief and to support the Constitution of the United States. Again, God bless them; that is what they are doing very well. I almost puddle up thinking about the young people who die because of the request of this Congress and the President's compliance with that request.

How we get out of this in terms of satisfying the demands of people who want a daily plan for what we are going to do tomorrow: We were privileged to see part of the plan that dealt with the embarkation of our forces going to Iraq. As I said here before, part of that plan was to go through Turkey. If that plan had been published about going through Turkey, and had it been discussed here, and had Turkey changed its mind, then the question would be, What was your contingency plan? Would we have published a contingency plan? We have contingency plans right now in case there are people who come back into Iraq who want to really restore war there.

The Senator says the President said the war was over. We all thought it was. Today, the military forces who are there in uniform are there because we don't have a civilian component capable of maintaining security in an atmosphere such as Iraq.

I just visited with some of the people who came back from there. They say it is sort of a scary place. There are places where you can drive down the road just like you would drive from here to Chicago. There are other places where you wouldn't cross the street. Our job is to maintain forces there to protect people who have to cross the street. Until our job is done, the President will keep our people there. Until that happens, and until he makes the decision to bring them back, I will vote for the money to support them. I will give them the authority and whatever he needs to protect them. And I will ask the Congress to make certain that we understand we will get further requests for money for Iraq. That is for sure. How much, I couldn't tell you.

Again, back to my great friend from Hawaii who made the statement about his time as platoon leader and how he would not have known how many grenades would be used in the next week. How does the President know how many forces he is going to have to use next week to protect those who are there? I understand that some of them are coming home. I saw a young man in my office who told me about his experience there.

But I don't think we are in a position yet where we can demand an estimate of the personnel of the Armed Forces in foreign countries and who are needed in Iraq and for reconstruction. That even implies that the forces would be used to reconstruct Iraq. I don't think they are going to use military people to reconstruct Iraq. I think we will have the council that has just been nominated put forth an Iraqi government that will seek support to use their own income from their oil and start bringing about an economic system that is based upon supply and demand and have reward for every individual for their contribution to their society. I expect to see a really vibrant economy and a vibrant democracy in Iraq before I leave this world because of what we are doing now.

Again, I urge Members of the Senate to support the Constitution. Don't get in the position where we try to dominate the executive branch by requiring a schedule in a bill which he cannot veto because of the circumstances which exist today. He cannot do that.

We must protect this bill against any threat of veto. Certainly there would be a threat of a veto. If I were President of the United States, I would certainly veto a bill that had that direction to me.

I urge Members to vote to table the amendment. I will do so when the Senator is finished with his time.

I yield such time to the Senator from Hawaii as he might use.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Hawaii.

Mr. INOUYE. Madam President, it was not my intention to participate in this debate.

As it is well known in this Chamber, I was one of the few who voted against the resolution to grant the President of the United States authority to carry out the strike. So my views are rather well known here.

But on matters that are being discussed today, in war it is almost impossible to predict what will happen tomorrow. As I indicated earlier, as a young lieutenant in charge of 40 men, if someone should have asked me how many men I thought I would lose today in battle, my response would be that I hope none. But who can predict that?

Like many of my colleagues here, I have seen too many men killed. I have sensed the anger of war, and I have tasted the hatred involved.

I say these things not to criticize my dear friend. In fact, I commend him for bringing these matters up for discussion. But one in war cannot make predictions, much as you want to.

Equally as important, in the world of diplomacy—and in this case pointed out very astutely by my chairman, the Senator from Alaska—the President of the United States is in charge of the foreign policy of this Nation. In the world of diplomacy, when one sits down with another diplomat, one doesn't tell the world, I am going to tell that person that I want this or I want that or I am going to do this if you do not do that. It is just not done that way. Most of the conversations between heads of state are in private. That is the way it should be. We are not here to embarrass the head of state of some country by telling the Senate that, in my discussions with prime minister such-and-such, he said this and he is reneging now. That is not the way it is done.

Equally as important, whatever disclosures our Commander in Chief makes, they impinge upon the future of the men on the front line. I would not want any sort of activity that would place our men and women in jeopardy. I think if we force the President of the United States to do what is required in this resolution, we may be placing our men and women in jeopardy.

Mr. KENNEDY. Madam President, I understand there are 2 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Madam President, it is important to know what this is and what this is not. We are not asking for war plans. We are talking about how we are going to win the peace.

We have a policy which is adrift in Iraq today. Americans are getting shot every single day. We are not asking for secret conversations between heads of state. All we are trying to do is ask the President of the United States, as we did a week ago, to consider going to the United Nations. We asked him to consider going to NATO. Now we are asking him: If you are going to NATO, tell us; and if you are not going to NATO to try to get relief for our military, tell us.

This is about the postwar period, not a secret plan about whether we are going through Turkey or how many bombers we are going to have or how many ships. We are talking about the plan for the postwar period and where Americans are getting shot every single day.

The policy is adrift. We are asking the President to clarify for the American people what his policy is. I think the American people are entitled to it.

I am prepared to yield back my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, the law we passed authorizing the President to proceed requires reports to the Congress:

> The President shall, at least once every 60 days, submit to the Congress a report on matters relevant to this joint resolution, including actions taken pursuant to the exercise of authority granted in section 3 and the status of planning for efforts that are expected to be required after—
>
> ''after''—
>
> such actions are completed. . . .

That is in the resolution we voted for. That is the authorization for use of force.

Madam President, I ask unanimous consent that a statement by Paul Bremer, the President's representative, our representative, in Iraq, which was an op-ed piece he provided to the New York Times, dated July 13, 2003, be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENS. In it, Ambassador Bremer states:

> In all this, the coalition is working closely with Iraqis who will eventually be responsible for their country's well-being. For our three priorities—security, politics and the economy—the strategy provides for the successful transition to a stable and reformed Iraq. This does not mean that the road ahead is without danger. The combination of a broken infrastructure and acts of sabotage could mean a rough summer. We will suffer casualties, as the bitter-enders resort to violence. We are also braced for an increase in terrorism by non-Iraqis, but no one should doubt our determination to use our power in the face of violent acts.
>
> Once our work is over, the reward will be great: a free, democratic and independent Iraq that stands not as a threat to its neighbors or the world, but as a beacon of freedom and justice.

EXHIBIT 1

[From the New York Times, July 13, 2003]

THE ROAD AHEAD IN IRAQ—AND HOW TO NAVIGATE IT

(By L. Paul Bremer III)

BAGHDAD, IRAQ.—Americans can be proud of the role their fighting men and women played in freeing Iraq of Saddam Hussein and his cronies. The people of Iraq are now on the road to political and economic independence.

The first official step in this political transition at the national level occurs today, with the convening of the Iraqi Governing Council. This is the latest sign of progress. For the first time in decades, Iraqis are truly free. More than 150 newspapers have been started since liberation. All major cities and 85 percent of towns now have a municipal council where Iraqis are increasingly taking responsibility for management of local matters like health care, water and electricity.

Iraqis are speaking out and demonstrating with a vigor borne of 35 years of imposed silence. This is not yet a full democracy, but freedom is on the march, from north to south. Sadly, this progress is despised by a narrow band of opponents. A small minority of bitter-enders—members of the former regime's instruments of repression—oppose such freedom. They are joined by foreign terrorists, extreme Islamists influenced by Iran and bands of criminals. These people do not pose a strategic threat to America or to a democratic Iraq. They enjoy no support since their only vision is to reimpose the dictatorship hated by Iraqis. Our military will hunt them down and, as President Bush said, ''They will face ruin, just as surely as the regime they once served.''

These shadowy figures are killing brave Iraqis working with us, attacking soldiers and civilians, and trying to sabotage the fragile infrastructure. The attacks have drawn concern worldwide. My coalition colleagues and Iraqi friends have noticed that the attacks are often aimed at successes in the renewal of this nation. A week ago, an American soldier was mixing with students at Baghdad University, which reopened on May 17. Their presence was testimony to the educational progress that is blossoming here (public schools have also reopened). But our enemies fear enlightenment, so one of them killed the soldier.

The day before, 250 Iraqi police recruits graduated, the latest success in re-staffing law enforcement. Tens of thousands of Iraqi policemen are now on duty. But the enemies of freedom correctly felt threatened by the cooperation and professionalism the day represented, so they set off a bomb that killed seven new officers. Before the war, women had to travel miles for propane. Now, local councils are establishing distribution centers that make the gas readily available to households. On June 18, one American soldier was killed while guarding a center. The June 24th explosion at an oil refinery in Barwanah is another example of political sabotage on Iraq's energy supply.

With these attacks on Iraq's new successes, citizens of coalition nations ask how long we will remain in Iraq—and some Iraqis may doubt our ability to improve their lives. As President Bush has made clear, we are committed to establishing the conditions for security, prosperity and democracy. America has no designs on Iraq and its wealth. We will finish our job here and stay not one day longer than necessary.

We have a plan to support the establishment of this government of, by and for Iraqis. After months of consultations with Iraqis, we have take the first step in establishing an interim administration. Today, the Governing Council of Iraq will meet. It represents all the strands from Iraq's complicated social structure—Shiites, Sunnis, Arabs, Kurds, men and women, Christians and Turkmens. The council will immediately exercise real political power, appointing interim ministers and working with the coalition on policy and budgets.

At the same time, the council will establish procedures to write Iraq's new constitution. Once it is ratified by the people, elections can be held and a sovereign Iraqi government will come into being. So the question of how long the coalition will stay in Iraq depends in part on how quickly the Iraqi people can write and approve a constitution.

The coalition recognizes the urgency of marrying economic well-being to political freedom. For 35 years, the country's assets were misappropriated or stolen. We are pouring resources into re-establishing basic services and creating jobs. Our economic reform plan will entail a major shift of capital from the value-destroying state sector to private firms. We are also creating a social safety net for any resulting disruptions. And we believe that a method should be found to assure that every citizen benefits from Iraq's oil wealth. One possibility would be to pay social benefits from a trust financed by oil revenues. Another could be to pay an annual cash dividend directly to each citizen from that trust.

In all this, the coalition is working closely with Iraqis who will eventually be responsible for their country's well-being. For our three priorities—security, politics and the economy—the strategy provides for the successful transition to a stable and reformed Iraq. This does not mean that the road ahead is without danger. The combination of a broken infrastructure and acts of sabotage could mean a rough summer. We will suffer casualties, as the bitter-enders resort to violence. We are also braced for an increase in terrorism by non-Iraqis, but no one should doubt our determination to use our power in the face of violent acts.

Once our work is over, the reward will be great: a free, democratic and independent Iraq that stands not as a threat to its neighbors or the world, but as a beacon of freedom and justice.

Mr. STEVENS. Madam President, I move to table the Senator's amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. 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. STEVENS. 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. STEVENS. Madam President, were the yeas and nays ordered on the Kennedy amendment?

The PRESIDING OFFICER. The yeas and nays were ordered on the motion to table.

Mr. STEVENS. I call for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1273.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from New Hampshire (Mr. SUNUNU) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 43, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—52

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Baucus	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	Talent
Coleman	Inhofe	Thomas
Collins	Inouye	Voinovich
Cornyn	Kyl	Warner
Craig	Lott	
Crapo	Lugar	

NAYS—43

Akaka	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Edwards	Murray
Bingaman	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

NOT VOTING—5

Graham (FL)	Lieberman	Sununu
Kerry	Miller	

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, Senator MCCAIN will be recognized to offer an amendment and after that Senator CORZINE.

Mr. REID. Senator MCCAIN was gracious, and he said he was going to be long. Senator CORZINE can go first.

Mr. STEVENS. That is agreeable. I state to the Senate that Senator CORZINE will offer an amendment and then Senator MCCAIN will offer an amendment. We will vote on those two amendments. Hopefully, we will start at 7 o'clock on those two amendments.

I want to tell the Senate, I have been negotiating with my great friend, our great leader—can I call you the great leader?—about the process. Senator FRIST has agreed that I can state, if we can finish this bill tomorrow night, there will not be any votes on Friday. The Senate will be in session. And on Monday we will be in session but there will be no votes. It will be our intention to call up and start statements and even consider amendments, if Senators wish to raise them, on homeland security on Monday, but no votes. That is conditioned upon us finishing this bill before we go home tomorrow night. I know a lot of people want to make plans to travel west. You can leave in the morning or late at night where I live.

As a practical matter, I urge Senators to cooperate with us and find ways to raise their amendments. We will be pleased to stay in session tonight and have amendments offered and have them voted on at a time to be determined tomorrow. We are going to try to do our best to continue through tomorrow. We do have a Joint Meeting of Congress for the leader of Britain tomorrow. That will interrupt this process a little bit. But we will continue after that tomorrow and finish if Members will cooperate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, on behalf of Senator DASCHLE and all the Democrats, we recognize that it is a heavy push to do this tomorrow. We are going to do everything we can to meet this schedule. We have people on our side who also have things to do the next day. We will do everything we can.

The Senator from Alaska is absolutely right, the Blair meeting, as important as that is, is going to slow us down. We have made great progress today. We will do the best we can.

Mr. STEVENS. We can turn this into a little prayer meeting. So others might follow the example, I yield to the Senator who wishes to state he will not raise an amendment.

Mr. NELSON of Florida. Madam President, I was considering offering an amendment regarding Roosevelt Roads in Puerto Rico because of punitive action that was taken in the House bill requiring the shutting down of Roosevelt Roads within 6 months, simply as a punitive measure over the fact that some of the leaders in the House did not like the fact that the Puerto Rican people took a position that they did not want training at Viegues Island. Instead, it ought to be done in a deliberative and professional process, just like any other military base, through the normal BRAC process.

The resident commissioner or the delegate from Puerto Rico has requested that I not offer the amendment. He feels very confident that he will be able to prevail in conference. So at his request, I will not offer the amendment.

The PRESIDING OFFICER. The Democratic whip is recognized.

Mr. REID. Madam President, we have about 1 hour 15 minutes under the suggested schedule of the Senator from Alaska. That will mean the Senator from Arizona, Mr. MCCAIN, will have 45 minutes. He wanted 45 minutes himself. I wonder if he will take a half hour plus 15 minutes for the Senator from Alaska?

Mr. STEVENS. I shall take care of myself, Madam President.

Mr. REID. We need to have some time agreement if Senator CORZINE is going to be followed by Senator MCCAIN. We cannot leave Senator MCCAIN with no time.

Mr. STEVENS. Senator MCCAIN assured me he would cooperate with our schedule, knowing the event Senator INOUYE and I will attend tonight at 7:30 honoring World War II veterans. We will come back to continue the bill after that ceremony.

Mr. REID. Madam President, Senator REED has been most cooperative. Following those two votes, he wishes to speak on the bill. He would like to speak for up to half an hour after the completion of the two votes that have been mentioned by the Senator from Alaska.

Because Senator MCCAIN has allowed Senator CORZINE to go first, I wish to make sure Senator MCCAIN has time left to debate his amendment. It is my understanding that the two Senators who are going to speak on this will use no more than a half hour between them.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. CORZINE. I thank the Chair. Will the Chair inform me as I approach the 20-minute mark?

The PRESIDING OFFICER. The Chair will do so.

Mr. REID. Madam President, I will put that in the form of a unanimous consent request that we have Senator CORZINE, then we have Senator MCCAIN, and that there be no second-degree amendments prior to a vote on or in relation to both those amendments, and that Senator JACK REED be recognized following those votes to speak on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

AMENDMENT NO. 1275

Mr. CORZINE. Madam President, I call up my amendment which is at 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 Jersey [Mr. CORZINE] proposes an amendment numbered 1275.

Mr. CORZINE. 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:

At the appropriate place insert the following:

TITLE _____.—NATIONAL COMMISSION ON THE DEVELOPMENT AND USE OF INTELLIGENCE RELATED TO IRAQ

SEC. 101. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on the Development and Use of Intelligence Related to Iraq.

SEC. 102. FINDINGS.

(1) The Congress underscores its commitment to and support for ongoing Congressional reviews regarding the collection and analysis of intelligence related to Iraq.

SEC. 103. PURPOSES.

The purposes of the Commission are to—

(1) examine and report upon the role of policymakers in the development of intelligence related to Iraq and Operation Iraqi Freedom;

(2) examine and report upon the use of intelligence related to Iraq and Operation Iraqi Freedom;

(3) build upon the reviews of intelligence related to Iraq and Operation Iraqi Freedom, including those being conducted by the Executive Branch, Congress and other entities; and

(4) investigate and publicly report to the President and Congress on its findings, conclusions, and recommendations.

SEC. 104. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 12 members, of whom—

(1) 3 members shall be appointed by the majority leader of the Senate;

(2) 3 members shall be appointed by the Speaker of the House of Representatives;

(3) 3 members shall be appointed by the minority leader of the Senate; and

(4) 3 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2) the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) QUALIFICATIONS; INITIAL MEETING.—

(1) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as intelligence, governmental service, the armed services, law enforcement, and foreign affairs.

(2) INITIAL MEETING.—Once six or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 105. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates the development and use of intelligence related to Iraq and Operation Iraqi Freedom; and

(B) shall include an investigation of intelligence related to whether Iraq—

(i) possessed chemical, biological and nuclear weapons, and the locations of those weapons;

(ii) had links to Al Qaeda;

(iii) attempted to acquire uranium in Africa, and if so, when;

(iv) attempted to procure aluminum tubes for the development of nuclear weapons;

(v) possessed mobile laboratories for the production of weapons of mass destruction;

(vi) possessed delivery systems for weapons of mass destruction; and

(vii) any other matters that bear upon the imminence of the threat to the national security of the United States and its allies.

(2) submit to the President and Congress such report as is required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(A) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 106. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purposes of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, e-mails, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENAS.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 107. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson and vice chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 108. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 109. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 110. REPORT OF THE COMMISSION; TERMINATION.

(a) REPORT.—Not later than nine months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the report is submitted under section (a).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATING.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $5,000,000, to remain available until expended.

Mr. CORZINE. This amendment is premised on a strong view that intelligence and its honest analysis are vital tools in our war on terrorism. To protect the American people, our intelligence must not be shaped to win an argument, but must be used to inform.

This amendment calls for a bipartisan commission to study the use of intelligence related to Iraq. The commission would examine several key issues, including intelligence related to the following questions:

Whether Iraq possessed chemical, biological and/or nuclear weapons;

Whether Iraq had links to Al-Qaida, and;

Whether Iraq attempted to acquire uranium in Africa.

Earlier today I joined in a growing expression of concern by my colleagues and the American people about the representation of intelligence information by the President and the administration in building its case for the war in Iraq. Without a thorough explanation of why many of the administration's statements are in conflict, and have included claims unsubstantiated by the best intelligence, the American people, their representatives, and many of our would-be international partners in post-conflict Iraq, will most certainly begin to lose confidence in the administration's intelligence analysis, if not their word. Simply put, the Nation's credibility, in my view, is at stake.

This credibility is important for the security of the American people who have and continue to bear an enormously high cost, a heavy burden, in both life and treasure, with regard to our presence in Iraq. I know in my home State of New Jersey there have been seven soldiers who have been lost since the beginning of the conflict. It is something that impacts people's daily lives.

We stand with our troops. We stand with the mission they are trying to do, to bring about democracy, but we do have a right, and they have a right to have credibility with regard to the intelligence that is presented.

There have been a lot of accusations and allegations circulating in recent days. Some may be trying to politicize this debate. This amendment is an attempt to ensure that this debate does not become a political one, and that we focus in a bipartisan way on getting to the facts.

In my view, in order to preserve the public credibility of the United States, we need a thorough public review, one that is above politics, one with conclusions that will be regarded as credible and definitive, not only in the U.S. but around the world.

As we are now all well aware, in this year's State of the Union Address President Bush said:

> The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa.

The power of the President's allegations in those 16 short words cannot be overstated. The Bush administration, using legalistic language, was leading people to embrace, at least in the opinion of many, the view that Saddam Hussein had an active nuclear program. The President did not say the British were claiming anything. He did not say they alleged anything. He said they ''learned'' that Saddam was attempting to buy uranium, implicitly accepting the charge as fact.

Although just 16 words long, it was a powerful statement that resonated in the context of debates that had gone on throughout the Nation and the world for nearly 5 months, in every public forum, the floor of the Senate, the halls of the United Nations, and across the airwaves. Only after many months did we the people and the Congress learn this statement was based on information that our own intelligence agency earlier learned was false. In fact, the administration's own spokesperson said the statement was inappropriate for the State of the Union address. And the Director of Central Intelligence has stated that: These 16 words should never have been included in the text written for the President.

Yesterday morning, Senator LEVIN, the distinguished ranking member of the Senate Armed Services Committee, raised several areas of particular concern, including: the aluminum tubes; the Iraq-al-Qaida connection; whether Iraq reconstituted nuclear weapons; whether Iraq possesses chemical and biological weapons; allegations of mobile biological warfare labs.

Furthermore, Senator LEVIN laid out seven questions about claims specifically regarding Iraq and the uranium. He argued that these should be answered in the context of a bipartisan investigation. I believe that is true, and I could not agree more.

This is not just a concern about the African uranium issue. It is about whether there was a fair and full presentation to the American people. But to that list of questions, I would add several others.

For example, if the information in the State of the Union Address was ''technically accurate,'' as administration officials have lately argued, why was it excluded in Secretary Powell's 90-minute presentation before the United Nations only 8 days later?

Also, why did we learn about the misleading nature of these comments, not from the administration, but from the International Atomic Energy Agency and the media?

This is not an academic matter. At stake is nothing less than the credibility of the United States, and that credibility is important for protecting the American people. That credibility gets weakened each day we fail to have a full accounting of the facts about what happened, facts such as who knew that certain information was false? When did they know it? Why was it expunged from one administration speech but not another? And why are we just learning about much of this now?

Keep in mind, political leaders around the world, not just here at home, have staked their own reputations on their support of President Bush and the United States. As a consequence, many of our closest allies and their elected officials are facing enormous criticism from their own citizens, and sometimes—and this is quite telling—from their own political parties. We owe it not only to the American people but to all those who stood with us to be straight and to come clean immediately; otherwise, this episode will only undermine our ability to win support for other critical foreign policy interests in the future, and they are substantial. In fact, without a clear explanation, we put the American people at risk facing a world

where our partners question our credibility on many interconnected concerns: Korea, Iran, Syria, and the road map to peace in the Middle East.

We need to understand whether this is part of a broader pattern of selective release of information or just a series of unfortunate snafus. Last October, for example, during the Iraq debate, Secretary James Kelly was in Pyongyang, meeting with the North Koreans. At that meeting, a meeting that occurred a full week prior to the Senate vote on the resolution authorizing force in Iraq, the North Koreans admitted to an active nuclear program. Yet despite its importance and relevance to the debate regarding Iraq and America's national security posture generally, administration officials waited until after the Congress had voted on the resolution—6 days, by the way—to authorize the use of force before revealing the details of the North Korean disclosure.

To this Senator, that information was both relevant and timely to the Iraq debate. Was this information withheld because it might affect the tenor of the debate, or might impact the Congress's view of the Iraqi threat, or the relative view of the Iraq threat?

As Senator LEVIN and others have explained, there may have been other instances in which the administration selectively, in some form or another, misrepresented or withheld information to support their case for the war in Iraq.

For example, the administration claimed there were linkages between al-Qaida and Iraq. But many now believe those claims were overstated or exaggerated, and based on scant and circumstantial evidence.

Another widely discussed issue relates to Iraq's purchase of aluminum tubes, where there was considerable debate within the intelligence community about whether the tubes were intended for use as part of a nuclear program.

When these claims are added up, many people have concluded that the administration may have been seeking to win an argument—not inform the American public. And we need to know the truth. We need to be informed to make good decisions, to set priorities, to go forward, to protect the American people. The American people deserve to be informed accurately.

The commission I am proposing would be completely bipartisan. It would neither supplant nor interfere with ongoing Congressional reviews regarding the collection and analysis of intelligence related to Iraq.

So, again, I hope we can support this proposal. We need to ensure that the facts come out. We should do it on a bipartisan basis, and we should do it immediately. The safety and security of the American people are at stake.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise to support the Corzine amendment. I think this is an incredibly important amendment to this important bill. In doing so, once again, as I have done before on this floor, I commend our service men and women who have served us so well in Iraq, as well as around the world.

We join in our pride and gratitude for their courage and their service.

However, I must rise today to express my deep concern about revelation after revelation of the fragile nature of the facts presented to the American public and the world about the reasons we had to preemptively, unilaterally attack Iraq.

Those misleading words in the President's State of the Union Address this past January have brought into question the credibility of our Government. This is extremely serious. It hurts our country because Iraq is not the only threat to our Nation, as the Senator from New Jersey indicated. We continue to be threatened by terrorists in emerging nuclear countries such as Iran and North Korea. In order to win the war on terrorism and ultimately disarm Iran and North Korea, we are going to have to work with NATO and other allies to protect American citizens.

Unfortunately, the misleading statements about Iraq attempting to purchase uranium from Niger will make building such coalitions even more difficult. This means our homeland will be less safe and our American citizens less secure. This is a deep concern of mine. I wish the misleading statements about Iraq and Niger were the only statements in question that the President and his administration have made to the American people. Unfortunately, there have been others.

First, let's go through what transpired with the statements on Iraq and Niger. Before the State of the Union referencing Iraqi purchases of uranium from Africa, the administration, at the direction of the CIA, took out a nearly identical line in a speech the President gave in Cincinnati last October justifying the use of force in Iraq. Then, the African uranium purchase was back in the State of the Union Address, although we were told now this was a mistake by the CIA director George Tenet. Then, the African reference was dropped from Secretary of State Powell's presentation on Iraqi weapons capabilities to the United Nations just 8 days later. Then, Saddam's nuclear weapons came back with certainty when Vice President CHENEY appeared on Meet the Press in March and said, ''We believe he has, in fact, reconstituted nuclear weapons.''

This was one of the main assertions used that took us to war, and I believe the American people have a right to know which is it. If it was good intelligence, why the constant change of mind? Either Iraq had nuclear weapons or it didn't. If it was bad intelligence, who kept pushing to use it in the administration speeches and interviews? We need to know the answers to these questions. It is important for the credibility of our country and for the trust of the American people in our Government.

It does not end there. We heard much about specially-made aluminum tubes that could be used to build centrifuges to create weapons-grade uranium. In the same State of the Union where he referenced uranium purchases from Africa, President Bush also said: Our intelligence sources tell us that he has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.

But, in fact, an unclassified intelligence assessment back in October stated some intelligence specialists ''believe that those tubes are probably intended for conventional weapons programs.''

Last February, Secretary of State Colin Powell told the U.N. Security Council that ''we all know there are differences of opinion,'' and that ''there is controversy about what these tubes are for.''

However, the International Atomic Energy Agency, after conducting its own study, concluded the uranium tubes were not for uranium enrichment.

Which is it? Enough time has gone by; we should have and are entitled to answers. We are entitled to the truth. Most importantly, the American people are entitled to the truth. Although we now have more than 140,000 troops in Iraq, we have not yet found chemical or biological weapons or even the plants needed to make them. We have not found evidence of al-Qaida training camps, although in the runup to the war the administration not only said they were there in Iraq but that they knew precise locations.

Again, this administration has taken us into a new age, an age where we claim the right to unilaterally, preemptively strike another nation because we believe our national survival is at stake. In such a world, the intelligence used as proof for striking first has to be unassailable, has to be totally credible, or the American people and our allies will be deeply suspicious of any future claims.

The claims led to decisions to put American men and women in harm's way and in too many instances have led to the loss of life. We need to find out the truth behind the various claims and questions, legitimate questions that have arisen, questions that have been asked by colleagues on both sides of the aisle, questions that have taken us into the deserts of Iraq and put our men and women in harm's way.

The only way we can get to the bottom of this is to set up an independent commission to get the facts, a bipartisan commission, a way to objectively look at what happened so it does not happen again.

There is nothing more serious than a potential nuclear threat to our people. If there was ever a need for an independent commission, it is now. We now

face potential nuclear threats from Iran, from North Korea. We could face more in the future. American families and our American troops deserve answers to the questions that have been raised. We all deserve answers. We all deserve the truth.

I hope my colleagues will join in support developing this independent commission. I believe nothing less than the credibility of our country is at stake. I hope we all join in supporting the Corzine amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Democratic leader.

Mr. DASCHLE. Mr. President, I rise for a couple of minutes to compliment the distinguished Senator from Michigan for her very eloquent statement and for the leadership of the Senator from New Jersey, a member of the Foreign Relations Committee. Both Members have made their points very ably. I am grateful to both of them for their leadership in this effort.

The real question is, How do we assert the facts in the most logical and the most bipartisan manner? As we have seen on so many other occasions, the only way to ensure that is done with a public review of the information provided and all of the facts available to us is through this independent approach. The Intelligence Committee has done an outstanding job. I commend them for their session, even this afternoon as we speak, looking into the facts as they are presented from those within the intelligence community.

As Senator ROCKEFELLER has noted on several occasions, they are constrained by their own understandable jurisdictional review and do not have the capacity to go beyond that jurisdictional review when issues involving other branches of the Government, other agencies of the executive branch, and certainly the White House itself, are involved.

So this affords an opportunity to do the right thing, to give the American people the confidence they need that we understand now what the facts are, what the story is, and how we can ensure as we make these judgments we are doing so with the very best policy and goals in mind.

I think this is a very worthy amendment. I think it ought to pass on an overwhelmingly bipartisan vote. I am hopeful we can do that this evening, and I am grateful to those who have committed to this amendment, and especially for the leadership of Senators STABENOW and CORZINE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I rise also in support of Senator CORZINE's amendment. Yesterday was a very grim day in Minnesota. We had the funeral service of the first Minnesotan to be killed in Iraq this year in the line of duty, PVT Edward James Herrgott. It is a grim reminder that 63 days after the President declared the hostilities almost over in Iraq, this young man lost his life on July 3, standing out in front, guarding the Baghdad Museum, the site where some of my colleagues and I had swept by, well protected, just 2 days before. He was killed, murdered by a sniper's bullet. At the age of 20, his life and all of its promise was snuffed out.

We learned last week from the Secretary of Defense that, in his judgment, the military presence, some major component of which will have to be from the United States—hopefully much less will be, when we do as we must, which is to internationalize the continued development and hopefully economic recovery in Iraq—but as long as there is going to be a presence there, United States troops are going to be a big part of that, and it is almost unavoidable under the circumstances, especially as they exist today, the number of men and women who have lost their lives since May 1—which stands now at 79—will only increase.

So, as Americans are faced, again and again, with a member of the family, a friend, an acquaintance, or just through the media a fellow citizen of that State, again and again they are going to be confronted with this question of, what are we doing in Iraq? What is the game plan to extricate our troops after achieving the success the military had so dramatically, remarkably in the 3 weeks it took from entering the country to sweeping into Baghdad with an incredible display of technology, the training, and most of all the dedication of those men and women who have really redefined the words ''courage'' and ''patriotism'' for this Senator.

They continue to labor there under the most extreme conditions, 115-degree temperatures, all the other difficulties that are manifest there, not to mention the life-threatening danger that so many of them are under day and night.

Given all that, I think it is imperative for our national security that we understand that we—all of us collectively in the Congress and the President, this administration—made what is the most momentous decision that can be made by this body and the administration, the decision whether or not to go to war—in this case, to initiate a war against another sovereign nation. To know that decision was made on accurate information from our intelligence operations, to me, is essential to our national security in the days and years ahead.

It is also essential to our democracy to know the information we are getting from our leaders is truthful, accurate, to the best of their knowledge. There are enough questions that have been raised that must be answered, and they must be answered with the truth and with the facts as that can be determined objectively and dispassionately to be.

I regret that the Senate Armed Services Committee, of which I am a member, is not going to be undertaking the bipartisan investigation into these issues as its counterpart, the Senate Intelligence Committee, has agreed to do. I think there has to be that kind of willingness on both sides of the aisle to seek the truth. I cannot understand why anybody would not want to find the truth and present it to the Members of this body and, even more importantly, to the American people. But that is a decision that evidently has been reached.

In the absence of that, I think this independent commission is essential. We owe it to ourselves. We owe it to the Private Herrgotts whose lives have been sacrificed in this endeavor. We owe it to the future men and women who will be over in Iraq, in future engagements, if necessary. We owe it, ultimately, to our country, our democracy, and to ourselves.

I yield the floor.

AMENDMENT NO. 1270

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 1270.

Mr. MCCAIN. 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 prohibit the use of funds for certain programs, projects, and activities)

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. None of the funds appropriated by this Act may be obligated or expended for any of the following programs, projects, and activities:

(1) The canola oil fuel cell initiative.

(2) Shakespeare in America military communities.

(3) Control of brown tree snakes.

(4) The Academy for Closing and Avoiding Achievement Gaps.

(5) Hangar renovation at the former Griffis Air Force Base, New York.

Mr. MCCAIN. Mr. President, this amendment strikes funds for the canola oil fuel cell initiative, Shakespeare in American military communities project, control of brown tree snakes, hangar renovation at the former Griffiss Air Force Base, and the Academy for Closing and Avoiding Achievement Gaps.

First, I would like to address the Senate concerning the 2004 Defense Appropriations Act. With each and every appropriations act, I come down to the floor of the Senate to point out many of the special interests and pet projects Members add to the legislation each year. Today I have the opportunity to speak on H.R. 2658, the Defense Appropriations Act for Fiscal Year 2004.

I remind my colleagues, the responsibilities of authorizers and appropriators are supposed to be distinct. The

role of the Senate Armed Services Committee is to establish policy and funding levels and to oversee the Department of Defense and its programs. The role of the Appropriations Committee is to allocate funding based on policies provided by authorization bills.

The appropriators' function today, as we all know, has expanded dramatically and the Appropriations Committee now engages in significant policy decisionmaking and micromanaging, clearly usurping the role of the authorizing committees.

The chairman of the Rules Committee was kind enough, a week or so ago, to have a hearing on a proposal I have to change the rules so that a point of order can be more easily lodged against an unauthorized appropriation. I will not bore my colleagues with further details because I have already introduced the rule and explained it.

But during that hearing, chaired by my friend from Mississippi, Senator LOTT, there was discussion of the process. This situation, this imbroglio in which we find ourselves, is not entirely the fault of the appropriators. I know it sounds strange for me to make that statement, but the fact is that there are holds on bills which are authorizing, which are done anonymously in many cases, and prevent the authorizing aspect of the process to be carried out, thereby forcing the appropriators to act in a policy fashion. Many times these holds are permanent and, really, there are some occasions where the Senators themselves do not know that those holds have been imposed.

Additionally, there is the process that, unfortunately, results that many programs and important agencies of Government even are not reauthorized. The Federal Communications Commission, which falls under the responsibility of the committee I chair, has not been reauthorized since 1993. So then it is understandable why the appropriators would act in such fashion.

I preface my remarks with the full acknowledgment that the system itself has broken down to a great degree.

As I came to this floor before and pointed out, the process of earmarking and outrageous appropriating has increased in a dramatic but reasonable fashion when you consider that any evil unchecked is going to rise.

According to information compiled by the Congressional Research Service, which examined earmarks for fiscal years 1994–2002, the total number of earmarks has grown from 4,126 in fiscal year 1994 to 10,540 in 2002—an increase of over 150 percent. The level of funding has risen from $26.8 billion in 1994 to $44.6 billion in fiscal year 2002, an increase of over 66 percent.

We are talking about real money.

We now see on the front page of the Washington Post this morning that the budget deficit may surpass $450 billion.

I might remind my colleagues that there is a little chart on the other side.

In 2000, we had a surplus of $236 billion; $127 billion in 2001; a deficit of $157 billion in 2002; and, in 2003 it is estimated to be $450 billion.

My dear friends, if you believe it is only going to be $450 billion, I have some land in the Arizona desert I would like to sell you.

This does not take into account, as recently admitted by the Secretary of Defense, $4 billion a month just for our operations in Iraq, which I support.

My point is we can't afford to do this anymore. We can't afford to continue to spend money like drunken sailors. I never knew a sailor, drunk or sober, who had the imagination to spend hard-earned taxpayer dollars on the Shakespeare in American Military Communities Project—$1 million. Shakespeare in America Communities Project? Come on. Out of the Defense appropriations bill?

The hangar renovation at the former Griffiss Air Force Base—the Griffiss Air Force Base in Rome, NY, was closed in 1995. It has been reopened to civilian flight operations. In 1999, the airbase hosted Woodstock. Yet we are going to spend money to renovate the hangar there. We are going to spend $2 million. On a closed Air Force base we are going to spend $2 million. Meanwhile, we still have men and women, wives and husbands and family members who are fighting in Iraq on food stamps.

I don't know what the Canola Oil Fuel Cell Initiative is. Canola is grown in the Western United States and Canada. Forty percent of each seed can be produced into canola oil. Prices for canola oil have dropped, I am sorry to say. But we are spending money for a Canola Oil Fuel Cell Initiative.

What does that have to do with defense?

Let me just add an additional comment. The very highly respected, I believe, Concord Coalition came up with a study in the last couple of days which is excoriating in its comments. I think it is right on the mark.

The Concord Coalition Report on Fiscal Responsibility:

DEFICITS, DECEPTION AND DENIAL RATE A FAILING GRADE

The first six months of the 108th Congress were the most fiscally irresponsible in recent memory. The crux of the program was the schizophrenic pursuit of small government tax policies and big government spending initiatives. Following the lead of the Bush administration, Congress made no attempt to reconcile the cost of new tax cuts on spending initiatives within the framework of a realistic long-term balanced budget plan. Instead, policymakers took a deteriorating budget outlook and made it worse. To add insult to injury, Congress used deceptive accounting gimmicks that would land a corporate CEO in jail. It is hard to say which is worse, the sunset gimmick used to hide the cost of an unaffordable tax cut, the doughnut hole gimmick used to hide the cost of an unaffordable, new Medicare entitlement, the shell games used to hide the appropriations of the disingenuous budget resolution that led to such in the first place. Then there was denial. Policymakers simply closed their eyes to the inevitable cost of reforming the alternative minimum tax and the growing cost of the war against terrorism at home and abroad.

I commend the Concord Coalition report to my colleagues which gives a grade of a D and an F.

You know what we are doing. We are heading for a train wreck. Everybody knows it. I don't know whatever happened to the old lockbox. Do you remember the old lockbox where we were going to take everybody's money for Social Security and put it in a lockbox so it couldn't be touched? You know what we are doing with the lockbox. It is simply because we are paying the retirement benefits of people who are retired. Those who are working have no money in accounts bearing their names. It is unfortunate.

The summer blockbuster is not showing on your local movie screen but rather on the floor of the Senate. I am alarmed about a large green monster, and it is not the ''Incredible Hulk.'' I am talking about the exploding national deficit, and it should make the blood boil. We are now learning that the irresponsible tax cut and spending binge in Washington is resulting in this huge deficit. Even ''The Terminator'' can't stop the river of red ink that is endangering our fiscal future. It is like the ''Pirates of the Caribbean'' stealing our children's and our grandchildren's financial future.

I thought that was pretty well written.

I recognize the failure. I want to tell my colleagues that I recognize that the failure of the authorizing committees to pass authorizing legislation contributes to the broken system.

I want to work together with the appropriators to try to solve this issue because often the appropriators have no choice but to fund unauthorized programs and take it upon themselves to make policy determinations.

The fiscal year 2002 Defense Appropriations Act not only contained $3.7 billion in pork but also the dubious Boeing tanker lease. The conference report for the fiscal year 2002 Defense appropriations bill contained $8.1 billion in pork. The Senate version included $5.2 billion. This year's bill contains well over $4 billion. This number is less than last year's Senate version of the legislation.

This is real money.

The projects that appear in the Defense appropriations Member-add-ons are items requested by Senators and not included in the President's budget request. They do not appear on the Joint Chiefs unfunded priority list. They are not authorized in the Defense authorization bill.

This criteria is used by many organizations. And it has been useful in ferreting out programs of questionable merit and determining the relative priority of projects requested by Members for parochial reasons.

The fact remains that in the years I have created these lists no offsets have been provided for any project.

At a time when some of our soldiers and sailors still receive food stamps and live in inadequate housing, we find a way to provide over $4 billion in unnecessary spending through the Defense appropriations bill.

For example, the Joint Chiefs provided a list of critical requirements above what was provided for in the President's budget request. That list totaled nearly $18 billion for fiscal year 2004. We should provide additional funding for defense for items and programs which the Joint Chiefs need, and we need to set that as a priority.

I point out once again that the bases in Alaska stand to benefit a great deal in this legislation. Alaskan bases alone will receive $214 million in unrequested spending for improvements, renovations, and upgrades.

Looking back at my career in the Navy, I wish I had been so fortunate as to be stationed in Alaska.

Some of the more egregious examples of pork in this year's legislation include, as I mentioned, $1 million for Shakespeare in American Military Communities.

What is wrong with Ernest Hemingway? I wonder why Shakespeare was the greatest writer in the English language. But there may be a difference of opinion as to who the greatest writers in the English language were. Why not Chekhov or Ibsen?

Forty-nine million dollars for the Maui Space Surveillance System. Arizona is home to an observatory. But we are going to earmark $49 million to Maui while there are many observatories in the United States that offer many of these same benefits.

Two million dollars for miniature autonomous vehicles.

There is $5 million for the bug-to-drug program. It is not often I bother the distinguished chairman but perhaps he can tell me what the bug-to-drug program is. There is an appropriation of $5 million for the bug-to-drug program. While he is looking it up, I will continue.

There is $1.5 million to educate the 21st Century Information Operations Workforce, $2.5 million for the Hawaii Undersea Vehicle Test and Training Environment.

I mentioned there is $2.5 million for the canola oil fuel cell initiative. I would think the only canola oil the Department of Defense should be investing in should be used for salad dressing for our troops, not inventing batteries.

Mr. STEVENS. Will the Senator yield?

Mr. MCCAIN. I would be interested in the bug-to-drug program.

Mr. STEVENS. The so-called bug-to-drug program has an official name. The official name is the Engineered Pathogen Identification Program. Its goal is to identify and protect soldiers from both unknown and genetically engineered pathogens, such as anthrax, plague, and Ebola. Currently, there are no pathogen vaccines. It would take 7 to 15 years to develop one.

This program is an attempt to shorten the time from drug development to its release for use as some type of an antigen to these pathogens which are very dangerous to our service men and women worldwide.

Mr. MCCAIN. I thank the chairman for that explanation. It makes it much more clear. I appreciate that.

There are a number of them. One of them that is interesting is $9 million for SensorNet. SensorNet is developed by a company in Modesto, CA. They obviously make hardware and software because that is in their advertisement. In researching this earmark on the Web site, I found this 10- to 15-percent-off coupon on the Internet.

Now, I would ask my colleagues, if they are going to give average Americans 10 to 15 percent off, and we are going to give them $9 million, could they give us 10 to 15 percent off? Maybe we could save over $1 million. They are giving everybody else 10 to 15 percent off. Maybe they could give us 10 to 15 percent off as well.

This is the advertisement:

10–15% OFF—ORDER NOW AND SAVE

At AccuLab Products Group, we understand the difficulties of integrating science applications into the classroom. That's why we developed the SensorNet Science Program—the friendliest system on the market! Its ease of operation and flexibility offers the user wide ranges of applications without requiring a degree in computer technology. Our precalibrated, precision engineered probes offer the accuracy and reliability needed to perform in the toughest of situations and are backed by a 1 year guarantee.

So they are going to give 10 to 15 percent off. I would hope we could negotiate 10 to 15 percent off on our appropriation to them.

The hangar renovation at the former Griffiss Air Force Base, New York, the site of Woodstock 1999. Perhaps unintentional damage was done during Woodstock that requires that hangar to be renovated.

Of course, we are back to the old smart truck for the auto industry, and $12 million for the 21st century truck. It would be fun to drive one, I am sure.

Here is an interesting one: $4 million for the Ernest Gallo Clinic & Research Center. I love a fine wine as much as the next guy, I think, but do we need to fund Ernest Gallo or his research center with defense dollars?

Here is another: $8 million for the New England manufacturing supply chain. This is above and beyond the $6 million earmarked for them in last year's legislation. There is $9 million for the medical free electron laser, $1 billion for the brown tree snakes.

The Senator from Hawaii and I had a discussion about this item and the following items. The brown tree snake may be a serious threat to the Island of Hawaii. The question remains—and the Senator from Hawaii has never satisfactorily answered, at least not to my satisfaction—why this money has to come out of defense, why the brown tree snake should not be addressed by the Department of the Interior or the appropriate branch of Government. Why do we have to take it out of the hides of the men and women in the military to fight the brown tree snake? Shouldn't it come out of the appropriate agency of Government?

We have $150 million for breast cancer research, $85 million for prostate cancer research, $50 million for the Peer-Reviewed Medical Research Program, $24 million for the Hawaii Federal Health Care Network, $3 million for tribal colleges-science lab and computer equipment, $3 million for Pacific Island health care referral, $1.5 million for neurogenetic research and computational genomics—this is on top of $650,000 included in this year's omnibus appropriations.

These are all worthy causes. The cause of breast cancer research is worthy. The $85 million for prostate cancer research, it has no place in the Defense bill. When we are spending $3.9 billion a day just to take care of our operations in Iraq, we cannot take much needed defense dollars and put it for other programs that are not related to defense.

So I want to talk about one other area that is of concern, and that is the potential impact on readiness because of our restrictive trade policies with our allies.

From a philosophical point of view, I oppose these types of protectionist policies. I believe free trade is an important element in improving relations among all nations and is certainly essential to economic growth. From a practical standpoint, ''buy America'' restrictions could seriously impair our ability to compete freely in international markets.

I would like to point out something else to my colleagues. We impose these ''buy America'' provisions while we buy from our allies and friends overseas a much smaller amount than they buy from us. If we keep restricting the ability of our Government to buy products that are made in other countries, sooner or later those countries will stop buying equipment, military equipment and others, that are built in the United States unless there is a compelling national security interest.

''Buy America'' provisions include these items: anchor chains, carbon, alloy, or armor steel plate, ball and roller bearings, computers, diesel engines, and propellers.

There is a seafood waiver as a provision in this legislation in which we dictate we can buy only American seafood. I wonder if there is a 3-mile limit or a 10-mile limit or a 100-mile limit. Or does it have to be just caught by Americans, the same fish but caught by Americans, not by somebody else?

Why does the Department of Defense need to protect the American seafood industry? Why is the entire industry singled out for protection? Why not protect the American dairy product industry? Why aren't they covered?

Believe it or not, I do not enjoy coming to the floor on this issue. But I

would argue—I would argue strenuously—that with a budget deficit—and it is in the headlines of every major newspaper in America: $455 billion—we cannot afford to spend additional billions on unneeded and unwanted projects.

There are many projects on this list that I will submit for the RECORD which are very badly needed and are legitimate but it is hard to know the difference when all we know is it appears in an appropriations bill. All of a sudden it just appears.

Was there a hearing on the issue of allowing the Department of Defense to only buy American seafood? That is a pretty significant measure that only American seafood can be purchased by the Department of Defense. Was there ever a hearing on it? Was there ever any discussion or debate on it? No. It shows up in this appropriations bill.

Do we really have to not allow other countries to sell us things as simple as anchor chains? What are we protecting? Could we save money by buying somebody else's anchor chain and spend that money, perhaps, on upgrading the lives of the men and women in the military?

In case you haven't heard, my friends, we have a problem in the military today, and it is keeping people in the Reserves and the Guard, and it is keeping people on active duty. I think if you watch television tonight you will see interviews with a number of men and women serving in the military who have just been told they will be extended for another 6 months on duty in Iraq because there are not sufficient troops to replace them.

So instead of perhaps expanding the size of the military to meet these new requirements, we are going to spend $1 million on the canola oil fuel cell initiative, brown tree snakes, the Shakespeare in American Military Communities project, and an Academy for Closing and Avoiding Achievement Gaps. The Academy for Closing and Avoiding Achievement Gaps is a grant to the Timbuktu Academy located in Baton Rouge, LA to conduct research on academic achievement gaps between students of varying socioeconomic backgrounds. It sounds like a very worthy cause to me. But why again should this come out of defense dollars?

I appreciate the indulgence of my colleagues. The amendment I proposed will eliminate the canola oil fuel cell initiative, the Shakespeare in American Military Communities project, the brown tree snake funding program, hangar renovation at the former Griffiss Air Force Base, and the Academy For Closing and Avoiding Achievement Gaps.

I yield the floor.

The PRESIDING OFFICER. Galleries will refrain.

The Senator from Alaska.

Mr. STEVENS. Mr. President, we had a time agreement and the Senator from New Jersey and the Senator from Arizona have spoken. I will make a few brief remarks and yield to my colleague. Then it is my intention to move to table these two amendments. Let me state why.

First in regard to Senator MCCAIN's amendment, I state this sincerely, I think Senator MCCAIN provides a very useful function for this Congress and this Senate with regard to the process we are involved in, the appropriation of money from the Treasury, spending the people's money. I am very sincere. We have checked every one of the amendments we have agreed to by unanimous consent with the Senator's staff before getting that agreement. That is a process we didn't use before. At times they make comments that lead us to change the amendments. And the Senator has, through this process, picked out some he would like to take out of the bill or put in the bill before we pull it out of committee. Let me comment on a couple of those.

The Senator mentioned the brown tree snakes. We have provided $1 million for control of these snakes. That primarily is to continue a very successful program so far that has been carried out on military planes to Hawaii from Guam. These snakes are carried inadvertently on military planes to Hawaii from Guam. The snakes are endemic to Guam and come on the military planes at Anderson Air Force base in Guam and then go into Hawaii. We hope we can prevent it. It will have an enormously adverse impact on the agriculture sector of the economy. But it is a military function. It is trying to eradicate or control these brown snakes where they come from, as they have been a menace to Hawaii because of their ability to crawl on to military planes as they come to Hawaii from Guam.

I commend the Senator for raising the question, but clearly we have examined it. It is an ongoing program.

The canola oil fuel cell initiative is an existing program between the Department of Defense and the Department of Interior. It is funded in this bill for $2.5 million. Both Departments put money into it. This project will extract and convert technologies, transforming agriculture materials into bio-based fuel. Specifically, it is the rapeseed-based biodiesel fuel, and the underlying goal is to convert bio-based fuel into a hydrogen-rich gas stream to use with fuel cells and micro turbines and other power generation systems. It does have a legitimate defense interest, and it is a program for the Department of the Army, primarily in research and development.

Shakespeare in American Military Communities is a very interesting program. This is being done in conjunction with the National Endowment for the Arts. It is a partnership with the Department of Defense. The goal is to bring the arts to military personnel and their families as they are brought to other communities and high schools throughout the country. The proposal for this year is to perform ''Macbeth'' on 16 military bases in conjunction with educational programs. This is one of the programs the military is very pleased that we are trying to make available to them to improve the cultural activities on military bases, particularly for young children. We are looking into the prospect of taking some of these cultural programs overseas to meet the needs of the people stationed there. We have under consideration Fort Huachuca and Davis Monthan Air Force Bases. I know them both very well.

Further, the Senator raised the question of the Griffiss hangar renovation. This is part of a hangar that is used for the ongoing work and research of the Air Force research laboratory in Rome, NY. Damage to the hangar increases the heating, utility, and other fixed costs of the laboratory facility to its detriment. It is a renovation of a former Air Force base, but it is used by the Air Force research laboratory.

I regret to say I disagree with my good friend. I do note that what he is doing is trying to make certain we know what we are doing. On this amendment, I am sad to say I disagree with him, and I will move to table it in just a moment.

With regard to the amendment offered by Senator CORZINE, I have a problem, a decided problem with this. There is an ongoing investigation or series of hearings—I don't know whether you want to call it an investigation yet—of the items covered by this proposed amendment, creating a national commission on the development and use of intelligence related to Iraq.

Iraq is still ongoing. To create a commission now to look into Iraq primarily based upon the problem related to the President's statement in his State of the Union Message—which, by the way, was true, but not really totally accurate in terms of the interpretation people gave to it—in order to start the campaign of 2004, at a time when we have men and women in uniform over there now, their commanders, Ambassador Bremer, all of the people who participated in the process of this intelligence activity, including the CIA and the National Security Agency and the Defense Intelligence Agency, all of them will be involved in hearings before the commission. They are already in hearings before the House and the Senate, and they have unknown involvement in the internal investigation also going on in the Department.

As I said previously, almost all of us heard the Secretary of State, my great friend Colin Powell, tell us about his involvement and how this train of circumstances developed with regard to how that statement was in the President's State of the Union Message. We all know Presidents don't write their own State of the Union Message. They review drafts, and they rely on their

subordinates to see that they are absolutely accurate. In the process, a statement was inserted that could be interpreted in a way that could mislead people.

Already the Director of the CIA has admitted his system made a mistake. He has taken responsibility, as he should, for something that should have been taken out by the CIA reviewer. It was not. It was taken out of a previous statement at another time. No question was raised about its being taken out. In this instance, it was not taken out and Director Tenet said it should have been taken out. He takes the responsibility himself because of the failure of his Agency, just as I make a policy when any member of my staff makes a mistake, I treat it as my mistake. George Tenet didn't make the mistake. The process in the CIA made the mistake. The President didn't make a mistake. In the process of preparing that statement, there was a mistake made.

I am tired of making a mountain out of a molehill on this one. I am particularly disturbed with the fact that people want to create another commission. This is not a time for a commission like the commissions we have known in the past. This is not Watergate. That is the impression. This is not a Watergate. It is not even a ''truth gate.''

The President read a speech that was prepared for him. We all clapped at it, and we all approved of it. It was one part of it, one tiny part of it that should have been taken out in the process of review.

Now to create a commission primarily for that and all the rest of the garbage in this thing—pardon my French—all the statements in here as to what is going to be investigated with regard to the possession of mobile laboratories, with regard to an attempt to procure aluminum tubes—it wasn't an attempt; they were procured. But the concept of whether or not Iraq possessed delivery systems for weapons of mass destruction—we had 17 resolutions of the United Nations that were not complied with. Why were they passing 17 resolutions if there was nothing to investigate?

But the main thing, why should we create a commission now to look into something that is ongoing? Once this is all tied down and we have our people home and Mr. Bremer is residing in the U.S., and the people involved in all of the intelligence activities that led to the statement are in the United States again, we can have some form of commission to review it. This Senator would not oppose that.

But this is an ongoing operation, and this is an attempt to smear the President of the United States. I shall not permit that if I can possibly avoid it.

As I understand it, there is no further time agreement. I have the floor. I intend to keep the floor until I make a motion to table this amendment.

I am happy to yield to my friend from Arizona for a question.

Mr. MCCAIN. Mr. President, I will ask my colleague from Alaska a question. I will preface it by saying I do appreciate the cooperation that has been displayed while addressing this bill. I tell my friend from Alaska also that it has been very helpful for us to have the information and to be able to look at these amendments as they have come up. I hope next year we will see Hemingway, Faulkner, F. Scott Fitzgerald, and others of my favorite authors included in this program.

I also ask the Senator, concerning the Corzine amendment, isn't it true that the Senate Armed Services Committee is holding, and will be holding, hearings concerning the entire conflict, including friendly fire casualties, including the enormous success, including the issue of weapons of mass destruction; and those will be held openly and in a systematic manner, which Senator WARNER and Senator LEVIN have been working on in a bipartisan manner? Didn't the chairman of the Intelligence Committee hold a closed hearing today, and will he not hold a public hearing next week? Aren't we going through an orderly process of hearings concerning the conduct of the war?

The American people, of course, want to know about the friendly fire tragedy, and they also want to know how we did so well, how our equipment performed in such a magnificent fashion. It was one of the most rapid military victories in history.

Isn't it true that we are going through an orderly process of hearings concerning this conflict, in a very appropriate manner? If at such time those hearings are not satisfactory to the American people, or they don't cover enough information, or something like that, wouldn't sometime later be more appropriate to say a commission should be appointed rather than at the time when the appropriate committees, as far as I can tell, are carrying out their responsibilities and reviewing the conduct of the war and the oversight policies dictating our military? Does the Senator agree with that?

Mr. STEVENS. The Senator is absolutely correct. What is more, Senator INOUYE and I went to the CIA and we talked to the Director, and he informed us that he sent a stack of material this high to the committee already for its review. It is going to take some time to review all that. It is ongoing. This would have us appoint a commission to review the same thing that we are already investigating in the Senate Intelligence Committee and that the House is investigating. I presume the Armed Services Committee has some jurisdiction on this matter, also. The Foreign Relations Committee has jurisdiction.

Why should we appoint a commission to do what we should do—to do our work, particularly when it is not on a timely basis? As the Senator from Arizona stated in his question to me, the time may come when the public will question the results of our activities as Members of Congress. If they do, then the right thing for us to do—or the time may come when they develop such a conflict within Congress that it cannot be resolved, and that would be an appropriate time to perhaps look at a commission outside of the Congress. But right now is not the time.

Mr. BOND. Will the chairman yield for a question?

Mr. STEVENS. Yes, I am happy to yield.

Mr. BOND. Mr. President, as a member of the Intelligence Committee, I know we have been having these hearings and the oversight hearings. We are conducting the investigations. I wonder if the chairman is aware of the fact that I believe the Office of the Inspector General of the CIA is conducting an investigation. I believe the President's Foreign Intelligence Advisory Panel had jurisdiction. Is it correct that the ranking member of the Armed Services Committee, Senator LEVIN, is conducting an inquiry?

At my count, at least five different investigations are going on. I wonder if that number is accurate, and does the chairman think that a sixth, which would not start until later on, would add anything?

Mr. STEVENS. Mr. President, the question is relevant because the purpose of this commission is to support ongoing congressional reviews regarding the collection and analysis of intelligence data. We have not done it yet. We don't need any support that I know of. The support base is the executive branch and in the media to examine the report and the role of policymakers relating to Iraq and Iraqi freedom. That is not over yet.

Again, there is a timeliness to commissions. But more than that, there is the ongoing impact coming into this Senator's soul that we are starting a campaign of 2004. It is too early to do that, when we have men and women overseas in uniform trying to defend themselves and carry out the orders of the Commander in Chief. It is not timely to do this, and I do object to it.

Mr. President, I don't often do this. I am really going to be a little bit brash—you could not imagine I would do that, I am sure. Does the Senator from Nevada wish to ask a question?

Mr. REID. No. I was hoping we could vote on Corzine first and McCain second.

Mr. STEVENS. I was going to make that order. I am pleased that the Senator said that.

Mr. President, in order that the Senator from Hawaii and I can go to an appointment we have involving World War II veterans, I will take it upon myself to move to table the Corzine amendment and to ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent at this time that it be in order to move to table the McCain amendment, and for that purpose I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. Mr. President, for the information of the Senate, following these two amendments, there will be a period for routine morning business.

I ask unanimous consent that following the votes there be a period for routine morning business, and that the Senator from Rhode Island, Mr. REED, make a statement.

Mr. REID. He wants to speak on the bill. After that, we will go into morning business.

Mr. STEVENS. Mr. President, Senator REED will be making a statement on the bill. Following his statement, I ask unanimous consent that there be a period for routine morning business until the Senator from Hawaii and I have returned from our event, which will be, I believe, about 8:15.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, the only question I ask is this: We would love to have you back here, but I don't think there is need to come back tonight. We have a schedule set up for the morning.

Mr. STEVENS. We have not done that. We need to have the time to do that.

Mr. REID. If the Senator from Alaska wants to be here to do that, that is fine, but otherwise, valiant staff will take care of it and whoever is closing. We will see you back. That is fine.

Mr. STEVENS. Mr. President, in explanation, it is my intent to come back. The Senator from Hawaii will not have to come back. We want to enter into a unanimous consent agreement for the order of amendments. There will be two amendments. At 10 o'clock Senator BYRD will offer an amendment. I believe we will have an order for the Senate to come in sometime just prior to 9 o'clock.

Mr. REID. Nine o'clock is fine.

Mr. STEVENS. I am not going to make that order yet. That is the understanding I have, that we will come in around 9 o'clock and consider two amendments, and Senator BYRD is to offer his amendment at 10 o'clock.

I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. COLEMAN). The yeas and nays have been ordered on these requests.

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1275. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''nay''.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—45

Akaka	Dodd	Leahy
Baucus	Dorgan	Levin
Bayh	Durbin	Lincoln
Biden	Edwards	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	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

NOT VOTING—4

Graham (FL)	Lieberman
Kerry	Miller

The motion was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. INOUYE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1270

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1270. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Missouri (Mr. BOND) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Georgia (Mr. MILLER) 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 79, nays 16, as follows:

[Rollcall Vote No. 285 Leg.]

YEAS—79

Akaka	Dayton	Lugar
Alexander	DeWine	McConnell
Allen	Dodd	Mikulski
Baucus	Dole	Murkowski
Bayh	Domenici	Murray
Bennett	Dorgan	Nelson (FL)
Biden	Durbin	Nelson (NE)
Boxer	Edwards	Pryor
Breaux	Enzi	Reed
Brownback	Feinstein	Reid
Bunning	Frist	Roberts
Burns	Gregg	Rockefeller
Byrd	Harkin	Sarbanes
Campbell	Hatch	Schumer
Cantwell	Hollings	Sessions
Carper	Hutchison	Shelby
Chafee	Inhofe	Smith
Chambliss	Inouye	Snowe
Clinton	Johnson	Specter
Cochran	Kennedy	Stabenow
Coleman	Kohl	Stevens
Collins	Landrieu	Talent
Cornyn	Lautenberg	Voinovich
Corzine	Leahy	Warner
Craig	Levin	Wyden
Crapo	Lincoln	
Daschle	Lott	

NAYS—16

Allard	Graham (SC)	Nickles
Bingaman	Grassley	Santorum
Conrad	Hagel	Sununu
Ensign	Jeffords	Thomas
Feingold	Kyl	
Fitzgerald	McCain	

NOT VOTING—5

Bond	Kerry	Miller
Graham (FL)	Lieberman	

The motion was agreed to.

Mr. FRIST. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I rise in support of the fiscal year 2004 Defense appropriations bill.

First, I would like to congratulate Chairman STEVENS and Senator INOUYE on an appropriations bill that has widespread, bipartisan support. It is never an easy job to bring this bill to the floor and, as usual, they have done an excellent job.

One of the most important aspects of this bill is the commitment that the Senate is making to improve the lives of the service men and women who protect us every day.

The bill provides a well-earned, average military pay raise of 4.15 percent and funds an increase in the basic allowance for housing to reduce our service members' average out-of-pocket expenses from 7.5 percent to 3.5 percent.

That being said, one of the most important aspects of this bill is its commitment to transformation.

Now, we have heard this word being used during the last few years in conversations relating to defense matters. So what does it mean?

Simply put, ''transformation'' is about changing the way our Nation's military operates, through the utilization and development of innovative tactics based upon new technologies and, of course, our most important resource—the hard work and training of our service members.

Transformation could be seen in the recent conflict in Iraq. Here, instead of

a long, sustained air campaign, our forces were able to achieve a tactical surprise using precision weapons that destroyed our adversaries' ability to react to our initiatives.

As I have mentioned before, transformation could also be seen during war when information was gathered from a variety of sensors, whether on the ground or in the air, and that information was transmitted very quickly to commanders who could then exploit the weakness of our enemy. It was a remarkable operation and it reflects the high level of competence and expertise of our Nation's service men and women.

The appropriations bill continues this revolution by funding such programs as the development and procurement of such new systems as the DD(X) destroyer, the littoral combat ship, C–17 air transport, V–22 tilt-rotor and the Army's future combat system.

I am particularly pleased that the Appropriations Committee has recommended funding for the procurement of 22 F/A–22 Raptors.

This program lies at the heart of transformation. The F/A–22's supercruise engines allow for extended supersonic flight. This is a magnitude longer than its afterburning predecessors such as the F–15. The aircraft's stealth characteristics will allow it to penetrate even the most advanced air defense systems while internally carrying GPS-guided munitions. This will allow the F/A–22 to clear the skies of enemy aircraft while nearly simultaneously attacking both fixed and mobile targets, such as surface-to-air missile sites. I hope that the authorizing committee will join the Appropriations Committee in recommending the procurement of 22 of these vital aircraft.

I would also like to highlight a program that I support, the Full Spectrum Active Close-in Layered Shield, or ''FCLAS'', which is a revolutionary new technology promising to enhance dramatically the survivability of existing and future mechanized and wheeled combat vehicles without the normally accompanying weight gain. FCLAS has the potential to save many American lives and it is an important step for the committee to fund this system.

FCLAS works by using radar to detect an incoming kinetic energy weapon, antitank missile or rocket-propelled grenade. Once the incoming object is identified, FCLAS fires an explosive projectile to destroy the threat at a safe distance from the vehicle.

Such a system is currently under development in Russia, Canada and France. However, those systems, unlike FCLAS, have a fatal flaw. Their radar systems are placed in a prominent position and can be easily disabled with a single rifle shot.

In contrast, each FCLAS defensive explosive projectile has an individual radar system. FCLAS is placed around the protected vehicle in a device similar to a smoke grenade launcher. That means if the radar is damaged in one projectile the rest of the vehicle's active protection is unaffected. It also provides the same level of protection from every side and angle of the vehicle. The system is remarkably light and has drawn considerable interest by those designing the Army's Objective Force.

Currently, officials at the U.S. Army Tank Automotive Research, Development and Research Center are testing FCLAS and by all accounts they are very pleased with the system's initial results. The Marine Corps and Special Operations Command have also expressed strong interest in adapting this system for use in both land vehicles, such as the advanced amphibious assault vehicle and even aircraft.

In closing, again, let me express my commendations to the chairman, the ranking Democratic member, all of the members of the committee, and their capable staffs, for their work on this bill. It will be of great service in the support of our Nation's service men and women.

Mrs. FEINSTEIN. Mr. President, I rise today to express my deep concern that the fiscal year 2004 Department of Defense appropriations bill contains no additional funds for military operations in Afghanistan and Iraq. This is simply unacceptable and raises serious concerns about the administration's long-term intentions in both countries.

Given the commitments of the men and women of our Armed Forces all over the world and the risks they face in defense of our freedoms and national security, I am committed to providing the tools they need to perform their jobs at the highest level. It is surprising and troubling, then, that two of the most significant and critical deployment of U.S. troops in years—Afghanistan and Iraq—do not receive funding in the fiscal year 2004 Defense appropriations bill.

Clearly, these are not emergency situations that have only recently come to our attention. These are ongoing military operations that will most likely require a substantive American presence for years to come.

One hundred forty-five thousand U.S. troops are currently serving in Iraq facing almost daily attacks from guerilla forces. Eighty-one Americans have died since the President declared an end to major combat operations on May 1, 2003.

In Afghanistan, 8,500 U.S. troops are searching for remnants of al-Qaida and the Taliban and trying to stabilize the interim government of Hamid Karzai. Just yesterday, more than a year and a half after the fall of the Taliban, a U.S. Special forces convoy came under attack by unknown gunmen using small arms and explosive devices.

Americans are putting their lives on the line in Iraq and Afghanistan and we cannot find any funds for them in this bill.

These operations are certainly not cheap.

During testimony before the Senate Armed Services Committee last week, Secretary of Defense Donald Rumsfeld stated that the U.S. has spent nearly $4 billion a month in Iraq since January and is spending an additional $700 million a month in Afghanistan. He continued that he did not know if the figures for Iraq would go up or down in the next fiscal year or how much the administration intends to propose to Congress for military operations in Iraq.

Surely the Defense Department, in fact, has some idea about the funds it needs for Afghanistan and Iraq—and those commitments should be reflected in this bill.

Silence on this matter causes me great concern that our troops will serve far longer than we are being told and the cost will be far greater than we have been led to believe.

I urge the administration to level with the American people and this Congress about the costs of our engagements in Iraq and Afghanistan. The fiscal year 2004 Department of Defense appropriations bill is exactly the appropriate mechanism to do just that.

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate resumes the Defense appropriations bill on Thursday, Senator HARKIN be recognized to speak for up to 25 minutes.

I further ask unanimous consent that the next order of Democratic first-degree amendments be the following, and further that if a Republican amendment is offered it be interspersed between the amendments mentioned: Dodd, Byrd, Wyden, Durbin, Biden, Byrd, Kennedy, Byrd, and Schumer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, there will be no further rollcall votes tonight. I understand that under the order Senator REED is to be recognized for up to 30 minutes. I ask unanimous consent that following his remarks my colleague, the Senator from Tennessee, be recognized to speak as if in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, under the agreement entered earlier, we have a lengthy lineup of Senators who intend to offer amendments to the Defense appropriations bill, as I just outlined. We will be voting throughout the day tomorrow and into the evening in order to complete this measure tomorrow afternoon or evening.

I have had a number of discussions with the chairman of the committee. As he announced a few hours ago, if the Senate completes action on this bill, and if the Senate can begin consideration of the Homeland Security appropriations bill on Monday, the Senate will not be voting on Friday.

I will have more to say tomorrow on the schedule for this week and next week, after we have made further progress on the pending legislation.

I thank my colleagues. We continue to make good progress. I think it is

clear if we finish tomorrow night, there being no votes Friday—and Monday is a no-vote day—we will be able to continue on Homeland Security early Monday during the course of the day.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized.

Mr. REED. Mr. President, just a few days ago I had the privilege of traveling, with Senator WARNER and Senator LEVIN, and other colleagues, to Iraq. I wish to comment upon my observations of that trip in the context of this Defense appropriations bill.

After the most stunning victory in the annals of military history, the fighting and dying in Iraq goes on. The war is not over. It has changed its character. Conventional warfare of major formations against major formations has yielded to hit-and-run attacks against our troops. We are in a tenuous moment where the momentum of the battle has shifted from our coalition forces and may shift dramatically to opposition forces in Iraq.

We are being opposed by groups of Baathist diehards, Islamic fundamentalists, and criminals. Although this resistance, until recently, appeared to be uncoordinated and spasmodic, there are strong signs emerging that organizations are beginning to coalesce and we are facing a much more serious threat.

Just today, in Iraq, a manned portable air defense missile was fired at an American aircraft over Baghdad International Airport, signaling a major escalation of the capabilities of our opponents and the ability of these opponents to interfere with our occupation forces in a significant way.

Another American soldier died. The mayor of an Iraqi city was gunned down. Indeed, today General Abizaid indicated that we are facing a classical guerrilla-type war situation. And I must say, General Abizaid is a person I had the privilege of serving with 30 years ago in the 82nd Airborne Division. There is not a more talented and dedicated and decent officer in our Army or our military force. His expertise and knowledge make him the most capable person we could have there. So his conclusion, I think, is one that should resonate through these halls.

Now, if one of these groups—Baathists or fundamentalists, radicals, or criminals—becomes more coherent in their efforts—and it seems, based on today's events, they are becoming more coherent—then the danger to our force will rise.

Let me suggest this is a startling revelation today. It was difficult to bear the sight of American troops being hit with RPGs, rocket-propelled grenades, but to have the capability and the cunning to launch a missile against an aircraft in Baghdad should send shivers down our spine, not just with respect to Baghdad but throughout the world.

One of the issues which I am sure they are desperately trying to determine today is: How many of these manned portable missiles are there in Iraq? I do not know for a fact, but I would suggest there are hundreds, if not thousands.

While we were visiting the northern area of Iraq under the control of the 4th Infantry Division, General Odierno, the commander, indicated they had identified and were securing almost 3,000 ammo dumps, including small arms, all the way up to medium-range missiles with about a 100-kilometer range. This country is chock-full of RPGs and other weapons. The other question is: If they are in Iraq today, have some of these manned pads exfiltrated out of the country into very dubious hands? We face a serious issue.

Now, if all of these elements are able to come together with a common purpose—the Baathists and the criminal elements and the radical fundamentalists—we have a very serious challenge. And, most important, if any one or all of these groups can tap into an innate nationalism among the Iraqi people, if they can translate their disappointment about their economic position today, their dashed expectations of what liberation would mean, then we have a great challenge to our occupation of Iraq.

To dismiss these forces as inconsequential or without support, I think, is a serious mistake. What they may lack in popular support and skill—although, again, their demonstrated performance increases each day—they can make up in desperation and fanaticism. There are remnants of Saddam Hussein's regime. The disgruntled Baathists have no place to go, and they know it. For them, it will be a fight to the death.

In Chris Hedges' brilliant polemic about the corrosive effects of war, entitled ''War is a Force That Gives Us Meaning,'' he described a visit to an Iraqi prison in Northern Iraq that was liberated at the end of the gulf war. In his words:

> When it was attacked in 1991 by Kurdish fighters and enraged civilians, 300 Iraqi secret policemen and guards, including the warden, held out for three days. None of the defenders survived. And after the battle, a triumphant fighter expressed the wishes of many. In his words:
>
> We wanted them all to come back to life . . . so that we could kill them again.

This is the nature of the struggle and the combatants in Iraq. There are thousands of former secret police and Fedayeen, not just the 52 cards in the famous deck. We can expect fierce and persistent resistance from most if not all.

It is no surprise, then, that our military commanders assume that the situation in Iraq will get worse before it gets better. We should be prepared for continued casualties on a frequent basis. Indeed, we should be prepared for heavy casualties on given days.

Again, this is absolutely consistent with General Abizaid's conclusion that we are in a classic guerrilla war struggle today.

The most obvious objective of opposition forces is to inflict sufficient casualties on our troops so that support within the United States for a continued presence within Iraq will erode and evaporate. As such, our immediate response must be to communicate to the American people that the road ahead will be difficult. We are likely to sustain constant casualties, and we must commit significant resources to the struggle to rebuild Iraq.

That is why the absence of appropriations in this bill for our effort in Iraq is unfortunate. The administration has not requested funds so this absence is not the fault of the committee. It represents a very deliberate policy of the administration to avoid declaring to the American public, in an explicit fashion, the true course of our operations in Iraq.

We all anticipate that the administration will make a supplemental request early next year and argue that the funds are critically needed to cover costs that have already been incurred. But the American people deserve something better. They should know these costs now.

Having decided to use military force to eliminate the regime of Saddam Hussein, we cannot walk away from the difficulties of pacifying and rebuilding Iraq. We may come to seriously question the commitment we have undertaken, but to walk away at this point from the challenge would deal a serious blow to our prestige and power in the international community. To ensure that we stay the course, it is essential the American people know the costs, and the cost of our passage.

Our efforts in Iraq ultimately depend on the attitudes of the Iraqi people. They will be the final judges of our policies and our continued presence. At present, the long and terrifying shadow of Saddam Hussein continues to bedevil them. Many of our military officers and our civilian administrators attribute the noncommittal attitude of the Iraqis to the continuing uncertainty of Saddam's fate. There is much truth to this assertion. But we should be careful not to see the capture or death of Saddam as the ''silver bullet'' that will transform our presence in Iraq.

The Iraqi people seem to be withholding their enthusiastic endorsement for our efforts not just to await the fate of Saddam, but to be assured that the coalition can deliver at least the same degree of economic security they enjoyed under Saddam and, hopefully, much more.

It strikes me that the Iraqi people are not simply motivated by a residual fear of Saddam. They have grown up in a system that provided meager sustenance in exchange for utter subservience, a subservience that was enforced by ruthless terror. It will take more than Saddam's demise to erase this pervasive authoritarian culture. It will take many years and significant improvements in every phase of Iraqi life.

The most pressing demand in Iraq today is to provide a secure environment for our forces and for the Iraqi people. That challenge is inextricably linked and bound up with the economic revitalization of Iraq. Coalition forces are occupying a country whose economy has collapsed. Iraq under Saddam was a country in which everyone directly or indirectly worked for the regime. And now the regime is gone. Perhaps the single greatest long-term danger to our efforts is the huge number of unemployed. Unless we can rapidly put these people to work, they will be vulnerable to the overtures of those who wish us ill. We are in effect in a sprint to revive the Iraqi economy before the Iraqi people decide that freedom is not worth the uncertainty of a dysfunctional economy, and they become susceptible to the overtures of those who want to eject us from Iraq.

Another pressing demand is to create a legitimate Iraqi Government acceptable to the Iraqi people. We have begun to take the first steps in that process by the selection of a governing council. This council will exercise defined powers such as the appointment of Iraqi ministers. All of their actions, however, are ultimately subject to the veto of Ambassador Bremer. The council was selected to reflect the ethnic, religious, and demographic realities of Iraq. That was a positive and appropriate step. This council will participate in the selection of a larger conclave that will draft a constitution for Iraq.

All of these efforts are leading up to putting, as so many people have said, an Iraqi face on the Government of Iraq. We all realize that the longer we appear to be running the show, the more likely it is that opposition to our presence will grow.

At this juncture, we have avoided ceding authority to any one faction in Iraq. We are for the moment holding the various factions at bay. But this balancing act will become more and more difficult as we approach the time when real power is transferred to a real executive. At that point, the traditional rivalries of Sunni and Shia and Kurd will emerge and emerge with some force.

One aspect of the new governing council that I find troubling is the attention and influence given to exiled leaders. According to a report in the New York Times:

> . . . significantly, the new interim government will be dominated by the Iraqi exile leaders and Kurdish chieftains who carried out the long campaign to remove Saddam Hussein from power.

Given the presence of Kurds in northern Iraq and their obvious power—they have their own army; they control their own territory—it is not surprising that they would have a major role. But giving such a significant role to the exiles seems likely to be more controversial than constructive.

The best known of these exiles is Ahmed Chalabi. Chalabi has long resided outside of Iraq. In 1992, he was convicted in absentia by a Jordanian court for embezzlement and bank fraud. He was sentenced to 22 years in prison. It is not surprising that reaction to Chalabi and the exiles is not entirely favorable.

Hassan Zahrawi, a 23-year-old student at Baghdad's Mustansariya University, was quoted in the Washington Post as saying:

> We are the people who suffered. . . . They are thieves. They do not know anything about the suffering of the Iraqi people.

This certainly is not a scientific sampling. You could perhaps find people who would endorse Mr. Chalabi. But I think we are taking a risk by inserting, insinuating exiles in a dominant place in this governing council. I think that will strike a chord in Iraq and not a favorable chord as people who have suffered, who have very little, see these people who have just arrived dominating the political process. It could be a severe miscalculation.

Let me suggest another potential miscalculation. I read with great interest Ambassador Bremer's op-ed piece in the New York Times. One quote struck me:

> Our economic reform plan will entail a major shift of capital from the value-destroying state sector to private firms.

No one could disagree with that logic. But I think we have to be very careful that we do not replicate the experience we have seen in Russia, for example, where the winners of this transition of capital from the state to the private market were the insiders, the people with the connections, the people who were able to influence the government. We have made serious mistakes in our occupation planning. I hope we don't compound those mistakes by creating a government that has no legitimacy really and that serves simply as a conduit to enrich those who are participating in that government.

All of these concerns resonate throughout a country with distinction and disparate regional characteristics. On our trip, we visited Basra in the south, Baghdad in the center of the country, and Kirkuk in the north. The southern portion is predominantly Shia. They are engaged in a very careful balancing act between Iranian influences and their desires to participate in a secular government but certainly participate so that their religious culture is recognized. They are the largest population group in Iraq. We have been working with them. In the south my impression is that they are still weighing all of their options, and we have to be extremely careful.

In the north there is a significant population diversity, Kurds, Turkmen, Assyrians, Arabs. They are much more comfortable with our role there. They have seen the example of several years of a virtually autonomous region the Kurds established after the 1991 war.

The most stable regions at the moment seem to be the north and the south, although there are incidents of violence in all parts of Iraq.

But the key point, the most dangerous place is Baghdad. There in the suburbs leading to the west towards Falluja and up towards the north, toward Tikrit, the ancient home of Saddam and his tribal relatives, that is where the action is, that is where our soldiers are, frankly, being killed.

Our biggest concern at the moment is intelligence. Frankly, we did not expect this type of operation, and we are rapidly and diligently trying to understand who is attacking us, where they are getting their weapons and money and their support and supplies. Are their foreign influences? How many foreign fighters have come into Baghdad? We are in a race to find out about them before they do us even more grievous harm.

There is, of course, the issue of how many troops we should have in Iraq. I have heard reports that General Abizaid will recommend force strength in-country of about 160,000 soldiers and sailors, marines, all of our Armed Forces participating in one way or the other. That is a function of how much we know. My sense is that if we don't know who the enemy is, if we have uncertain threats from multiple directions, then we will err on the side of more troops rather than fewer. This situation could go on for a very long time.

There are those who have said we have gotten ourselves into another Vietnam. No, we haven't. That was a different time, a different place, a different situation. We don't have a rural insurgency as we did in Vietnam. We don't have a country that is a proxy for international politics being supported and encouraged by a significant infusion of foreign resources, wealth, and guidance. But we very well might have our own version of Belfast or the Intifada, urban guerrilla warfare in which there is insignificant foreign support at the moment but, as I indicated before, more than enough people who are determined to attack us and to hurt us.

As we traveled around in Iraq, we talked about the issue of weapons of mass destruction. Just one point: I assumed in my deliberations that the Iraqi regime would have chemical and biological weapons, but I assumed that they did not pose an immediate threat to the United States. Therefore, I did not vote to authorize the unilateral use of force. We have been surprised. But now what I sense is happening is that the search for weapons which so many declared were absolutely there and were so critical in their decision to mount a unilateral military attack, now that has been transformed into a search for a program. I wouldn't be surprised that in the months ahead, based upon analysis of documents, that some type of program emerges.

But with each passing day, it seems less and less likely that we will find a militarily significant concentration of chemical or biological weapons. I thought there was no credence to the

claims by the President and others that there was an ongoing nuclear program in Iraq at the time, and I think that will be borne out.

Now, all of this leads me to several conclusions. One is particularly pertinent to this appropriation. Our Army and our marines—particularly our Army—are stretched thin, taut. They won't break because they are magnificent soldiers. They are under extraordinary pressure.

Let me suggest where our Army is. We have 370,800 soldiers in 120 countries, not just Iraq. In Iraq itself, we have the 3rd Infantry Division. These are the troops who led the fight into Baghdad. They have been told they are going home; they have been told they are staying. Once again, decisions have been reversed because of the situation. They are good soldiers. They will do their job, but certainly this is not the way to have a good plan, to rotate and move soldiers throughout the world.

The 4th Infantry Division is in the north. The 101st Airborne Division is in the north in Mosul. The 1st Armored Division has elements in the country. The 173rd Airborne Brigade conducted a parachute assault in the first days, and they are in Kirkuk. The 2nd Brigade of the 82nd Airborne is there. The 2nd and 3rd Light Cavalry Regiments are there. There are about 134,000 soldiers, together with 44,000-plus soldiers in Kuwait for supporting operations. In Afghanistan, we will have, by the end of summer, two brigades of the 10th Mountain Division. In the Balkans, we have the 34th National Guard Division from Kansas. In Kosovo, we have elements of the 1st Infantry Division, which will be replaced shortly by the Pennsylvania 28th National Guard Division. In the United States, we have soldiers deployed in counterdrug and other operations. Our Reserve elements are the 1st Cavalry Division, 1st Infantry Division Brigade, and we have new Stryker battalions or brigades up in Fort Lewis, and one in Alaska.

This is an extraordinary deployment of American forces. Included in the total are a significant number of National Guardsmen. These National Guardsmen and Reserve are one part of our great Army—one whole unified element.

I have left for last Korea. We have 37,000 soldiers there from the 2nd Infantry Division. I was shocked when I read yesterday of Secretary William Perry's conclusion that we are in a serious crisis with North Korea. Over the last few months, the administration has been trying diplomatically. But Secretary Perry, who is probably the most knowledgeable and experienced with respect to North Korea, is now convinced that we might have missed our opportunity for diplomacy to work.

One of the factors that goes into our strategy is whether we can complement our diplomacy with real military force. There is not much left to do that. Those 37,000 soldiers from the 2nd Infantry Division are not the kind of combat power you need to stare down the North Koreans if there is a serious breach of the current situation. But we are stretched thin. We cannot pull forces out of Iraq. We would jeopardize the mission there. We cannot pull them out of Afghanistan. We would jeopardize that mission. We have to consider what is most important for the Army, and we have to make decisions. Those decisions have to come to us quickly from the Department of Defense. What will we do?

This bill should have considered and included those types of recommendations—not our ideas, but the proposals of the Department of Defense and the administration, and there is scant detail with respect to Iraq and potential conflict with Korea. I hope diplomacy will work. But we have discovered that diplomacy without credible and complementary military forces is not as effective. This is a situation where we are stretched and we have an ongoing classic guerrilla war in Iraq, we have a situation in Afghanistan that is unstable, and we have a potential crisis in Korea. We need recommendations from the Department of Defense about where we are going to get soldiers to take these missions. I had hoped this bill would include such information. It doesn't.

Certainly, I am going to support the legislation, but I hope these questions are answered very quickly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

STEEL TARIFFS

Mr. ALEXANDER. Mr. President, President Bush is working very hard to get this economy moving again. I have strongly supported his jobs growth and tax cut plans. I believe his hard work and those plans are paying off. But in one case I want to respectfully suggest that the President consider making a midcourse correction. That case is the sad story of steel tariffs. It is a story of an honest effort by our President to save jobs that has backfired.

The backfire could not be coming at a worse time. As our economy recovers—and I believe that it is—the last thing our country needs is a wave of plant closings in the auto and auto parts industry. But that is exactly what will happen if the steel tariffs continue. The tariffs have become a job killer in the United States and a jobs growth program for Korea, Japan, Germany, and other countries that produce quality auto parts.

In March 2002, the Bush administration imposed tariffs of up to 30 percent on 10 different categories of steel imported from Europe, Asia, and South America. The tariffs may have saved a few steel-producing jobs for the time being. But since their institution in March 2002, the steel tariffs have already destroyed nearly as many jobs in the steel-consuming companies of America as exist in the entire domestic steel-producing industry.

Some auto parts plants in my State of Tennessee are already closing because of the higher cost of steel imposed by the tariffs. On top of that, last Friday the World Trade Organization ruled that these U.S. Steel tariffs are illegal and in violation of global trade rules. The European Union has already announced that it intends, therefore, to impose $2.2 billion in retaliatory sanctions on American imports sold in Europe, ranging from footwear to fruits and vegetables. And that would destroy still another batch of American jobs.

If these steel tariffs continue through the years 2004 and 2005, as scheduled, there will be a wave of plant closings across Tennessee and other steel-consuming States, especially among auto parts suppliers. Ironically, many of the steel-producing jobs themselves will also disappear for two reasons: One, when the tariffs eventually end, the protected and inefficient steel mills will find they are unable to compete in the world marketplace. And second, the demand in this country for this kind of steel will have dropped because automakers and auto parts suppliers will be buying parts overseas instead of buying U.S. steel to make parts in the U.S.A.

Fortunately, the President has an opportunity in September to review the decision that he made in March 2002 to impose steel tariffs. I respectfully urge him to chalk this one up to experience, to acknowledge that this exercise proves once again that protective tariffs are self-defeating and usually boomerang and to finally end the tariffs. Ending the tariffs would allow America's steel-consuming auto parts manufacturers and other American manufacturers a fair chance to make their products in the U.S.A. instead of overseas.

I began to first notice the effects of the new tariffs during my campaign for the Senate during 2002. Tennessee is home to at least 900 auto parts suppliers employing almost 100,000 people. Let me describe just how important these jobs are to us Tennesseans.

Before the auto industry came to Tennessee in 1980, we were the third poorest State. Only Mississippi and Arkansas were below us in family incomes. Our average family incomes were 80 percent of the national average family income. Then Nissan came to Tennessee. Then Saturn came to Tennessee. Then BMW and Toyota and other automobile plants put their assembly plants in other parts of the South and the Southeast.

These automakers wanted just-in-time quality auto parts suppliers close by. So to attract them, Tennessee built the best four-lane highway system in the United States. As a result, and as a result of our central location, over the last 20 years, the number of auto parts suppliers in our State has grown phenomenally, from a couple dozen to at least 900. These auto parts suppliers became the greatest contributors to a new prosperity in our State.

During the 1980s, Tennessee became the fastest growing State in family incomes. Our incomes by 1990 became 100 percent of the national average family income—from 80 percent in 1980 to 100 percent by 1990. During this time, of course, we were losing many other jobs, especially in the textile industry, but the textile jobs were being replaced by new higher paying jobs in the auto industry, and these auto parts plants usually came to smaller communities, to Shelby, to Rogersville, to Lexington, and to dozens and dozens of smaller Tennessee communities, usually adding 100, 200, 300 $30,000- to $50,000-a-year jobs with good benefits. And because labor costs of these auto suppliers are low—typically 15 to 25 percent of the cost in an auto supplier's budget is labor cost these higher wages are not enough of the whole total to justify having to move the plant overseas.

At a time when our greatest challenge seemed to be how do we keep our manufacturing jobs from moving to China or to Mexico or to Southeast Asia, the auto parts suppliers in Tennessee seemed like a godsend. They were good jobs that seemed likely to stay—stay, that is, unless some unexpected new costs forced the auto plants and suppliers to look outside the United States for a more competitive environment.

Enter the steel tariff. The President's decision in March 2002 boils down to this: It slapped a tariff of up to 30 percent on 10 different categories of imported steel. For Tennessee, most of it affected hot and cold rolled steel, the kind that is used to make cars and trucks in our country. Here is the irony. At the time of the tariff in March 2002, many auto parts suppliers in America were buying only about 5 percent of their steel overseas. In other words, of about $5.4 billion the U.S. auto industry purchased in 2002 of steel, only about $270 million came from overseas. But as soon as this tariff was placed on the 5 percent that came from overseas, domestic steel producers in this country raised their prices on the 95 percent of steel that was being produced in the United States, and suddenly auto parts suppliers and other steel-consuming businesses were paying up to 30 percent more for all their steel. In some cases, even more than that because of shortages.

In addition, steel companies broke their contracts in order to charge higher prices to auto parts suppliers. The auto parts suppliers then turned to their customers, the big automobile companies, and tried to pass along these price increases. The answer from the auto companies was: Sorry, we are cutting costs; we are not increasing them. So because the auto suppliers could not raise prices to cover increased costs, they suffered losses, and they began to lay off employees. In a few instances, entire plants closed.

Both the automakers and the auto parts suppliers began to consider the next logical step: looking offshore in another country for a place to build parts where steel is cheaper and is pegged at the global market price, not an artificial price as it is here.

Most small American manufacturers live on the edge. They are constantly under pressure to cut costs, and if costs cannot be cut, they cut a job or two. And if cutting a job or two does not do it, the only option is to move all the jobs overseas where costs are lower. It is that or go out of business.

Let us think what will happen during 2004 if the tariffs continue. It is very predictable, and it is this: Auto parts suppliers will move from Tennessee, from Wisconsin, from West Virginia, from Minnesota, from steel-consuming States, particularly auto parts suppliers. They will move to Mexico, to Korea, to Japan, and to Germany. There are many such countries capable of making quality auto parts where steel is at global market prices.

Since the United States tariffs do not apply to auto parts, only to the steel material, the auto parts suppliers will do only what they can do: Make the parts in Japan and ship them to the Nissan plant in Tennessee at a much lower cost than what they can make in Tennessee using United States steel.

This means small manufacturing plant after small manufacturing plant in small American town after small American town in State after State in 2004 will be closing their doors and shipping those good paying jobs with benefits to Korea, to Germany, to China, and to Japan. These same jobs that more than any other factor helped my State of Tennessee become prosperous will be gone, and I am afraid it will be hard to get them back.

Let me say just a word about steel-consuming jobs, like auto suppliers, versus steel-producing jobs, like steel plants. This tariff is a good-faith effort by the administration to save jobs in U.S. steel mills. There are more than 200,000 of these steel-producing jobs nationwide.

Here is the backfire. According to a study by Dr. Joseph Francois and Laura Baughman, almost 200,000 Americans in steel-consuming industries have lost their jobs in the last year since the imposition of the steel tariffs.

So when one considers the huge number of jobs in the steel-consuming sectors of American business, especially the auto industry, compared with a relatively small number of steel-producing jobs, I am afraid what happened last year is only a fraction of the job losses that will occur during 2004 and 2005.

Tennessee, for example, has only 3,396 steel-producing jobs, but Tennessee has 100 times that many steel-consuming jobs, 328,000, and 95,000 of those jobs are those auto-related jobs, those $30,000 to $50,000 jobs with good benefits that are in the small towns of Tennessee.

This is not just a Tennessee story, Mr. President. The United States has 12.8 million steel-consuming jobs, 2.1 million of which are auto related. The United States has only 226,000 steel-producing jobs.

I have selected at random a dozen other States and compared the number of steel-consuming jobs versus the number of steel-producing jobs. I will run through just a few of them.

Ohio has 770,000 steel-consuming jobs. Those are the auto parts suppliers. Ohio has over 38,000 steel-producing jobs; Florida, over 470,000 steel-consuming jobs. Florida has only a little over 1,500 steel-producing jobs. Even Pennsylvania, 72,300 jobs are auto related; 553,315 jobs are steel consuming like the autoparts suppliers. Only 35,730 are steel-producing jobs. Michigan, nearly 800,000 are steel consuming, 11,744 steel producing. West Virginia, 8,800 are auto related, 57,932 steel consuming, only 6,718 steel producing. Same in New Mexico. Same in Iowa.

Here is an interesting one. Minnesota has 248,047 steel-consuming jobs; 36,550 of those are autoparts suppliers. Minnesota has only 1,087 steel-producing jobs. The same in Wisconsin, Washington, Oregon, and in many other States.

In conclusion, let me say a word and give two or three specific examples of how the steel tariff has affected my State, Tennessee, during the last year. Tennessee ranks fourth in production of cars and trucks in the United States. It has nearly 100,000 employees in the automobile industry. It is the seventh largest State employed by the auto industry and a growing number of indirect and direct jobs in this sector.

According to the Motor Equipment Manufacturers Association, more than 70 percent of the employment of the auto industry comes from auto-parts suppliers. One example of how a steel-consuming company has been affected by the tariffs is Arvin Meritor. Arvin Meritor is a leading automotive supplier. It sells to the passenger car and commercial truck and trailer markets, as well as their related aftermarkets.

Arvin Meritor currently has six facilities in Tennessee in Loudon, Morristown, two in Pulaski, one in Brentwood, and one in Columbia. It employs 1,500 people. In 2002, Arvin Meritor purchased more than 1 million tons of steel globally. More than 95 percent of that steel consumed by Arvin Meritor in the United States during 2002 came from North American steel mills. Now, Arvin Meritor has faced a number of critical challenges since the inception of the tariffs.

In terms of pricing, Administration officials advised the company only to expect a 4 to 6 percent increase in the cost of steel in the United States after the tariffs, but their experience was far worse. They found that cold-rolled steel prices from one of the company's U.S. steel suppliers rose by as much as 25 percent after April 1, 2002, just a few weeks after the steel tariffs were imposed, as compared to before the imposition of the tariffs. The current price is 13 percent higher.

Galvanized steel prices from one of Arvin Meritor's U.S. steel sources increased as much as 40 percent after April 1 of last year as compared to before the imposition of the tariffs, and the current price is 28 percent higher.

Once, Arvin Meritor had seven facilities in my State, but earlier this year, Arvin Meritor announced the closing of its 317-employee Gordonsville, TN, facility which produces doors, seats, and sunroofs. These are the $30,000, $40,000, and $50,000-a-year good jobs with benefits gone from Gordonsville, TN. This closure and the related reduction of Arvin Meritor's employment levels at its Pulaski, TN, facility, which produces aftermarket parts, they have cut down by 100 jobs. Both those incidents were due to the increased cost of the company's business units attributed in large part to steel tariffs.

A second example, the Dana Corporation, is one of the world's largest suppliers of axles, driveshafts, frames, brakes, chassis, et cetera. The company employs approximately 60,000 people worldwide. On April 1, 2002, Dana employed 3,000 people in facilities in Tennessee. Dana is one of the largest single purchasers of domestic steel in the U.S. with more than 95 percent of its total steel requirements purchased from U.S. steel producers.

Due to its product line, steel is Dana's largest single cost. As in the case of many auto suppliers in Tennessee and across this country, steel represents a large part of the overall production costs of automotive components. So after March 2002, Dana experienced steep price increases on domestic steel ranging from 20 to 50 percent. Coupled with delivery delays and supply restriction, in other words, shortages, the tariffs have forced Dana to begin seriously evaluating a number of steps to limit its exposure to problems arising from steel tariffs.

Among these steps is the use of offshore facilities to produce intermediate and finished products, as well as the active procurement of steel from exempt countries such as Mexico and Canada.

Now, if the goal is to save American jobs, how does it help to cause Dana, a large auto supplier, to move its facilities offshore—those are not Tennessee jobs—and to buy steel overseas? Those are not Tennessee steel producers.

A last example, Dura Automotive Systems, has five facilities in Tennessee, Gordonsville, Greenbrier, Lawrenceburg, Milan, and Pikeville. Dura employs 1,765 individuals in my State. It is the world's largest independent designer and manufacturer of driver control systems and a leading supplier of seating control systems, engineered assemblies, and structural door modules.

Dura is a leading supplier of door and window systems. Dura is an American company that used to purchase 100 percent of its steel from U.S. steel sources, once again, a prominent supporter of this Nation's domestic steel industry. Dura experienced a loss of $10 million in 2002 due to the higher steel prices, mainly for hot- and cold-rolled stripped steel, and was forced to increase its steel purchases from the spot market which is even more costly.

In addition, Dura's lead time for deliveries of steel from domestic sources, sources in this country, increased from 10 or 12 weeks to 18 or 20 weeks, adversely affecting just in time the manufacturing process and imposing significant additional costs on Dura.

American automobile companies and companies from all over the world that make automobiles in this country do not want delays in their autoparts. They want them the same day they order them, and if the tariff produces delays, that is just as costly as tariff price increases. Overall, the prices for Dura's required steel have increased by an average of 30 percent since March of last year. The result, Dura is currently considering a number of strategic alternatives such as moving production overseas and sourcing its steel from offshore sources.

That is very bad news to Tennesseans in Gordonsville, Greenbrier, Lawrenceburg, Milan, and Pikeville; 1,765 families who have these good jobs.

Our President, George Bush, is working hard to improve this economy. I am his strong supporter. I believe he is on the right track. I believe his jobs growth plan is working. I want him to succeed. I believe the economy is beginning to recover, and the last thing we need is any new cost on a major segment of American manufacturers that slows this economy's growth down.

I fear if the steel tariffs stay on as scheduled that we will see wave after wave of plant closings in the automobile industry across this State, in Tennessee, Ohio, Florida, Michigan, Pennsylvania, West Virginia, New Mexico, Illinois, Iowa, Wisconsin, Minnesota, Washington, and we do not want to see that. So I respectfully hope as the President comes to September and sees this opportunity, he will say: I did my best. I made a good-faith effort to help save those steel-producing jobs. It has not worked. It has backfired. It is the wrong policy, and the best thing I can do for the American worker is to end the steel tariffs.

I yield the floor, 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. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ALEXANDER. On behalf of the majority leader, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mr. BAUCUS. Mr. President, Montana has been proud to send many of our young men and women over to serve in the Gulf these past few months. As their stories come back to us, we see more clearly the personal side of this war. We see the bravery, the commitment, and the courage of these men and women. Our Armed Forces remain engaged in a complicated, difficult effort, and they continue to carry out their mission with the type of professionalism and compassion that you could expect only from the most dedicated and finely trained individuals.

As I have done before, I would like to take the time this morning to acknowledge a few of the many Montanans we have serving in the Gulf region. It is important that we let them know just how proud of them we are.

I have recently received news that Marine Cpl Chad M. Taylor, of Kalispell, MT, has been awarded the Purple Heart. Chad was wounded last month while serving somewhere between the Iraqi cities of Baghdad and Tikrit. He was riding in an amphibious personnel carrier when it was hit by two rocket-propelled grenades. He has sustained shrapnel wounds in his legs, and he told his folks it would probably take ''a couple of surgeries'' to put him right.

Chad has not been the only member of his family serving over in the Gulf—his twin brother Bobby is also a marine. The brothers joined up the same day, almost 4 years ago now. Before Chad's injury, both of them were stationed for a time in Baghdad, camping in separate Saddam palaces a few blocks apart. We hear they have seen each other fairly regularly, and once, passing in the steets of Baghdad, were able to exchange a high-five.

The boys' father says it is some relief to know that Chad is now safe, though wounded, but with Bobby still in the field, he remains ''on pins and needles.'' We are all praying for Chad's quick recovery and Bobby's safe return. Hopefully, it will not be too long before this strong family can be back together again, celebrating the service and success of their wonderful boys.

LCpl Mike Tobey is also among those who have been wounded in Iraq. Mike's legs were broken in multiple places when a shell struck his troop carrier during the fighting in Baghdad. How's this for bravery and commitment? When interviewed by reporters he said, ''I'd give anything to be back with the squad right now.''

Mike's mother Julie lives in Whitefish, MT, and Mike's bravery has really brought the human side of this war into the lives of local residents. Mike has in fact become quite a local media sensation, indicating just how deeply support for our troops runs in Montana.

Maj Patricia Camel Kelly of Ronan, MT, is currently serving as a surgical nurse in the 86th Combat Area Hospital in Iraq. She is working at an Enemy

Prisoner of War camp, an experience she says will make her more confident as a family nurse practitioner when she returns to civilian life.

Major Kelly was previously a community health nurse with the Indian Health Service in St. Ignatius, and has a masters in community health nursing from Tulane University. She entered the Army in 1987, when her son Richard was a junior in high school, and while I am sure she is correct when she says she is still adding to her skills, it is hard for me to try to picture something this woman couldn't handle.

Major Kelly was one of the first tribal members to graduate from the Montana State University School of Nursing and is now one of many Native Americans serving overseas. She is of Pend Oreille descent and a member of the Confederated Salish and Kootenai Tribes. Her mother Alice Camel is a tribal elder.

After Major Kelly returns from Iraq, she plans to serve out the remainder of her time in the Army in Fort Lewis, WAF, and then move back home to the Flathead Indian Reservation. Her husband Isaac Kelly a retired Army master sergeant and her son Richard Janssen are among those eagerly awaiting her safe return.

Native Americans are probably serving in the highest percentage of any population in the country. Certainly there is strong evidence of this patriotic commitment to service in Montana. A good example is the Rocky Boy Tribe, which has 30 members on active military duty, despite a population of less than 3,000. Among those serving in the Gulf from Rocky Boy are two sisters, Crystal and Tashina Russette, both in the Navy, and Jason Torivio serving aboard the *U.S.S. Abraham Lincoln*.

Army CPL Angela Duran, mother of two small children and sister to a veteran of the first Gulf war, has now also been deployed. Her mother Linda will care for her two sons, ages 3 and 5, while she is away.

Ninety-one members of the Blackfeet Reservation are serving in the Armed Forces currently, with roughly 40 of them deployed for the Iraq war. Among those representing the Blackfeet Nation in the Gulf are PFC Carl Logan Kipp, part of the Army's Psychological Operations, and PFC Ivan Redhorn, recently deployed to the Gulf. Abe Birdrattler is serving in the Army's 3rd Division as a medic. Two of the Tucker boys, Brian, of the 101st Airborne, and his older brother Ronald, an Army specialist, and PFC Aretha Bullplume are also among those serving from the reservation.

These tribes have a strong history of community support for their members of the military, and they have been continuing that tradition with letters to their soldiers and care for their families. It feels good to know that when these troops come home, they will be receiving the kind of honor and respect from their community that all our troops deserve.

PO3 Travis Woodward of Superior, MT, has been serving aboard the *U.S.S. Valley Forge* and lending his expertise to an Australian ship as part of a cooperative coalition effort. Prior to this conflict, he has been part of a boarding team searching for drugs aboard foreign ships and enforcing United States sanctions against Saddam Hussein's regime.

Travis's time in the Navy is coming to an end this June, when he will be able to return to his wife and son back home in Montana. It will be a pleasure to see him rejoin his family and the Superior community.

PFC Frank Valenti is serving near Baghdad in the Transportation Division of the Army's 3rd Cavalry Division. He seems to be posterboy of what the Army can do to transform the life of a young man. From the description his mother gives, it seems Frank wasn't up to much after high school, kind of a sleep late, party hard kind of guy, and then he decided to turn his life around.

Joining the Army has really allowed him to start making something of himself. He married his longtime sweetheart and is serving his country and accomplishing things he can be proud of for the rest of his life. It is night and day from a few years ago for him, and it shows you a little bit about what kind of an institution our military is and what it means to become part of something larger than yourself, what it means to serve your country as Frank is doing.

Frank's brother Nathan Valenti is an Army pharmacy specialist serving in Germany, and I know their mother is very proud of both her boys, as she has every right to be. We are proud of them too.

Army CPT David Michael Gercken is a veteran of Operations Desert Shield and Desert Storm of the first Iraq conflict and is now serving in Iraq again. He is the father of three children, with a fourth child due July 1, when David will still be in Iraq.

David was raised in Great Falls and went on to attend college and met his wife at the University of Montana in Missoula. David is a Montanan through and through, and just before his deployment he sent me this statement via his parents. I would like to share it with you:

> Montanans have always shown a pioneering spirit and a dedication to democratic principles and the defense of freedom. As an Army officer I am very proud to take that same spirit with me when I deploy next week with the 1st Armored Division. GO GRIZ!!!!

A father, a veteran, and a proud, dedicated protector of this country and our values.

SSG Neil Bohne of Frenchtown, MT, joined the Air Force in 1998 and was deployed in Turkey in 1999 as part of Operation Northern Watch, which patrolled the no-fly zone in northern Iraq prior to this conflict, and later helped set up the first ever Coalition Life Support Shop in the former Soviet Union. He is now deployed to the 379th Expeditionary Wing in Iraq. His letters home have been reprinted in the Missoulian, and he has developed quite a local following. We know the support of hometown folks is very important to him, as it is to all our troops out their putting their lives on the line so far from home. We want to make sure he knows how proud we are of the job he and the rest of our forces have done and are continuing to do as they work to secure the peace and protect the freedoms we hold so dear.

LT Paul Tripp of the U.S. Navy is another man with a large hometown following. Paul's grandfather, Clarence, moved to Missoula from Minnesota with all nine of this brothers and sisters in the 1940s. The Tripp family has been a large and wonderful part of the community ever since.

Lieutenant Tripp has been serving the war effort as a code-breaker stationed in Saudi Arabia. He holds two master's degrees, in human resources and business management, and is considering pursuing a doctoral degree after he retires from the service. It is no surprise that a man this committed to education would have a tendency to make insightful comments, and I still return to a few lines from e-mail that were printed in the Missoulian, I guess about a month ago now. I would like to share his words with you all because I feel he really is able to articulate that which so many of us feel:

> As I travel and talk to people around this region, I want you to know how absolutely swelled up with gratitude and pride you should be to call yourselves Americans. There are men and women from every corner of our country serving you. There are women who have left their children, married couples who are at different bases serving at the same time, men who are single fathers that have left their children, and every variation in between.
>
> People are sleeping on cots, showering in trailers and walking in the sand ¼ mile to go to the bathroom—all in the name of freedom. We have such adaptable unselfish willing citizens over here that at times I am speechless from humility.

Nickolas Kyle Neilan is currently serving aboard the *USS Alonzo*, a guided missile Aegis cruiser. Nickolas is a Big Fork and Missoula native who has remained in touch with his home even while nine time zones away, reading the Missoulian online and corresponding with folks back home via e-mail. His service has been filled with long stretches at sea without a chance to dock and escape the confines of the ship, but like so many other of our servicemen and women, he bears these hardships calmly, simply doing his job and doing it well. He is the kind of young person we Montanans are proud to call one of our own.

Another Montanan serving at sea, PO3 Benjamin Taylor, is home now. He and Jason Torivio from Rocky Boy, whom I mentioned earlier, and Joe Keller of Harlowton serve aboard the *USS*

Abraham Lincoln, part of a battle group that, until this past Friday, had been at sea longer than any other carrier group now on duty. They docked in San Diego briefly and are now on their way back to their homeport in Everett, WA. Joe Keller was able to debark in San Diego and fly home to Billings/Logan Airport, where he was met by his wife and two children and other family members.

Benjamin Taylor is a graduate of Sentinel High School and the University of Montana—he and his family have long been a strong part of the Missoula community, and I understand a large Missoula contingent was planning to make the trip to meet the ship dockside.

As the sailors aboard the *Lincoln* are arriving home, other Montanans are just arriving in Iraq, ready to pick up the task of security and rebuilding, now that the task of toppling Saddam's regime is done. Many of these newly deployed soldiers are members of the Army Reserves who have been called up to active duty for this conflict. The 495th Transportation Battalion from Kalispell, MT, just shipped out a couple weeks ago, and the 889th Transportation Battalion, also primarily of Kalispell, shipped out last week. The task before them is complex and difficult. It will test their training and their character, but we know they are up to the job. They have our confidence, and they are in our prayers.

Reservists are those who train on weekends a couple weeks a year, remaining ready for duty while still holding down civilian jobs and often raising families. When reservists are called up, they are asked to leave those jobs and families, to drop everything and heed the call to duty. Their employers are also asked to contribute, by granting flexibility to accommodate their training schedule, and of course to accommodate their sudden departure in time of conflict. The 125th Ordnance Battalion from Billings, MT. has contacted me with a short list of soldiers they feel are deserving of special recognition for serving in this special capacity. I hope hearing their stories gives you an idea of what kind of sacrifices so many of our reservists are gladly making in this conflict—the members of the 495th, and the 889th, and members from other companies around the State.

SGT Stacy F. Wright of Billings is enroute to Iraq to serve as a legal NCO. She has served as an active-duty member of the military before, but this time is leaving behind her husband, two children, a ranch, and a job as an administrative assistant in the Internal Revenue Service in order to serve her country.

SGT JJ Hutzenbeiler of Billings is now serving in Uzbekistan as a supply NCO, leaving behind his wife and job as a loan officer at 1st Interstate Bank.

SPEC Jesse C. Ryan is a student at Montana State University in Bozeman and was called up to serve in Iraq as a chemical Specialist.

SGT Jack E. Walker of Billings is enroute to Iraq as a motor sergeant. Jack has also served active duty before, but now must part with his wife, two children and small farm to do so.

SSGT Norman Richey, also experienced as an active-duty soldier, is enroute to New Mexico as a supply NCO. He leaves behind a job as a correctional officer for the New Mexico Department of Corrections.

SGT Chris Alamond is serving in Iraq as a communications NCO, having been called away from his wife and job as a mail handler for the U.S. Postal Service.

CAPT Nadine Elmore of Ekalaka left behind her husband and job with Montana State Human Resources to serve as a finance officer in Kuwait.

LTC Robert E. Brekke of Bozeman is now a provost marshall in Kuwait. When he is home, he serves as the owner/manager of Mountain Motor Supply.

LTC Teresa Otto is serving in Iraq and Kuwait as an anesthesiologist—the same job she has temporarily left at St. Vincent Hospital.

MSG Timothy Stavnes is serving in an undisclosed location as a special operations intelligence chief. Master Sergeant Stavnes has served as a traditional active duty soldier and been called up to active duty from the Reserves several times before. When he is in Billings, he is the assistant fire chief for the city, serving his community when not serving his country.

I would like to conclude my talk this morning by mentioning a Montanan serving overseas who is not a soldier, sailor, airman, or marine. Maggie Bigelow of Columbia Falls is serving in Germany as the financial manager of the enlisted club at Ramstein Airforce Base. She is also the saving grace of wounded Montanans like Chad Taylor and Mike Tobey, who have been flown to Ramstein for treatment. As one of those soldiers' mother's put it, she is an angel without wings. She has been keeping our boys in touch with their families, bringing them pizza, gifts, and most importantly, her smile and company. When one of our Montana servicemen is hurt and a long way from home, it is unbelievably reassuring to know she is there at his bedside, looking after him.

Maggie's father served as a marine in Vietnam, and her mother is a longtime member of the Veterans of Foreign Wars auxiliary. Her sister Brooke Brennan is serving in Kuwait as a staff sergeant in the Air Force. Maggie has grown up in a family dedicated to service, and the size of her heart is an inspiration to us all.

I hope hearing a little bit about these people helps folks understand the depth of commitment we have from our armed services—what they are willing to do in service of their country. It is not easy to drop everything and go out and serve when your country needs you, but these men and women do just that, whenever they are needed. I, for one, am incredibly grateful for that.

Mr. LEVIN. Mr. President, as our Nation's military continues its efforts to stabilize Iraq, we are reminded of the courage and valor that our soldiers, sailors, airmen and Marines embody each day as they carry out their duties. When I visited Iraq a few weeks ago, I experienced firsthand the difficult conditions under which they are performing their duties so capably.

Today, America is relying on the citizen-soldiers of the National Guard more than ever. In the past year, over thirteen hundred men and women from the Michigan National Guard have been mobilized to serve around the world. Among them were the men and women of the 110th Fighter Wing stationed at W.K. Kellogg Field in Battle Creek, Michigan. Since receiving A–10 aircraft in 1990, the men and women of the 110th Fighter Wing have literally been traversing the globe, seeing action in Bosnia, Kosovo, Operation Southern Watch in Iraq, and in Southwest Asia. It was while serving as part of Operation Allied Force in Kosovo that the 110th Fighter Wing teamed with sister A–10 units from the Massachusetts and Idaho Air National Guards to form the ''killer bees.''

Tomorrow, one of the members of the 110th Fighter Wing, Major James ''Chocks'' Ewald, will be visiting our Nation's capitol. Major Ewald embodies the commitment of the men and women in the National Guard. A pilot for United Airlines until he was furloughed following the September 11, 2001 terrorist attacks, Major Ewald is a retired Air Force pilot who leaves his wife and three young children in suburban Chicago one weekend a month to train with his National Guard unit in Battle Creek, Michigan.

Major Ewald piloted an A–10 Warthog that was shot down while providing combat air support to ground units approaching Baghdad during Operation Iraqi Freedom. It was truly a relief when we learned that even though Major Ewald had to abandon his aircraft, he was picked up in a matter of minutes by U.S. Army personnel who saw him hiding in the reeds along the banks of the Euphrates River.

As the Army unit approached, Major Ewald thought that Iraqi forces were nearing. However, when the soldiers called out to him, saying ''Hey, pilot dude, we see you over there,'' he quickly concluded two things: first, his hiding place was not the best, and second, fortunately ''dude'' is probably not Saddam's Republican Guard calling for you.

This anecdote underscores the heroism of our Nation's military. A–10 pilots like Major Ewald put their lives on the line in support of our ground troops, and those troops in turn came to his aid when shot down. In an era when the term ''hero'' is used with increasing frequency, the actions of Major Ewald and his rescuers truly deserve the label of hero.

Our Nation owes a debt of gratitude to our men and women in uniform for

their professionalism, patriotism and willingness to ensure our Nation's security. I know colleagues join me in welcoming Major James Ewald, and thanking him for his service to our country.

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 in Elkhart, IN. On November 17, 1999, Sasezley Richardson, a 19-year-old black teenager was shot dead as he strolled back from a local mall with diapers for a friend's baby. The two men that shot Richardson said they shot the young man solely because of his race. The victim was black and the perpetrators of the crime were white. One of the shaven-headed suspects told police he was a member of the violent, white supremacist Aryan Brotherhood, while the other reportedly said he wanted to kill a black person in order to get in the group.

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.

2003 FEDERAL BUDGET DEFICIT

Mrs. FEINSTEIN. Mr. President, I rise to address this year's Federal budget deficit, which is now expected to exceed $450 billion. This will be the largest Federal deficit on record.

This is a staggering $680 billion increase from the $236 billion budget surplus the Federal Government ran 3 years ago.

And who knows how much the true deficit may in fact be if, a few months from now, the projection increases again due to the ongoing costs of rebuilding Iraq and Afghanistan. Reconstruction costs are now running $4.8 billion per month, or $58 billion annually, which is well above what we have budgeted.

According to the Concord Coalition, a nonpartisan group that advocates for balanced budgets, ''The first six months of the 108th Congress were the most fiscally irresponsible in recent memory.''

The members of this Chamber and the American public should know the simple truth: putting our economy back on track is even more difficult in the face of deficits of this magnitude.

And next year, the on-budget deficit will likely top $600 billion.

In my 10-year career in the Senate, there has never been a greater need for fiscal discipline than there is now. The then-record $290 billion deficit we faced in 1992 required some very tough choices to be made but the choices that lie ahead will be even harder.

It is incumbent on the President and the House and Senate leadership to prepare the country for those choices. Instead, the President and the Republican leadership in Congress have cut taxes with abandon while increasing spending at a rate faster than at any point during the past 10 years.

Discretionary spending increased by 13.1 percent between 2002 and 2001, and is expected to increase by 9.7 percent this year over 2002 levels. Much of that spending has been necessary to fight the war on terror, recover from the attacks of September 11, and improve our homeland security.

Nevertheless, such spending cannot be sustained if tax revenues plummet due to ill-timed tax cuts and a weakened economy. In fact, the Federal Government has now reached a point at which it could eliminate all nondefense discretionary spending and still not close the Federal budget deficit.

That would mean eliminating all Federal spending on roads, schools, law enforcement, disease research, and the environment, among thousands of other programs.

This structural imbalance between Federal revenues and outlays threatens to send us into a spiral of increasing debt and rapidly accelerating interest costs. As the Federal debt increases and public saving decreases, long-term interest rates will inevitably be pushed higher.

That not only increases the amount that the Federal Government must pay to finance its obligations but also raises the cost of putting a mortgage on your home or financing a new car purchase. A conservative estimate puts the increase in long-term interest rates due to the budget deficit at 0.4 percent.

An increase of that magnitude would add $800 per year to the cost of a $200,000 home mortgage, or more than the majority of American taxpayers will receive from the President's latest tax cut.

Yet what is perhaps more threatening is the negative economic impact of these growing deficits.

The hard truth is that even robust economic growth will not bring the budget back into balance. When preparing deficit projections, the CBO assumes average real GDP growth of 3.3 percent between now and 2008, which is well in excess of the 1.5 to 2 percent average growth of the past 3 years.

Such moderately strong growth would still leave us with more than $2 trillion in cumulative deficits over the next decade. And this does take into account the true cost of the tax cuts without the sunsets and other budgetary gimmicks, which is likely to add $1.8 trillion to those deficits if all existing tax cuts were extended.

These fiscal problems are not intractable, but they require bipartisan cooperation and real fiscal discipline, both of which have been in short supply of late.

One unfortunate consequence of the administration's approach to the recent tax cut has been a growing partisan divide between Democrats and Republicans on fiscal policy.

That stands in sharp contrast to the atmosphere when I entered the Senate in 1992. At that time a group of moderate Senators from both parties joined forces to rein in spending and hold the line on new tax cuts.

Those efforts came to fruition in 1998, when the first Federal budget surplus since the Johnson administration was recorded. Budget surpluses continued for an additional 2 years, coinciding with a period of robust economic growth.

During the 108th Congress, I have worked to rekindle that spirit of bipartisanship because I fear for the consequences of maintaining our current course.

This past January, I introduced bipartisan legislation with Senator CHAFEE to freeze further cuts to the top income tax rates, a move which would save over $150 billion over 10 years if enacted today.

During debate on the fiscal year 2004 budget resolution, I cosponsored an alternate budget resolution with Senators CARPER, CHAFEE, and LINCOLN. That alternate resolution would have brought the budget back into balance 4 years earlier than the resolution which passed the Senate, and was revenue-neutral over the 10-year budget window.

And yesterday I introduced legislation to upgrade our country's transportation and water infrastructure. Credit for this bill is due to Congressman OBERSTAR in the House, and I am pleased to introduce the Senate companion bill. This bill would create more than 2 million new jobs, at less than a tenth the cost of the latest tax cut.

Moreover, the $34 billion cost of my bill is fully offset by closing Enron-related tax shelters, putting an end to corporate expatriation and extending customs user fees.

This type of targeted, revenue-neutral stimulus promises to create more jobs than the President's tax cut, without digging us deeper into debt, and is precisely the sort of fiscally responsible approach to jump-starting the economy that we need.

Just as the budget surpluses of the late 1990s had a positive ripple effect of increasing the feeling of economic certainty and security in this country, the current budget deficit is having a negative ripple effect and is contributing to the near-freeze on hiring and capital investment we are currently experiencing.

We must break this cycle with bipartisan leadership or we will face an even greater crisis in the years ahead. We cannot afford to burden future generations with the debt resulting from our

fiscal mismanagement, and we cannot afford to defer tough choices to future leaders.

CONGRESSIONAL REVIEW ACT AND THE FCC

Mr. FEINGOLD. Mr. President, I am proud to be an original cosponsor of S. J. Res. 17, the resolution of disapproval introduced yesterday by Senator DORGAN and a bipartisan group of Senators who are very concerned about the media ownership rules issued recently by the Federal Communications Commission. When the FCC issued those rules, it ignored the public. It ignored hundreds of thousands of public comments, and it ignored the calls of elected representatives for more careful consideration of these issues that are crucial to the future of information and entertainment in our country.

Over the past several weeks, many Senators have been doing what the FCC failed to do: listening to the American people. What we have heard is not applause for the new rules but great disappointment, and even anger. The American people are outraged by these new media ownership rules. They do not want new media ownership rules that legitimize eliminating local community voices in exchange for homogenization and uniformity. They do not want fewer and fewer choices, and less and less local control.

Those of us who support this disapproval resolution under the Congressional Review Act want to right the wrong done by the FCC. We believe that the people, not powerful media conglomerates, ultimately own the airwaves. The will of the people must be reflected in the rules that govern media ownership in this country. The strong public support for this resolution is demonstrated by the fact that there are already 35 Senators, from both sides of the aisle, who have signed a petition to bring this matter to the floor, as the CRA contemplates. It is now clear that we will have a vote on this matter in the Senate in the next few months. That is good news for the public.

The FCC's rules threaten to undermine the diversity of voices in the television and newspaper industries, just as diversity in the radio industry has been diminished. In a marketplace limited by only these new rules, our major media outlets will begin to look and act like radio, with absentee owners, standardized programming, and less local news and community involvement.

Thanks to the Telecommunications Act of 1996, which loosened the ownership rules for radio, we have seen the future of media consolidation, and we know that it offers a lot more to big media companies than it does to consumers. In some cases, it can be downright dangerous. The five giant media conglomerates that already dominate the airwaves will expand their reach and further stifle localism and diversity.

By invoking the Congressional Review Act, Congress can wipe out these new rules altogether, and the FCC will have to go back and redraft them. We plan to make it clear that the new draft should include some of the positive proposals contained in the recent media bill sponsored by Senator Ted Stevens that passed out of the Commerce Committee. The CRA specifically contemplated that agencies may have to redo regulations required by court or congressional mandate. If this disapproval resolution is passed by the House and the Senate, the preexisting rules will again be in effect until the FCC goes back to the drawing board and promulgates new regulations that are not substantially similar to the rules that Congress has disapproved.

In promulgating these new rules, the FCC ignored its primary responsibility—to serve the public interest. But fortunately, the FCC doesn't have the final word here. The people do. It is our duty in the Congress to listen to the people and give voice to their concerns. By passing the resolution of disapproval, we will do just that. I want to thank the Senator from North Dakota, Mr. DORGAN, for his leadership and the other Senators from both sides of the aisle who are working on this. This is an important effort and I believe we will be successful in taking this action on behalf of the public interest.

PESTICIDE HARMONIZATION

Mr. BURNS. Mr. President, I rise today to express my support of S. 1406, which is pesticide harmonization legislation. I join my colleague, Senator DORGAN, as an original cosponsor of this legislation. I would like to commend Senator DORGAN and his staff, the Montana Grain Growers, the National Association of Wheat Growers, and our Montana Department of Agriculture for their willingness to work out the gritty details of this bill. It has been a long and laborious negotiation process, but I believe we have come up with legislation that is better for the farmers of this country.

In my home State of Montana and many other Western and Midwestern States, we have faced a number of trade disputes between Canada and the United States. One of the most glaring discrepancies deals with pesticides. Chemicals that are sold for one price just across the border in Canada are sold at a considerably higher cost to American producers. Why does this happen you may ask? The EPA places strong regulations on chemicals used in the United States and therefore, the chemical companies believe they should hike up the prices to pay for their trouble.

The chemicals sold in Canada and the United States, in most cases, have the exact same chemical makeup. The same company manufactures them but often gives them a different name and nearly always prices the American chemicals higher. The crops harvested at a lower production cost in Canada are now competing with American products. I am a strong believer in fair trade, but for free trade to actually occur, this problem must be addressed.

Currently, American farmers are facing a serious economic recession. Grain prices are the lowest they have been in a number of years and there does not appear to be a light at the end of the tunnel. Additionally, much of the West is looking at yet another year of drought. Also, fertilizer costs are skyrocketing with the ever-rising cost of natural gas. To top it all off, they are also being forced to pay twice as much for nearly the same chemicals as their foreign neighbors.

This bill would eliminate current obstacles and even the playing field for our farmers. The bill operates under a similar concept as the previous bills introduced, but many of the details have changed. The pesticide harmonization bill that is currently introduced, S. 332, had the States, not EPA, in charge of pesticide registrations. This new version has EPA in charge of the process. This eliminated some of the concerns of States, whose budgets would not allow these much-needed registrations to be completed. It also protects confidentiality of ingredients in the chemicals.

Our farmers and ranchers have been paying too much for their pesticides and chemicals for too long. From my years as a football referee, I learned everyone needs to follow the same rules to play the game. We need to make sure Canadian farmers and U.S. farmers are playing under the same rules. I believe this bill makes that happen. I look forward to working with my colleagues on this crucial issue to America's farmers and ranchers.

THANKING THE NATIONAL MARINE ENGINEERS' BENEFICIAL ASSOCIATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that my letter addressed to Mr. Ron Davis of the National Marine Engineers' Beneficial Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 16, 2003.

Mr. RON DAVIS, President
National Marine Engineers' Beneficial Association, Washington, DC.

DEAR MR. DAVIS: I would like to extend my sincere thanks to the National Marine Engineers' Beneficial Association. Under your outstanding leadership, the National Marine Engineers' Beneficial Association strengthened the Army, Air Force, and Marine Corps combat power, and ensured our military's buildup in Southwest Asia.

The MEBA swiftly activated more than 40 vessels of the Ready Reserve Force. Our nation's military, and thus our national security, is dependent upon the quick response of each MEBA member. Your members more than met the challenge and exceeded all expectations.

Our nation depends on the courage and dedication of the MEBA to help ready our troops in times of crisis. I salute the heroic contributions of the National Marine Engineers' Beneficial Association and applaud every mariner for contributing to the support of our Nation's military.

Sincerely,

RICK SANTORUM,
U.S. Senator.

ADDITIONAL STATEMENTS

RECOGNIZING GILES H. MILLER, JR.

● Mr. ALLEN. Mr. President, I am very pleased today to recognize Mr. Giles H. Miller, Jr. of Culpeper, VA. Throughout his celebrated 100 years, he has been a model of altruistic service to his community, the Commonwealth of Virginia and America.

A Virginia native, Mr. Miller was born in Lynchburg on July 26, 1903. He attended college at the Virginia Military Institute from August 1920 to June 1924, and while enrolled, Mr. Miller was awarded some of the highest accolades the school has for students. As an alumnus, he has served VMI tirelessly in roles including President of its Board of Visitors, founder of the Miller Basketball Scholarship Program, and Chairman of the VMI Flying Squadron, just to name a few. His service has won him the school's Spirit Award, Distinguished Service Award, as well as the position of Senior Living Alumnus and the distinction of ''Mr. VMI.''

Mr. Miller's record of exemplary service extends also to the community of Culpeper, VA, where he has been a resident for more than 70 years and has deservedly earned the distinguished title of ''Mr. Culpeper.'' Over those years, he has been a member of the Culpeper Town Council, Vice Mayor of Culpeper, founder and President of the Culpeper Host Lion's Club, Chairman of the Board of Culpeper Memorial Hospital and President of Culpeper National Bank. In recognition of his work, he has been honored as Outstanding Citizen of the Year in Culpeper, as well as with the Culpeper Colonel Award from the Board of Supervisors and the Good Scout Award from the Boy Scouts of America. In addition to his work in Culpeper, Mr. Miller has worked in significant positions throughout the Commonwealth, including a stint as Director of the Federal Reserve Bank in Richmond.

Mr. Miller is an example of many of the traits that we as Americans honor: service, dedication, and hard work, among others. He is a wonderful role model for his fellow Virginians and Americans, and I congratulate him on the wonderful celebration of his 100th birthday.●

TRIBUTE TO CHARLES L. SHEARER

● Mr. BUNNING. Mr. President, I pay tribute to one of Kentucky's finest educators. Dr. Charles L. Shearer has served as president of Transylvania University for over 20 years and he has helped shape it into the fine liberal arts institution it is today.

Upon Dr. Shearer's inception as Transylvania University's president 20 years ago, he brought with him a doctorate in economics and teaching experience. Charles also spent 4 years as the university's vice president of finance where he successfully eliminated Transylvania's deficits. Although campus enrollment was low then, Dr. Shearer helped Transylvania rebound from 605 in 1983 to a record 1,109 during the fall of 2002.

Achieving the highest quality of education in the classroom possible has been a top priority throughout Dr. Shearer's tenure as president. The top 25 students in each class are awarded the William T. Young Scholarship. The Bingham, Jones and Kenan programs encourage retainment and recruitment of faculty by awarding bonuses to deserving teachers.

Dr. Shearer's leadership helped raise the endowment from $4.1 million in 1983 to $110 million today. While funds peaked at $129.3 million in 1998, the school has been able to make the necessary improvements and growth that have shaped Transylvania University. In the past 20 years the additions to the campus have included the Young Campus Center, the Rosenthal and Poole residence halls, the Cowgill business center, the Lucille Little Theatre, the Clive Beck Athletic and Recreation Center, the John R. Hall Field for intramurals and athletics, and the Marquard baseball field.

The commitment and devotion Dr. Charles Shearer has demonstrated to Transylvania University is inspiring. Fewer than 5 percent of college or university presidents serve 20 years or more. His ability to work and grow with people has enabled Dr. Shearer to serve Transylvania University in a spectacular way. While Dr. Shearer has received numerous offers to serve at other academic institutions, he has declined in order to continue his role at Transylvania and thus has become the longest serving president in the school's 223-year history. I am thrilled Dr. Shearer has remained at Transylvania and am optimistic for the university's future. I thank the Senate for allowing me to recognize Dr. Shearer and Transylvania University. He is one of Kentucky's best at one of its finest institutions.●

RECOGNIZING STEPHEN ARTHUR HEAVENER

● Mr. ALLEN. Mr. President, today I recognize Mr. Stephen Arthur Heavener who will retire on August 1, 2003, after having served 8½ years as the Executive Director of the Front Royal-Warren County Economic Development Authority. He leaves this position to become Executive Director of the Department of Development in Carlsbad, NM.

During Mr. Heavener's 8½ years of service at the Warren County EDA more than 1,100 county jobs were created and the local industrial tax base increased from 8.5 percent in 1990 to 13.5 percent in 2002. These particular accomplishments came to fruition largely because of Mr. Heavener's work with Pen-Tab Industries, Toray Plastics, America, Family Dollar, Ferguson Enterprises and SYSCO Northeast Cooperative, Inc. Mr. Heavener also assisted in the redevelopment of the Avtex Fibers Superfund site in Front Royal. The massive construction on this 500-acre site will eventually create more than 11,000 square feet of premium rehabilitated office space, 240 acres of Conservancy Parklands, 160 acres of eco-business park, and 30 acres of soccer fields. In addition, Mr. Heavener has also aided in the growth and expansion of local businesses in Warren County by creating the Rural Business Enterprise Loan program, which has provided loans for small businesses in the amount of $250,000.

Mr. Heavener's record of success as Executive Director of the Front Royal-Warren County Economic Development Authority is well-known and respected. I congratulate him on his years of dedicated service to the people of Warren County and the Commonwealth of Virginia and wish him well in his new position in the Department of Development in Carlsbad.●

THE BOSTON CELTICS—HEROES AMONG US

● Mr. KENNEDY. Mr. President, the Boston Celtics are heroes on the basketball court and off the court as well. In 1997, they established the ''Heroes Among Us'' award to honor outstanding individuals in New England who have made an especially significant impact on the lives of others. The award is designed to honor men and women in Massachusetts who stand tall in their commitment to their community. The extraordinary achievements of the honorees include saving lives, sacrificing for others, overcoming obstacles to achieve goals, or lifelong commitments to improving the lives of those around them. They include persons of all ages and from all walks of life, including students, community leaders, founders of nonprofit organizations, members of the clergy, and many others.

At each home game during the season, the Celtics and their fans salute the exemplary efforts of an honoree in a special presentation on the basketball court. So far, over 250 individuals have received the ''Heroes Among Us'' award.

All of us in Massachusetts are very proud of this program, which has become one of the most recognized and respected initiatives in our State. I ask unanimous consent to include in the RECORD the names of the honorees for the 2002–2003 season.

Dira Barbosa, Cambridge, MA; Ethan Zohn, Lexington, MA; Lisa Scherber,

Reading, MA; David Gordenstein, Needham, MA; Jonathan Adams, Littleton, MA; Jerry Smith, Hyannis, MA; David Gonthier, Amesbury, MA; Joe Lester, Tewksbury, MA; Robert Coard, West Roxbury, MA; Frank Chin, Boston, MA; Josh Powell, Dorchester, MA; Amy Maki, North End, MA.

Linda Whitlock, Newton, MA; Stephen Clay, Springfield, MA; Crew of the USS *Constitution*, Charlestown, MA; Rebecca Chernin, Sharon, MA; Bill Murphy, Centerville, MA; David Crandell, Needham, MA; Moe Boisvert, Shrewsbury, MA; Paul Manley, Nashua, MA; Technical Sergeant Cynthia Chagnon, Concord, MA; Captain Thomas Hudner, Concord, MA; Jason and Sharon Silber, Peabody, MA; Staff Sergeant David Johnson, Amesbury, MA.

Maureen Dunn, Randolph, MA; Darryl Williams, Milton, MA; Lieutenant Commander Bill Timmons, Buzzard's Bay, MA; Lou Bianchi, Natick, MA; Stephen and Ann Connally, Chesire, MA; Justin Pasquariello, Arlington, MA; Tom Kelley, South Boston, MA; Pam Singer, Dunbarton, NH; John and Magi Bish, West Warren, MA; Travers DeGroot, East Greenwich, RI; Gerald Chertavian, Boston, MA; Jeffrey Ryan, Watertown, MA.

Bill McAndrews, Medfield, MA; Patrick Doyle, Dorchester, MA; Macy DeLong, Lexington, MA; Hope Wilson, East Bridgewater, MA; Terry Lenczycki, East Bridgewater, MA; Lee Kennedy, Norwood, MA; Jane Sapp, Springfield, MA; Tony and Virginia Brenna, Milford, MA; Crew of the USS *Preble*, United States Navy; Gary Twombly, Hull, MA; Zachary Jewett, North Attleboro, MA.●

HONORING ARTHUR BROWN OF HECLA MINING

● Mr. CRAPO. Mr. President, I rise today to recognize Arthur Brown, who has been a long-time resident of Idaho and a great contributor to our State and its economy.

Art Brown came to Idaho from South Africa 36 years ago to begin a new career in the mountains of Idaho's Silver Valley. Art, his wife Tiia, and their children began a journey that would support not only them but a company and our community.

As an engineer down in the mines, Art pursued the American Dream. After years of hard work and commitment, he rose to become the chairman and chief executive officer of Hecla Mining Company, which was the top performer on the New York Stock Exchange in 1979 and again in 2002.

Throughout his journey, Art never lost sight of his family and community. He served his local community as the mayor of Pinehurst. He led youth golf and ski programs. Art even gained a reputation as a head cheerleader of sorts, running the sidelines at his daughter's basketball games. Most notable is the culture of community service he fostered at Hecla, first by his example and then by encouragement to his employees to do the same thing. Giving back to the community became a way of life for a Hecla employee under Art's direction.

Hecla Mining has been a part of the fabric of Idaho for over 112 years. And so have people like Art Brown, who contribute to their community, their State, and so much more. This year Art will be retiring from his service at the helm of Hecla. However, he will not be retiring away from Idaho. True to form, Art will remain rooted in his community and family of Idaho.

I am proud of Art Brown, for the example he has set for business in the State of Idaho, for his contributions to his community, and for his family who has supported him in his endeavors over the years. On behalf of myself and so many others in the great State of Idaho, I wish him the best in his future endeavors and thank him for his service to Idaho.●

MESSAGES FROM THE HOUSE

At 10:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2195. An act to provide for additional space and resources for national collections held by the Smithsonian Institution, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 236. A concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to commemorate the unveiling of the statute of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. MICA, Mr. EHLERS, Mr. HAYES, Mr. REHBERG, Mr. ISAKSON, Mr. OBERSTAR, Mr. DEFAZIO, Mr. BOSWELL, and Mr. HOLDEN.

From the Committee on Energy and Commerce, for consideration of section 521 of the House bill and section 508 of the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BARTON of Texas, and Mr. DINGELL.

From the Committee on Government Reform, for consideration of sections 404 and 438 of the House bill and section 108 of the Senate amendment, and modifications committed to conference: Mr. Tom DAVIS of Virginia, Mr. SHAYS, and Mr. WAXMAN.

From the Committee on the Judiciary, for consideration of sections 106, 301, 405, 505, and 507 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. COBLE, and Mr. WAXMAN.

From the Committee on Resources, for consideration of sections 204 and 409 of the House bill and section 201 of the Senate amendment, and modifications committed to conference: Mr. POMBO, Mr. GIBBONS, and Mr. RAHALL: That Mr. RENZI is appointed in lieu of Mr. POMBO for consideration of section 409 of the House bill, and modifications committed to conference.

From the Committee on Science, for consideration of section 102 of the House bill and sections 102, 104, 621, 622, 641, 642, 661, 662, 663, 667, and 669 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mr. ROHRABACHER, and Mr. COSTELLO.

From the Committee on Ways and Means, for consideration to title VI of the House bill and title VII of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. CAMP, and Mr. RANGEL.

ENROLLED BILL SIGNED

Under the authority of the order of January 7, 2003, the following enrolled bill, previously signed by the Speaker of the House, was signed on July 15, 2003, by the President pro tempore (Mr. STEVENS).

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

At 5:14 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 246. An act to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 733) to authorize the Secretary of the Interior to acquire the McLoughlin House National Historic Site in Oregon City, Oregon, and to administer the site as a unit of the National Park System, and for other purposes.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1588) to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following members as the

managers of the conference on the part of the House:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference. Messrs. HUNTER, WELDON of Pennsylvania, HEFLEY, SAXTON, MCHUGH, EVERETT, BARTLETT of Maryland, MCKEON, THORNBERRY, HOSTETTLER, JONES of North Carolina, RYUN of Kansas, GIBBONS, HAYES, Mrs. WILSON of New Mexico, Messrs. CALVERT, SKELTON, SPRATT, ORTIZ, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, REYES, SNYDER, TURNER of Texas, Ms. LORETTA SANCHEZ of California, and Mr. COOPER.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Messrs. GOSS, HOEKSTRA, and Ms. HARMAN.

From the Committee on Agriculture, for consideration of sections 1057 and 2822 of the House bill, and modifications committed to conference: Messrs. GOODLATTE, LUCAS of Oklahoma, and STENHOLM.

From the Committee on Education and the Workforce, for consideration of sections 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504–1506 of the House bill, and sections 233, 351, 352, 368, 701, 1034, and 1036 of the Senate amendment, and modifications committed to conference: Messrs. CASTLE, KLINE, and GEORGE MILLER of California.

From the Committee on Energy and Commerce, for consideration of sections 601, 3113, 3201, and 3517 of the House bill, and sections 601, 701, 852, 3151, and 3201 of the Senate amendment, and modifications committed to conference: Messrs. TAUZIN, BARTON of Texas, and DINGELL.

From the Committee on Financial Services, for consideration of sections 814 and 907 of the House bill, and modifications committed to conference: Messrs. OXLEY, KING of New York, and Mrs. MALONEY.

From the Committee on Governmental Reform, for consideration of sections 315, 323, 551, 805, 822, 824, 828, 829, 1031, 1046, 1050, 1057, title XI, title XIV, sections 2825 and 2826 of the House bill, and sections 326, 801, 811, 813, 822, 831–833, 841, 852, 853, 1013, 1035, 1102–1104, and 2824–2826 of the Senate amendment, and modifications committed to conference: Messrs. TOM DAVIS of Virginia, SHAYS, Mrs. JO ANN DAVIS of Virginia, Messrs. PUTNAM, TURNER of Ohio, WAXMAN, VAN HOLLEN, and DAVIS of Illinois.

From the Select Committee on Homeland Security, for consideration of section 1456 of the House bill, and modifications committed to conference: Messrs. COX, SHADEGG, and THOMPSON of Mississippi.

From the Committee on House Administration, for consideration of section 564 of the Senate amendment, and modifications committed to conference: Messrs. NEY, MICA, and LARSON of Connecticut.

From the Committee on International Relations, for consideration of sections 1047, 1201, 1202, 1209, title XIII, sections 3601, 3611, 3631, 3632, 3634, and 3636 of the House bill, and sections 323, 343, 921, 1201, 1202, 1204, 1205, 1207, 1208, title XIII, and section 3141 of the Senate amendment, amid modifications committed to conference: Messrs. HYDE, BEREUTER, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 661–665 and 851–853 of the Senate amendment, and modifications committed to conference: Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

From the Committee on Resources, for consideration of sections 311, 317–319, 601, and 1057 of the House bill, and sections 322, 330, and 601 of the Senate amendment, and modifications committed to conference: Messrs. POMBO, GILCHREST, REHBERG, RAHALL, and UDALL of New Mexico.

From the Committee on Science, for consideration of sections 852 and 911 of the Senate amendment, and modifications committed to conference: Messrs. BOEHLERT, SMITH of Michigan, and HALL of Texas.

From the Committee on Small Business, for considerationm of section 866 of the Senate amendment, and modifications committed to conference: Mr. MANZULLO, Mrs. KELLY, and Ms. VELÁZQUEZ.

From the Committee on Transportation and Infrastructure, for consideration of sections 312, 601, 907, 1049, 1051, and 2824 of the House bill, and sectiosn 324, 601, and 2821 of the Senate amendment, and modifications committed to conference: Messrs. YOUNG of Alaska, PETRI, and CARSON of Oklahoma.

From the Committee on Veterans' Affairs, for consideration of section 565 of the House bill, and sections 644 and 707 of the Senate amendment, and modifications committed to conference: Messrs. SMITH of New Jersey, BILIRAKIS, and FILNER.

From the Committee on Ways and Means, for consideration of section 701 of the Senate amendment, and modifications committed to conference: Messrs. THOMAS, MCCRERY, and STARK.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, July 16, 2003, she had presented to the President of the United States the following enrolled bill:

S. 709. An act to award a congressional gold medal to Prime Minister Tony Blair.

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–3234. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the Mid-Session Review for the Fiscal Year 2004; referred jointly pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Appropriations; and the Budget.

EC–3235. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards; Forest Fire Suppression and Fuels Management Services'' (RIN3425-AE89) received on July 15, 2003; to the Committee on Small Business and Entrepreneurship.

EC–3236. A communication from the Principal Deputy Under Secretary of Defense, Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, the Interim Report to Congress on Corrosion Matters in the Department of Defense; to the Committee on Armed Services.

EC–3237. A communication from the Deputy Secretary of Defense , transmitting, pursuant to law, the Annual Report of the Reserves Forces Policy Board for Fiscal Year 2002; to the Committee on Armed Services.

EC–3238. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99-09C; to the Committee on Armed Services.

EC–3239. A communication from the Under Secretary of Defense, Comptroller, Department of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 01-08; to the Committee on Armed Services.

EC–3240. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled ''Organization; Loan Policies and Operations; Termination of Farm Credit Status'' (RIN3052-AB86) received July 15, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3241. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Aspergillus flavus AF36; Exemption from the Requirement of a Tolerance'' (FRL#7311-6) received on July 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3242. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Imidacloprid; Pesticide Tolerances Technician Correction'' (FRL#7317-1) received on July 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3243. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Cymoxanil; Pesticide Tolerances'' (FRL#7313-6) received on July 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3244. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report to Congress; to the Committee on Banking, Housing, and Urban Affairs.

EC–3245. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the National Marine Fisheries Service Strategic Plan for Fisheries Research; to the Committee on Commerce, Science, and Transportation.

EC–3246. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entities ''Garmin International

Inc.'' (WT doc. no. 01-339; FCC03-26) received on July 12, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3247. A communication from the Assistant Division Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability'' (FCC03-126, CC99-200) received on July 12, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3248. A communication from the Attorney Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 1.937 of the Commission's Rules Concerning Repetitious or Conflicting Applications'' (WT doc. no. 02-57; FCC03-79) received on July 12, 2003; to the Committee on Commerce , Science, and Transportation.

EC–3249. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Closure; Prohibiting Directed Fishing for Species that Comprise Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0679) received on July 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3250. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska; Revisions to Observer Coverage Requirements for Vessels and Shoreside Processors in the North Pacific Groundfish Fisheries; Correction'' (RIN0648-AM44) received on July 15, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3251. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled ''Federal Railroad Safety Improvement Act''; to the Committee on Commerce, Science, and Transportation.

EC–3252. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Operations Regulations; Brooks Memorial (S.E. 17th Street) Bridge, Atlantic Intracoastal Waterway mile 1065.9, Fort Lauderdale, Florida'' (RIN1625-AA09) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3253. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Regatta and Marine Parade Regulation; SLR (Including 2 Regulations)'' (RIN1625-AA08) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3254. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations'' (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3255. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations (Including 2 Regulations) [San Diego]'' (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3256. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Fireworks Display, Columbia River, Astoria, OR'' (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3257. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Handling of Class 1 (Explosive) Materials or Other Dangerous Cargoes Within Or Contiguous to Waterfront Facilities'' (RIN1625-AA07) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3258. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety Security Zone Regulations [San Francisco Bay]'' (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3259. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations (Including 7 Regulations)'' (RIN1625-AA00) received on July 11, 2003; to the Committee on Commerce, Science, and Transportation.

EC–3260. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, Bureau of Land Management, received on July 15, 2003; to the Committee on Energy and Natural Resources.

EC–3261. A communication from the Assistant General Counsel for Regulatory Law, Office of Environmental Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Reimbursement for Costs of Remedial Action at Active Uranium and Thorium Processing Sites'' (RIN1901-AA88) received on July 15, 2003; to the Committee on Energy and Natural Resources.

EC–3262. A communication from the Director, Office of Surface Mining, transmitting, pursuant to law, the report of a rule entitled ''Kentucky Regulatory Program'' (KY-242-FOR) received on July 11, 2003; to the Committee on Energy and Natural Resources.

EC–3263. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Kentucky Regulatory Program'' (KY-236-FOR) received on July 11, 2003; to the Committee on Energy and Natural Resources.

EC–3264. A communication from the Assistant Secretary for Fish and Wildlife, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Migratory Bird Subsistence Harvest in Alaska; Spring/Summer Subsistence Harvest Regulations for Migratory Birds in Alaska during the 2003 Subsistence Season'' (RIN1018-AI84) received on July 11, 2003; to the Committee on Energy and Natural Resources.

EC–3265. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD-048-FOR) received on July 11, 2003; to the Committee on Energy and Natural Resources.

EC–3266. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills'' (FRL#7528-3) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3267. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export'' (FRL#7528-4) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3268. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Fort Collins Carbon Monoxide Redesignation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions'' (FRL#7522-1) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3269. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation of Plans; Indiana'' (FRL#7517-5) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3270. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Georgia: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL#7530-9) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3271. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines Establishing Test Procedures for the Analysis of Pollutants: Analytical Methods for Biological Pollutants in Ambient Water'' (FRL#7529-7) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3272. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Interim Final Determination that State of California has Corrected Deficiencies and Stay and Deferral of Sanction; San Francisco Bay'' (FRL#7528-9) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3273. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Phaseout of Cholorobromomethane Production and Consumption'' (FRL#7529-4) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3274. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Supplemental Rule Regarding a Recycling Standard Under Section 608 of the Clean Air Act'' (FL#7530-4) received on July 11, 2003; to the Committee on Environment and Public Works.

EC–3275. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report entitled ''Monthly Status Report on the Licensing Activities and Regulatory Duties of the United States Nuclear Regulatory Commission'' for April 2003; to the Committee on Environment and Public Works.

EC–3276. A communication from the Chief, Regulations Unit, Internal Revenue Service,

transmitting, pursuant to law, the report of a rule entitled ''Section 4971 and Running of Statute of Limitations and Form 5500 and Form 5330'' (Rev. Rul. 2003-88) received on July 11, 2003; to the Committee on Finance.

EC–3277. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Announcement Explaining Changes to Automatic Approval Procedures for Changes in Annual Accounting Periods by Individuals'' (Ann. no. 2003-49) received on July 11, 2003; to the Committee on Finance.

EC–3278. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Fees for Copies of Exempt Organization Returns'' (RIN1545-BB22) received on July 11, 2003; to the Committee on Finance.

EC–3279. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Application of User Fees to EGTRRA Amendments'' (Notice 2003-49) received on July 11, 2003; to the Committee on Finance.

EC–3280. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 1.856-4: Rents from Real Property'' (Rev. Rul. 2003-86) received on July 11, 2003; to the Committee on Finance.

EC–3281. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''TD: Definition of Guaranteed Annuity and Unitrust Interests'' (RIN1545-AO31) received on July 11, 2003; to the Committee on Finance.

EC–3282. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Automatic Approval Procedures for Changes in Annual Accounting Periods by Individuals'' (Rev. Proc. 2003-62) received on July 11, 2003; to the Committee on Finance.

EC–3283. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Disclosure of Return Information by Certain Officers and Employees for Investigative Purposes'' (RIN1545-BB17) received on July 11, 2003; to the Committee on Finance.

EC–3284. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Guidance on the Application of Section 911 to U.S. Individuals Working in Iraq'' (Notice 2003-52) received on July 11, 2003; to the Committee on Finance.

EC–3285. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Statute of Limitations on Assessment as Affected by Bankruptcy'' (Rev. Rul. 2003-80) received on July 11, 2003; to the Committee on Finance.

EC–3286. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Compensation Deferred Under Eligible Deferred Compensation Plans'' (RIN1545-AX52) received on July 11, 2003; to the Committee on Finance.

EC–3287. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Application Procedures and Final Agreement for Withholding Foreign Partnerships and Trusts'' (Rev. Proc. 2003-64) received on July 11, 2003; to the Committee on Finance.

EC–3288. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''TD: Catch-Up Contributions for Individuals Age 50 or Older'' (RIN1545-BA24) received on July 11, 2003; to the Committee on Finance.

EC–3289. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Section 4980 and Reversion in Excess of 25% of Terminating Defined Benefit Plan's Assets'' (Rev. Rul. 2003-85) received on July 11, 2003; to the Committee on Finance.

EC–3290. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Treatment of Community Income for Certain Individuals not Filing Joint Returns'' (RIN1545-AY83) received on July 11, 2003; to the Committee on Finance.

EC–3291. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Failed 1035 Exchanges'' (Notice 2003-51) received on July 11, 2003; to the Committee on Finance.

EC–3292. A communication from the Chief, Regulations Unit, Internal Revenue Service, transmitting, pursuant to law, the report of a rule entitled ''Effect of Section 338(h)(10) Elections in Certain Multi-Step Transactions'' (RIN1545-BB78) received on July 11, 2003; to the Committee on Finance.

EC–3293. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, a report relative to Cardiac rehabilitation programs and pulmonary rehabilitation services; to the Committee on Finance.

EC–3294. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's March 2002 report entitled ''Medicare Payment Policy''; to the Committee on Finance.

EC–3295. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's January report entitled ''Applying Quality Improvement Standards in Medicare''; to the Committee on Finance.

EC–3296. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Commission's recommendation of an index for adjusting payment amounts for physician training; to the Committee on Finance.

EC–3297. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 15-107, ''Additional Use of the Reserve Funds Omnibus Temporary Act of 2003''; to the Committee on Governmental Affairs.

EC–3298. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Foundation's Accountability Report for fiscal year 2002; to the Committee on Governmental Affairs.

EC–3299. A communication from the Director, Workforce Compensation and Perf. Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Administratively Uncontrollable Overtime'' (RIN3206-) received on July 15, 2003; to the Committee on Governmental Affairs.

EC–3300. A communication from the Chairman, Federal Mine Safety and Health Review Commission, transmitting, pursuant to law, the Commission's report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–3301. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the General Accounting Office relative to the National Energy Policy Development Group; to the Committee on Governmental Affairs.

EC–3302. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to use of the Phyisicians' Comparability Allowance Program; to the Committee on Governmental Affairs.

EC–3303. A communication from the Chief Executive Officer, Washington Metropolitan Area Transit Authority, transmitting, pursuant to law, the Authority's annual financial report for the fiscal year ending June 30, 2001; to the Committee on Governmental Affairs.

EC–3304. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''New Drug, Antibiotic, and Biological Drug Product Regulations; Accelerated Approval; Technical Amendment'' (Doc. no. 91N-0278) received on July 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3305. A communication from the Director, National Science Foundation, transmitting, a report entitled ''FY 2001 Management and Performance Highlights''; to the Committee on Health, Education, Labor, and Pensions.

EC–3306. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Assignment of Agency Component for Review of Premarket Applications'' (Doc. no. 2003N-0235) received on July 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3307. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Antiperspirant Drug Products For Over-the-Counter Human Use; Final Monograph'' (RIN0910-AA01) received on July 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3308. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Food Labeling: Trans Fatty Acids in Nutrition Labeling, Nutrient Content Claims, and Health Claims'' (RIN0910-AB66) received on July 15, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC–3309. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on Evaluation, Research, and Technical Assistance Activities Supported by the Promoting Safe and Stable Families Program; to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 877. A bill to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet (Rept. No. 108–102).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004'' (Rept. No. 108–103).

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 929. A bill to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, and for other purposes (Rept. No. 108–104).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense.

*Paul Morgan Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

*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. REID:

S. 1418. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to chose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefits computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself, Mr. BAYH, Mr. KERRY, Mrs. CLINTON, and Mr. DASCHLE):

S. 1419. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mr. CRAIG:

S. 1420. A bill to establish terms and conditions for use of certain Federal land by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such land; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 1421. A bill to authorize the subdivision and dedication of restricted land owned by Alaska Natives; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mr. KENNEDY, Mr. VOINOVICH, Mrs. CLINTON, Ms. CANTWELL, Mr. BREAUX, Mrs. MURRAY, Mr. HOLLINGS, Mr. INOUYE, Mr. LEVIN, Mr. BINGAMAN, Mr. ALLEN, Ms. MURKOWSKI, Ms. COLLINS, Mr. AKAKA, Mrs. HUTCHISON, and Mrs. LINCOLN):

S. Res. 196. A resolution designating December 14, 2003, as ''National Children's Memorial Day''; to the Committee on the Judiciary.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 197. A resolution to authorize testimony, document production, and legal representation in State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan; considered and agreed to.

ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUYE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 253

At the request of Mr. CAMPBELL, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 253, a bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns.

S. 333

At the request of Mr. BREAUX, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 333, a bill to promote elder justice, and for other purposes.

S. 517

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) 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. 610

At the request of Mr. VOINOVICH, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 632

At the request of Mr. CRAIG, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 632, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular disease.

S. 661

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to equalize the exclusion from gross income of parking and transportation fringe benefits and to provide for a common cost-of-living adjustment, and for other purposes.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Wisconsin (Mr. KOHL) 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. 818

At the request of Mr. KERRY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 844

At the request of Mr. CRAPO, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 844, a bill to subject the United States to imposition of fees and costs in proceedings relating to State water rights adjudications.

S. 893

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 893, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 894

At the request of Mr. WARNER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 913

At the request of Mr. SANTORUM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 913, a bill to amend the Federal Deposit Insurance Act to provide for the return of excess amounts in Federal deposit insurance funds to financial institutions for use in their communities, with such distributions allocated according to the historical basis of contributions made to the funds by such institutions.

S. 976

At the request of Mr. WARNER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 1046

At the request of Mr. REID, his name was withdrawn as a cosponsor of S. 1046, a bill to amend the Communications Act of 1934 to preserve localism,

to foster and promote the diversity of television programming, to foster and promote competition, and to prevent excessive concentration of ownership of the nation's television broadcast stations.

S. 1046

At the request of Mr. STEVENS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1046, supra.

S. 1250

At the request of Mr. BURNS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1250, a bill to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E–911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system and other purposes.

S. 1283

At the request of Mr. GRAHAM of Florida, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1283, a bill to require advance notification of Congress regarding any action proposed to be taken by the Secretary of Veterans Affairs in the implementation of the Capital Asset Realignment for Enhanced Services initiative of the Department of Veterans Affairs, and for other purposes.

S. 1296

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1296, a bill to exempt seaplanes from certain transportation taxes.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1335

At the request of Mr. GRAHAM of Florida, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1400

At the request of Ms. COLLINS, her name was added as a cosponsor of S. 1400, a bill to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes.

S. CON. RES. 25

At the request of Mr. VOINOVICH, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution recognizing and honoring America's Jewish community on the occasion of its 350th anniversary, supporting the designation of an ''American Jewish History Month'', and for other purposes.

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from North Carolina (Mr. EDWARDS), the Senator from Rhode Island (Mr. REED), the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Indiana (Mr. BAYH), the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Hawaii (Mr. INOUYE), the Senator from Maryland (Mr. SARBANES), the Senator from Georgia (Mr. MILLER), the Senator from Michigan (Mr. LEVIN), the Senator from Nebraska (Mr. NELSON) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as ''National Purple Heart Recognition Day''.

S. CON. RES. 41

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Con. Res. 41, a concurrent resolution directing Congress to enact legislation by October 2005 that provides access to comprehensive health care for all Americans.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 1418. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefits computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Finance.

Mr. REID. Mr. President, I believe Social Security is one of the greatest success stories of our government.

Social Security is the only program in the history of our Nation that has provided dignity and respect for our senior citizens, regardless of their income or backgrounds.

For almost 70 years, Social Security has been there for our citizens when they need it. It has provided seniors with independence and economic security in their retirement years.

In addition to helping millions of senior citizens, Social Security has provided economic security for surviving spouses and children and to countless Americans with disabilities.

It is easy to see why people believe Social Security is the most successful social program our country has ever adopted.

I rise today to reintroduce legislation that would correct a problem that plagues a special population of Social Security recipients. I am speaking on behalf of those affected by Social Security notch.

The Social Security notch causes more than nine million Social Security recipients born between the years of 1917 and 1926 to receive fewer Social Security benefits than Americans born outside the notch years due to changes made in 1977 to the Social Security benefit formula.

I have continued to speak out on this issue and the injustice it imposes on millions of seniors. The notch issue has been discussed, studied and reviewed, yet to date, Congress has not corrected this wrong. Because of this, many older Americans born during this period cannot afford the most basic necessities.

Congress must accept responsibility for any error that was made. We should not ask notch Seniors to accept less because of our mistake. While we must preserve and protect Social Security for future generations, we have an obligation to those, who through no fault of their own, receive less than those that were fortunate enough to be born just days before and after the notch period.

The notch situation has its origins in 1972, when Congress decided to create automatic cost-of-living-adjustments to help Social Security keep pace with inflation. Prior to 1972, each adjustment had to await legislation, causing beneficiaries' monthly payments to lag behind inflation. When Congress took this action, it was acting under the best of intentions.

Unfortunately, this new benefit adjustment method was flawed. To function properly, it required that the economy behave in much the same fashion that it had in the 1950s and 1960s, with annual wage increases outpacing prices, and inflation remaining relatively low. As we all know, that did not happen. The rapid inflation and high unemployment of the 1970s generated rapid increases in benefits.

In 1977, Congress revised the way that benefits were computed. In making its revisions, Congress decided that it was not proper to reduce benefits for persons already receiving them. It did, however, decide that benefits for all future retirees should be reduced.

We have an obligation to convey to our constituents that Social Security is a fair system. Notch Babies in Nevada feel slighted by their government and if I were in their situation, I would too. Through no fault of their own, they receive less, sometimes as much as $200 less, than their neighbors.

The legislation I am offering today is my proposal to right the wrong. Let us fix the notch problem and restore the confidence of the nine million notch babies across this land. Government has an obligation to be fair. My support of notch babies is longstanding. I sponsored numerous pieces of legislation over the years to address this issue. With this legislation, my effort continues.

It is unfortunate that these measures have not seen the light of day. Many who have written to me think Congress is waiting for notch babies to die rather than honor this debt. I must tell you it concerns me when our constituents have this perception of their elected representatives.

We have to do something to make sure Americans believe that Social Security is a fair system. Passage of my legislation provides us that chance.

My legislation is intended to make good on what this government should have done long ago. I propose that workers who attain the age of 65 after 1981 and before 1992 be allowed to choose either lump sum payment over four years totaling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977.

It is time to put these dollars into the hands of those who earned them. It is time to show our support for notch reform.

I am introducing this legislation because actions speak louder than words. The 'Notch Fairness Act of 2003' that I am introducing on behalf of notch victims today, is intended to put my words into action. I ask all my colleagues to join me in support of this important and long overdue legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1418

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 ''Notch Fairness Act of 2003''.

SEC. 2. NEW GUARANTEED MINIMUM PRIMARY INSURANCE AMOUNT WHERE ELIGIBILITY ARISES DURING TRANSITIONAL PERIOD.

(a) IN GENERAL.—Section 215(a) of the Social Security Act (42 U.S.C. 415(a)) is amended—

(1) in paragraph (4)(B)—

(A) by inserting ''(with or without the application of paragraph (8))'' after ''would be made''; and

(B) in clause (i), by striking ''1984'' and inserting ''1989''; and

(2) by adding at the end the following:

''(8)(A) In the case of an individual described in paragraph (4)(B) (subject to subparagraphs (F) and (G) of this paragraph), the amount of the individual's primary insurance amount as computed or recomputed under paragraph (1) shall be deemed equal to the sum of—

''(i) such amount, and

''(ii) the applicable transitional increase amount (if any).

''(B) For purposes of subparagraph (A)(ii), the term 'applicable transitional increase amount' means, in the case of any individual, the product derived by multiplying—

''(i) the excess under former law, by

''(ii) the applicable percentage in relation to the year in which the individual becomes eligible for old-age insurance benefits, as determined by the following table:

''If the individual becomes eligible for such benefits in:	**The applicable percentage is:**
1979	55 percent
1980	45 percent
1981	35 percent
1982	32 percent
1983	25 percent
1984	20 percent
1985	16 percent
1986	10 percent
1987	3 percent
1988	5 percent.

''(C) For purposes of subparagraph (B), the term 'excess under former law' means, in the case of any individual, the excess of—

''(i) the applicable former law primary insurance amount, over

''(ii) the amount which would be such individual's primary insurance amount if computed or recomputed under this section without regard to this paragraph and paragraphs (4), (5), and (6).

''(D) For purposes of subparagraph (C)(i), the term 'applicable former law primary insurance amount' means, in the case of any individual, the amount which would be such individual's primary insurance amount if it were—

''(i) computed or recomputed (pursuant to paragraph (4)(B)(i)) under section 215(a) as in effect in December 1978, or

''(ii) computed or recomputed (pursuant to paragraph (4)(B)(ii)) as provided by subsection (d),

(as applicable) and modified as provided by subparagraph (E).

''(E) In determining the amount which would be an individual's primary insurance amount as provided in subparagraph (D)—

''(i) subsection (b)(4) shall not apply;

''(ii) section 215(b) as in effect in December 1978 shall apply, except that section 215(b)(2)(C) (as then in effect) shall be deemed to provide that an individual's 'computation base years' may include only calendar years in the period after 1950 (or 1936 if applicable) and ending with the calendar year in which such individual attains age 61, plus the 3 calendar years after such period for which the total of such individual's wages and self-employment income is the largest; and

''(iii) subdivision (I) in the last sentence of paragraph (4) shall be applied as though the words 'without regard to any increases in that table' in such subdivision read 'including any increases in that table'.

''(F) This paragraph shall apply in the case of any individual only if such application results in a primary insurance amount for such individual that is greater than it would be if computed or recomputed under paragraph (4)(B) without regard to this paragraph.

''(G)(i) This paragraph shall apply in the case of any individual subject to any timely election to receive lump sum payments under this subparagraph.

''(ii) A written election to receive lump sum payments under this subparagraph, in lieu of the application of this paragraph to the computation of the primary insurance amount of an individual described in paragraph (4)(B), may be filed with the Commissioner of Social Security in such form and manner as shall be prescribed in regulations of the Commissioner. Any such election may be filed by such individual or, in the event of such individual's death before any such election is filed by such individual, by any other beneficiary entitled to benefits under section 202 on the basis of such individual's wages and self-employment income. Any such election filed after December 31, 2003, shall be null and void and of no effect.

''(iii) Upon receipt by the Commissioner of a timely election filed by the individual described in paragraph (4)(B) in accordance with clause (ii)—

''(I) the Commissioner shall certify receipt of such election to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay such individual, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000, in 4 annual lump sum installments of $1,250, the first of which shall be made during fiscal year 2004 not later than July 1, 2004, and

''(II) subparagraph (A) shall not apply in determining such individual's primary insurance amount.

''(iv) Upon receipt by the Commissioner as of December 31, 2003, of a timely election filed in accordance with clause (ii) by at least one beneficiary entitled to benefits on the basis of the wages and self-employment income of a deceased individual described in paragraph (4)(B), if such deceased individual has filed no timely election in accordance with clause (ii)—

''(I) the Commissioner shall certify receipt of all such elections received as of such date to the Secretary of the Treasury, and the Secretary of the Treasury, after receipt of such certification, shall pay each beneficiary filing such a timely election, from amounts in the Federal Old-Age and Survivors Insurance Trust Fund, a total amount equal to $5,000 (or, in the case of 2 or more such beneficiaries, such amount distributed evenly among such beneficiaries), in 4 equal annual lump sum installments, the first of which shall be made during fiscal year 2004 not later than July 1, 2004, and

''(II) solely for purposes of determining the amount of such beneficiary's benefits, subparagraph (A) shall be deemed not to apply in determining the deceased individual's primary insurance amount.''.

(b) EFFECTIVE DATE AND RELATED RULES.—

(1) APPLICABILITY OF AMENDMENTS.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this Act shall be effective as though they had been included or reflected in section 201 of the Social Security Amendments of 1977.

(B) APPLICABILITY.—No monthly benefit or primary insurance amount under title II of the Social Security Act shall be increased by reason of such amendments for any month before July 2004.

(2) RECOMPUTATION TO REFLECT BENEFIT INCREASES.—Notwithstanding section 215(f)(1) of the Social Security Act, the Commissioner of Social Security shall recompute the primary insurance amount so as to take into account the amendments made by this Act in any case in which—

(A) an individual is entitled to monthly insurance benefits under title II of such Act for June 2004; and

(B) such benefits are based on a primary insurance amount computed—

(i) under section 215 of such Act as in effect (by reason of the Social Security Amendments of 1977) after December 1978, or

(ii) under section 215 of such Act as in effect prior to January 1979 by reason of subsection (a)(4)(B) of such section (as amended by the Social Security Amendments of 1977).

By Ms. LANDRIEU (for herself, Mr. BAYH, Mr. KERRY, Mrs. CLINTON, and Mr. DASCHLE):

S. 1419. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

Ms. LANDRIEU. Madam President, I send a bill to the desk and ask for its appropriate referral. I send this bill to the desk on behalf of myself, the Senator from Indiana, Senator BAYH, Senator KERRY, and Senator CLINTON.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Ms. LANDRIEU. Madam President, I appreciate the Democratic leader's generosity, to give some of his time for the introduction of this very important bill. I thank the Senator from South Dakota.

This particular measure is called the Foster Mentoring Act of 2003. I have spoken many times on the floor about the issue of foster care and adoption, and our efforts as a Congress to try to keep our families intact and to provide the economic systems in the country, as well as the social systems from the Federal, State, and local level, to try to help support our families in a way that will get them through crises that all families experience.

It would be our goal as a nation to see that every child born in a family gets to stay within that family and is loved and nurtured within that family unit, either the immediate family or extended family. But when family ties break down beyond the ability to repair them even with the best efforts made by the churches and synagogues and mosques and faith-based organizations as well as the Government, then we have to create a system out-of-home care, or foster care.

We have done that. We have created a system, but we have to fix a system that is now broken and in great need of repair. Many of us have been working diligently over the past few years to do that. Some great progress has been made.

Until the system can be reformed in its entirety, there are some things we can do now, we can do immediately. Passing this Foster Mentoring Act is one of these things. It would provide a $15 million grant to States to provide foster care mentoring programs, provides $4 million for a public awareness campaign for the need for mentors for the over 500,000 children who are in foster care in the United States today, and it would provide, most significantly, up to $20,000 for loan forgiveness for anyone who would mentor a foster care child.

You ask me have we done this before? Yes, in California, represented by a list of advocates I will submit, Children Uniting Nations is the lead nonprofit organization organizing this effort. Under the direction of Governor Gray Davis and his wife, Sharon, they have been a successful pilot for this kind of program in the United States.

This bill attempts to take what is working in California and expand it nationally and provide foster care mentoring opportunities to children in foster care.

I ask unanimous consent, because my time is short, to have printed in the RECORD a letter from the former majority leader, Dick Armey, who supports this initiative and really encourages the Congress to take a serious look.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RICHARD K. ARMEY,
FORMER MAJORITY LEADER,
Washington, DC, July 16, 2003.

Hon. MARY LANDRIEU,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR LANDRIEU: I understand you are introducing legislation designed to promote mentoring for foster children. I am writing to applaud your effort and objective. Based on my own experience, mentoring works.

My own experience with mentoring convinces me that it affords an opportunity for learning and encouragement to children that is all too often not otherwise available. For the past ten years I have sponsored a program, which we called, Tools for Tomorrow in which we arranged scholarships and mentors fifteen deserving children. I have seen first hand how they blossomed through the experience and I have enjoyed the special relationship between the children and their mentors. Mentoring works in the lives of the children.

In addition to applauding your active leadership and efforts with respect to mentoring for foster children I also want to commend Daphna Ziman, and Children Using Nations for their support and activities in the private sector. Daphna Ziman, Chairperson of Children Uniting Nations, is a recognized leader who gives much of herself in the tireless pursuit of helping foster children. Her efforts and other private sector initiatives play a critical role in advancing this important cause.

With kind regards,

DICK ARMEY.

Ms. LANDRIEU. I urge my colleagues to take this issue, as I know they will, quite seriously, to do what we can now to provide the hundreds of thousands of children who are looking for mentorship and stability the benefit of this act and, as quickly as we can, take it up in the Senate. Of course, we urge our leadership to do so.

Finally, I thank Senator DASCHLE for giving me the minutes before his amendment to offer this important legislation.

I yield any time remaining.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I complement the distinguished Senator from Louisiana for her bill and her leadership on the issue of mentoring. She knows a great deal about foster care. I am grateful to her for the commitment she had made to the issue.

Recent statistics have shown that 45 percent of those children who are in foster care are less likely to begin using drugs; 59 percent do better academically; 73 percent set and attain a higher life achievement goal. So there is a lot to be said for fostering. I believe the Foster Care Mentoring Act that she has now just introduced is meritorious and certainly deserves our support.

I ask to be a cosponsor.

Ms. LANDRIEU. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

By Mr. CRAIG:

S. 1420. A bill to establish terms and conditions for use of certain Federal land by outfitters and to facilitate public opportunities for the recreational use and enjoyment of such land; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I am pleased to introduce today the Outfitter Policy Act of 2003.

This legislation is very similar to legislation I introduced in past Congresses. As that legislation did, this bill would put into law many of the management practices by which Federal land management agencies have successfully managed the outfitter and guide industry on National Forests, National Parks and other Federal lands over many decades.

The bill recognizes that many Americans want and seek out the skills and experience of commercial outfitters and guides to help them enjoy a safe and pleasant journey.

The Outfitter Policy Act's primary purpose is to ensure accessibility to public lands by all segments of the population and maintain the availability of quality recreation services to the public. While protecting access for many outdoor enthusiasts who possess the skills to enjoy recreating on public lands without assistance, this Act insures that outfitters and guides across the Nation can continue to provide opportunities for outdoor recreation for the many families and groups who would otherwise find the backcountry inaccessible.

Previous hearings and discussions on prior versions of this legislation helped to refine the bill I am introducing today. This process provided the intended opportunity for discussion. As well as it allowed for the examination of the historical practices that have offered consistent, reliable outfitter services to the public.

Congress has twice addressed this issue with respect to the National Park System permits—originally establishing standards for Park Service administration of guide/outfitter permits on their lands in 1965 and amending that system in 1998. Therefore, it is appropriate to set similar legislative standards for other public land systems

such as Forest Service and Bureau of Land Management lands. However, these and other land management agencies are now without Congressional guidance, and instead rules, permit terms and conditions and other intricacies are often left to local agency personnel. The Outfitter Policy Act would alleviate the discord involved in land management permitting, providing consistent guidance on the administration of guide/outfitter permits for the other federal land management agencies.

The Outfitter Policy Act provides the basic terms and conditions necessary to sustain the substantial investment often needed to provide the level of service demanded by the public. However, the bill provides the agencies ample flexibility to adjust use, conditions, and permit terms. All of which must be consistent with agency management plans and policies for resource conservation. The Outfitter Policy Act strives to provide a stable, consistent regulatory climate which encourages qualified entrants to the guide/outfitting business, while giving the agencies and operators clear directions.

The Outfitter Policy Act is a measure that will facilitate access to public lands by the outfitted public, while providing incentives to outfitters to provide the high quality services over time. It is necessary to ensure that members of the public who need and rely on guides and outfitters for recreational access to public lands will continue to receive safe, quality services.

Unfortunately, this legislation has not passed in its current form. So I will be working with my colleagues, Senators BINGAMAN and WYDEN, to capture these concepts and draft a bill that will pass our committee.

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. 1420

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 ''Outfitter Policy Act of 2003''.

SEC. 2. PURPOSE.

The purpose of this Act is to authorize the Secretary of Agriculture and the Secretary of the Interior to facilitate the use and enjoyment of recreational and educational opportunities on Federal land by establishing a program for the permitting of providers of outfitted activities that—

(1) recognizes that outfitted activities constitute an important component of meeting the recreational and educational objectives of resource and land management;

(2) is based on developing an effective relationship between the Federal agency and the outfitters that facilitates an administrative framework and regulatory environment that makes it possible for outfitters to engage in, and invest in, a successful business venture that provides for recreational use of Federal land by the segment of the public that needs or wants the services of outfitters and guides; and

(3) ensures that the United States receives fair value for use of Federal land.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLOCATION OF USE.—

(A) IN GENERAL.—The term ''allocation of use'' means a method or measurement of use that—

(i) is granted by the Secretary to an authorized outfitter for the purpose of facilitating the occupancy and use of Federal land by an outfitted visitor;

(ii) takes the form of—

(I) an amount or type of commercial outfitted activity resulting from an apportionment of the total recreation capacity of a resource area; or

(II) in the case of a resource area for which recreation capacity has not been apportioned, a type of commercial outfitted activity conducted in a manner that is not inconsistent with or incompatible with an approved resource management plan; and

(iii) is calibrated in terms of amount of use, type of use, or location of a commercial outfitted activity, including user days or portions of user days, seasons or other periods of operation, launch dates, assigned camps, hunt, gun, or fish days, or other formulations of the type or amount of authorized activity.

(B) INCLUSION.—The term ''allocation of use'' includes the designation of a geographic area, zone, or district in which a limited number of authorized outfitters are authorized to operate.

(2) AUTHORIZED OUTFITTER.—The term ''authorized outfitter'' means a person or entity that conducts a commercial outfitted activity on Federal land under an outfitter authorization.

(3) COMMERCIAL OUTFITTED ACTIVITY.—The term ''commercial outfitted activity'' means an activity—

(A) conducted for a member of the public in an outdoor environment on Federal land, such as—

(i) outfitting;

(ii) guiding;

(iii) supervision;

(iv) education;

(v) interpretation;

(vi) skills training;

(vii) assistance; or

(viii) the dropping off or picking up of visitors, supplies, or equipment;

(B) conducted under the direction of compensated individuals; and

(C) for which an outfitted visitor is required to pay more than shared expenses (including payment to an authorized outfitter that is a nonprofit organization).

(4) FEDERAL AGENCY.—The term ''Federal agency'' means—

(A) the Forest Service;

(B) the Bureau of Land Management;

(C) the United States Fish and Wildlife Service; or

(D) the Bureau of Reclamation.

(5) FEDERAL LAND.—

(A) IN GENERAL.—The term ''Federal land'' means all land and interests in land administered by a Federal agency.

(B) EXCLUSION.—The term ''Federal land'' does not include—

(i) land held in trust by the United States for the benefit of an Indian tribe or individual; or

(ii) land held by an Indian tribe or individual subject to a restriction by the United States against alienation.

(6) OUTFITTER AUTHORIZATION.—The term ''outfitter authorization'' means—

(A) an outfitter permit;

(B) a temporary outfitter authorization; or

(C) any other authorization to use and occupy Federal land under this Act.

(7) RESOURCE AREA.—The term ''resource area'' means a management unit that is described by or contained within the boundaries of—

(A) a national forest;

(B) an area of public land;

(C) a wildlife refuge;

(D) a congressionally designated area;

(E) a hunting zone or district; or

(F) any other Federal planning unit (including an area in which outfitted activities are regulated by more than 1 Federal agency).

(8) SECRETARY.—The term ''Secretary'' means—

(A) with respect to Federal land administered by the Forest Service, the Secretary of Agriculture;

(B) with respect to Federal land administered by the Bureau of Land Management, the United States Fish and Wildlife Service, or the Bureau of Reclamation, the Secretary of the Interior.

SEC. 4. OUTFITTER AUTHORIZATIONS.

(a) IN GENERAL.—

(1) PROHIBITION.—No person or entity, except an authorized outfitter, shall conduct a commercial outfitted activity on Federal land.

(2) SPECIAL RULE FOR ALASKA.—With respect to a commercial outfitted activity conducted in the State of Alaska, the Secretary shall not establish or impose a limitation on access by an authorized outfitter that is inconsistent with the access ensured under subsections (a) and (b) of section 1110 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3170).

(b) TERMS AND CONDITIONS.—An outfitter authorization shall specify—

(1) the rights and privileges of the authorized outfitter and the Secretary; and

(2) other terms and conditions of the authorization.

(c) CRITERIA FOR ISSUING AN OUTFITTER PERMIT.—The Secretary shall establish criteria for the issuance of an outfitter permit that—

(1) recognize skilled, experienced, and financially capable persons or entities with knowledge of the resource area;

(2) consider the safety of, and the quality recreational experience, educational opportunities, and resources available to, the outfitted visitor; and

(3) recognize and provide a range of public services.

(d) ISSUANCE OF OUTFITTER PERMIT.—

(1) IN GENERAL.—The Secretary may issue an outfitter permit under this Act if—

(A) the commercial outfitted activity to be authorized is not inconsistent with an approved resource management plan applicable to the resource area in which the commercial outfitted activity is to be conducted; and

(B) the authorized outfitter meets the criteria established under subsection (c).

(2) USE OF COMPETITIVE PROCESS.—Except as otherwise provided by this Act, the Secretary shall use a competitive process to select an authorized outfitter if the Secretary determines that there is a competitive interest in the commercial outfitted activity to be conducted.

(e) PROVISIONS OF OUTFITTER PERMITS.—

(1) IN GENERAL.—An outfitter permit shall provide for—

(A) the health and welfare of the public;

(B) conservation of resources;

(C) a return to the United States through the fees authorized under section 5;

(D)(i) a term of 10 years; or

(ii) a term of less than 10 years if—

(I) foreseeable amendments in resource management plans would create conditions

that, less than 10 years after the date of issuance of the permit, would materially affect, and necessitate changes in the terms and conditions of, a permit; and

(II) the Secretary and the authorized outfitter agree to the reduced permit term;

(E) a probationary period of 2 years if the authorized outfitter is a new authorized outfitter;

(F) the obligation of an authorized outfitter to defend and indemnify the United States under section 6;

(G) a base allocation of outfitter use, and, if appropriate, a temporary allocation of use;

(H) a plan to conduct performance evaluations under section 8;

(I) a means to modify, on the initiative of the Federal agency or on the request of the authorized outfitter, an outfitter permit to reflect material changes in terms and conditions specified in the outfitter permit;

(J) notice of a right of appeal and judicial review; and

(K) such other terms and conditions as the Secretary may require.

(2) EXTENSIONS.—The Secretary may issue not more than 3 1-year extensions of an outfitter permit, unless the Secretary determines that extraordinary circumstances warrant additional extensions.

(f) TEMPORARY OUTFITTER AUTHORIZATIONS.—

(1) IN GENERAL.—The Secretary may issue a temporary outfitter authorization for the purpose of conducting a commercial outfitted activity on a limited basis.

(2) TERM.—A temporary outfitter authorization shall have a term of not more than 2 years.

(3) REISSUANCE OR RENEWAL.—A temporary outfitter authorization may be reissued or renewed at the discretion of the Secretary.

SEC. 5. FEES.

(a) AMOUNT OF FEE.—

(1) IN GENERAL.—In determining the amount of a fee, the Secretary shall—

(A) use consistent methodologies; and

(B) take into consideration—

(i) the financial obligations of the outfitter under the outfitter permit;

(ii) the provision of a reasonable opportunity to engage in a successful business;

(iii) the fair value of the use and occupancy granted by the outfitter authorization; and

(iv) other fees charged to the general public, such as entrance fees.

(2) REQUIREMENTS.—The amount of the fee—

(A)(i) shall be expressed as—

(I) a simple charge per day of actual use; or

(II) an annual or seasonable flat fee; or

(ii) if calculated as a percentage of revenue—

(I) shall be determined based on adjusted gross receipts; and

(II) shall include a minimum fee;

(B) shall be subordinate to the objectives of—

(i) conserving resources;

(ii) protecting the health and welfare of the public;

(iii) providing reliable and consistent performance in conducting outfitted activities; and

(iv) providing quality service to the public; and

(C) shall be required to be paid on a reasonable schedule during the operating season.

(3) ACTUAL USE.—For the purpose of calculating a fee based on actual use, the Secretary shall—

(A) consider multiple outfitted activities conducted in 1 day with separate charges as 1 actual use day; and

(B) consider an activity conducted across agency jurisdictions over the course of 1 day as 1 actual use day.

(4) ADJUSTED GROSS RECEIPTS.—For the purpose of paragraph (2)(A)(ii), the Secretary shall—

(A) take into consideration revenue from the gross receipts of the authorized outfitter from commercial outfitted activities conducted on Federal land; and

(B) exclude from consideration any revenue that is derived from—

(i) fees paid by the authorized outfitter to any unit of Federal, State, or local government for—

(I) hunting or fishing licenses;

(II) entrance or recreation fees; or

(III) other purposes (other than commercial outfitted activities conducted on Federal land);

(ii) a sale of assets used in the operations of the authorized outfitter; or

(iii) activities conducted on non-Federal land.

(5) FEES FOR SUBSTANTIALLY SIMILAR SERVICES IN A SPECIFIC GEOGRAPHIC AREA.—

(A) IN GENERAL.—Except as provided in subparagraph (B), if more than 1 outfitter permit is issued to conduct the same or similar commercial outfitted activities in the same resource area, the Secretary shall establish an identical fee for all such outfitter permits.

(B) EXCEPTION.—The terms and conditions of an existing outfitter permit shall not be subject to modification or open to renegotiation by the Secretary because of the issuance of a new outfitter permit in the same resource area.

(6) ADJUSTMENT OF FEES.—The amount of a fee—

(A) shall be determined and made effective as of the date of the outfitter permit; and

(B) may be modified to reflect—

(i) changes in outfitted activities relating to fees based on actual use;

(ii) extraordinary unanticipated changes affecting operating conditions, such as natural disasters, economic conditions, or other material adverse changes from the terms and conditions specified in the outfitter permit;

(iii) changes affecting operating or economic conditions determined by other governing entities, such as the availability of State fish or game licenses;

(iv) the imposition of new or increased fees assessed under other law; or

(v) authorized adjustments made to an allocation of use.

(b) OTHER FEES AND COSTS.—

(1) IN GENERAL.—In establishing fees other than the fees authorized under this Act that may directly or indirectly affect authorized outfitters, the Secretary shall—

(A) ensure that the fees do no materially and adversely effect—

(i) the ability of authorized outfitters to provide quality services at reasonable rates; and

(ii) the opportunity of authorized outfitters to engage in a successful business venture; and

(B)(i) consider the cumulative impact of fees levied under this Act, any cost recovery requirements, and State and local taxes and fees on authorized outfitters; and

(ii) adjust the fees as appropriate;

(C) to the extent practicable, consolidate the fees into 1 predictable fee.

(2) PROCESSING FEES AND COSTS.—Fees for processing applications for outfitter permits or monitoring compliance with permits terms and conditions shall not seek to recover costs of agency activities that benefit broadly the general public, relate directly to agency statutory duties, or are not directly related to or required for processing of applications or monitoring of an authorization.

(3) NOTICE.—A change in the manner in which a fee charged under paragraph (1) or (2) is determined shall be valid only if—

(A) the Secretary provides written notice to authorized outfitters affected by the change; or

(B) the authorized outfitter agrees to the change.

SEC. 6. LIABILITY AND INDEMNIFICATION.

(a) GENERAL.—An authorized outfitter shall pay the United States for all injury, loss, damage, and costs arising from negligence, gross negligence, or willful and wanton disregard for persons or property associated with the authorized outfitter's conduct of a commercial outfitted activity under an outfitter authorization.

(b) INDEMNIFICATION.—An authorized outfitter shall defend and indemnify the United States for all injury, loss, damage, and costs the United States may incur as a result of judgments, claims, or losses arising from negligence, gross negligence, or willful and wanton disregard for persons or property associated with the authorized outfitter's conduct of a commercial outfitted activity under an outfitter authorization.

(c) ENVIRONMENTAL AND OTHER LIABILITY.—Subsections (a) and (b) shall not be interpreted to limit any liability for, or prevent the United States from taking any action to address, injury, loss, damages, or costs associated with environmental contamination, injury to natural resources, or other cause of action that arises under other law, including the Resource Conservation Recovery Act (7 U.S.C. 1010, et seq.), the Comprehensive Environmental Response Compensation and Liability Act (42 U.S.C. 19 9601, et seq.), and Clean Water Act (33 U.S.C. 1251, et seq.), in connection with the authorized outfitter's use and occupancy of Federal lands, or to diminish any independent obligation of the authorized outfitter to indemnify the United States with respect to the same.

(d) EXCEPTION.—An authorized outfitter shall have no obligation to pay, defend, or indemnify the United States under subsections (a) and (b) for any injury, loss, damage, or costs for which the United States is solely responsible.

(e) FINDING OF COGNIZABLE CLAIM.—

(1) ACTIONS REQUIRED BEFORE PRESENTING CLAIM.—Before presenting any claim to an authorized outfitter for injury, loss, damage, or costs incurred by the United States pursuant to subsection (a) or (b), the Secretary shall—

(A) submit to the authorized outfitter a preliminary finding that the claim is cognizable; and

(B) provide the authorized outfitter with an opportunity to comment before submitting the final finding to the authorized outfitter.

(2) ADMINISTRATIVE CLAIMS.—Nothing in this section is intended to preclude the United States from pursuing its claims administratively, without first obtaining a judicial determination of liability.

(f) ASSUMPTION OF RISK AND WAIVERS OF LIABILITY.—

(1) GENERAL REQUIREMENTS.—An authorized outfitter may enter into agreements with outfitted visitors for assumption of risk and waiver of liability for negligence in connection with inherently dangerous outfitted activities, if—

(A) the waiver of liability also runs in favor of the United States and its agents, employees, or contractors;

(B) the waiver of liability adequately covers the risks of loss to the United States associated with the authorized outfitter's activities on Federal lands;

(C) the waiver of liability does not abrogate, limit, or in any manner affect the authorized outfitter's obligation to indemnify the United States under this section; and

(D) the waiver of liability does not affect the ability of the United States to recover as

an additional insured under any insurance policy obtained by an authorized outfitter in connection with a commercial outfitted activity.

(2) PRIOR WRITTEN APPROVAL REQUIRED.—No waiver of liability may be used by an authorized outfitter without prior written approval of the Federal agency. The Federal agency has the discretion to deny requests for the use of waivers of liability for any reason if deemed not in the best interests of the United States.

(3) STANDARDIZATION.—Waivers of liability used by authorized outfitters and insurance policies obtained by authorized outfitters in connection with a commercial outfitted activity shall be standardized to the greatest extent possible. Authorized outfitters, the insurance industry, and the Federal agencies shall work together to achieve this goal.

SEC. 7. ALLOCATIONS OF USE.

(a) IN GENERAL.—In a manner that is not inconsistent with or incompatible with an approved resource management plan applicable to the resource area in which a commercial outfitted activity occurs, the Secretary—

(1) shall provide a base allocation of outfitter use to an authorized outfitter under an outfitter permit; and

(2) may provide a base allocation of use to an authorized outfitter under a temporary outfitter permit.

(b) WAIVER OF ALLOCATION.—

(1) IN GENERAL.—At the request of an authorized outfitter, the Secretary may waive any obligation of the authorized outfitter to use all or part of the amount of allocation of use provided under the outfitter permit, if the request is made in sufficient time to allow the Secretary to temporarily reallocate the unused portion of the allocation of use in that season or calendar year.

(2) RECLAIMING OF ALLOCATION OF USE.—Unless the Secretary has reallocated the unused portion of an allocation of use in accordance with paragraph (1), the authorized outfitter may reclaim any part of the unused portion in that season or calendar year.

(3) NO FEE OBLIGATION.—An outfitter permit fee may not be charged for any amount of allocation of use subject to a waiver under paragraph (1).

(c) ADJUSTMENT TO ALLOCATION OF USE.—The Secretary—

(1) may adjust a base allocation of use to reflect—

(A) a material change arising from approval of an amendment or revision in the resource management plan for the area of operation; or

(B) requirements arising under other law; and

(2) shall provide an authorized outfitter with documentation supporting the basis for any adjustment in the base allocation of outfitter use, including new terms and conditions that result from the adjustment.

(d) RENEWALS, TRANSFERS, AND EXTENSIONS.—Except as provided in subsection (c), on renewal, transfer, or extension of an outfitter permit, the same base allocation of use shall be included in the terms and conditions of the outfitter permit.

(e) TEMPORARY ALLOCATION OF USE.—

(1) IN GENERAL.—A temporary allocation of use may be provided to an authorized outfitter at the discretion of the Secretary for a period not to exceed 2 years beyond the base allocation.

(2) TRANSFERS AND EXTENSIONS.—A temporary allocation of use may be transferred or extended at the discretion of the Secretary.

SEC. 8. EVALUATION OF PERFORMANCE.

(a) EVALUATION SYSTEM.—The Secretary shall develop a performance evaluation system that—

(1) ensures the continued availability of safe and dependable commercial outfitted activities for the public; and

(2) provides for the suspension or revocation of any outfitter permit if an outfitter fails to meet the required standards.

(b) EVALUATION CRITERIA.—Criteria used by the Secretary to evaluate the performance of an authorized outfitter shall—

(1) be objective, measurable, and attainable; and

(2) include, as determined to be appropriate by the Secretary—

(A) standards generally applicable to all commercial outfitted activities; and

(B) standards specific to a resource area or an individual outfitter operation.

(c) REQUIREMENTS.—In evaluating the level of performance of an authorized outfitter, the Secretary shall—

(1) appropriately account for factors beyond the control of the authorized outfitter;

(2) ensure that the effect of any performance deficiency reflected by the performance rating is proportionate to the severity of the deficiency, including any harm that may have resulted from the deficiency;

(3) schedule evaluations to ensure the authorized outfitter is present, or represented, at inspections of operations or facilities and inspections, which inspections shall be limited to the operations and facilities of the authorized outfitter located on Federal land; and

(4) provide written notice of any conduct or condition that, if not corrected, might lead to a performance evaluation of marginal or unsatisfactory, which notice shall include an explanation of needed corrections and provide a reasonable period in which the corrections may be made without penalty.

(d) LEVELS OF PERFORMANCE.—The Secretary shall define 3 levels of performance, as follows:

(1) Good, indicating a level of performance that fulfills the terms and conditions of the outfitter permit.

(2) Marginal, indicating a level of performance that, if not corrected, will result in an unsatisfactory level of performance.

(3) Unsatisfactory, indicating a level of performance that fails to fulfill the terms and conditions of the outfitter permit.

(e) MARGINAL PERFORMANCE.—If an authorized outfitter's annual performance is determined to be marginal—

(1) the level of performance shall be changed to a ''good'' performance for the year if the authorized outfitter completes the corrections within the time specified; or

(2) the level of performance shall be determined to be unsatisfactory for the year if the authorized outfitter fails to complete the corrections within the time specified.

(f) DETERMINATION OF ELIGIBILITY FOR RENEWAL.—

(1) IN GENERAL.—The results of all annual performance evaluations of an authorized outfitter shall be reviewed by the Secretary in the year preceding the year in which the outfitter permit expires to determine whether the authorized outfitter's overall performance during the term has met the requirements for renewal under section 9.

(2) FAILURE TO EVALUATE.—If, in any year of the term of an outfitter permit, the Secretary fails to evaluate the performance of the authorized outfitter by the date that is 90 days after the conclusion of the authorized outfitter's operating season, the performance of the authorized outfitter in that year shall be considered to have been good.

(3) NOTICE.—Not later than 90 days after the end of the year preceding the year in which an outfitter permit expires, the Secretary shall provide the authorized outfitter with the cumulative results of performance evaluations conducted under this subsection during the term of the outfitter permit.

(4) UNSATISFACTORY PERFORMANCE IN FINAL YEAR.—If an authorized outfitter receives an unsatisfactory performance rating under subsection (d) in the final year of the term of an outfitter permit, the review and determination of eligibility for renewal of the outfitter permit under paragraph (1) shall be revised to reflect that result.

SEC. 9. RENEWAL, REVOCATION, OR SUSPENSION OF OUTFITTER PERMITS.

(a) RENEWAL AT EXPIRATION OF TERM.—

(1) IN GENERAL.—On expiration of the term of an outfitter authorization, the Secretary shall renew the authorization in accordance with paragraph (2).

(2) CRITERIA FOR DETERMINATION.—The Secretary shall renew an outfitter authorization under paragraph (1) at the end of the term of an outfitter authorization and subject to the requirements of this Act if the Secretary determines that the authorized outfitter has received not more than 1 unsatisfactory annual performance rating under section 8 during the term of the outfitter permit.

(3) TEMPORARY OUTFITTER AUTHORIZATION.—If the Secretary determines that the authorized outfitter has received an unsatisfactory annual performance rating in the last year of the 10-year term of the outfitter permit—

(A) the Secretary may issue to the authorized outfitter a temporary outfitter permit; and

(B) if during the 2-year period of the temporary outfitter permit issued under subparagraph (A), the authorized outfitter receives a good performance rating, the Secretary shall renew the outfitter permit for an 8-year term.

(b) SUSPENSION OR REVOCATION.—An outfitter permit may be suspended or revoked if the Secretary determines that—

(1)(A) the authorized outfitter has failed to correct a condition for which the authorized outfitter received notice under section 8(c)(4); and

(B) the condition is considered by the Secretary to be significant with respect to the terms and conditions of the outfitter permit;

(2) the authorized outfitter—

(A) is in arrears in the payment of fees under section 5; and—

(B)(i) has not entered into a payment plan with the Federal agency; or

(ii) has not brought a civil action or brought an administrative claim under section 12; and

(3) the authorized outfitter's conduct demonstrates willful disregard for—

(A) the health and welfare of outfitted visitors or other visitors; or

(B) the conservation of resources on which the commercial outfitted activities are conducted.

SEC. 10. TRANSFERABILITY OF OUTFITTER PERMITS.

(a) IN GENERAL.—An outfitter permit shall not be transferred (including assigned or otherwise conveyed or pledged) by the authorized outfitter without prior written notification to, and approval by, the Secretary.

(b) APPROVAL.—

(1) IN GENERAL.—The Secretary shall approve a transfer of an outfitter permit unless the Secretary determines that the transferee is—

(A) not qualified; or

(B) unable to satisfy the terms and conditions of the outfitter permit.

(2) QUALIFIED TRANSFEREES.—Subject to section 4(d)(1), the Secretary shall approve a transfer of an outfitter permit—

(A) to a purchaser of the operation of the authorized outfitter;

(B) at the request of the authorized outfitter, to an assignee, partner, or stockholder

or other owner of an interest in the operation of the authorized outfitter; or

(C) on the death of the authorized outfitter, to an heir or assign.

(c) TRANSFER TERMS.—The terms and conditions of any outfitter permit shall not be subject to modification or open to renegotiation by the Secretary because of a transfer described in subsection (a) unless—

(1) the modification is agreed to by, or at the request of, the transferee;

(2) the terms and conditions of the outfitter permit that is proposed to be transferred have become inconsistent or incompatible with an approved resource management plan for the resource area; or

(3) the transferee proposes activities outside the scope of the existing authorization.

(d) CONSIDERATION PERIOD.—

(1) TIMEFRAME FOR REVIEW.—Subject to paragraph (2), if the Secretary fails to act on the transfer of an outfitter permit within 180 days after the date of receipt of an application containing the information required with respect to the transfer, the transfer shall be deemed to have been approved.

(2) EXTENSION.—The Secretary may extend the period for consideration of an application under paragraph (1) if—

(A) the Secretary and the authorized outfitter applying for transfer of an outfitter permit agree to extend the period; or

(B)(i) the transferee requests a modification of the terms and conditions of the outfitter permit; and

(ii) the modification requires environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) CONTINUANCE OF OUTFITTER PERMIT.—If the transfer of an outfitter permit is not approved by the Secretary or if the transfer is not subsequently made, the outfitter permit shall remain in effect.

SEC. 11. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—An authorized outfitter shall keep such reasonable records as the Secretary may require to enable the Secretary to determine that all the terms of the outfitter permit are being met.

(b) OBLIGATIONS OF THE SECRETARY AND AUTHORIZED OUTFITTER.—The recordkeeping requirements established by the Secretary shall incorporate simplified procedures that do not impose an undue burden on an authorized outfitter.

(c) ACCESS TO RECORDS.—The Secretary, or an authorized representative of the Secretary, shall for audit and performance evaluation purposes have access to and the right to examine for the 5–year period beginning on the termination date of an outfitter permit any records of the authorized outfitter relating to each outfitter authorization held by the authorized outfitter during the business year.

SEC. 12. APPEALS AND JUDICIAL REVIEW.

(a) APPEALS PROCEDURE.—The Secretary shall by regulation—

(1) grant an authorized outfitter full access to administrative remedies; and

(2) establish an expedited procedure for consideration of appeals of Federal agency decisions to—

(A) deny, suspend, fail to renew, or revoke an outfitter permit; or

(B) change a principal allocation of outfitter use.

(b) JUDICIAL REVIEW.—An authorized outfitter that is adversely affected by a final decision of the Secretary under this Act may commence a civil action in United States district court.

SEC. 13. COLLECTION AND USE OF FUNDS.

Except as provided in section 7 of the Act of April 24,1950 (commonly known as the ''Granger-Thye Act'') (16 U.S.C. 580d), funds deposited under this Act shall be available to the Secretary without further appropriation and shall remain available for—

(1) administration of the outfitter permit;

(2) interpretive programs;

(3) trail maintenance; or

(4) any other activity to carry out this Act.

SEC. 14. REGULATIONS.

Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall promulgate regulations for permitting commercial outfitted activities on Federal land.

SEC. 15. RELATIONSHIP TO OTHER LAW.

(a) NATIONAL PARK OMNIBUS MANAGEMENT ACT OF 1998.—Nothing in this Act supersedes or otherwise affects any provision of title IV of the National Park Omnibus Management Act of 1998 (16 U.S.C. 5951 et seq.).

(b) ANILCA.—Nothing in this Act modifies, amends, or otherwise affects section 1307 of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197).

(c) STATE OUTFITTER LICENSING LAW.—This Act does not preempt any outfitter or guide licensing law (including any regulation) of any State or territory.

SEC. 16. TRANSITION PROVISIONS.

(a) OUTFITTERS WITH SATISFACTORY RATING.—An outfitter that holds a permit, contract, or other authorization to conduct commercial outfitted activities (or an extension of such a permit, contract, or other authorization) in effect on the date of enactment of this Act shall be entitled, on expiration of the authorization, to the issuance of a new outfitter permit under this Act if the performance of the outfitter under the permit, contract, or other authorization was determined to be good or was the equivalent of good, satisfactory, or acceptable under a rating system in use before the date of enactment of this Act.

(b) OUTFITTERS WITH NO RATINGS.—For the purpose of subsection (a), if no recent performance evaluations exist to determine the outfitter's performance, the performance shall be deemed to be good.

(c) EFFECT OF ISSUANCE OF OUTFITTER PERMIT.—The issuance of an outfitter permit under subsection (a) shall not adversely affect any right or obligation that existed under the permit, contract, or other authorization (or an extension of the permit, contract, or other authorization) on the date of enactment of this Act.

SEC. 17. EFFECT.

(a) IN GENERAL.—Nothing in this Act limits or restricts any right, title, or interest of the United States in or to any land or resource or establishes a property right in favor of the authorized outfitter.

(b) EFFECT ON NON-OUTFITTED RECREATIONAL OR ACADEMIC USE.—Nothing in this Act—

(1) establishes any preference for outfitted or non-outfitted use;

(2) diminishes or impairs—

(A) any existing use or occupancy of Federal land by the public (including the non-outfitted public); or

(B) any right or privilege of use, occupancy, or access to Federal land by the public (including the non-outfitted public);

(3) diminishes the existing authority of Federal agencies to—

(A) establish levels of use; and

(B) allocate such use among or between the outfitted and non-outfitted public; and

(4) applies to outdoor activity and services on Federal land for or directly related to academic credit and provided by a bona fide and accredited academic institution.

By Ms. MURKOWSKI:

S. 1421. A bill to authorize the subdivision and dedication of restricted land owned by Alaska Natives; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Native Allotment Subdivision Act is the only answer to resolving the question of whether Native landowners have the authority to subdivide their own property. Individual Alaska Native landowners cannot subdivide their land to transfer it either by gift or by sale. There is no current authority that allows them to dedicate rights-of-way across their land for public access or for utility purposes. The lack of explicit statutory authorization calls into question the legal validity of lands that have been subdivided and lands that likely could be subdivided in the future. This legislation will provide the necessary authorization to the Department of the Interior and Native landowners to dedicate their land for public purposes as they see fit. No other legislation or policy exists that addresses such a unique problem. Essentially this bill allows Alaska Natives to own lands with the same obligations and privileges of other private landowners in Alaska. However, the bill creates no obligation of Alaska Natives to do anything with their allotments unless they elect to sell or dispose of their lands.

Over the past twenty years, hundreds of allotments have been subdivided, either for the purpose of commercial sale or to facilitate transfers of land to the landowners' children or other relatives. Problems arose when the Borough placed a utility line across frontage property of one of the Native landowners. Frontage property the Borough thought it had legal access to; there was no reason to consider potential conflicts existed. The new owner questioned the validity and legality of the Borough placing any kind of feature across his land. In addition, grantees of existing easements, such as utility easements for local electric cooperatives, have felt threatened with trespass action for easements previously granted in good faith.

The question clearly goes to whether a trespass had been committed by local government. In fact in this case, subdivision plats were filed, signed and approved as evidenced by the appropriate signatures of the Bureau of Indian Affairs, the landowner and by the local governing authority. The official plats show streets laid out to provide frontage to the lots created by the subdivision, describing 10 foot utility rights-of-way on each lot. It is recognized that compliance with State law is required when landowners choose to subdivide their land. Given a choice, it would be advantageous to the Alaska Native landowners if the same opportunity was available to them. There is no applicable Federal law on the subject of subdivision of Native allotment lands. State law requires that access to subdivided lots be assured, typically by dedication of public rights-of-way, which will be shown on the subdivision plat.

In an effort to overcome this problem, a collaborative process was undertaken by the affected Boroughs and the State of Alaska to validate such dedications by separately conveying either easements or title to roads and utility easements to State and local governments. This was so burdensome, time-consuming and complex, the process had to be abandoned. The platting authorities and the State were so disenchanted by this process, they had no choice but to turn to Congress for relief. The common sense approach to solving this dilemma, is to afford the same considerations to Native landowners that others have. Native landowners must have the same authority to subdivide and dedicate their land as anyone else has the right to do, according to existing State law

By speeding up and simplifying the allotment subdivision process, the Native landowner, the Federal, State and local governments would all benefit. This legislation permits a Native landowner at his own option to abide by and receive the benefits of subdividing his land in accordance with State or local law. The uncertainty of whether officially filed allotment subdivision plats are valid would be removed. This legislation will also serve to authorize future allotment subdivisions, ratify and confirm the legal validity of those already created.

The Native landowner will not be deprived of any of the protections of restricted land status. This legislation will confirm the restricted Native landowners' right to act in his own best interest. The issue they face is a choice between being able to subdivide their land, obtain a much greater total compensation for sales of subdivided lots or continue to be unable to subdivide their land. Their only option will be to sell one large tract that will almost always bring a substantially smaller total amount of compensation.

The legislation I am introducing today is an issue that applies to Alaska only. The solution affects the Native Allotment Act of 1906, the same legislation which provides for Alaska Natives to receive title to up to 160 acres of public land.

This legislation is non-controversial and is beneficial to all affected parties and to the general public. The State of Alaska and local governments have urged such legislation. The Department of the Interior is supportive.

And, finally, passage of this legislation will be in the best interest of the Native allotment owners and the general public. I urge my colleagues to support this important legislation.

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. 1421

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 ''Alaska Native Allotment Subdivision Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) Alaska Natives that own land subject to Federal restrictions against alienation and taxation need to be able to subdivide the restricted land for the purposes of—

(A) transferring by gift, sale, or devise separate interests in the land; or

(B) severing, by mutual consent, tenancies in common;

(2) for the benefit of the Alaska Native restricted landowners, any persons to which the restricted land is transferred, and the public in general, the Alaska Native restricted landowners should be authorized to dedicate—

(A) rights-of-way for public access;

(B) easements for utility installation, use, and maintenance; and

(C) additional land for other public purposes;

(3)(A) the lack of an explicit authorization by Congress with respect to the subdivision and dedication of Alaska Native land that is subject to Federal restrictions has called into question whether such subdivision and dedication is legal; and

(B) this legal uncertainty has been detrimental to the rights of Alaska Native restricted landowners to use or dispose of the restricted land in the same manner as other landowners are able to use and dispose of land;

(4) extending to Alaska Native restricted land owners the same authority that other landowners have to subdivide and dedicate land should be accomplished without depriving the Alaska Native restricted landowners of any of the protections associated with restricted land status;

(5) confirming the right and authority of Alaska Native restricted land owners, subject to the approval of the Secretary of the Interior, to subdivide their land and to dedicate their interests in the restricted land, should be accomplished without affecting the laws relating to whether tribal governments or the State of Alaska (including political subdivisions of the State) have authority to regulate land use;

(6) Alaska Native restricted land owners, persons to which the restricted land is transferred, State and local platting authorities, and members of the general public have formed expectations in reliance on past subdivisions and dedications; and

(7) those expectations should be fulfilled by ratifying the validity under Federal law of the subdivisions and dedications.

SEC. 3. DEFINITIONS.

In this Act:

(1) RESTRICTED LAND.—The term ''restricted land'' means land in the State that is subject to Federal restrictions against alienation and taxation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STATE.—The term ''State'' means the State of Alaska.

SEC. 4. SUBDIVISION AND DEDICATION OF ALASKA NATIVE RESTRICTED LAND.

(a) IN GENERAL.—An Alaska Native owner of restricted land may, subject to the approval of the Secretary—

(1) subdivide the restricted land in accordance with the laws of the—

(A) State; or

(B) applicable local platting authority; and

(2) execute a certificate of ownership and dedication with respect to the restricted land subdivided under paragraph (1) with the same effect under State law as if the restricted land subdivided and dedicated were held by unrestricted fee simple title.

(b) RATIFICATION OF PRIOR SUBDIVISIONS AND DEDICATIONS.—Any subdivision or dedication of restricted land executed before the date of enactment this Act that has been approved by the Secretary and by the applicable State or local platting authority, as appropriate, is ratified and confirmed by Congress as of the date on which the Secretary approved the subdivision or dedication.

SEC. 5. EFFECT.

(a) IN GENERAL.—Nothing in this Act validates or invalidates any assertion—

(1) that a Federally recognized Alaska Native tribe has or lacks jurisdiction with respect to any land in the State;

(2) that Indian country (as defined in section 1151 of title 18, United States Code) exists or does not exist in the State; or

(3) that, except as provided in section 4, the State or any political subdivision of the State does or does not have the authority to regulate the use of any individually owned restricted land.

(b) EFFECT ON STATUS OF LAND NOT DEDICATED.—Except in a case in which a specific interest in restricted land is dedicated under section (4)(a)(2), nothing in this Act terminates, diminishes, or otherwise affects the continued existence and applicability of Federal restrictions against alienation and taxation on restricted land or interests in restricted land (including restricted land subdivided under section 4(a)(1)).

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 197—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN STATE OF COLORADO V. CARRIE ANN HOPPES, ANDREW M. BENNETT, CHRISTOPHER J. FRIEDMAN, ANDREW JONATHAN TIRMAN, CAROLYN ELIZABETH BNINSKI, MELISSA NOELLE ROSSMAN, RACHAEL ESTHER KAPLAN

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 197

Whereas, in the cases of State of Colorado v. Carrie Ann Hoppes best friend, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, pending in the Arapahoe County Court, Colorado, testimony and documents have been requested from Arapahoe County Court, Colorado, testimony and documents have been requested from employees in the Office of Senator Wayne Allard:

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently

with the privileges of the Senate: Now, therefore, be it *Resolved* that employees of Senator Allard's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent employees of Senator Allard's office in connection with the testimony and document production authorized in section one of this resolution.

SENATE RESOLUTION 196—DESIGNATING DECEMBER 14, 2003, AS ''NATIONAL CHILDREN'S MEMORIAL DAY''

Mr. REID (for himself, Mr. KENNEDY, Mr. VOINOVICH, Mrs. CLINTON, Ms. CANTWELL, Mr. BREAUX, Mrs. MURRAY, Mr. HOLLINGS, Mr. INOUYE, Mr. LEVIN, Mr. BINGAMAN, Mr. ALLEN, Ms. MURKOWSKI, Ms. COLLINS, Mr. AKAKA, Mrs. HUTCHISON, and Mrs. LINCOLN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 196

Whereas approximately 80,000 infants, children, teenagers, and young adults of families living throughout the United States die each year from a myriad of causes;

Whereas the death of an infant, child, teenager, or young adult of a family is considered to be one of the greatest tragedies that a parent or family will ever endure during a lifetime;

Whereas a supportive environment, empathy, and understanding are considered critical factors in the healing process of a family that is coping with and recovering from the loss of a loved one: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILDREN'S MEMORIAL DAY.

The Senate—

(1) designates December 14, 2003, as ''National Children's Memorial Day''; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Children's Memorial Day'' with appropriate ceremonies and activities in remembrance of the many infants, children, teenagers, and young adults of families in the United States who have died.

Mr. REID. Mr. President, I rise today to submit a resolution that would designate December 14, 2003 as ''National Children's Memorial Day.'' This resolution would set aside this day to remember all the children who die in the United States each year.

The Senate has passed a similar resolution for each of the past five years in order to ensure that families who have lost children know that their loved ones—and their grief—are not forgotten. Whether a child's death is sudden or anticipated, from illness or from accident, the grief of the families who loved them is unimaginable for all who have not shared their tragedy.

Today, we reaffirm that a child's death is a loss not only for one family, but for all of us, and we grieve together. By passing this resolution and sharing a day of remembrance, we can remind families who have lost children that they are not alone.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1267. Mr. ALLARD (for himself, Mr. NELSON, of Florida, Mr. CAMPBELL, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill H.R. 2658 , making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table.

SA 1268. Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DURBIN, and Mr. CARPER) proposed an amendment to the bill H.R. 2658, supra.

SA 1269. Mr. DASCHLE (for himself, Mr. GRAHAM, of South Carolina, Mr. LEAHY, Mr. DEWINE, Mr. MILLER, Mr. SMITH, Mrs. CLINTON, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, supra.

SA 1270. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra.

SA 1271. Mrs. BOXER (for herself, Ms. LANDRIEU, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, supra.

SA 1272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1273. Mr. KENNEDY (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2658, supra.

SA 1274. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1275. Mr. CORZINE proposed an amendment to the bill H.R. 2658, supra.

TEXT OF AMENDMENTS

SA 1267. Mr. ALLARD (for himself, Mr. NELSON of Florida, Mr. CAMPBELL, and Mr. SESSIONS) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading ''MISSILE PROCUREMENT, AIR FORCE'', up to $10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

SA 1268. Mr. BINGAMAN (for himself, Mr. SPECTER, Mr. DASCHLE, Mr. BYRD, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DURBIN, and Mr. CARPER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON INDIVIDUALS DETAINED AS ENEMY COMBATANTS BY UNITED STATES GOVERNMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the individuals being detained by the United States Government as enemy combatants.

(b) ELEMENTS.—Except as provided in subsection (c), the report under subsection (a) shall set forth the following:

(1) The name and nationality of each individual being detained by the United States Government as an enemy combatant.

(2) With respect to each such individual—

(A) a statement whether the United States Government intends to charge, repatriate, or release such individual; or

(B) if a determination has not been made whether to charge, repatriate, or release such individual, a description of the procedures (including the schedule) to be employed by the United States Government to determine whether to charge, repatriate, or release such individual.

(3) With respect to each such individual who the United States Government intends to charge, the schedule for the filing of the charges and the trial of such individual.

(c) CLASSIFICATION OF CERTAIN INDIVIDUALS.—(1) If the Secretary determines that the inclusion of an individual in the report under subsection (a) would harm the national security of the United States, the Secretary may include such individual in a classified annex.

(2) Determinations under paragraph (1) shall be made on a case-by-case basis.

(3) If the Secretary determines to omit one or more individuals from the unclassified form of the report, the Secretary shall include in the report an explanation of the omission of the individual or individuals.

(d) FORM.—The report under subsection (a) shall, to the maximum extent practicable, be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committees on Armed Services and the Judiciary and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services and the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term ''enemy combatant'' means—

(A) an individual held under the authority of the Military Order of November 13, 2001 (Volume 66, No. 222, pages 57833–57836 of the Federal Register); or

(B) an individual designated as an enemy combatant and held under other legal authority.

SA 1269. Mr. DASCHLE (for himself, Mr. GRAHAM of South Carolina, Mr. LEAHY, Mr. DEWINE, Mr. MILLER, Mr. SMITH, Mrs. CLINTON, and Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place in the bill insert the following:

SEC. . IN RECOGNITION OF THE NATIONAL GUARD AND RESERVE'S CONTRIBUTIONS TO OUR NATIONAL SECURITY AND EXPRESSING STRONG SUPPORT FOR THE SENATE'S PREVIOUS BIPARTISAN VOTE TO PROVIDE THESE FORCES ACCESS TO TRICARE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Forces in the U.S. National Guard and Reserve have made and continue to make essential and effective contributions to Operations Iraqi Freedom and other ongoing military operations;

(2) More than 200,000 reserve personnel from the Army, Navy, Air Force, Marine Corps, and Coast Guard are currently serving their nation on active status;

(3) Our dependence on the National Guard and Reserve has increased dramatically over the course of the past decade. Annual duty days have grown from about 1 million in the late 1980s to more than 12 million in every year since 1996;

(4) While our dependence on the reserves has increased in the post-Cold War era, their basic pay and benefits structure has remained largely unchanged;

(5) Offering TRICARE to reservists for an affordable monthly premium enhances our national security by improving their medical readiness when called to duty, streamlining and accelerating the mobilization process, and enhancing our military's ability to recruit and retain qualified personnel to reserve duty;

(6) The Congressional Budget Office, the official, non-partisan scorekeeper of all congressional legislation, has estimated the cost of this proposal at just over one-tenth of one percent of the Administration's FY 2004 defense budget request;

(7) On May 20, 2003, a strong majority of Senate Democrats and Republicans joined together and voted 85–10 for an amendment to the FY 2004 Defense Authorization bill to provide reserve personnel and their families access to TRICARE regardless of their current deployment status; and

(8) The Appropriations Committee indicated in its report accompanying the FY 2004 Defense Appropriations bill that it supports this proposal.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) The National Guard and Reserve play a critical and increasingly demanding role in protecting our national security, and

(2) The Senate supports the Appropriations Committee position as articulated in the report accompanying the FY 2004 Defense Appropriations bill and affirms its support for providing Guard and Reserve personnel access to TRICARE.

SA 1270. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. None of the funds appropriated by this Act may be obligated or expended for any of the following programs, projects, and activities:

(1) The canola oil fuel cell initiative.

(2) Shakespeare in America military communities.

(3) Control of brown tree snakes.

(4) The Academy for Closing and Avoiding Achievement Gaps.

(5) Hangar renovation at the former Griffis Air Force Base, New York.

SA 1271. Mrs. BOXER (for herself, Ms. LANDRIEU, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. .REPORTS ON IRAQ.

Not less than once every 30 days, the Secretary of Defense shall submit a report to the congressional defense committees, the House International Relations Committee, and Senate Foreign Relations Committee that contains the following information:

(a) Total and monthly costs of U.S. operations in Iraq,

(b) Number of U.S. military personnel serving in Iraq and the immediate region,

(c) Total and monthly contributions made by foreign governments and international organizations in support of U.S. operations in Iraq,

(d) Number of foreign military personnel serving in support of U.S. operations in Iraq,

(e) Defense articles and services offered by foreign governments and international organizations in support of U.S. operations in Iraq,

(f) Total number of U.S. casualties as a result of U.S. operations in Iraq by date and cause,

(g) All contracts in excess of $10 million entered into by the U.S. government for the reconstruction of Iraq.

SA 1272. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

SA 1273. Mr. KENNEDY (for himself and Mr. LEAHY) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an unclassified report (with a classified annex, if necessary) on the United States strategy regarding activities related to post-conflict security, humanitarian assistance, governance, and reconstruction in Iraq that are undertaken as a result of Operation Iraqi Freedom. The report shall include the following:

(1) A schedule for the President to seek NATO participation, as an organization of many nations, in ongoing operations in Iraq.

(2) A schedule for the President to seek and obtain the approval of a resolution of the United Nations Security Council authorizing a multinational civil and security force (including substantial participation by armed forces of NATO member countries under unified command and control) to guarantee the stability, democratization, and reconstruction of Iraq.

(3) An estimate of the number of Armed Forces personnel that are needed in Iraq to guarantee the stability and reconstruction of Iraq, separately stated for each of the Armed Forces and, within each of the Armed Forces, for each of the components.

(4) An estimate of the number of personnel of armed forces of foreign countries that are needed in Iraq to guarantee the stability and reconstruction of Iraq.

(5) A statement and justification from the President for his actions in seeking or failing to seek NATO participation or a UN Security Council resolution.

SA 1274. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) FINDINGS.—The Senate makes the following findings:

(1) Naval Station Roosevelt Roads, Puerto Rico, is a strategically important forward base for United States military forces operating in the Caribbean Ocean and South America.

(2) Naval Station Roosevelt Roads contributes significantly to the operations of a series of ranges and locations in a 240,000 square mile area of the eastern Caribbean Ocean that supports Navy readiness exercises, proficiency assessments, and research, development, test, and evaluation activities.

(3) The 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is intended to ensure the objective and careful consideration of the current and future military value of military installations, ranges, activities, and facilities in determining the infrastructure requirements of the Armed Forces.

(b) SENSE OF SENATE.—It is the sense of the Senate that the resolution of the disposition of Naval Station Roosevelt Roads, Puerto Rico, should occur during the 2005 round of defense base closure and realignment under the Defense Base Closure and Realignment Act of 1990.

SA 1275. Mr. CORZINE proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the appropriate place insert the following:

TITLE —NATIONAL COMMISSION ON THE DEVELOPMENT AND USE OF INTELLIGENCE RELATED TO IRAQ

SEC. 101. ESTABLISHMENT OF COMMISSION.

There is established the National Commission on the Development and Use of Intelligence Related to Iraq.

SEC. 102. FINDINGS.

(1) The Congress underscores its commitment to and support for ongoing Congressional reviews regarding the collection and analysis of intelligence to Iraq.

SEC. 103. PURPOSE.

The purposes of the Commission are to—

(1) examine and report upon the role of policymakers in the development of intelligence related to Iraq and Operation Iraqi Freedom;

(2) examine and report upon the use of intelligence related to Iraq and Operation Iraqi Freedom;

(3) build upon the reviews of intelligence related to Iraq and Operation Iraqi Freedom, including those being conducted by the Executive Branch, Congress and other entities; and

(4) investigate and publicly report to the President and Congress on its findings, conclusions, and recommendations.

SEC. 104. COMPOSITION OF THE COMMISSION.

(a) MEMBERS.—The Commission shall be composed of 12 members of whom—

(1) 3 members shall be appointed by the Speaker of the House of Representatives;

(2) 3 members shall be appointed by the minority leader of the Senate; and

(3) 3 members shall be appointed by the minority leader of the House of Representatives.

(b) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—Subject to paragraph (2), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(2) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson shall not be from the same political party.

(c) QUALIFICATIONS; INITIAL MEETING.—

(1) QUALIFICATIONS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in such professions as intelligence, governmental service, the armed services, law enforcement, and foreign affairs.

(2) INITIAL MEETING.—Once six or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(d) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the chairperson or a majority of its members. Six members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

SEC. 105. FUNCTIONS OF THE COMMISSION.

The functions of the Commission are to—

(1) conduct an investigation that—

(A) investigates the development and use of intelligence related to Iraq and Operation Iraqi Freedom; and

(B) shall include an investigation of intelligence related to whether Iraq:

(i) possessed chemical, biological and nuclear weapons, and the locations of those weapons;

(ii) had links to Al Qaeda;

(iii) attempted to acquire uranium in Africa, and if so, when;

(iv) attempted to procure aluminum tubes for the development of nuclear weapons;

(v) possessed mobile laboratories for the production of weapons of mass destruction;

(vi) possessed delivery systems for weapons of mass destruction; and

(vii) any other matters that bear upon the imminence of the threat to the national security of the United States and its allies.

(2) submit to the President and Congress such report as is required by this title containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(A) FORM OF REPORT.—Each report prepared under this section shall be submitted in unclassified form, but may contain a classified annex.

SEC. 106. POWERS OF THE COMMISSION.

(a) IN GENERAL.—

(1) HEARINGS AND EVIDENCE.—The Commission, or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, E-mails, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(2) SUBPOENA.—

(A) ISSUANCE.—Subpoenas issued under paragraph (1)(B) may be issued under the signature of the chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the chairperson, subcommittee chairperson, or member.

(B) ENFORCEMENT.—

(i) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under paragraph (1)(B), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(ii) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(b) CLOSED MEETINGS.—

(1) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(2) ADDITIONAL AUTHORITY.—In addition to the authority under paragraph (1), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(c) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairperson, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission.

(e) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENT AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(f) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(g) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 107. STAFF OF THE COMMISSION.

(a) IN GENERAL.—

(1) APPOINTMENT AND COMPENSATION.—The chairperson and vice chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(b) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(c) CONSULTANT SERVICES.—Thje Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 108. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—Each member of the Commission may be compensated at not to

exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United Stats Code.

SEC. 109. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate. executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearance in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

SEC. 110. REPORT OF THE COMMISSION; TERMINATION.

(a) REPORT.—Not later than nine months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations for corrective measures as have been agreed to by a majority of Commission members.

(b) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this title, shall terminate 60 days after the date on which the report is submitted under subsection (a).

(2) ADMINISTRATIVE ACTIVITIES BEFORE TERMINATION.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

SEC. 111. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission to carry out this title $5,000,000, to remain available until expended.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 16, 2003, at 10 a.m. to conduct an oversight hearing on the Semi-Annual Monetary Policy Report of the Federal Reserve.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 16, 2003, at 9:30 a.m. on Marine Mammal Protection Act in SR–428A.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, July 16, 2003, at 9:30 a.m. on Internet Tax Moratorium in SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 16, 2003, at 10 a.m., in Room 106 of the Dirksen Senate Office Building to conduct a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, July 16, 2003, at 10 a.m., in Room 106 of the Dirksen Senate Office Building to conduct a business meeting on pending Committee matters, to be followed immediately by a joint hearing with the House Committee on Resources, Office of Native American and Insular Affairs, on S. 556, a bill to Reauthorize the Indian Health Care Improvement Act of H.R. 2440, the Indian Health Care Improvement Act Amendments of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 16, 2003 at 2:30 p.m., to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION POLICY, AND CONSUMER RIGHTS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer rights be authorized to meet to conduct a hearing on ''Hospital Group Purchasing: Has the Market Become More Open to Competition?'' on Wednesday, July 16, 2003, at 11:00 a.m., in Room 226 of the Dirksen Senate Office Building.

Panel I: Mr. Mark McKenna, Chairman, Novation, Irving, TX; Mr. Richard Norling, Chairman and CEO, Premier, San Diego, CA; Mr. Said Hilal, Chairman and CEO, Applied Medical Resources Corporation, Rancho Santa Margarita, CA; Mr. Thomas Brown, Executive Vice President, BIOTRONIK, Inc., Lake Oswego, OR; Mr. Gary Heiman, President and CEO, Standard Textile, Cincinnati, OH; Mr. Lynn James Everard, Hospital Purchasing Consultant, Coconut Creek, FL: Ms. Elizabeth Weatherman, Managing Director, Warburg Pincus, LLC, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Wednesday, July 16, 2003 at 10:00 a.m., for a hearing entitled ''Great Lakes Restoration Management: No. Direction, Unknown Progress.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that a fellow in my office, Ava Shinigal, be allowed on the floor during consideration of the Defense Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION ACT OF 2003

Mr. ALEXANDER. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 141, S. 555.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 555) to establish the Native American Health and Wellness Foundation, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

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 ''Native American Health and Wellness Foundation Act of 2003''.

SEC. 2. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

''SEC. 801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

''(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

''**[**(2)**]** *(3)* FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

''**[**(3)**]** *(4)* SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''[(4)] *(5)* SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

"SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

''(a) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

''(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

''(c) NATURE OF CORPORATION.—The Foundation—

''(1) shall be a charitable and nonprofit federally chartered corporation; and

''(2) shall not be an agency or instrumentality of the United States.

''(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(e) [PURPOSES *Duties*.—The [purposes of the] Foundation shall [be—]

''(1) [to] encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

''(2) [to] undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

''(3) [to] participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

''(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

''(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

''(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

''(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

''(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

''(C) establish the constitution and initial bylaws of the Foundation;

''(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

''(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

''[f] *(g)* BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

''(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(3) SELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

''(B) REQUIREMENTS.—

''(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, [2 of whom shall be the Secretary and the Director of the Indian Health Service, who shall serve as nonvoting members] *who shall have staggered terms.*

''(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

''(I) shall be appointed by the [Secretary] *Committee* not later than 180 days after the date on which the Foundation is established; and

''(II) shall have staggered terms [(as determined by the Secretary).]

''(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

''(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

''[g] *(h)* OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be—

''(A) a secretary, elected from among the members of the Board; and

''(B) any other officers provided for in the constitution and bylaws of the Foundation.

''(2) SECRETARY.—The secretary of the Foundation shall serve, at the direction of the Board, as the chief operating officer of the Foundation.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

''[h] *(i)* POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

''(2) may adopt and alter a corporate seal;

''(3) may enter into contracts;

''(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''[i] *(j)* PRINCIPAL OFFICE.—

''(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

''(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''[j] *(k)* SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

''[k] *(l)* LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

''(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

''(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

''[l] *(m)* RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed 10 percent of the sum of—

''(A) the amounts transferred to the Foundation under subsection (m) *(o)* during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(3) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

[''(m) TRANSFER OF DONATED FUNDS.—The Secretary may transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.) if the transfer or use of the funds is not prohibited by any term under which the funds were donated.]

''(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

''(o) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

''(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

"SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds to reimburse the travel expenses of the members of the Board; and

''(3) shall require and accept reimbursements from the Foundation for—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

''(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

''(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

''(1) are available; and

''(2) are provided on reimbursable cost basis.''.

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (as added by section 1302 of the American Indian Education Foundation Act of 2000) (25 U.S.C. 458bbb et seq.)) as title VII;

(2) by redesignating sections 501, 502, and 503 (as added by section 1302 of the American Indian Education Foundation Act of 2000) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking ''section 501'' and inserting ''section 701''.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, the bill as amended be read the third time and passed, the motion to

reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 555), as amended, was read the third time and passed, as follows:

S. 555

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 ''Native American Health and Wellness Foundation Act of 2003''.

SEC. 2. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

(a) IN GENERAL.—The Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) is amended by adding at the end the following:

''TITLE VIII—NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION

''SEC. 801. DEFINITIONS.

''In this title:

''(1) BOARD.—The term 'Board' means the Board of Directors of the Foundation.

''(2) COMMITTEE.—The term 'Committee' means the Committee for the Establishment of Native American Health and Wellness Foundation established under section 802(f).

''(3) FOUNDATION.—The term 'Foundation' means the Native American Health and Wellness Foundation established under section 802.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

''(5) SERVICE.—The term 'Service' means the Indian Health Service of the Department of Health and Human Services.

''SEC. 802. NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.

''(a) IN GENERAL.—As soon as practicable after the date of enactment of this title, the Secretary shall establish, under the laws of the District of Columbia and in accordance with this title, the Native American Health and Wellness Foundation.

''(b) PERPETUAL EXISTENCE.—The Foundation shall have perpetual existence.

''(c) NATURE OF CORPORATION.—The Foundation—

''(1) shall be a charitable and nonprofit federally chartered corporation; and

''(2) shall not be an agency or instrumentality of the United States.

''(d) PLACE OF INCORPORATION AND DOMICILE.—The Foundation shall be incorporated and domiciled in the District of Columbia.

''(e) DUTIES.—The Foundation shall—

''(1) encourage, accept, and administer private gifts of real and personal property, and any income from or interest in such gifts, for the benefit of, or in support of, the mission of the Service;

''(2) undertake and conduct such other activities as will further the health and wellness activities and opportunities of Native Americans; and

''(3) participate with and assist Federal, State, and tribal governments, agencies, entities, and individuals in undertaking and conducting activities that will further the health and wellness activities and opportunities of Native Americans.

''(f) COMMITTEE FOR THE ESTABLISHMENT OF NATIVE AMERICAN HEALTH AND WELLNESS FOUNDATION.—

''(1) IN GENERAL.—The Secretary shall establish the Committee for the Establishment of Native American Health and Wellness Foundation to assist the Secretary in establishing the Foundation.

''(2) DUTIES.—Not later than 180 days after the date of enactment of this section, the Committee shall—

''(A) carry out such activities as are necessary to incorporate the Foundation under the laws of the District of Columbia, including acting as incorporators of the Foundation;

''(B) ensure that the Foundation qualifies for and maintains the status required to carry out this section, until the Board is established;

''(C) establish the constitution and initial bylaws of the Foundation;

''(D) provide for the initial operation of the Foundation, including providing for temporary or interim quarters, equipment, and staff; and

''(E) appoint the initial members of the Board in accordance with the constitution and initial bylaws of the Foundation.

''(g) BOARD OF DIRECTORS.—

''(1) IN GENERAL.—The Board of Directors shall be the governing body of the Foundation.

''(2) POWERS.—The Board may exercise, or provide for the exercise of, the powers of the Foundation.

''(3) SELECTION.—

''(A) IN GENERAL.—Subject to subparagraph (B), the number of members of the Board, the manner of selection of the members (including the filling of vacancies), and the terms of office of the members shall be as provided in the constitution and bylaws of the Foundation.

''(B) REQUIREMENTS.—

''(i) NUMBER OF MEMBERS.—The Board shall have at least 11 members, who shall have staggered terms.

''(ii) INITIAL VOTING MEMBERS.—The initial voting members of the Board—

''(I) shall be appointed by the Committee not later than 180 days after the date on which the Foundation is established; and

''(II) shall have staggered terms.

''(iii) QUALIFICATION.—The members of the Board shall be United States citizens who are knowledgeable or experienced in Native American health care and related matters.

''(C) COMPENSATION.—A member of the Board shall not receive compensation for service as a member, but shall be reimbursed for actual and necessary travel and subsistence expenses incurred in the performance of the duties of the Foundation.

''(h) OFFICERS.—

''(1) IN GENERAL.—The officers of the Foundation shall be—

''(A) a secretary, elected from among the members of the Board; and

''(B) any other officers provided for in the constitution and bylaws of the Foundation.

''(2) SECRETARY.—The secretary of the Foundation shall serve, at the direction of the Board, as the chief operating officer of the Foundation.

''(3) ELECTION.—The manner of election, term of office, and duties of the officers of the Foundation shall be as provided in the constitution and bylaws of the Foundation.

''(i) POWERS.—The Foundation—

''(1) shall adopt a constitution and bylaws for the management of the property of the Foundation and the regulation of the affairs of the Foundation;

''(2) may adopt and alter a corporate seal;

''(3) may enter into contracts;

''(4) may acquire (through a gift or otherwise), own, lease, encumber, and transfer real or personal property as necessary or convenient to carry out the purposes of the Foundation;

''(5) may sue and be sued; and

''(6) may perform any other act necessary and proper to carry out the purposes of the Foundation.

''(j) PRINCIPAL OFFICE.—

''(1) IN GENERAL.—The principal office of the Foundation shall be in the District of Columbia.

''(2) ACTIVITIES; OFFICES.—The activities of the Foundation may be conducted, and offices may be maintained, throughout the United States in accordance with the constitution and bylaws of the Foundation.

''(k) SERVICE OF PROCESS.—The Foundation shall comply with the law on service of process of each State in which the Foundation is incorporated and of each State in which the Foundation carries on activities.

''(l) LIABILITY OF OFFICERS, EMPLOYEES, AND AGENTS.—

''(1) IN GENERAL.—The Foundation shall be liable for the acts of the officers, employees, and agents of the Foundation acting within the scope of their authority.

''(2) PERSONAL LIABILITY.—A member of the Board shall be personally liable only for gross negligence in the performance of the duties of the member.

''(m) RESTRICTIONS.—

''(1) LIMITATION ON SPENDING.—Beginning with the fiscal year following the first full fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed 10 percent of the sum of—

''(A) the amounts transferred to the Foundation under subsection (o) during the preceding fiscal year; and

''(B) donations received from private sources during the preceding fiscal year.

''(2) APPOINTMENT AND HIRING.—The appointment of officers and employees of the Foundation shall be subject to the availability of funds.

''(3) STATUS.—A member of the Board or officer, employee, or agent of the Foundation shall not by reason of association with the Foundation be considered to be an officer, employee, or agent of the United States.

''(n) AUDITS.—The Foundation shall comply with section 10101 of title 36, United States Code, as if the Foundation were a corporation under part B of subtitle II of that title.

''(o) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out subsection (e)(1) $500,000 for each fiscal year, as adjusted to reflect changes in the Consumer Price Index for all-urban consumers published by the Department of Labor.

''(2) TRANSFER OF DONATED FUNDS.—The Secretary shall transfer to the Foundation funds held by the Department of Health and Human Services under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), if the transfer or use of the funds is not prohibited by any term under which the funds were donated.

''SEC. 803. ADMINISTRATIVE SERVICES AND SUPPORT.

''(a) PROVISION OF SUPPORT BY SECRETARY.—Subject to subsection (b), during the 5-year period beginning on the date on which the Foundation is established, the Secretary—

''(1) may provide personnel, facilities, and other administrative support services to the Foundation;

''(2) may provide funds to reimburse the travel expenses of the members of the Board; and

''(3) shall require and accept reimbursements from the Foundation for—

''(A) services provided under paragraph (1); and

''(B) funds provided under paragraph (2).

''(b) REIMBURSEMENT.—Reimbursements accepted under subsection (a)(3)—

''(1) shall be deposited in the Treasury of the United States to the credit of the applicable appropriations account; and

''(2) shall be chargeable for the cost of providing services described in subsection (a)(1) and travel expenses described in subsection (a)(2).

''(c) CONTINUATION OF CERTAIN SERVICES.—The Secretary may continue to provide facilities and necessary support services to the Foundation after the termination of the 5-year period specified in subsection (a) if the facilities and services—

''(1) are available; and

''(2) are provided on reimbursable cost basis.''.

(b) TECHNICAL AMENDMENTS.—The Indian Self-Determination and Education Assistance Act is amended—

(1) by redesignating title V (as added by section 1302 of the American Indian Education Foundation Act of 2000) (25 U.S.C. 458bbb et seq.)) as title VII;

(2) by redesignating sections 501, 502, and 503 (as added by section 1302 of the American Indian Education Foundation Act of 2000) as sections 701, 702, and 703, respectively; and

(3) in subsection (a)(2) of section 702 and paragraph (2) of section 703 (as redesignated by paragraph (2)), by striking ''section 501'' and inserting ''section 701''.

ELEVATION OF THE POSITION OF DIRECTOR OF INDIAN HEALTH SERVICE WITHIN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

Mr. ALEXANDER. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 144, S. 558.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 558) to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 558) was read the third time and passed, as follows:

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

SECTION 1. OFFICE OF ASSISTANT SECRETARY FOR INDIAN HEALTH.

(a) DEFINITIONS.—In this section:

(1) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary for Indian Health appointed under subsection (b)(2)(A).

(2) DEPARTMENT.—The term ''Department'' means the Department of Health and Human Services.

(3) OFFICE.—The term ''Office'' means the Office of the Assistant Secretary for Indian Health established by subsection (b)(1).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department the Office of the Assistant Secretary for Indian Health.

(2) ASSISTANT SECRETARY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Office shall be headed by an Assistant Secretary for Indian Health, to be appointed by the President, by and with the advice and consent of the Senate.

(B) CONTINUED SERVICE BY INCUMBENT.—The individual serving in the position of Director of the Indian Health Service on the day before the date of enactment of this Act may serve as Assistant Secretary at the pleasure of the President after the date of enactment of this Act.

(3) DUTIES.—The position of Assistant Secretary is established to, in a manner consistent with the government-to-government relationship between the United States and Indian tribes—

(A) facilitate advocacy for the development of appropriate Indian health policy; and

(B) promote consultation on matters relating to Indian health.

(c) ASSISTANT SECRETARY FOR INDIAN HEALTH.—In addition to the functions performed as of the date of enactment of this Act by the Director of the Indian Health Service, the Assistant Secretary shall—

(1) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

(2) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

(3) advise each Assistant Secretary of the Department concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

(4) advise the heads of other agencies and programs of the Department concerning matters of Indian health with respect to which those heads have authority and responsibility;

(5) coordinate the activities of the Department concerning matters of Indian health; and

(6) perform such other functions as the Secretary may designate.

(d) RATE OF PAY.—

(1) POSITIONS AT LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking ''Assistant Secretaries of Health and Human Services (6).'' and inserting ''Assistant Secretaries of Health and Human Services (7).''.

(2) POSITIONS AT LEVEL V.—Section 5316 of title 5, United States Code, is amended by striking ''Director, Indian Health Service, Department of Health and Human Services.''.

(e) DUTIES OF ASSISTANT SECRETARY FOR INDIAN HEALTH.—Section 601 of the Indian Health Care Improvement Act (25 U.S.C. 1661) is amended by striking the section heading and all that follows through subsection (a) and inserting the following:

''SEC. 601. ESTABLISHMENT OF THE INDIAN HEALTH SERVICE AS AN AGENCY OF THE PUBLIC HEALTH SERVICE.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—In order to more effectively and efficiently carry out the responsibilities, authorities, and functions of the United States to provide health care services to Indians and Indian tribes, there is established within the Public Health Service of the Department of Health and Human Services the Indian Health Service.

''(2) ADMINISTRATION.—The Indian Health Service shall be administered by the Assistant Secretary for Indian Health.

''(3) DUTIES.—In carrying out paragraph (2), the Assistant Secretary shall—

''(A) report directly to the Secretary concerning all policy- and budget-related matters affecting Indian health;

''(B) collaborate with the Assistant Secretary for Health concerning appropriate matters of Indian health that affect the agencies of the Public Health Service;

''(C) advise each Assistant Secretary of the Department of Health and Human Services concerning matters of Indian health with respect to which that Assistant Secretary has authority and responsibility;

''(D) advise the heads of other agencies and programs of the Department of Health and Human Services concerning matters of Indian health with respect to which those heads have authority and responsibility;

''(E) coordinate the activities of the Department of Health and Human Services concerning matters of Indian health; and

''(F) perform such other functions as the Secretary may designate.''.

(f) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO INDIAN HEALTH CARE IMPROVEMENT ACT.—The Indian Health Care Improvement Act is amended—

(A) in section 601 (25 U.S.C. 1661)—

(i) in subsection (c), by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''; and

(ii) in subsection (d)(1), by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''; and

(B) in section 816(c)(1) (25 U.S.C. 1680f(c)(1)), by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(2) AMENDMENTS TO OTHER PROVISIONS OF LAW.—

(A) Section 3307(b)(1)(C) of the Children's Health Act of 2000 (25 U.S.C. 1671 note; Public Law 106–310) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(B) The Indian Lands Open Dump Cleanup Act of 1994 is amended—

(i) in section 3 (25 U.S.C. 3902)—

(I) by striking paragraph (2);

(II) by redesignating paragraphs (1), (3), (4), (5), and (6) as paragraphs (4), (5), (2), (6), and (1), respectively, and moving those paragraphs so as to appear in numerical order; and

(III) by inserting before paragraph (4) (as redesignated by subclause (II)) the following:

''(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary for Indian Health.'';

(ii) in section 5 (25 U.S.C. 3904), by striking the section heading and inserting the following:

''SEC. 5. AUTHORITY OF ASSISTANT SECRETARY FOR INDIAN HEALTH.'';

(iii) in section 6(a) (25 U.S.C. 3905(a)), in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY'';

(iv) in section 9(a) (25 U.S.C. 3908(a)), in the subsection heading, by striking ''DIRECTOR'' and inserting ''ASSISTANT SECRETARY''; and

(v) by striking ''Director'' each place it appears and inserting ''Assistant Secretary''.

(C) Section 5504(d)(2) of the Augustus F. Hawkins–Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (25 U.S.C. 2001 note; Public Law 100–297) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(D) Section 203(a)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 763(a)(1)) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(E) Subsections (b) and (e) of section 518 of the Federal Water Pollution Control Act (33

U.S.C. 1377) are amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''.

(F) Section 317M(b) of the Public Health Service Act (42 U.S.C. 247b–14(b)) is amended—

(i) by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''; and

(ii) in paragraph (2)(A), by striking ''the Directors referred to in such paragraph'' and inserting ''the Director of the Centers for Disease Control and Prevention and the Assistant Secretary for Indian Health''.

(G) Section 417C(b) of the Public Health Service Act (42 U.S.C. 285–9(b)) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(H) Section 1452(i) of the Safe Drinking Water Act (42 U.S.C. 300j–12(i)) is amended by striking ''Director of the Indian Health Service'' each place it appears and inserting ''Assistant Secretary for Indian Health''.

(I) Section 803B(d)(1) of the Native American Programs Act of 1974 (42 U.S.C. 2991b–2(d)(1)) is amended in the last sentence by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(J) Section 203(b) of the Michigan Indian Land Claims Settlement Act (Public Law 105–143; 111 Stat. 2666) is amended by striking ''Director of the Indian Health Service'' and inserting ''Assistant Secretary for Indian Health''.

(g) REFERENCES.—Any reference to the Director of the Indian Health Service in any other Federal law, Executive order, rule, regulation, or delegation of authority, or in any document of or relating to the Director of the Indian Health Service, shall be deemed to refer to the Assistant Secretary.

AMENDING THE HIGHER EDUCATION ACT OF 1965

Mr. ALEXANDER. I ask unanimous consent that the HELP Committee, be discharged from further consideration of S. 570 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 570) to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 570) was read the third time and passed, as follows:

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

SECTION 1. FOREIGN SCHOOL ELIGIBILITY.

(a) IN GENERAL.—Section 102(a)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1002(a)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—For the purpose of qualifying as an institution under paragraph (1)(C), the Secretary shall establish criteria by regulation for the approval of institutions outside the United States and for the determination that such institutions are comparable to an institution of higher education as defined in section 101 (except that a graduate medical school, or a veterinary school, located outside the United States shall not be required to meet the requirements of section 101(a)(4)). Such criteria shall include a requirement that a student attending such school outside the United States is ineligible for loans made, insured, or guaranteed under part B of title IV unless—

''(i) in the case of a graduate medical school located outside the United States—

''(I)(aa) at least 60 percent of those enrolled in, and at least 60 percent of the graduates of, the graduate medical school outside the United States were not persons described in section 484(a)(5) in the year preceding the year for which a student is seeking a loan under part B of title IV; and

''(bb) at least 60 percent of the individuals who were students or graduates of the graduate medical school outside the United States or Canada (both nationals of the United States and others) taking the examinations administered by the Educational Commission for Foreign Medical Graduates received a passing score in the year preceding the year for which a student is seeking a loan under part B of title IV; or

''(II) the institution has a clinical training program that was approved by a State as of January 1, 1992; or

''(ii) in the case of a veterinary school located outside the United States that does not meet the requirements of section 101(a)(4), the institution's students complete their clinical training at an approved veterinary school located in the United States.''.

(b) EFFECTIVE DATE.—This Act and the amendments made by this Act shall be effective as if enacted on October 1, 1998.

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. ALEXANDER. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 197, which was submitted earlier today, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 197) to authorize testimony, document production, and legal representation in State of Colorado v. Carrie Ann Hoppes, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns a request for testimony, documents, and representation in related criminal trepass actions in Arapahoe County Court in the State of Colorado. In these actions, seven defendants have been charged with criminally trespassing on the premises of Senator WAYNE ALLARD's Englewood, CO, office on December 4, 2002. Upon its closing that day, the defendants refused repeated requests to leave Senator ALLARD's office, and, as a result, were arrested. Trials on the charge of trespass are scheduled to be held on or about July 23, 2003. The State has subpoenaed several of the Senator's staff members who witnessed the defendants' conduct. The enclosed resolution would authorize those staff members, and any other employees of Senator ALLARD's office from whom evidence may be required, to testify and produce documents in connection with these actions, with representation from the Senate Legal Counsel.

Mr. ALEXANDER. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 197) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 197

Whereas, in the cases of State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, pending in the Arapahoe County Court, Colorado, testimony and documents have been requested from employees in the office of Senator Wayne Allard;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, that employees of Senator Allard's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent employees of Senator Allard's office in connection with the testimony and document production authorized in section one of this resolution.

PERMITTING THE USE OF THE ROTUNDA FOR A CEREMONY TO COMMEMORATE THE UNVEILING OF THE STATUE OF SAKAKAWEA

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 236, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 236) permitting the use of the rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sakakawea provided by the State of North Dakota for display in Statuary Hall.

There being no objection, the Senate proceeded to consideration of the concurrent resolution.

Mr. ALEXANDER. I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements regarding the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 236) was agreed to.

The preamble was agreed to.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE RIGHT HONORABLE TONY BLAIR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Right Honorable Tony Blair, Member of Parliament, Prime Minister of the United Kingdom of Great Britain and Northern Ireland, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The chair, on behalf of the President pro tempore, and upon the recommendation of the majority leader, pursuant to 22 U.S.C. 2761, as amended, appoints the Honorable JUDD GREGG of New Hampshire and the Honorable JOHN CORNYN of Texas as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress.

The Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic leader, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appoints the following Senators to the United States Holocaust Memorial Council for the 108th Congress:

The Senator from Nevada, Mr. REID;

The Senator from California, Mrs. BOXER.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Calendar Nos. 287, 288, 289, and 290. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NOMINATIONS

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

John Richard Grimes, of Massachusetts, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2006.

Lisa Genevieve Nason, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2004.

Georgianna E. Ignace, of Wisconsin, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2004.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, for a term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR THURSDAY, JULY 17, 2003

Mr. ALEXANDER. Mr. President, on behalf of the leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m., Thursday, July 17. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 2658, the Department of Defense appropriations bill, as provided in the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. ALEXANDER. For the information of all Senators, the leader has asked me to say that tomorrow the Senate will resume consideration of H.R. 2658, the Department of Defense appropriations bill. Under the previous order, when the Senate resumes debate on the bill, Senator HARKIN will be recognized to speak for up to 25 minutes. Following Senator HARKIN's statement, the Senate will continue the amendment process. We have an order of Democratic amendments locked in, and it is the chairman's intention to begin working through those amendments tomorrow morning. Therefore, Senators should expect rollcall votes to begin in the morning and Senators will be notified when the first vote is scheduled.

It is the hope of the majority leader to complete action on the Department of Defense appropriations bill tomorrow. In order to complete work on this bill tomorrow, Senators should prepare for votes throughout the day and into the evening.

As a reminder, Prime Minister Tony Blair will give an address to both Houses of Congress at 4 p.m. tomorrow. Members should gather in the Senate Chamber in order to proceed to the Hall of the House of Representatives at 3:40 on Thursday afternoon.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. ALEXANDER. 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 8:50 p.m., adjourned until Thursday, July 17, 2003, at 9 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 16, 2003:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

JOHN RICHARD GRIMES, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2006.

LISA GENEVIEVE NASON, OF ALASKA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2004.

GEORGIANNA E. IGNACE, OF WISCONSIN, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING OCTOBER 18, 2004.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CHARLES W. GRIM, OF OKLAHOMA, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

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, July 17, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 21

2 p.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine the risks and benefits to consumers related to government sponsored enterprises.
SD–342

JULY 22

10 a.m.
Energy and Natural Resources
To hold hearings to examine S. 1314, to expedite procedures for hazardous fuels reduction activities on National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, to improve the health of National Forest System lands established from the public domain and other public lands administered by the Bureau of Land Management, and H.R. 1904, to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape; to examine the impacts of insects, disease, weather-related damage, and fires on public and private forest lands. Processes for implementing forest health and hazardous fuels reduction projects on public and private lands, and processes for implementing forest health and hazardous fuels reduction projects will also be discussed.
Room to be announced

Health, Education, Labor, and Pensions
To hold hearings to examine proposed legislation authorizing funds for Head Start, focusing on programs to prepare children to succeed in school and in life.
SD–430

Judiciary
To hold hearings to examine the nominations of Steven M. Colloton, of Iowa, to be United States Circuit Judge for the Eighth Circuit, H. Brent McKnight, to be United States District Judge for the Western District of North Carolina, and R. David Proctor, to be United States District Judge for the Northern District of Alabama, both of the Department of Justice.
SD–226

Aging
To hold hearings to examine the consequences of direct-to-consumer advertising of prescription drugs.
SD–628

2 p.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Mark C. Brickell, of New York, to be Director of the Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, Alicia R. Castaneda, of the District of Columbia, to be a Director of the Federal Housing Finance Board, and Thomas J. Curry, of Massachusetts, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation.
SD–538

Judiciary
To hold hearings to examine bankcruptcy and competition issues in relation to the WorldCom Case.
SD–226

JULY 23

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine public interest and localism.
SR–253

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Health, Education, Labor, and Pensions
Business meeting to consider proposed Patient Safety and Quality Improvement Act of 2003, and the nominations of Daniel Pipes, of Pennsylvania, Charles Edward Horner, of the District of Columbia, and Stephen D. Krasner, of California, each to be a Member of the Board of Directors of the United States Institute of Peace, and Eric S. Dreiband, of Virginia, to be General Counsel of the Equal Employment Opportunity Commission.
SD–430

Indian Affairs
To hold hearings to examine S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act.
SR–485

Judiciary
To resume oversight hearings on the federal sentencing guidelines of the U.S. Sentencing Commission.
SD–226

2 p.m.
Judiciary
To hold hearings to examine the nominations of Rene Acosta, of Virginia, to be an Assistant Attorney General, and Daniel J. Bryant, of Virginia, to be an Assistant Attorney General, both of the Department of Justice.
SD–226

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine privacy and digital rights management.
SR–253

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine enhancing the role of the private sector in public transportation.
SD–538

2:45 p.m.
Foreign Relations
To hold hearings to examine status and prospects for reconstruction relating to Iraq.
SD–419

4 p.m.
Judiciary
Antitrust, Competition Policy and Consumer Rights Subcommittee
To hold hearings to examine agricultural consolidation and the Smithfield/Farmland Deal.
SD–226

JULY 24

9:30 a.m.
Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the past and present of the administration's competitive sourcing initiative.
SD–342

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine federal biodefense readiness.
SD–430

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold joint hearings with the House Committee on Science Subcommittee on Space and Aeronautics to examine space commercialization.
SH–216

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold oversight hearings to examine the competitive sourcing effort within the National Park Service.
SD–366

JULY 29

9:30 a.m.
Foreign Relations
To resume hearings to examine the status and prospects for reconstruction resources relating to Iraq.
SH–216

JULY 30

10 a.m.

Indian Affairs

To hold hearings to examine S. 578, to amend the Homeland Security Act of 2002 to include Indian tribes among the entities consulted with respect to activities carried out by the Secretary of Homeland Security.

SR–485

SEPTEMBER 16

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.

SH–216

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2330, Burma Freedom and Democracy Act.

The House passed H.R. 1950, Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003.

The House passed H.R. 2122, the Project BioShield Act.

House Committee ordered reported the following appropriations for fiscal year 2004: Commerce, Justice, State, Judiciary and Related Agencies; and Foreign Operations, Export Financing and Related Programs.

Senate

Chamber Action

Routine Proceedings, pages S9433–S9513

Measures Introduced: Four bills and two resolutions were introduced, as follows: S. 1418–1421, and S. Res. 196–197. **Page S9496**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2004". (S. Rept. No. 108–103)

S. 877, to regulate interstate commerce by imposing limitations and penalties on the transmission of unsolicited commercial electronic mail via the Internet, with an amendment in the nature of a substitute. (S. Rept. No. 108–102)

S. 929, to direct the Secretary of Transportation to make grants for security improvements to over-the-road bus operations, with amendments. (S. Rept. No. 108–104) **Pages S9495–96**

Measures Passed

Burma Freedom and Democracy Act: By 94 yeas to 1 nay (Vote No. 280), Senate passed H.R. 2330, 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, clearing the measure for the President.

Pages S9440–48, S9457

Native American Health and Wellness Foundation Act: Senate passed S. 555, to establish the Native American Health and Wellness Foundation, after agreeing to the committee amendments.

Pages S9508–11

Assistant Secretary of Health and Human Services for Indian Health: Senate passed S. 558, to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health. **Pages S9511–12**

Higher Education Act Amendment: Committee on Health, Education, Labor and Pensions was discharged from further consideration of S. 570, to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools, and the bill was then passed. **Page S9512**

Legal Representation: Senate agreed to S. Res. 197, to authorize testimony, document production, and legal representation in State of Colorado v. Carrie Ann Hoppes, Andrew M. Bennett, Christopher J. Friedman, Andrew Jonathan Tirman, Carolyn Elizabeth Bninski, Melissa Noelle Rossman, Rachael Esther Kaplan. **Page S9512**

Capitol Rotunda Ceremony Permission: Senate agreed to H. Con. Res. 236, permitting the use of the Rotunda of the Capitol for a ceremony to commemorate the unveiling of the statue of Sacagawea provided by the State of North Dakota for display in Statuary Hall. **Pages S9512–13**

Defense Appropriations: Senate continued consideration of H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending

September 30, 2004, taking action on the following amendments proposed thereto:

Pages S9448–56, S9457–84

Adopted:

By 93 yeas to 2 nays (Vote No. 282), Daschle Amendment No. 1269, to provide National Guard and Reserve forces access to TRICARE.

Pages S9457–59, S9463

Rejected:

Dorgan Amendment No. 1264, to require from the President a budget amendment for the budget for fiscal year 2004 on the amounts requested for military operations in Iraq in fiscal year 2004. (By 53 yeas to 41 nays (Vote No. 278), Senate tabled the amendment.) **Pages S9448–51, S9455–56**

Bingaman Amendment No. 1268, to require a report on the individuals being detained by the United States Government as enemy combatants. (By 52 yeas to 42 nays (Vote No. 279), Senate tabled the amendment.) **Pages S9451–55, S9456**

Boxer Amendment No. 1271, to require reports on U.S. operations in Iraq. (By 50 yeas to 45 nays (Vote No. 281), Senate tabled the amendment.)

Pages S9459–63

Kennedy Amendment No. 1273, to require a report on the United States strategy for reconstruction in Iraq. (By 52 yeas to 43 nays (Vote No. 283), Senate tabled the amendment.) **Pages S9464–71**

Corzine Amendment No. 1275, to establish the National Commission on the Development and Use of Intelligence Related to Iraq. (By 51 yeas to 45 nays (Vote No. 284), Senate tabled the amendment.)

Pages S9471–75, S9480

McCain Amendment No. 1270, to prohibit the use of funds for certain programs, projects, and activities. (By 79 yeas to 16 nays (Vote No. 285), Senate tabled the amendment.) **Pages S9475–80**

A unanimous-consent agreement was reached providing for further consideration of the bill at 9 a.m., on Thursday, July 17, 2003, and that Senator Harkin be recognized to speak for up to 25 minutes; that if Republican amendments are offered that they be interspersed between the following first-degree amendments offered by the following Democratic Members: Senators Dodd, Byrd, Wyden, Durbin, Biden, Byrd, Kennedy, Byrd, and Schumer.

Page S9481

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the President of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Right Honorable Tony Blair, M.P., Prime Minister of the United Kingdom of Great Britain and Northern Ireland, into the House Chamber for the joint meeting tomorrow.

Page S9513

Appointments:

British-American Interparliamentary Group: The Chair, on behalf of the President pro tempore, and upon the recommendation of the Majority Leader, pursuant to 22 U.S.C. 2761, as amended, appointed Senators Gregg and Cornyn as delegates of the Senate Delegation to the British-American Interparliamentary Group conference during the 108th Congress. **Page S9513**

U.S. Holocaust Memorial Council: The Chair, on behalf of the President pro tempore, and upon the recommendation of the Democratic Leader, pursuant to Public Law 96–388, as amended by Public Law 97–84 and Public Law 106–292, appointed the following Senators to the United States Holocaust Memorial Council for the 108th Congress: Senators Reid and Boxer. **Page S9513**

Nominations Confirmed: Senate confirmed the following nominations:

Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, for a term of four years.

Lisa Genevieve Nason, of Alaska, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2004.

Georgianna E. Ignace, of Wisconsin, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring October 18, 2004.

John Richard Grimes, of Massachusetts, to be a Member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development for a term expiring May 19, 2006. **Page S9513**

Messages From the House: **Pages S9492–93**

Enrolled Bills Presented: **Page S9493**

Executive Communications: **Pages S9493–95**

Executive Reports of Committees: **Page S9496**

Additional Cosponsors: **Pages S9496–97**

Statements on Introduced Bills/Resolutions: **Pages S9497–S9505**

Additional Statements: **Pages S9491–92**

Amendments Submitted: **Pages S9505–08**

Authority for Committees to Meet: **Page S9508**

Privilege of the Floor: **Page S9508**

Record Votes: Eight record votes were taken today. (Total—285) **Pages S9456–57, S9463, S9471, S9480**

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:50 p.m., until 9 a.m., on Thursday, July 17, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S9513.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: ENERGY AND WATER DEVELOPMENT

Committee on Appropriations: Subcommittee on Energy and Water Development approved for full Committee consideration an original bill making appropriations for energy and water development programs for the fiscal year ending September 30, 2004.

Nominations:

Committee on Armed Services: Committee ordered favorably reported the nominations of Thomas W. O'Connell, of Virginia, to be an Assistant Secretary of Defense, and Paul Morgan Longsworth, of Virginia, to be Deputy Administrator for Defense Nuclear Nonproliferation, National Nuclear Security Administration.

MONETARY POLICY REPORT

Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings to examine the semiannual Monetary Policy Report of the Federal Reserve and the economic outlook, after receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System.

INTERNET TAX MORATORIUM

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine proposed legislation to make permanent the moratorium on taxes on Internet access, focusing on the costs of tax compliance, and benefits achieved under the Internet Tax Freedom Act, after receiving testimony from Billy Hamilton, Texas Comptroller of Public Accounts, Austin; Joseph A. Ripp, America Online, Inc., Dulles, Virginia; Paul Misener, Amazon.com, Inc., Washington, D.C.; and Mark Beshears, Sprint Corporation, Overland Park, Kansas.

MARINE MAMMAL PROTECTION ACT AUTHORIZATION

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Fisheries, and Coast Guard concluded hearings on proposed legislation authorizing funds for programs of the Marine Mammal Protection Act, focusing on improvements to marine mammal bycatch reduction efforts, enforcement, and other important aspects of marine mammal conservation management policy, after receiving testimony from Rebecca Lent, Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce; Marshall P. Jones, Jr., Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior; Vice Admiral Charles W. Moore, Jr., USN, Deputy Chief of Naval Operations for Fleet Readiness and Logistics; David Cottingham, Marine Mammal Commission, Bethesda, Maryland; Rear Admiral Richard West, USN, (Ret.), Consortium for Oceanographic Research and Education, and Nina M. Young, The Ocean Conservancy, both of Washington, D.C.; Peter Tyack, Woods Hole Oceanographic Institution, Woods Hole, Massachusetts; and Charles Johnson, Alaska Nanuuq Commission, Nome, Alaska.

GREAT LAKES RESTORATION

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, Federal Workforce and the District of Columbia concluded hearings to examine the recent General Accounting Office report entitled: ''An Overall Strategy and Indicators for Measuring Progress Are Needed to Better Achieve Restoration Goals'', focusing on the ramifications of an uncoordinated Great Lakes restoration strategy, current management of various environmental programs, and possible next steps to improve the management of Great Lakes programs, after receiving testimony from Senators DeWine and Levin; John B. Stephenson, Director, Natural Resources and Environment, General Accounting Office; Robyn Thorson, Regional Director, U.S. Fish and Wildlife Service, Department of the Interior; Thomas V. Skinner, Region V Administrator, National Program Manager for the Great Lakes, Environmental Protection Agency; Colonel William E. Ryan III, Deputy Commander, Great Lakes and Ohio River Division, U.S. Army Corps of Engineers; Timothy R.E. Keeney, Deputy Assistant Secretary of Commerce for Oceans and Atmosphere, National Oceanic and Atmospheric Administration; Illinois State Senator Susan Garrett, Springfield; Christopher Jones, Ohio Environmental Protection Agency, Columbus, on behalf of the Council of Great Lakes Governors; Dennis L. Schornack, Chair, United States Section, International Joint Commission, Washington, D.C.; and Margaret Wooster, Great Lakes United, Buffalo, New York.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 618, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K, with an amendment in the nature of a substitute; and

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, with an amendment in the nature of a substitute.

INDIAN HEALTH CARE

Committee on Indian Affairs: Committee concluded joint hearings with House Committee on Resources, Office of Native American and Insular Affairs on S. 556, to amend the Indian Health Care Improvement Act to revise and extend that Act, and H.R. 2440, 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, after receiving testimony from Charles W. Grim, Interim Director, Indian Health Service, Department of Health and Human Services; Steven B. Nesmith, Assistant Secretary of Housing and Urban Development for Congressional and Intergovernmental Relations; Rachel A. Joseph, National Steering Committee on the Reauthorization of the Indian Health Care Improvement Act, Lone Pine, California; Ben Muneta, Association of American Indian Physicians, and Everett R. Rhoades, Central Oklahoma American Indian Health Council, Inc., both of Oklahoma City, Oklahoma; Steven Weaver, Alaska Native Tribal Health Consortium, Anchorage; Kay A. Culbertson, Denver Indian Health and Family Services, Denver, Colorado; and Carmelita Skeeter, Indian Health Care Resource Center of Tulsa, Inc., Tulsa, Oklahoma.

HOSPITAL GROUP PURCHASING

Committee on the Judiciary: Subcommittee on Antitrust, Competition Policy and Consumer Rights concluded hearings on competition in the marketplace in relation to hospital group purchasing, focusing on how Group Purchasing Organizations (GPOs) affect the cost and quality of health care in America, including whether the benefits of GPOs outweigh the potential for harm to hospitals, consumers and competition, after receiving testimony from Mark McKenna, Novation, Irving Texas; Richard Norling, Premier, San Diego, California; Said Hilal, Applied Medical Resources Corporation, Rancho Santa Margarita, California; Thomas Brown, BIOTRONIK, Inc., Lake Oswego, Oregon; Gary Heiman, Standard Textile, Cincinnati, Ohio; Elizabeth Weatherman, Warburg Pincus, LLC, New York, New York; and Lynn James Everard, Coconut Creek, Florida.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 14 public bills, H.R. 2751–2764; and 5 resolutions, H. Con. Res. 245–246, and H. Res. 320–322, were introduced.

Page H7019

Additional Cosponsors: **Pages H7019–20**

Reports Filed: Reports were filed as follows:

H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004, (H. Rept. 108–212);

H.R. 2433, 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, amended (H. Rept. 108–213). **Page H7019**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Deborah Logan, Pastor, Christian Faith Fellowship Church of Zion, Illinois.

Page H6871

Suspensions: The House agreed to suspend the rules and pass the following measures:

Washoe Indian Tribe Land Conveyance Act: 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. **Page H6874**

Lander and Eureka Counties Land Conveyances: 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. **Pages H6874–76**

McLoughlin House National Historic Site Act: Agree to the Senate amendments to H.R. 733, to authorize the Secretary of the Interior to acquire the McLoughlin House in Oregon City, Oregon, for inclusion in Fort Vancouver Historic Site—clearing the measure for the President; **Pages H6876–77**

Trust Land for Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico: S. 246, to provide that certain Bureau of Land Management land shall be held in trust for the Pueblo of Santa Clara and the Pueblo of San Ildefonso in the State of New Mexico—clearing the measure for the President; **Pages H6877–79**

Honoring the Late Former Mayor of Atlanta, Maynard Holbrook Jackson, Jr: H. Res 303, honoring Maynard Holbrook Jackson, Jr., former Mayor of the City of Atlanta, and extending the condolences of the House of Representatives on his death; **Pages H6879–83**

Supporting National Men's Health Week: H. Con. Res 208, supporting National Men's Health Week; **Pages H6883–86**

Supporting Chronic Obstructive Pulmonary Disease Awareness Month: H. Con. Res 6, supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month, (agreed to by a ⅔ yea-and-nay vote of 423 yeas with none voting "nay", Roll No. 374); **Pages H6886–88, H6948–49**

Importance of International Efforts to Abolish Slavery in Sudan: H. Res 194, amended, regarding the importance of international efforts to abolish slavery and other human rights abuses in the Sudan; and **Pages H6888–90**

Supporting the Peace Parks Foundation in the Republic of South Africa: 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. **Pages H6891–92**

Millennium Challenge Account, Peace Corps Expansion, and Foreign Relations Authorization Act of 2003: The House passed H.R. 1950, to authorize appropriations for the Department of State for the fiscal years 2004 and 2005 and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, by a recorded vote of 382 ayes to 42 noes, Roll No. 369. The bill was also considered on July 15.

Pages H6892–H6904

Agreed to amend the title so as to read: "A bill to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for fiscal years 2004 and 2005; and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005." **Page H6903**

On the demand for a separate vote on the Hyde amendment No. 2 printed in H. Rept. 108–206, as amended, and agreed to in the Committee on the

Whole on July 15; the House agreed to the amendment by a yea-and-nay vote of 368 yeas to 52 nays, Roll No. 368. **Pages H6892–H6902**

The Clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H6903**

H. Res. 316, the rule that provided for consideration of the bill was agreed to on July 15.

National Defense Authorization Act: The House disagreed with the Senate amendment to H.R. 1588, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and agreed to a conference. **Pages H6904–08, H6949**

Appointed as conferees: From the Committee on Armed Services: Chairman Hunter and Representatives Weldon of Pennsylvania, Hefley, Saxton, McHugh, Everett, Bartlett of Maryland, McKeon, Thornberry, Hostettler, Jones of North Carolina, Ryun of Kansas, Gibbons, Hayes, Wilson of New Mexico, Calvert, Skelton, Spratt, Ortiz, Evans, Taylor of Mississippi, Abercrombie, Meehan, Reyes, Snyder, Turner of Texas, Loretta Sanchez, and Cooper. **Page H6907**

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X: Chairman Goss and Representatives Hoekstra and Harman. From the Committee on Agriculture, for consideration of secs. 1057 and 2822 of the House bill, and modifications committed to conference: Chairman Goodlatte and Representatives Lucas of Oklahoma and Stenholm. From the Committee on Education and the Workforce for consideration of secs. 544, 553, 563, 567, 907, 1046, 1501, 1502, and 1504–1506 of the House bill, and secs. 233, 351, 352, 368, 701, 1034, and 1036 of the Senate amendment, and modifications committed to conference; Representatives Castle, Kline, and George Miller of California. **Page H6907**

From the Committee on Energy and Commerce, for consideration of secs. 601, 3113, 3201, and 3517 of the House bill, and secs. 601, 701, 852, 3151, and 3201 of the Senate amendment: Chairman Tauzin and Representatives Barton of Texas and Dingell. From the Committee on Financial Services, for consideration of secs. 814 and 907 of the House bill, and modifications committed to conference: Chairman Oxley and Representatives King of New York, and Maloney. From the Committee on Government Reform, for consideration of secs. 315, 323, 551, 805, 822, 824, 828, 829, 1031, 1046, 1050, 1057, Title XI, Title XIV, secs. 2825 and 2826 of the House bill, and secs. 326, 801, 811, 813, 822, 831–833, 841, 852, 853, 1013, 1035, 1102–1104, and 2824–2826 of the Senate amendment, and modifications committed to conference: Chairman Tom Davis of Virginia and Representatives Shays, Jo Ann Davis of Virginia, Putnam, Turner of Ohio, Waxman, Van Hollen, and Davis of Illinois. From the Committee on Homeland Security, for consideration of sec. 1456 of the House bill and modifications committed to conference: Chairman Cox and Representatives Shadegg and Thompson of Mississippi. From the Committee on House Administration, for consideration of sec. 564 of the Senate amendment and modifications committed to conference: Chairman Ney and Representatives Mica and Larson of Connecticut. **Pages H6907–08**

From the Committee on International Relations, for consideration of secs. 1047, 1201, 1202, 1209, Title XIII, secs. 3601, 3611, 3631, 3632, and 3634–3636 of the House bill, and secs. 323, 343, 921, 1201, 1202, 1204, 1205, 1207, 1208, Title XIII, and sec. 3141 of the Senate amendment, and modifications committed to conference: Chairman Hyde and Representatives Bereuter and Lantos. From the Committee on the Judiciary, for consideration of secs. 661–665 and 851–853 of the Senate amendment, and modifications committed to conference: Chairman Sensenbrenner and Representatives Smith of Texas, and Conyers. From the Committee on Resources, for consideration of secs. 311, 317–319, 601, and 1057 of the House bill and secs. 322, 330, and 601 of the Senate amendment, and modifications committed to conference Chairman Pombo and Representatives Gilchrest, Rehberg, Rahall, and Udall of New Mexico. **Page H6908**

From the Committee on Science for consideration of secs. 852 and 911 of the Senate amendment, and modifications committed to conference; Chairman Boehlert and Representatives Smith of Michigan, and Hall of Texas. From the Committee on Small Business, for consideration of sec. 866 of the Senate amendment, and modifications committed to conference: Chairman Manzullo and Representatives Kelly and Velázquez. From the Committee on Transportation and Infrastructure, for consideration of secs. 312, 601, 907, 1049, 1051, and 2824 of the House bill, and secs. 324, 601, and 2821 of the Senate amendment and modifications committed to conference: Chairman Young of Alaska and Representatives Petri and Carson of Oklahoma. From the Committee on Veterans' Affairs, for consideration of sec. 565 of the House bill, and secs. 644 and 707 of the Senate amendment, and modifications committed to conference: Chairman Smith of New Jersey and Representatives Bilirakis and Filner. From the Committee on Ways and Means, for consideration of sec. 701 of the Senate amendment, and modifications

committed to conference: Chairman Thomas and Representatives McCrery and Stark. **Page H6908**

Agreed to the Spratt motion to instruct conferees to insist upon the provisions contained in section 3111 of the House bill. **Pages H6904–07**

By a yea-and-nay vote of 398 yeas to 23 nays, Roll No. 375, agreed to close portions of the conference when classified national security material is being discussed. **Page H6949**

Project BioShield Act: The House passed H.R. 2122, to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security by a yea-and-nay of 421 yeas to 2 nays, Roll No. 373. **Pages H6908–6941, H6947–48**

The bill was considered pursuant to the unanimous consent order of July 15, and pursuant to that order, in lieu of the amendments recommended by the Committee on Government Reform and the Select Committee on Homeland Security now printed in the bill, the amendment in the nature of a substitute placed at the desk on July 15 was considered as adopted. **Pages H6908–41**

Interior and Related Agencies Appropriations: The House completed general debate and began considering amendments to H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004. **Pages H6941–84**

Agreed To:

Mario Diaz-Balart amendment that makes funds available for implementing the Modified Water Deliveries to Everglades National Park Project contingent upon a joint report dealing with the water quality standards of the water entering the Loxahatchee National Wildlife Refuge and Everglades National Park; **Pages H6974–76**

Proceedings Postponed:

Slaughter amendment No. 10 printed in the Congressional Record that seeks to increase funding for the National Endowment for the Arts by $10 million and increase funding for the National Endowment for the Humanities by $5 million with offsets from the National Park Service, Departmental Management, and National Forest System was offered. Further proceedings were postponed. **Pages H6976–83**

Points of Order Sustained Against:

Obey en bloc amendment that sought to increase funding for conservation programs with offsets from reducing the tax reduction by 3.21 percent to taxpayers with gross income of $1 million; **Page H6963**

Section 139, Concerning Funds for Incidental Expenses by the United States Fish and Wildlife Service; **Page H6973**

Section 137, Expedited Procedures for Indian Trust Accounting; **Pages H6973–74**

H. Res. 319, the rule that is providing for consideration of the bill, was agreed to by a recorded vote of 232 ayes to189 noes, Roll No. 372. Earlier agreed to order the previous question by a yea-and-nay vote of 219 yeas to 199 nays, Roll No. 371. **Pages H6941–47**

Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees: The House rejected the DeLauro motion to instruct conferees on H.R. 1308, to authorize appropriations for fiscal year 2004 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces by recorded vote of 206 yeas to 220 nays, Roll No. 370. The motion was debated on July 15; **Pages H6903–04**

The House completed debate on the Michaud motion to instruct conferees on H.R. 1308 that was noted on July 15. Further proceedings were postponed on the motion. Earlier, Representative Bell announced his intention to offer a motion to instruct conferees on the bill. **Pages H6984–90**

Senate Messages: Message received from the Senate today appears on page H6871.

Referral: S. 764 was referred to the Committee on the Judiciary. **Page H7011**

Amendments: Amendments ordered printed pursuant to the rule appear on pages H7020–21.

Quorum Calls—Votes: Five yea-and-nay votes and three recorded votes developed during the proceedings of the House today and appear on pages H6902, H6902–03, H6903–04, H6946–47, H6947, H6948, H6948–49, and H6949. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:51 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES AND FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS

Committee on Appropriations: Ordered reported the following appropriations for fiscal year 2004: Commerce, Justice, State, Judiciary and Related Agencies; and Foreign Operations, Export Financing and Related Programs.

MID-SESSION REVIEW BUDGET U.S. GOVERNMENT

Committee on the Budget: Held a hearing on Mid-Session Review Budget of the United States Government. Testimony was heard from Joshua B. Bolten, Director, OMB.

CHILD NUTRITION PROGRAMS IMPROVE

Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on ''Food for Thought: How to Improve Child Nutrition Programs.'' Testimony was heard from Vice Adm. Richard H. Carmona, M.D., The Surgeon General, Public Health Service, Department of Health and Human Services; Eric M. Bost, Under Secretary, Food, Nutrition, and Consumer Services, USDA.; Betsy Clarke, Director, Women Infants and Children, Department of Health, State of Minnesota; and public witnesses.

U.S. OLYMPIC COMMITTEE—LEGISLATIVE EFFORTS TO REFORM

Committee on Energy and Commerce: Subcommittee on Commerce, Trade and Consumer Protection held a hearing entitled ''Legislative Efforts to Reform the U.S. Olympic Committee.'' Testimony was heard from public witnesses

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Financial Institutions and Consumer Credit approved for full Committee action, as amended, the following bills: H. R. 2043, United States Financial Policy Committee for Fair Capital Standards Act; and H.R. 2622, Fair and Accurate Credit Transactions Act of 2003.

IMPROVE FEDERAL REORGANIZATION, MANAGEMENT AND SPENDING

Committee on Government Reform: Held a hearing entitled ''Cutting Out Waste, Fraud, Mismanagement, Overlap and Duplication: Exploring Ideas for Improving Federal Reorganization, Management and Spending.'' Testimony was heard from Patrick E. McFarland, Inspector General, OPM; and Paul L. Posner, Managing Director Strategic Issues, GAO.

MISCELLANEOUS MEASURES

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization approved for full Committee action the following bills: H.R. 1231, to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums; and H.R. 1151, to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities.

GAO HUMAN CAPITAL REFORM

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held a hearing on ''GAO Human Capital Reform: Leading By Example.'' Testimony was heard from the following officials of the GAO: David M. Walker, Comptroller General; and Christopher A. Keisling, Employees Advisory Council; and public witnesses.

INTELLECTUAL PROPERTY CRIMES

Committee on International Relations: Held a hearing on Intellectual Property Crimes: Are Proceeds From Counterfeited Goods Funding Terrorism? Testimony was heard from Asa Hutchinson, Under Secretary, Border and Transportation Security, Department of Homeland Security; Ronald K. Noble, Secretary General, INTERPOL; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following measures: H.R. 2738, United States—Chile Free Trade Agreement Implementation Act; H.R. 2739, United States—Singapore Free Trade Agreement Implementation Act; H.R. 49, amended, Internet Tax Nondiscrimination Act; and H.R. 1303, amended, to amend the E-Government Act of 2002 with respect to rule-making authority of the Judicial Conference.

OVERSIGHT—UNFUNDED MANDATES REFORM ACT

Committee on Rules: Subcommittee on Technology and the House held an oversight hearing on the 1996 Unfunded Mandates Reform Act—''An Overview of Effectiveness and Opportunities for Enhancement.'' Testimony was heard from Representatives Portman and Etheridge; and Douglas Holtz-Eakin, Director, CBO.

SUPERCOMPUTING: IS THE U.S. ON THE RIGHT PATH?

Committee on Science: Held a hearing on Supercomputing: Is the U.S. on the Right Path? Testimony was heard from Raymond L. Orbach, Director, Office of Science, Department of Energy; Peter A. Freeman, Assistant Director, Computer and Information Science and Engineering Directorate, NSF; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management approved for full Committee action the following: General Services Administration's Fiscal Year 2004 Capital Investment and Leasing Program and Courthouse related resolutions; H.R. 2523, to designate the United States courthouse located at 125 Bull Street in Savannah, Georgia, as the "Topmochichi United States Courthouse;" and H.R. 2274, to designate the United States courthouse at south Federal Place in Santa Fe, New Mexico, as the "Santiago E. Campos United States Courthouse.".

DEPARTMENT OF VETERANS AFFAIRS FIDUCIARY AND FIELD EXAMINATION ACTIVITY

Committee on Veterans' Affairs: Subcommittee on Benefits held a hearing on the Department of Veterans Affairs' Fiduciary and Field Examination Activity. Testimony was heard from the following officials of the Department of Veterans Affairs: Robert J. Griffin, Inspector General; and Ronald J. Henke, Director, Compensation and Pension Service, Veterans Benefit Administration; and public witnesses.

BRIEFING—HUNT FOR AL-QAIDA

Permanent Select Committee on Intelligence: Subcommittee on Intelligence Policy and National Security met in executive session to receive a briefing on Hunt for al-Qaida. The Subcommittee was briefed by departmental witnesses.

TRANSFER PHYSICAL AND ELECTRONIC RECORD TO THE HOUSE REGARDING USE OF FEDERAL AGENCY RECORDS—INVOLVING TEXAS LEGISLATURE MEMBERS

Select Committee on Homeland Security: Ordered adversely reported H. Res. 286, directing the Secretary of Homeland Security to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States.

COMMITTEE MEETINGS FOR THURSDAY, JULY 17, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to mark up proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, proposed legislation making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, proposed legislation making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and proposed legislation making appropriations for energy and water development for the fiscal year ending September 30, 2004, 10:30 a.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine regulatory oversight of government sponsored enterprise accounting practices, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider pending Calendar business, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: to resume hearings to examine the improved understanding of the governance of the Department of Energy laboratories, 9:30 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the importation of exotic species and the impact on public health and safety, 9:30 a.m., SD–406.

Committee on Finance: to hold hearings to examine nursing home quality, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine benefits for U.S. victims of international terrorism, 9:30 a.m., SD–419.

Committee on Governmental Affairs: to resume hearings to examine certain situations where parents must relinquish custody in order to secure mental health services for their children, 9:30 a.m., SD–342.

Committee on the Judiciary: business meeting to consider the nominations of James O. Browning, to be United States District Judge for the District of New Mexico, Kathleen Cardone, to be United States District Judge for the Western District of Texas, James I. Cohn, to be United States District Judge for the Southern District of Florida, Frank Montalvo, to be United States District Judge for the Western District of Texas, Xavier Rodriguez, to be United States District Judge for the Western District of Texas, William H. Pryor, Jr., of Alabama, to be United States Circuit Judge for the Eleventh Circuit, and Christopher A. Wray, of Georgia, to be an Assistant Attorney General, and Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General, both of the Department of Justice; S.J. Res.1, proposing an amendment to the Constitution of the United

States to protect the rights of crime victims, S. 1301,to amend title 18, United States Code, to prohibit video voyeurism in the special maritime and territorial jurisdiction of the United States, and S. Con. Res. 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, S. 1416, to implement the United States-Chile Free Trade Agreement, S. 1417, to implement the United States-Singapore Free Trade Agreement, and S. 1177, to ensure the collection of all cigarette taxes, 9:30 a.m., SD–226.

House

Committee on Energy and Commerce, Subcommittee on Health, hearing on the Health Insurance Certificate Act of 2003, 1 p.m., 2123 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled ''A Review of DOE's Radioactive High-Level Waste Cleanup Program, 9:30 a.m., 2123 Rayburn.

Committee on Government Reform, to consider the following measures: H.R. 2548, Federal Property Asset Management Reform Act of 2003; and H. Res. 306, congratulating the New York Yankees on the occasion of their 100th anniversary, 10 a.m., 2154 Rayburn.

Subcommittee on Human Rights and Wellness, hearing on ''A New Medicare Prescription Drug Benefit: Is it Good for Seniors?'' 1 p.m., 2154 Rayburn.

Committee on the Judiciary, Subcommittee on Courts, the Internet, and Intellectual Property, hearing on H.R. 2517, Piracy Deterrence and Education Act of 2003, 1 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism and Homeland Security, oversight hearing on ''Advancing Justice Through Forensic DNA Technology,'' 1 p.m., 2141 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, oversight hearing on ''The Role of Strategic and Critical Minerals in Our National and Economic Security,'' 10 a.m., 1334 Longworth.

Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up the following bills: H.R. 958, Hydrographic Services Amendments of 2003; H.R. 1204, to amend the National Wildlife Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties; H.R. 2048, International Fisheries Reauthorization Act of 2003; and H.R. 2408, National Wildlife Refuge Volunteer Act of 2003, 2 p.m., 1324 Longworth.

Subcommittee on Water and Power, to mark up the following bills: H.R. 1598, Irvine Basin Surface and Groundwater Improvement Act of 2003; and H.R. 1732, Williamson County Water Recycling Act of 2003, 10 a.m., 1324 Longworth.

Committee on Science, Subcommittee on Research, hearing and markup of H.R. 2692, United States Fire Administration Authorization Act of 2003, 9:30 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Rural Enterprises, Agriculture and Technology, hearing on Endangered Farmers and Ranchers: the Unintended Consequences of the Endangered Species Act, 1 p.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment, to mark up the following bills: H.R. 1560, Water Quality Financing Act of 2003; and H.R. 2557, Water Resources Development Act of 2003, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, hearing on Waste, Fraud and Abuse, 10 a.m., and to mark up the following bills: H.R. 2739, United States-Singapore Free Trade Agreement Implementation Act; and H.R. 2738, United States-Chile Free Trade Agreement Implementation Act, 2 p.m., 1100 Longworth.

Select Committee on Homeland Security, hearing entitled ''First Responders: How States, Localities and the Federal Government Can Strengthen Their Partnership to Make America Safer,'' 1 p.m., 2318 Rayburn.

Next Meeting of the SENATE

9 a.m., Thursday, July 17

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 2658, Defense Appropriations, where Senator Harkin will be recognized to speak.

(At 3:40 p.m., Senators will meet in the Senate Chamber to proceed to the House of Representatives for a Joint Meeting of Congress, to begin at 4 p.m., to receive an address from Prime Minister Tony Blair.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 17

House Chamber

Program for Thursday: Consideration of H.R. 2691, Department of the Interior and Related Agencies Appropriations Act for Fiscal Year 2004 (open rule, one hour of general debate); and

Joint Meeting to Receive the Prime Minister of Great Britain, Tony Blair.

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