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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 10, 2003.

I hereby appoint the Honorable E. CLAY SHAW, Jr., to act as Speaker pro tempore on this day.

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

PRAYER

The Chaplain, the Reverend Dr. Kathryn A. Towne, President, Life in Faith and Truth Ministries, Lakewood, Colorado, offered the following prayer:

Let us bow our hearts before the Lord.

Our Lord God, the Sovereign over this great and wonderful Nation in which we live, we come to You humbly today. Thank You for the opportunity to lead the people of the United States of America. Be present, O God of Wisdom, and direct the councils of this honorable United States House of Representatives. Give insight, understanding, and discernment to each Member so they can exercise their duties for the betterment of their districts and this Nation.

May we all be reminded that righteousness exalts a nation. As these dedicated legislators meet in this Chamber or elsewhere, may their every decision, their every judgment, and their every action be said and done in righteousness. Their job is great; but You, the Almighty, give grace and direction as we ask for help.

Be pleased to grant strength and comfort to these leaders and their families. We ask in Your name. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. LORETTA SANCHEZ) come forward and lead the House in the Pledge of Allegiance.

Ms. LORETTA SANCHEZ of California led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

H.R. 1668. An act to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the ''Ed Edmondson United States Courthouse''.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

RESOLVE TO SEE IT THROUGH

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

Mr. STEARNS. Mr. Speaker, hours before President Bush's speech Sunday night, the top U.S. commander in Iraq summed up in a single sentence the importance of creating a free and democratic Iraq. Lieutenant General Ricardo Sanchez said, ''The only way we will fail in this country is if we decide to walk away in Iraq and fight the next battle in the war on terrorism in the United States of America.'' That is a stark assessment.

The President said the United Nations not only has an opportunity but a responsibility to assume a broader role in assuring that Iraq becomes a free and democratic nation. Nations that enjoy the richness of freedom have a moral obligation, when possible, to share their political and spiritual assets with countries that suffer from the poverty of totalitarianism.

Mr. Speaker, that has been the creed of this country. The American people must have the resolve to see this through.

U.S. STRETCHED TOO THIN

(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 great concern over the direction the Bush administration is leading our country. Simply put, we are spread too thin on every front. As a whole, our military is dangerously overextended. Just yesterday, our National Guard and Reservists were informed that their tours in Iraq have now been extended to 1 year, months longer than many initially anticipated.

Deficits are at a record high, homeland security spending is grossly inadequate, and the true cost of our military campaigns in Iraq and Afghanistan is becoming more apparent every day. Just this past week, President Bush requested an additional $87 billion from Congress, an emergency spending request not seen since the early months of World War II.

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On top of all this, on top of all this, President Bush is still demanding that Congress make his expiring tax cuts permanent, a measure that will cost over $1.1 trillion through 2013. Mr. President, where are we going to get this money from?

TRIBUTE TO ALBERT CLAUDE ''A.C.'' BARGER

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

Mr. BRADY of Texas. Mr. Speaker, they say you make a living by what you get, but you make a life by what you give. By that measure, A.C. Barger of Centreville, Texas, lived a very rich life. He was a Korean War veteran and a successful businessperson. I knew him when I first ran for the State legislature. And, honestly, without his help and his leadership, I would not be serving in Congress today.

More than that, he gave back to his community every day of his life. He served on the Trinity River Authority, was a member of the Silver Haired Legislature, was director of the Leon County Crime Stoppers, and he founded and was commander of the local VFW post. He loved children, and so he was Santa on the Square for 17 years and for the senior citizens. He started the Leon County Career Day and founded the Leon County Drill Team. He was selected man of the year. He just gave and gave and gave.

A.C. recently passed away. I know his wife, Darlene, daughters and family, and all will miss him. Our Nation, our State of Texas, our community, is better for A.C.'s life. He is a national treasure and will be missed.

THANK YOU TO GENERAL SHINSEKI AND LARRY LINDSEY

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

Mr. EMANUEL. Mr. Speaker, well over 6 months ago, Secretary of the Army, General Shinseki, was asked his opinion about how many soldiers we would need in Iraq. He said a couple hundred thousand. Today, we have about 180,000 troops in Iraq and Kuwait. The President's economic adviser, Larry Lindsey, was asked what he thought the cost of the war would be. He said around $200 billion. Today, we are nearing $160 billion.

When those two gentlemen were asked their professional judgment, they were run out of town, ridiculed, their careers were run down for what they did. Today, as we look at what they said 6 months ago, they were right on both accounts.

We do not do this enough in this town. So to General Shinseki and to Larry Lindsey, I want to thank you for your patriotism and I want to thank you for your honesty. Had we listened to you a long time ago, or at least had the willingness to have an honest debate, we would have known that we would have 187,000 troops in the Iraq theatre of war. And to Larry Lindsey, who predicted it would cost us about $200 billion of hard-earned taxpayer money, if we had listened to you rather than run you down, we would be honest and be able to handle this $87 billion that the President has requested.

So, again, thank you for your patriotism and thank you for your honesty.

THE WAR ON TERRORISM

(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, Sunday night President Bush addressed the Nation for the first time since the end of major combat in Iraq. He showed the world once again, as ever, his determination, his tenacity to see this war through to its just conclusion, to bring peace and independence and security and freedom to the people of Iraq.

The President also called on this Congress in the next month to appropriate nearly $90 billion in supplemental spending for military and reconstruction efforts, and so we should address that astonishing number thoughtfully and carefully, as we are charged to do under the Constitution.

But I would offer two humble principles. Number one, our troops have every penny they need to get the job done and come home safe. But it is time on the subject of reconstruction, Mr. Speaker, that we begin to ask our partners in the Coalition of the Willing to contribute their resources along with the American people to rebuilding Iraq.

THE WAR ON TERRORISM

(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 a bipartisan bill, H.R. 2433, the Health Care for Veterans of Project 112. Project 112 was a series of military tests that were conducted during the Cold War in the 1960s. Many of these tests happened at sea and some on land.

The Department of Defense has admitted that they have no evidence that test participants were ever told about the tests, so we are extremely concerned about that in some cases. It is impossible to believe that the military exposed its own troops to such potent gases such as VX nerve gas and sarin. Veterans are naturally concerned about what has transpired and the information that we have received.

We have filed legislation and this will give us the opportunity to begin to examine these troops. We anticipate close to 6,000 troops might have been impacted by these tests. The VA has also requested this legislation to allow them to be able to do this test, and I am extremely pleased it is a bipartisan piece of legislation. So I ask for my colleagues' support of H.R. 2433.

HONORING THE M&N AUGUSTINE FOUNDATION

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Dr. Merlin Augustine and the M&N Augustine Foundation for a decade of service to the third district of Arkansas. The M&N Augustine Foundation embodies the spirit of neighbor helping neighbor. Their mission is to help individuals who, through no fault of their own, are down on their luck. They have accomplished great things to this end, including finding housing for the homeless, moving moms off welfare into paying jobs, providing funeral expenses for those without life insurance, and making holidays like Halloween and Christmas more enjoyable for underprivileged children.

I personally had a chance to help some of the foundation's 800-plus volunteers provide over 20,000 home-cooked meals to senior citizens, homeless individuals, and unemployed persons during their annual Easter Feed Program. Mr. Speaker, Dr. Augustine's contributions to our community are invaluable. He and the hundreds of volunteers of his foundation exemplify the spirit of charitable giving that President Bush so often speaks of, and I appreciate the opportunity to commend them here today.

THE AMERICAN PARITY ACT

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

Mr. DEFAZIO. Mr. Speaker, the President gave quite a speech Sunday night. More of the same failing policy with a new face and a new breathtaking price tag, $87 billion he wants to borrow now. And he wants to borrow $20.5 billion from the American people to rebuild the roads, bridges, ports, water and electric systems in Iraq.

□ 1015

Mr. Speaker, what about here at home? We have to say maybe we could use some investment here in the United States on our bridges, roads, ports, water and electric systems.

So the gentleman from Illinois (Mr. EMANUEL) and I have introduced the American Parity Act, and I urge my colleagues to support it. The President would have to match dollar for dollar every dollar that he borrows from the American people to invest in Iraq, he has to invest a dollar here for the same purposes here in the United States of America. $20.5 billion for infrastructure in the United States could put a million people to work in this country and

begin to rebuild our crumbling infrastructure with our tax dollars as opposed to a nation far across the sea. I urge my colleagues to support the American Parity Act.

FRANKIE MAYO MAKES A DIFFERENCE

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

Mr. RYUN of Kansas. Mr. Speaker, I rise today to express appreciation to a true American hero, Frankie Mayo. Frankie's son, Corporal Christopher Tomlinson, is serving in Iraq as part of the 300th Military Police Company, which is based in my district, Fort Riley, Kansas.

Frankie, like all military mothers, is proud of her son's service. What makes Frankie different is what she is doing to care for her son and the soldiers serving alongside him. In an e-mail to his mom, Corporal Tomlinson jokingly asked for an air conditioner to combat the scorching desert heat. Much to his surprise, a package arrived containing air conditioners, along with other units for others serving with him and his company. This news resulted in hundreds of requests for air conditioners. With the help of individuals and corporate donations, Frankie and her family have shipped hundreds of units to soldiers in Iraq.

I rise today to thank Frankie, but also point others to her example. Frankie's dedication is a perfect example of how we can make a difference in the lives of those around us.

2-YEAR ANNIVERSARY OF SEPTEMBER 11

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

Mrs. MILLER of Michigan. Mr. Speaker, 2 years ago cowardly terrorists attacked our Nation, killing innocent Americans who were simply going about their daily lives, and the aim of those terrorists was to change America. Well, the terrorists did change America, but not how they had hoped, because they renewed our patriotic pride for our Nation and what it stands for. They steeled our resolve and commitment to defeat the enemies of freedom.

The true spirit of America is not to run away from a fight or wring our hands. Our true spirit was shown by the brave firefighters and police officers who charged into those burning towers to save fellow citizens. Our true spirit has been reflected by our men and women in uniform who have toppled the Taliban and Saddam Hussein bringing freedom to Afghanistan and Iraq.

My message to the terrorists is this: You have failed. America's spirit has been strengthened, our purpose renewed, our dedication to freedom is stronger than ever. God bless America.

SUCCESS 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, tomorrow is the 2-year anniversary of the most heinous act of war this Nation has ever experienced. The September 11 attacks were made against unarmed Americans by a sadistic terrorist network beginning the war on terrorism.

Today we are winning that war. Realizing the seriousness of the threat of our freedoms and liberties, our Commander in Chief, President Bush, has displayed true courage and leadership in hunting down terrorists all over the world and bringing them to justice. First by bringing down the barbaric Taliban in Afghanistan, and then by ending the evil regime of Saddam Hussein in Iraq, the men and women of our Armed Forces have eliminated the terrorist breeding grounds while bringing freedom to millions. Today, over 90 countries are part of the coalition against terrorism. Although we cannot predict the end of the war, we are thankful in 2 years since the 9/11 attacks there have not been other major attacks at home. While our Nation's resolve will be tested, I have faith with the President and his cabinet, we will continue winning the war on terrorism. May God bless our troops.

REMEMBERING SEPTEMBER 11

(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, before September 11, 2 years ago, this Nation was unaware that terrorists were planning the most deadly attack in our history. Nearly 3,000 men, women and children were killed in an act of war, the most horrific act of violence many of us have ever seen.

Tomorrow we will honor their memory. We should never forget why they died, because the agents of evil could not stand the freedom that our country represents. These enemies of freedom believed that we lacked the will to oppose them. They attacked our country and declared war on our way of life. Their intent is not our defeat, their intent is our destruction. I am proud of the way this country responded. I am proud of our troops who fought bravely to bring freedom to so many, and I am proud of our Commander in Chief who has led us in the war against terror with a steady hand. On this second anniversary, let us renew our resolve to rid the world of terrorism.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHAW). 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 yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken later today.

RESTORING OPERATION OF THE NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM DURING FISCAL YEAR 2003 TO SCOPE IN EFFECT ON SEPTEMBER 30, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2595) to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002.

The Clerk read as follows:

H.R. 2595

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

SECTION 1. OPERATION OF NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) RESTORATION FOR FISCAL YEAR 2003 TO FISCAL YEAR 2002 LEVEL.—In carrying out the pilot program provided by subchapter V of chapter 37 of title 38, United States Code, under which the Secretary of Veterans Affairs is authorized to make direct housing loans to Native American veterans, the Secretary shall during fiscal year 2003 carry out that program without regard to the proviso under the heading ''Native American Veteran Housing Loan Program Account'' in title I of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003 (division K of Public Law 108–7; 117 Stat. 476), and such proviso shall be treated as being of no force or effect.

(b) SAVINGS PROVISION.—Any action taken by the Secretary of Veterans Affairs before the enactment of this Act that is inconsistent with the proviso referred to in subsection (a) is hereby ratified with respect to such inconsistency.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would restore the operation of the Native American Veteran Housing Loan Program during the current fiscal year to the scope of that program as it was in effect on September 30, 2002.

The Native American Veteran Home Loan Program was established in 1992 as a 5-year pilot program, and Congress has extended it twice, most recently through 2005. This program is intended to assist eligible veterans living on trust or equivalent lands to secure

loans at market rates to purchase, build or to renovate homes. VA has made over 300 home loans under this program. The Department of Veterans Affairs has stopped making loans under the Native American direct loan program because of a limitation contained in the 2003 Appropriations Act, which capped the amount of loans that can be made under this program to $5 million. This limitation was requested by the administration with the assumption that the limit would not be breached. VA advised us as of June 11 in a letter that it has already exceeded that limit.

Mr. Speaker, 47 loans have already been made during the fiscal year, many of them refinancing loans. The VA committee has been advised that construction of a number of homes has been suspended directly attributable to the imposition of this moratorium. Pending applications are also on hold. I see no reason, in effect, why our Native American veterans should lose access to home loans in this way. We should celebrate their success, not put an artificial cap on it, especially at a time when refinancing is a way to save veterans thousands of dollars each and every year. We need to end this moratorium as soon as possible, and that is the purpose of this legislation.

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

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

Mr. Speaker, I rise in strong support of this resolution. This will correct the terrible error that is depriving Native American veterans access to home loans under the Native Americans Veterans Housing Program.

While the necessary funding for this loan program has already been appropriated, the administration requested a cap of $5 million on the loans of fiscal year 2003. By the time that fiscal year 2003 appropriations bill was signed, the cap had already been exceeded. Some Native Americans in Hawaii have partially built their homes but now are unable to complete that construction. This is no way to treat the brave Americans who fought for our country. This is a mistake that must be corrected now. Mr. Speaker, this bill would simply remove the existing cap on expenditures under this program. No additional funding is needed to restore the program to its original intent. I urge all Members to support this bill.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. RENZI), a member of the Committee on Veterans' Affairs.

Mr. RENZI. Mr. Speaker, I am privileged to represent more Native Americans than any other congressman. Recently my good friend, the gentleman from New Mexico (Mr. UDALL), and I visited the Navajo Nation, the homeland of the Code Talkers, a distinct group of individuals that made significant contributions to the security of our Nation in World War II.

It is deplorable to visit the Navajo Nation and see the conditions of their children, of their families, living in dilapidated housing. Therefore, Congress enacted legislation to establish a program to address this difficulty. What makes it harder is that Native Americans live on sovereign land and the ability to secure collateral makes it harder for loans to be made.

The program that was established by Congress to address this issue is scheduled to conclude at the end of this fiscal year. However, because we set a cap limiting the number of loans under this program, the Department of Veterans Affairs exceeded the limit earlier this year. H.R. 2595 would lift the caps and allow the Department to continue to process the backlog of new loan applications.

I am proud to be a cosponsor of H.R. 2595 and believe the program provides equal opportunity to all veterans, especially Native Americans, to become homeowners.

In October 2000 a joint study of the Department of Housing and Urban Development and the Department of Treasury found that ownership among Native Americans is among the lowest in the country at just 33 percent. We must hold true and honor our commitment to those who served the Nation and help Native American veterans enjoy the security of homeownership. This program has been successful in making homeownership a reality for Native American Indian veterans. For those who bravely fought to sustain this prosperous Nation, we should lift the barriers they face in homeownership.

I urge my colleagues to vote favorably in favor of H.R. 2595.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Speaker, as an original cosponsor of this bill, I rise today to offer my strong support for the restoration of the Native American housing loan program. In the past, this program has benefited many of my constituents. Restoring it today will ensure that many more will benefit in the future.

Traditionally, veterans living on tribal land, including allotted land, were not eligible for the VA home loan guarantees. However, this program has allowed many Native American veterans who might otherwise have been unable to obtain suitable housing or acquire direct home loans to do just that.

In the 107th Congress, I introduced a bill to extend this program through fiscal year 2005. That bill was included in a bill that became Public Law 107–103. Language in the omnibus appropriations bill passed earlier this year caps the program at $5 million. The loans of many Native American veterans have been cut off. As I speak, there are homes that were begun under this program that remain half constructed. All over the Nation, Native American veterans trying to refinance their homes cannot do so because of this provision.

Additionally, those veterans who have had their loans approved for construction cannot get the money they were promised. By restoring this program, we are providing an opportunity for Native American veterans with existing loans, as well as additional deserving Native American veterans to get home loans.

Poverty, lack of economic opportunity, and a shortage of financing for decent affordable housing have created housing conditions on Native American lands that may only be described as deplorable.

□ 1030

Almost one in three Native Americans living on a reservation is poor. Many Native Americans have honorably served our country in the Armed Forces. In fact, historically Native Americans have the highest record of service per capita of any ethnic group. Let us continue to help them by restoring this much-needed program.

In closing, I would like to thank Chairman SMITH, Ranking Member EVANS, and the staff of the Committee on Veterans' Affairs for their speedy work on this bill. This is an important piece of legislation. I urge my colleagues to support it.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. CASE).

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

Mr. CASE. Mr. Speaker, amidst all of the disagreement and debate on this floor over things like war and deficits, this is a good-news story. I want to start some decades ago recognizing my political mentor, a former Member of this Chamber, my predecessor, Spark Matsunaga, a veteran himself, who went back and tried to determine whether the veterans home loan program, a successful program, was working for Native American veterans living on tribal or trust territory lands. The answer was a resounding ''no.'' The reason was because those lands contained restraints on alienation that are not applicable to other lands. So, therefore, conventional mortgage practices were not working. My predecessor and my current Senator, DANIEL AKAKA, took up the cause and initiated the legislation which we are now addressing to provide for this program to be applied on trust territory lands, the lands of the indigenous peoples of our country, whether they be in Alaska, in North America or Hawaii or the Pacific Islands.

A very successful program arose, so successful that in the Pacific, in 300 loans granted under this program over the last 10 years, there has been one delinquency out of 300 programs. Three hundred programs, 100 paid in full, 200

being paid in full, one delinquency, a fantastic program that has accomplished its purpose. This is good news. This is good news because we made a mistake and we are coming back to correct it and we all know it. The administration deserves credit for this, the ranking member deserves credit, the Chair deserves credit, the appropriations committee deserves credit. What we are going to do is to take a program that has been successful and continue it. By the way, when you score this program, we are always talking about money, this program, if this bill goes through, will return $1 million to the U.S. Treasury. That is how successful this is. We are not spending money; we are generating money from this program because of the low delinquency rates.

I thank everybody involved. I commend this bill to the Members and urge its expeditious passage.

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly want to thank the distinguished chairman of the Committee on Veterans' Affairs from New Jersey and our senior ranking member from Illinois for their leadership and for their sensitivity in bringing this legislation to the floor for consideration.

Mr. Speaker, as an original cosponsor of the original legislation that was offered 10 years ago, I think it is time that we no longer should call this legislation a pilot program. It has matured. I certainly want to urge my colleagues that we should increase not only the authorization as well as the funding levels for this important program.

I rise today in support of H.R. 2595, a bill to restore the operation of the Native American Veteran Housing Loan Program for fiscal year 2003. This program permits the Department of Veterans Affairs to provide direct home loans to Native American veterans who live not only on tribal lands but also on homestead lands and communal lands. Eligible native veterans can then use direct loan funding to purchase, construct or improve a home on Native American trust land. These loans may also be used simultaneously to purchase and improve a home or to refinance another VA direct loan.

This pilot program extends to Native Americans, native Hawaiians, and also to my constituents in American Samoa. As a result, this program has been crucial to providing American Samoan veterans the opportunity to build and own their own homes, an opportunity that would not otherwise be available to them. VA's annual report to Congress for fiscal year 2002 reports that over 62 loans have been closed; but for the 10-year period, hundreds of loans have been approved because of this program.

As I explained earlier, Mr. Speaker, for the benefit of my colleagues so we can better appreciate this unique home loan program for our native veterans, the thousands of American Indian veterans who live in reservations, when they returned to their homes, they could not obtain a commercial home loan as you would someone who lived in a commercially owned property, a fee simple, living in reservations. The same is true with our native Hawaiian veterans who live in what is known as ''homestead lands,'' in the same situation where commercial lending institutions would not lend us money to build homes under a veterans program. The same is also true with my own veterans who live on communal lands. This is a unique program. I am very, very happy that we are able to continue the funding levels but also more importantly we need to make sure that this program continues.

Mr. Speaker, the Native American Veteran Housing Loan Program has been successful in providing our native veterans the opportunity to build and own their own homes. It provides our native veterans the ability to continue to live in their own lands, to contribute to their communities, and to build a legacy to leave their families. This program needs increased authorization and funding in the years to come. I urge my colleagues to support this legislation.

Mr. EVANS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Guam (Mr. BORDALLO).

(Mr. BORDALLO asked and was given permission to revise and extend her remarks.)

Ms. BORDALLO. Mr. Speaker, when Congress authorized the Native American home loan bill in 1993, it recognized the poverty and the homelessness of veterans from the Pacific Islands. It recognized that those veterans needed special assistance to access the necessary financing to put a roof over their heads. Ten years later, the funding has expired, but the challenge remains the same.

Mr. Speaker, I understand that when the Department of Veterans Affairs shut down the lending program, they were on the verge of approving a loan to a Guam applicant. So I am pleased to join with my colleagues, Chairman SMITH and Ranking Member EVANS, in providing the funding authorization necessary to continue the program.

A noteworthy aspect of the Native American home loan bill is that it withholds a loan fee from applicants with a service-connected disability. Each time I meet with veterans in Guam and hear their descriptions of living with the effects of Agent Orange or a post-traumatic stress disorder, I am reminded that we have yet to repay the service that these men and women have given to our Nation. We need to provide adequate veterans benefits and services not just near where a military base or a VA processing center is but where the veterans are, places like the tribal lands of Colorado and the Chamorro land trust properties of Guam.

I hope that our action here today will bring attention to the good work of the program and increase the knowledge of the program amongst Native American communities.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

I just want to thank the gentleman from Illinois for his leadership on this and for working so cooperatively with us. I also thank the gentleman from Arizona (Mr. RENZI), the gentleman from New Mexico (Mr. UDALL), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Hawaii (Mr. CASE), the gentlewoman from Guam (Mr. BORDALLO), the gentleman from Maine (Mr. MICHAUD), and the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his cosponsorship of this legislation. I appreciate it very much and urge the body to adopt it.

Mr. FALEOMAVAEGA. Mr. Speaker, I would like to thank Chairman CHRIS SMITH and Ranking Member LANE EVANS for their support and diligent work regarding Native American issues. Today I rise in support of H.R. 2595, a bill to restore the operation of the Native American Veteran Housing Loan Program during Fiscal Year 2003. This pilot program permits the Department of Veterans Affairs to provide direct home loans to Native American veterans who live on tribal lands. Eligible native veterans can use direct loan funding to purchase, construct, or improve a home on Native American trust land. These loans may also be used to simultaneously purchase and improve a home or to refinance another VA direct loan.

This pilot program extends to Native Americans, Native Hawaiians and to my constituents in American Samoa. For the benefit of my colleagues and so that we can better appreciate this unique home loan program, I want to explain that most native veterans living on communal or tribal lands. This is true for American Indian veterans who live on reservation lands. The same is true of our Native Hawaiian veterans who live on what is known in Hawaii as Homestead lands. The same is also true with American Samoan veterans who live on communal lands which cannot be sold as commercial or as fee simple property.

Given the unique status of communal lands, thousands of native veterans have been denied loans by our commercial lending institutions and banks. However, with the creation of this pilot program, many of our native veterans are able to build and own their own homes and the VA reported that in 2002 it had closed on a total of 289 loans under the terms of this pilot program.

Recently, Public Law 108–7, Consolidated Appropriations Resolution, placed a cap of $5 million on the amount of loans that could be approved under the program. But, at the time this law was enacted, VA had already exceeded this cap. As a result, VA is unable to make new loans for the remainder of the fiscal year. Because of this new cap, veterans are unable to complete construction on homes already in progress. This is unfair to our native veterans and it is imperative that Congress remedy this situation. H.R. 2595 will accomplish this. H.R.

2595 will reinstate the program retroactively and validate the loans which have already been made.

The Native American Veteran Housing Loan Program has been successful in providing our native veterans the opportunity to build and own their own homes. It provides our native veterans the ability to continue to live on their native lands, to contribute to their communities, and to build a legacy for their families. It is the responsibility of Congress to reinstate this important program, to recognize the contributions made by our native veterans to our Nation and to afford them the opportunity to participate and realize the American dream of owning their own homes.

This program needs increased authorization and funding in the years to come and I urge my colleagues to support this legislation.

Mr. ABERCROMBIE. Mr. Speaker, I rise in strong support of this bill to reinstate the Native American Veteran Housing Loan program.

I would like to thank the Chairman of the Committee on Veterans' Affairs, Mr. SMITH, the Ranking Member, Mr. EVANS, and the staff of the Committee on Veterans' Affairs for their work in crafting this much-needed remedy to the present situation. I would also like to thank Senator AKAKA for his leadership over the years on this issue. He and his staff have been tireless in their efforts to rectify this problem since it arose in May.

In 1992, the Native American Veterans Home Loan Equity Act was enacted to establish and implement a pilot program to make direct housing loans to aid Native American (Indian, Alaska or Hawaii native, or Pacific Islander) veterans in purchasing, constructing, or improving, dwellings on trust land. Almost 11 years later, the VA has closed several hundred loans, and the program is a resounding success.

Native Hawaiian veterans have greatly benefited from the loan program. Through the end of Fiscal Year 2002, 300 loans were closed throughout the Pacific. Of the 300 loans, about 215 were new construction loans, with the balance consisting of Interest Rate Reduction Loans. Although Hawaii has the highest loan volume, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam have significant levels of activity. About 100 of the 300 loans have been paid in full and the other 200 are active and performing. Only one loan termination has occurred to date since 1992.

This year's dramatic increase in use of the program mirrors the national upswing in financing new construction and refinancing existing loans. Home ownership has long been a hallmark of financial growth and community stability, and it's encouraging to see so many vets in my own state enjoying this benefit. However, I deeply regret that more of our Native American veterans were unable to take advantage of the 40-year historic low financing rates available a mere two and a half months ago. The untimely halt to this past May cut off deserving veterans from this financial tool. Mr. Speaker, I hope that we can do better in the future to correct such problems before they cause inadvertent harm.

In the end, this measure is about equity. The Native American Veterans Direct Loan program exists to afford our Native American, Native Hawaiian, Alaskan Native, and Pacific Islander veterans on trust lands the same benefits available to the rest of our veterans community. We need to sustain this program—it's a matter of fairness.

I urge my colleagues to support this measure.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2595.

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.

HEALTH CARE FOR VETERANS OF PROJECT 112/PROJECT SHAD ACT OF 2003

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (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, as amended.

The Clerk read as follows:

H.R. 2433

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 ''Health Care for Veterans of Project 112/Project SHAD Act of 2003''.

SEC. 2. PROVISION OF HEALTH CARE TO VETERANS WHO PARTICIPATED IN CERTAIN DEPARTMENT OF DEFENSE CHEMICAL AND BIOLOGICAL WARFARE TESTING.

Section 1710(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(E) Subject to paragraphs (2) and (3), a veteran who participated in a test conducted by the Department of Defense Deseret Test Center as part of a program for chemical and biological warfare testing from 1962 through 1973 (including the program designated as 'Project Shipboard Hazard and Defense (SHAD)' and related land-based tests) is eligible for hospital care, medical services, and nursing home care under subsection (a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such illness is attributable to such testing.''.

(2) in paragraph (2)(B), by striking out ''paragraph (1)(C) or (1)(D)'' and inserting ''subparagraph (C), (D), or (E) of paragraph (1)''; and

(3) in paragraph (3)—

(A) by striking ''and'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting ''; and''; and

(C) by adding at the end the following new subparagraph:

''(D) in the case of care for a veteran described in paragraph (1)(E), after December 31, 2005.''.

SEC. 3. IMPROVEMENTS TO THE RETENTION AND RECRUITMENT OF HEALTH CARE PROFESSIONALS.

(a) PROMOTION STANDARDS FOR HEALTH CARE PERSONNEL.—Subsection (c) of 7403 of title 38, United States Code, is amended by striking ''Promotions'' and inserting ''Consistent with subsection (a) of section 7422 of this title, and notwithstanding subsection (b) of that section, promotions''.

(b) PROMOTIONS FOR NURSES WHO DO NOT HAVE BACCALAUREATE DEGREES.—Such section is further amended by adding at the end the following new subsection:

''(h) In a case in which a registered nurse has accomplished the performance elements required for promotion to the next grade, the lack of a baccalaureate degree in nursing shall not be a bar to promotion to that grade, and in such a case the registered nurse shall not be denied a promotion on that basis.''.

SEC. 4. ADDITIONAL PAY FOR SATURDAY TOURS OF DUTY FOR ADDITIONAL HEALTH CARE WORKERS IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7454(b) of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(3) Employees appointed under section 7408 of this title shall be entitled to additional pay on the same basis as provided for nurses in section 7453(c) of this title.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

SEC. 5. COVERAGE OF EMPLOYEES OF VETERANS' CANTEEN SERVICE UNDER ADDITIONAL EMPLOYMENT LAWS.

(a) COVERAGE.—Paragraph (5) of section 7802 of title 38, United States Code, is amended by inserting before the semicolon a period and the following: ''An employee appointed under this section may be considered for appointment to a Department position in the competitive service in the same manner that a Department employee in the competitive service is considered for transfer to such position. An employee of the Service who is appointed to a Department position in the competitive service under the authority of the preceding sentence may count toward the time-in-service requirement for a career appointment in such position any previous period of employment in the Service''.

(b) TECHNICAL AMENDMENTS.—Such section is further amended—

(1) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period;

(2) by striking ''The Secretary '' and all that follows through ''(1) establish,'' and inserting ''(a) LOCATIONS FOR CANTEENS.—The Secretary shall establish,'';

(3) by redesignating paragraphs (2) through (11) as subsections (b) through (k), respectively, and by realigning those subsections (as so redesignated) so as to be flush to the left margin;

(4) in subsection (b) (as so redesignated), by inserting ''WAREHOUSES AND STORAGE DEPOTS.—The Secretary shall'' before ''establish'';

(5) in subsection (c) (as so redesignated), by inserting ''SPACE, BUILDINGS, AND STRUCTURES.—The Secretary shall'' before ''furnish'';

(6) in subsection (d) (as so redesignated), by inserting ''EQUIPMENT, SERVICES, AND UTILITIES.—The Secretary shall'' before ''transfer'';

(7) in subsection (e) (as so redesignated and as amended by subsection (a)), by inserting ''PERSONNEL.—The Secretary shall'' before ''employ'';

(8) in subsection (f) (as so redesignated), by inserting ''CONTRACTS AND AGREEMENTS.—The Secretary shall'' before ''make all'';

(9) in subsection (g) (as so redesignated), by inserting ''PRICES.—The Secretary shall'' before ''fix the'';

(10) in subsection (h) (as so redesignated), by inserting ''GIFTS AND DONATIONS.—The Secretary may'' before ''accept'';

(11) in subsection (i) (as so redesignated), by inserting ''RULES AND REGULATIONS.—The Secretary shall'' before ''make such'';

(12) in subsection (j) (as so redesignated), by inserting ''DELEGATION.—The Secretary may'' before ''delegate such''; and

(13) in subsection (k) (as so redesignated), by inserting ''AUTHORITY TO CASH CHECKS, ETC.—The Secretary may'' before ''authorize''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 2433, as amended, the Health Care for Veterans of Project 112/Project Shad Act of 2003. Project SHAD stands for ''shipboard hazard and defense.'' It was a program that was conducted in the 1970s. I will get into that in a moment. I do want to thank the chairman of the Subcommittee on Health, the gentleman from Connecticut (Mr. SIMMONS), and the subcommittee's ranking member, the gentleman from Texas (Mr. RODRIGUEZ), for their work and cooperation in moving this very bipartisan bill forward. I want to thank them for their leadership on it.

This bill would authorize the VA to provide higher priority health care to veterans who participated in Project 112/SHAD. These tests, which involved exposure of servicemembers to simulated chemical and biological agents and in some cases, Mr. Speaker, actual poisons, were conducted by the Department of Defense at their Desert Test Center from 1962 through 1973. In the past year, DOD has released information about all of these secret Cold War-era tests and has worked with the Department of Veterans Affairs and our committee to identify and notify veterans who participated in the tests, some of them unknowingly. This legislation will ensure that those veterans who did participate in those tests are able to receive medical evaluations and treatment if necessary at VA health care facilities on a higher priority basis without being required to establish service connection for these illnesses they believe were caused by those exposures. H.R. 2433 also includes several measures designed to help the VA to maintain a quality workforce in all of its health care facilities.

There is a well-documented shortage of trained registered nurses, for example, in the United States; and this shortage affects the VA's ability to deliver care to veterans. Our committee has expressed concern about a VA policy that requires VA-registered nurses to obtain baccalaureate degrees in nursing in order to advance beyond entry nurse-grade levels. The VA's continuation of this policy in the face of high demand and scarcity of nursing personnel discourages qualified nurses from seeking VA employment and makes the VA's ability to retain current nurses more challenging than it needs to be. H.R. 2433 will help keep the VA competitive with the private sector so that when a VA-registered nurse is otherwise eligible for a promotion, the lack of a specific educational degree may not be used to deny that promotion from nurse grade 1 to grade 2.

Mr. Speaker, section 4 of the bill expands the number of health care workers entitled to extra pay for working weekends. Most private hospitals provide extra pay for weekend work. Many VA health care workers already receive extra compensation for working on weekends. Section 4 is an effort to eliminate current disparities between VA employees working side by side to care for sick veterans.

The legislation also gives the approximately 3,000 Veterans' Canteen Service hourly workers the right to be considered for other VA positions on a competitive basis. This right was given to VCS managers in 1979. There is no reason whatsoever to impede good VA workers from seeking career advancement to more demanding, higher-paying positions for which they are qualified.

This is a good bill. I hope that Members will support it.

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

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

I rise in support of this resolution. I want to thank the gentleman from Texas (Mr. RODRIGUEZ) for recognizing the need to assure health care for veterans who participated, often unwittingly at times, in the tests of Deseret Test Center. I also want to acknowledge the commitment of Mr. MIKE THOMPSON, whose persistence in uncovering the truth about these tests has been extraordinarily noteworthy. It is remarkable to think that the military would have knowingly exposed troops to some of the agents we now know were involved in these tests.

I am pleased that we will be offering these veterans an opportunity to receive health care services in order to address some of the conditions they believe may have been involved in this exposure. There are other important personnel issues addressed in this legislation.

For several years, the VA has been committed to converting to an all-bachelor's degree program. While this goal may be admirable, it may also be unattainable, particularly on the cusp of the severe nursing shortage confronting the whole health care industry, both private and public. It also fails to acknowledge the very real contributions of associate degree-trained nurses who receive similar practical training. It is also appropriate to give nursing assistants the same access to Saturday premium pay as their nursing counterparts.

Mr. Speaker, I hope all the Members will join me in supporting this legislation.

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

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Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. SIMMONS), the distinguished chairman of our Subcommittee on Health.

Mr. SIMMONS. Mr. Speaker, I thank the chairman of the Committee on Veterans' Affairs and the ranking member, the gentleman from Illinois (Mr. EVANS), for their terrific work on this legislation. I also thank my colleague and ranking member of the Veterans Subcommittee on Health, the gentleman from Texas (Mr. RODRIGUEZ), for all of his work. These are bipartisan products. These are legislative products that have been worked on on both sides of the aisle by all of us working together for the common good of our veterans and for those who serve them.

I am sure my colleague, the gentleman from Texas (Mr. RODRIGUEZ) will talk quite a bit about the SHAD portion of this legislation, and I will leave that to him, but I want to highlight two other parts of this legislation that I think are so important. The first one is the one that guarantees that a qualified VA registered nurse is not denied promotion to a higher job because that nurse fails to have a certain educational degree.

During my period of service on active duty in the U.S. Army, I went to infantry OCS, and at infantry OCS, I trained with a lot of enlisted personnel, sergeants, E–5s, E–6s and E–7s who decided to go to infantry OCS to get that commission to get that lieutenant's bar and to lead men in combat in Vietnam.

A number of those highly qualified enlisted persons who went to OCS did not have college degrees, and yet they accumulated awards for valor in service and led their men successfully in the war zone.

When the war was over, they lost their commissions. They were given the choice of getting out of the service or going back to enlisted rank. That made no sense to me. It made no sense to me that somebody who had been successful in leading men in combat and in battle in an infantry assignment would be denied that commission at a future date simply because they did not have the educational qualifications.

The same principle is at stake here. Why should a qualified VA registered nurse be denied a promotion on the basis of the fact that that nurse does not have a specific educational degree? We can do better than that. This bill fixes that problem.

Let me refer also to one other portion of this legislation that I think is so important, and that I think establishes fairness for those who serve us in the VA. Veterans Canteen Service food workers are not eligible currently for career service or competitive service positions because of their current position within the Canteen Service.

Well, low and behold, I began my Army career as an Army cook. I began my Army career as an Army cook. Nobody said at the time you cannot go on to go to OCS, officer candidate school, and get a commission and go up

through the ranks and eventually retire as a colonel. Nobody said that at the time. So why do we say that to the canteen workers? Why do we say we are going to offer you a job as a Canteen Service worker, but it is a dead-end job. You are never going to be able to aspire to anything higher. That does not make any sense to me, and I do not think it makes any sense to the men and women who work in these positions.

So I thank my leaders in the committee, the gentleman from New Jersey (Chairman SMITH), the ranking member, the gentleman from Illinois (Mr. EVANS), and I also thank my colleague, the ranking member of the Subcommittee on Health, the gentleman from Texas (Mr. RODRIGUEZ), for their hard work on this legislation, which brings about reforms into the system that are so long overdue.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, I thank the gentleman from Illinois (Mr. EVANS) for yielding me time. I want to thank the gentleman for his leadership as ranking member. I also want to take this opportunity to thank the gentleman from New Jersey (Chairman SMITH) for his leadership and I want to thank, of course, our subcommittee chairman, the gentleman from Connecticut (Mr. SIMMONS) on this bipartisan effort.

I think there is no doubt that this particular piece of legislation is needed, so I want to personally express my gratitude on this bipartisan effort to the gentleman from New Jersey (Chairman SMITH) and the ranking Member the gentleman from Illinois (Mr. EVANS).

Project 112, as we know, was a series of military tests that began in the early 1960s and continued throughout much of the Cold War to assess the effects of chemical and biological weapons on military assets under various environmental conditions.

I introduced this piece of legislation after we had become aware of it. I also want to take note that the gentleman from California (Mr. THOMPSON) worked hard on this particular issue. I also want to indicate that many of these tests happened at sea and it is also referred to as Project SHAD, but others were land-based.

The tests were designed to identify the military vulnerabilities to various types of attacks, whether these attacks could be adequately detected or whether some protection measures were effective against these attacks. The Department of Defense has admitted that it has no evidence that the test participants were informed of the risk of their participation in these tests or that, in most cases, they received appropriate protection gear while conducting these tests. Some veterans are justly concerned, and have been informed that they were exposed to hazardous material.

In order to restore the trust and confidence of the American people, and particularly the American veterans in the Federal Government's response to these kinds of exposures-related controversies, we must act, and H.R. 2433 does that exactly.

It is impossible to believe that the military exposed our own troops to such potent agents such as VX nerve gas and sarin. Veterans are naturally concerned about the long-term effects of exposure to those poisons in terms of their health.

Project 112 veterans have complained of various forms of ailments such as cancer and hypertension. Given the amount of time that has passed and the relatively small number of veterans involved in such tests, veterans may never fully understand the effects of these tests. The VA has requested legislation, and that is why we are doing this, to begin to examine the participants and the ailments and the conditions of these veterans that participated in these experiments.

This authority will allow this opportunity for veterans involved in these exams and suffering from possible ailments to be able to get tested and be able to look in terms of how they might have been impacted by it. It may also give the VA a chance to see if there are discernible patterns of veterans' health outcomes. This information may help VA identify whether particular operations or exposures were particularly harmful.

It is time for us to make at least some amends to our veterans involved in these experiments, often without their consent, knowledge or adequate protection. We owe it to them for us to move in this protection.

I also appeal to veterans that might be informed or might be listening for them to become abreast of what has transpired, because a lot of the veterans are not aware that these particular tests had taken place.

So, once again, I ask for your support for H.R. 2433, and I thank the chairman, the gentleman from New Jersey (Mr. SMITH), and the gentleman from Illinois (Mr. EVANS), the leading Democrat on the committee.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. MORAN), the former chairman of the Subcommittee on Health, who held hearings on Project SHAD.

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from Illinois (Mr. EVANS) and the gentleman from Connecticut (Mr. SIMMONS) and the gentleman from Texas (Mr. RODRIGUEZ) for their work on this important piece of legislation.

I also would like to recognize the work of the gentleman from California (Mr. FILNER), my ranking member during the time I chaired the subcommittee, in which our subcommittee focused a lot of attention toward the issue of Project SHAD and its effect upon our veterans today and upon servicemen and women back in the 1960s. I am pleased to be here today, these months later, in support of passage of H.R. 2433.

During my time as the subcommittee chairman, we worked with a number of our colleagues on the Committee on Veterans' Affairs to highlight, to encourage the Department of Defense to provide information, the Department of Veterans Affairs to provide a higher priority in care and concern for the veterans who participated in Project SHAD, those tests conducted by the Department of Defense in the 60s.

These tests were conducted over water and on land. They were designed to ascertain the damage and dangers chemicals might have to ships and equipment, beginning a study upon the effects of weapons of mass destruction, something we hear about a lot today. Thousands of veterans, as a result of those tests, now have reason to believe that their health may have been adversely affected by exposure to dangerous substances.

In the 107th Congress, our subcommittee held those hearings on this project, upon the tests. We had a number of meetings with Department of Defense and Department of Veterans Affairs officials. We visited with veterans organizations and began the process of seeking answers to the many questions that now linger some 60 years later.

Our subcommittee concentrated also on the state of deployment health. Having been through the Persian Gulf War Syndrome, we wanted to see if we could find ways to get the Department of Defense to deploy our forces in ways that protected those forces, the equipment, vaccinations, health records and other policies that DOD utilizes today to protect the health of active duty servicemen and women who are deployed in areas of conflict.

Congress does need to focus our concern on the veterans of the past, because they teach us lessons about the veterans of our future, and we need to use history as a tool to create effective and proactive policies for our current and future servicemen and women who may be exposed at some time to dangerous poisons and other hazards of military deployment. We have seen those exposures in Vietnam, in the first Gulf War, and we may see many more in the future.

U.S. soldiers, sailors, airmen and Marines, are overseas today defending the freedoms we enjoy here at home, and we in Congress are responsible for ensuring their health, that it is protected, both in and out of the service.

The record is clear: The tests that involved Project SHAD were not intended to harm U.S. service members, they were intended to aid the U.S. in protecting ships at sea and soldiers and their equipment on the field of battle from enemy attacks using chemical, biological or nuclear weapons. But, clearly, we have a responsibility to

those soldiers who were affected by those tests.

I would like to especially commend a Kansan from Topeka, Kansas, Jim Druckmiller, and the USS Power Association, as well as the Vietnam Veterans of America, their organization, for bringing this issue to the subcommittee and Congress. Citizens from my home State of Kansas and many other states were affected by these tests, and we must honor them and support them by seeking passage of this legislation.

I again commend the gentleman from New Jersey (Chairman SMITH) for giving this legislation the high priority it is due, and urge its passage by the House today.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

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

Mr. Speaker, you would think that we would have learned from the experience in Vietnam and Agent Orange, which the gentleman from Illinois (Marine Corporal EVANS) taught us as he led the charge to uncover what happened with Agent Orange and to give our servicemen and women some protection later on.

If we learned anything, it is that our veterans must be informed of the risks of exposure that they experience on the battlefield. We did not learn that in Persian Gulf War I, and we are left with the Persian Gulf War illness. I do not think we have learned it with Persian Gulf War II, and who knows what we are going to have after this war.

Veterans must know about the agents to which they were exposed and whether these agents are likely to produce any health consequences, and they must be taken care of if they become ill due to the exposures during their service. That is what this bill does, based on this project that took place in the 1960s.

We have thanked a lot of people in the Congress for bringing this bill up, but I have to thank our veterans for their own diligence in bringing this matter to our attention. Once again, it was veterans who became ill who had to advocate on their own behalf to get their government, to get our government, to release information about harmful exposures so they could understand their own health issues and assert the legitimacy of their claims.

One of these veterans is Jack B. Anderson, a retired Navy man and a constituent of the gentleman from California (Mr. THOMPSON), and that is what brought the gentleman from California (Mr. THOMPSON) into this, and we thank him for his leadership, and the gentleman from Texas (Mr. RODRIGUEZ) also for bringing this bill to us.

This project, Project 112, was a $4 billion testing effort.

□ 1100

It would translate into a $40 billion effort today. That is a massive undertaking. And there were tests at sea called Project SHAD to identify vulnerabilities to various types of attacks. Now, that is a legitimate function of our Defense Department, but they did not inform those who were tested that they were even participating in the test or that they have the right equipment to protect themselves or that their exposure might lead to later problems, this exposure to nerve gas and sarin.

Once again, it took veterans and it took Members of Congress to force the Department of Defense to admit that they were at fault and to make sure that the veterans received health care and proper compensation.

So I thank all those who took part in this to finally bring some justice to this case. This Project 112 and Project SHAD, the Vietnam situation with agent orange, the Persian Gulf War illness, all of these are part of a pattern. One would think that we would learn that by now. I do not think that we have learned yet, however, our lesson, and we are going to see it again after this war in Iraq.

So, ladies and gentlemen, I urge support for H.R. 2433.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back, I want to again thank all of my colleagues and the gentleman from Texas (Mr. RODRIGUEZ), especially, for his leadership on this bill. The gentleman from Kansas (Mr. MORAN), who spoke earlier, held the really landmark hearings that helped catapult this issue into the forefront in people's thought.

Let us not forget what we are talking about. The Department of Defense in some 41 tests aboard ships used agents like anthrax, VX, sarin gas. Yes, they used simulants in many cases, but they actually used the real deal. They actually used real contaminants.

We are not sure, even to this day, whether or not the protective suits that were worn by our sailors aboard those ships actually protected them from these very caustic and poisonous agents.

We need to get to the bottom of it. I am convinced, having been at the hearings, having had several conversations with people at the DOD and the VA, that they are really going to go all out to make sure that every veteran who is malaffected or could have been malaffected by this gets the kind of health care and compensation that is necessary if, indeed, they have been contaminated by it.

So this is a very important bill. I hope that the full body will embrace it.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2433, as amended.

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

The title of the bill was amended so as to read: ''A bill to 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 with health care for their illness without requirement for proof of service-connection, and for other purposes.''.

A motion to reconsider was laid on the table.

ANNUITY COMPUTATIONS ADJUSTMENTS FOR PERIODS OF DISABILITY

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 978) to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments, and for other purposes.

The Clerk read as follows:

H.R. 978

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

SECTION 1. ANNUITY COMPUTATION ADJUSTMENT FOR PERIODS OF DISABILITY.

(a) IN GENERAL.—Section 8415 of title 5, United States Code, is amended—

(1) by redesignating the second subsection (i) as subsection (k); and

(2) by adding at the end the following:

''(l) In the case of any annuity computation under this section that includes, in the aggregate, at least 2 months of credit under section 8411(d) for any period while receiving benefits under subchapter I of chapter 81, the percentage otherwise applicable under this section for that period so credited shall be increased by 1 percentage point.''.

(b) CONFORMING AMENDMENT.—Section 8422(d)(2) of title 5, United States Code (as added by section 122(b)(2) of Public Law 107–135) is amended by striking ''8415(i)'' and inserting ''8415(k)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to any annuity entitlement to which is based on a separation from service occurring on or after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. 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. 978.

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

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 978 is a great step towards reasonably assisting Federal employees.

This legislation temporarily doubles the usual Federal employees' retirement system direct benefit of 1 percent of an employee's pay during a period of disability. The added percentage point offsets the reductions in Social Security and the Thrift Savings Plan that would result from an employee's discontinuation of contributions while temporarily disabled.

The Department of Labor, the Office of Management and Budget, and the Office of Personnel Management support this legislation.

Mr. Speaker, the inspiration of this bill is Mrs. Louise Kurtz, a U.S. Army civilian employee who works at the Pentagon. Mrs. Kurtz was tragically injured when terrorists crashed American Airlines Flight 77 into the west side of the Pentagon. Mrs. Kurtz was at work at the Pentagon that day, and she was so severely injured that she remains in rehabilitation today for the burns that affected more than 70 percent of her body. Current law prohibits Mrs. Kurtz from contributing to her retirement program while she recovers and receives workers compensation disability payments. This reality will significantly delay the point at which she will be able to retire. H.R. 978 will allow Federal employees who are injured or otherwise unable to work for extended periods of time to retire on schedule.

Mr. Speaker, the work of Federal employees has become even more critical in the 2 years since September 11. Each and every day, Federal employees protect our homeland, deliver our mail, teach our children, respond to emergencies, and perform countless other essential tasks. H.R. 978 is an opportunity for this House to effectively protect our hard-working Federal employees by addressing an inadequate component of the FERS system. Therefore, I urge all Members to support the passage of H.R. 978.

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

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

Mr. Speaker, this legislation, introduced by the gentlewoman from Virginia (Chairwoman JO ANN DAVIS), will go a long way to help Federal employees injured on the job and receiving workers compensation. More specifically, this legislation will help Mrs. Louise Kurtz, a Federal employee from Virginia, who was severely injured in the September 11 attack on the Pentagon. She suffered burns over 70 percent of her body and lost all of her fingers. Mrs. Kurtz is going through rehabilitation and would like to return to work some day.

Current law, however, does not allow Mrs. Kurtz to contribute to her retirement program while she is recuperating and receiving workers compensation disability payments. As a result, after returning to work and eventually retiring, she will find herself inadequately prepared and unable to afford to retire because of the lack of contributions during her recuperation. Federal employees like Mrs. Kurtz under the Federal Employees Retirement System who have sustained an on-the-job injury and are receiving disability compensation from the Department of Labor's office of Workers Compensation Programs are unable to make contributions or payments into Social Security or the Thrift Savings Plan. Therefore, their future retirement benefits from both sources are reduced.

This legislation offsets the reductions in Social Security and Thrift Savings Plan retirement benefits by increasing the Federal Employees Retirement System direct benefit calculation by 1 percentage point for extended periods of disability. The passage of this bill ensures that the pensions of hard-working Federal employees will be kept whole through their injury and recuperation period. I strongly support this bill, and I urge my colleagues to do the same.

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

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no other speakers at this time. I urge all Members to support the passage of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 978.

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.

CONGRATULATING RAFAEL PALMEIRO OF THE TEXAS RANGERS FOR HITTING 500 MAJOR LEAGUE HOME RUNS AND THANKING HIM FOR BEING A ROLE MODEL FOR THE CUBAN AMERICAN COMMUNITY AND FOR ALL AMERICANS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 315) congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans.

The Clerk read as follows:

H. RES. 315

Whereas Rafael Palmeiro hit the 500th home run of his career on May 11, 2003 at The Ballpark in Arlington, Texas, becoming only the 19th player in baseball history to accomplish such an achievement;

Whereas Rafael Palmeiro's achievement places him in the company of baseball's elite, including Hank Aaron, Babe Ruth, Mickey Mantle, and Ted Williams;

Whereas Rafael Palmeiro's power swing has been consistent over his 17 years in the major league and this consummate quiet professional is still going strong;

Whereas, with eight consecutive seasons with at least 38 home runs, Rafael Palmeiro has established himself as one of the game's great power hitters;

Whereas, in addition, Rafael Palmeiro has mastered the intricacies of playing his position, first base, becoming a four-time All Star and earning three consecutive Gold Gloves from 1997 to 1999;

Whereas, through dedication and hardwork, Rafael Palmeiro has become one of the superstars of baseball and a future Hall of Famer;

Whereas Rafael Palmeiro is the personification of hard work and determination, and is an inspiration for Cuban Americans, having fled Havana, Cuba with his family in 1971;

Whereas Rafael Palmeiro has become a role model for people of all ages, taking time to work with foster children at the Lena Pope Home in Ft. Worth, Texas, including raising more than $160,000 for supporting foster children and for encouraging foster parenting; and

Whereas, in addition to all of Rafael Palmeiro's other endeavors, he dedicates time to his wife Lynne and his two children, thirteen-year-old Patrick Ryne and eight-year-old Preston Connor: Now, therefore, be it

Resolved, That the House of Representatives congratulates Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanks him for being a role model for the Cuban American community, and all Americans, and for inspiring all Americans to persevere and work hard to achieve their dreams.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

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

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

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 315, introduced by my distinguished colleague from the State of Texas (Mr. SESSIONS), congratulates Rafael Palmeiro of the Texas Rangers for becoming the 19th player in major league baseball history to hit 500 home runs and thanking him for being a role model for the Cuban American community and, indeed, for all Americans.

On May 11, the Texas Rangers beat the Cleveland Indians in a seemingly ordinary early season major league baseball contest. During the game, he

hit his 10th home run of the year. But this home run, Mr. Speaker, the 500th of his career, forever placed Rafael Palmeiro in a select class among baseball's greatest sluggers of all time.

In surpassing the 500 home run milestone, he affords this House a chance to recognize not only his exploits on the field, but also his selfless community-conscious conduct off the field. Mr. Speaker, Rafael Palmeiro was born on September 24, 1964, in Havana, Cuba. He left Cuba as a young boy in 1971 and moved to Miami with his mother and two of his three brothers in pursuit of political freedom. He attended Mississippi State University where he played baseball. Upon his graduation in 1985, Rafael was first selected by the Chicago Cubs in the first round of the amateur baseball draft. Within a year of being drafted, he was also selected and played in the majors where he has remained ever since.

In addition to the Cubs, Rafael played for the Texas Rangers and the Baltimore Orioles. Rafael has hit 523 home runs and batted in 1,676 runs during his outstanding 18-year career.

In between his big hits on the diamond, Rafael hits home runs off the field by staying involved in the lives of children in his community. Rafael makes regular appearances with children through programs such as Make-a-Wish Foundation of North Texas, an organization that makes individuals' wishes come true for children with life-threatening illnesses. Rafael also works with the Lena Pope Home in Fort Worth, Texas, which has educated, counseled, sheltered, and improved the lives of literally thousands of children each year. Rafael and his wife, Lynne, have donated generously to the Lena Pope Home and have helped the organization recruit foster parents.

In addition, this past spring, Rafael orchestrated a 2-week reading challenge for students in the Dallas area. Over 15,000 people participated in the 2-week program, and those students who read at least 500 minutes during the contest were entered into a drawing to attend the Rangers June 14 game, after which Rafael was honored for hitting 500 home runs.

Mr. Speaker, only 18 other players in major league baseball history have hit as many home runs as Rafael Palmeiro, and that alone is worthy of commendation by this House. But this resolution particularly honors Rafael's selfless service to his community.

Today, the House of Representatives, and indeed the entire Nation, salutes Rafael Palmeiro for his success, for living the American Dream, and for helping so many children to achieve their own dreams. Therefore, Mr. Speaker, I urge all Members to support the adoption of House resolution 315 that honors both the athletic, as well as the philanthropic, achievements of Rafael Palmeiro.

Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for introducing this worthwhile measure.

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

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume. I congratulate my colleagues from Texas for putting forward this important resolution.

□ 1115

Mr. Speaker, Rafael Palmeiro continues to climb the all-time home run list. On Tuesday, Aug 26, Palmeiro hit his 521st career home run, tying him for 13th place on the list with Willie McCovey and Ted Williams. Palmeiro has 31 home runs this season and is the sixth player in major league history with 30 or more home runs in nine consecutive seasons.

Born on Thursday, September 24, 1964, Palmeiro began his major league baseball career on September 8, 1986, with the Chicago Cubs. However, Palmeiro did not start out as a power hitter. He hit just 25 homers in 258 games for the Cubs before being traded to the Texas Rangers after the 1988 season. In his first season in Texas, Palmeiro hit 8 homers in 156 games and then led the American league with 191 hits with just 14 homers in 1990. Palmeiro had 203 hits, a league-high 49 doubles and 26 homers in 1991.

As he got stronger, Palmeiro learned to pull the ball and the numbers started to build. He had 37 homers and 105 RBI's in 1993. He then left Texas as a free agent for Baltimore. Palmeiro had 182 homers and 553 RBI's in 742 games over 5 seasons in Baltimore before returning to the Texas Rangers. Along with his homers, Palmeiro also has 3 Gold Gloves at first base. He has never been on the disabled list, averaging 157 games a year since 1988.

Rafael Palmeiro is also very active in the community and has hosted the Raffy Readers reading program and is helping to build a youth baseball field in Colleyville, Texas.

I congratulate Mr. Palmeiro for his contributions to the game of baseball and the community.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from the Texas (Mr. SESSIONS), the sponsor and author of this resolution. Play ball.

Mr. SESSIONS. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) who, as a proud Cuban-American, is also a member of the Republican baseball team, a person who enjoys not only supporting other Cuban-Americans but also our baseball team, and to be joined by my good friend, the gentleman from the Committee on Rules, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), also a Cuban-American.

Mr. Speaker, it is with great pleasure that I come to the floor this morning to speak on H. Res. 315, honoring Texas Ranger first baseman Rafael Palmeiro for his amazing feat of hitting his 500th career home run. This resolution honors not only Rafael's accomplishments in major league baseball which are numerous, but also his many off-field contributions which are just as important.

Rafael is the epitome of hard work and professionalism, and I am proud to honor him today, this individual who puts his family, his team and his community before himself.

On May 11, 2003, Rafael Palmeiro hit his 500th home run at the ball park in Arlington Texas, becoming only the 19th player in baseball history to do so. With his 500th home run, Palmeiro joined the company of baseball's elites like Hank Aaron, Babe Ruth, Mickey Mantle, and Ted Williams. In fact, since May 11 when he accomplished this feat, Palmeiro has now moved to 13th on this exclusive list of 500 home run hitters.

Mr. Speaker, beyond the statistics and the numbers, however, Rafael Palmeiro has done significant work by make making a difference in his community. Whether it is encouraging foster parents through his hard work at the Lena Pope Home in Ft. Worth, Texas or encouraging kids to read with his Raffy's Readers program, Palmeiro is an ardent spokesman for children's causes.

Mr. Speaker, these are just a sampling of Rafael Palmeiro's actions in giving back to his community. This, on top of spending time with his lovely wife, Lynne, and their two sons, Patrick Ryne who is 13, and Preston Connor who is 8. Rafael Palmeiro has become a role model for people of all ages with his on- and off-the-field accomplishments.

I am proud to be the lead co-sponsor of this bill honoring a fine man who is a shining example of the things that a kind and good person can achieve in their life.

Mrs. MALONEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), one of the co-sponsors and authors of this resolution and an important leader in this body.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to thank the leaders on the bill. I am pleased to join my colleagues from Texas this morning in honoring Rafael Palmeiro of the Texas Rangers, a major league baseball team, for his accomplishment in reaching the 500 home run marker in May.

Along with his honors, he also has numerous other hitting records, 3 Gold Gloves at first base and he has never been on the disabled list. But it is not just his excellence on the field that explains why he has legions of fans across Texas and the country. He is a man of outstanding character. He is humble even though he is distinguished and destined for the Hall of Fame.

It is his humility that he takes out into our community, contributing to so many important causes in the Dallas, Ft. Worth area, the Lena Pope Home in Ft. Worth, Shoes for Orphan Souls, and his own organization, Raffy's 500 Club.

Throughout his career, he has spent his time encouraging foster parenting, actively participating in the Make a Wish Foundation, encouraging our youth to read, and raising money for numerous disease research foundations.

He is an inspiration to all of people of all ages and he means so much to us in the Dallas, Ft. Worth metroplex. I am pleased to be a co-sponsor of this bill. I thank the gentleman from Texas (Mr. SESSIONS) for highlighting the hard work and dedication of Rafael Palmeiro.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), who will be batting clean-up for our team. The gentleman is a good Cuban-American, a baseball fan who follows the Florida Marlins, the Yankees, and now I know, the Texas Rangers.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I think it is very appropriate that the Texas delegation is united behind this resolution. The gentleman from Texas (Mr. SESSIONS) brought it forward. I recall I have had the privilege of meeting Rafael Palmeiro. He is an extraordinary human being, a man of great decency. He had made it clear, by the way, that when he was playing up here, in a team near here, that he wanted to return to Texas because he is a proud Texan and he loves that State very much and its people. So that is why I think it is important for the Texas Delegation to be leading this effort today, and it is the right thing to do for this Congress to honor this man.

He is not only an extraordinary athlete but, as I said before, a very decent human being. A loving family man, he is extremely generous with his family, compassionate, as he is with his community. He is also a patriot and that is another reason why I admire him so much. I know of his love for freedom.

For example, he refused to go back to Cuba. He says he will not do it as long as the dictatorship is in power. As a matter of fact, when he was playing for the Orioles here and the owner of that team was recruited by this campaign that wants to open relations with Castro and help the dictatorship and the team was sent to Cuba, he refused, Rafael Palmeiro. So he stands up for his principles. He is a man of principle, a man of decency.

He has a wonderful family and he helps his community in Texas in an extraordinary fashion. So for so many reasons we are very, very proud of him. Obviously, the entire island of Cuba looks to him as an idol, but really the entire American nation also. This great United States of America admires him because of his extraordinary accomplishments. And so to that human being, we, the Congress of the United States, today sends not only our esteem but our admiration.

Again, I thank the gentleman from Texas (Mr. SESSIONS) and the Texas delegation who have brought forward this resolution for doing so. It is a privilege for me to be able to stand today on behalf of this resolution honoring this great man and extraordinary athlete, Rafael Palmeiro.

Mrs. MALONEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. FROST), who, along with the gentleman from Texas (Mr. SESSIONS), is the lead author and sponsor of this important resolution.

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

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today to congratulate Rafael Palmeiro of the Texas Rangers for hitting 500 home runs and to thank him for his outstanding contributions to the local community.

Known both for his powerful swing and golden glove at first base, Raffy, as he is known to many fans, joined an elite club on May 11 when he became only the 19th player in baseball history to hit 500 major league home runs.

Mr. Speaker, Rafael Palmeiro has been a constant example of hard work and quiet dedication to his sport. He is a four-time All-Star and was awarded three consecutive Gold Glove awards from 1997 to 1999. Known for his rock solid dependability, he has never spent a day on the disability list and has missed astoundingly few games each season. With the exception of the strike-shortened 1994 season, he has played an average of 157 games in each 162-game season of his career.

He is currently three home runs short of tying Jimmie Foxx's record of 9 straight years with 35 or more home runs. Since 1993, only Barry Bonds and Sammy Sosa have hit more home runs.

Mr. Speaker, Rafael Palmeiro has become a role model for people of all ages. Having fled Cuba with his family in 1991, he remains a hero within the Cuban-American community. Additionally, his dedication to the local community, as we have already heard, for his work with foster children and families in Ft. Worth has made him a leader both on and off the field. My wife, Kathy, and I just recently attended a reception at the ball park sponsored by Raffy on his Shoes for Orphans program, a program that he has spent a great deal of his time on recent years.

Mr. Speaker, I have had the honor of watching Rafael Palmeiro play at the ball park in Arlington in my congressional district. He deserves special recognition for his tremendous achievement and I look forward to the day when he will join the likes of Babe Ruth, Hank Aaron and Roberto Clemente in Cooperstown at the baseball Hall of Fame. I know my colleagues will join me today in congratulating him and in wishing him continued success in all of his future endeavors.

I would like to add and note to the management of the Texas Rangers ball club. I hope that the management of our great club will find a way to extend Raffy's contract when it runs out at the end of this year so that he may finish his career as a Texas Ranger.

Mrs. MALONEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. SERRANO), an important leader, not only on this resolution, but in this body.

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

Mr. SERRANO. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I come to join today in celebrating what is a fabulous career and a fabulous human being. Just think of it, over 15,000 people, men have played professional major league baseball and only 19 have hit over 500 home runs. And Rafael Palmeiro has done it, and this is my personal opinion, in a way that is really unique. He is not 6′÷5″. He is not 250. He is not muscular, but he has one of the prettiest swings you will ever want to see on the baseball field.

□ 1130

Every time he connects, somebody my size wonders how is that ball going to take off, and it always manages to take off; but I also come for a special reason.

Through a dear friend of mine, Juan Gonzalez, the Texas Rangers outfielder, I had the opportunity to meet Mr. Palmeiro this summer and sit with him a couple of hours and speak with him about baseball and other things; but I was amazed at how warm and strong he was in dealing with everybody around him, especially when you are sitting somewhere in public and every fan comes over for an autograph, every fan comes over to talk to you; and he took the time to speak to every child, and he took the time to speak to every fan that came over. That meant a lot to me, but a lot of folks just do not want to be bothered when they play ball, and they take the money. So I wanted to come and join this tribute.

Rafael Palmeiro is without a doubt a future Hall of Famer and he has done it in typically following the American Dream, coming from Cuba looking for a better way, a better life for his family, for himself, as a child, graduating from college, being drafted and playing day after day after day. I am always amazed also at the fact that this man does not ever seem to get hurt. He just continues to play and play and play.

I, like so many other Americans, so many people throughout the world, love the game of baseball. It is part of who I am as a person; and to have him play it the way that he does is just absolutely great, and because I got to know him, I got to even enjoy his baseball even more.

So I want to thank the sponsors on both sides of this resolution. This gentleman really deserves this tribute. He is one of the all-time greats. Baseball

is still, in my opinion, the best game and certainly our greatest export throughout the world and Latin America; and I come to celebrate Mr. Palmeiro today on his career and what would certainly be induction into the Hall of Fame very soon.

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

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume. I also have no other speakers.

Again, I congratulate the gentleman from Texas for introducing this legislation, and I urge all Members to support the adoption of House Resolution 315.

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

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 315.

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.

COMMENDING CLEMSON UNIVERSITY TIGERS MEN'S GOLF TEAM FOR WINNING 2003 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I MEN'S GOLF CHAMPIONSHIP

Mr. WILSON of South Carolina. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 266) commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship.

The Clerk read as follows:

H. RES. 266

Whereas on Friday, May 30, 2003, the Clemson University Tigers men's golf team won the 2003 NCAA Division I Men's Golf Championship, the first National Championship for the Clemson men's golf team;

Whereas the Tigers finished the Championship with a four-round total of 1191 strokes, for 39 shots over par, beating the second place Oklahoma State University Cowboys by two strokes;

Whereas the Tigers won the National Championship on the home course of Oklahoma State University, one of the most decorated golf schools in the Nation;

Whereas the Clemson golf team was the first in NCAA history to win its conference championship, a NCAA regional title, and the National Championship in the same year;

Whereas the Tigers started the year and ended the year as the number one ranked team in the Nation;

Whereas the Tigers finished the season with a 128–8–3 record against opponents ranked in the top 25 teams in the country, which amounts to an incredible winning percentage of 93 percent, by far the best in the Nation and the best in Clemson history;

Whereas all of the Tigers players who participated in the NCAA Championship are native-born South Carolinians;

Whereas players D.J. Trahan, Jack Ferguson, and Matt Hendrix were honored as All-Americans for the 2002–03 season;

Whereas Head Coach Larry Penley won the Golf Coaches Association of America's Dave Williams Award as the National Coach of the Year;

Whereas the Clemson University men's golf team has displayed outstanding dedication, teamwork, and sportsmanship throughout the season in achieving collegiate golf's highest honor; and

Whereas the Tigers have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Clemson University Tigers for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship;

(2) recognizes the achievements of all the team's players, coaches, and staff and invites them to the United States Capitol Building to be honored in an appropriate manner;

(3) requests that the President recognize the team's accomplishments and invite the team to the White House for a ceremony in honor of their National Championship; and

(4) directs the Clerk of the House of Representatives to make available enrolled copies of this resolution to Clemson University for appropriate display and to transmit an enrolled copy of this resolution to each coach and member of the 2003 NCAA Division I Men's Golf Championship team from Clemson University.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina (Mr. WILSON) and the gentleman from New Jersey (Mr. ANDREWS) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. WILSON).

GENERAL LEAVE

Mr. WILSON of South 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. Res. 266.

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

There was no objection.

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 266. I would like to thank my hardworking colleague, the gentleman from South Carolina (Mr. BARRETT), for bringing this resolution forward.

Mr. Speaker, this resolution recognizes the achievement of the Clemson University men's golf team, the Tigers, for their NCAA Division I national collegiate championship. Clemson became the first school in NCAA history to win its conference championship, gain the NCAA regional title and the national championship all in 1 year.

The national championship Tigers deserve recognition for winning the title by just two shots over host school Oklahoma State University after starting the day just one stroke apart. Clemson finished with a 72-hole team total of 1,191, 39 strikes over par. The championship Tigers will enter the 2003–2004 season with a streak of 18 consecutive top three finishes, a Clemson record. In addition to inspiring the team victory, three players distinguished themselves from the field by being named to the All-America teams at the conclusion of the season.

Coach Larry Penley was named National Coach of the Year by the Golf Coaches Association and was the first Clemson coach in any sport to win a National Coach of the Year in over 10 years.

The distinction earned by these individuals and the remarkable repeat victories of the team reflect the dedication of each player, the leadership of Coach Larry Penley, and the support of family, friends, and fans.

I extend my congratulations to each of the hardworking players on this successful Tiger team, to Coach Penley, President Jim Barker, and to student body president Fletcher Anderson and all the students of Clemson University. I am happy to join my colleagues in honoring the accomplishments of this team and to wish them continued success.

I would like to pause briefly now to relay the news I learned this morning of the death of a real institution in South Carolina. According to the Associated Press, Jim Phillips, whose voice carried the dreams and disappointments of Clemson fans for 36 years, died yesterday at age 69. Jim Phillips, the voice of the Tigers, did the play-by-play for Clemson baseball, football, and men and women's basketball. He will be missed, and our thoughts and prayers are with his family.

I ask my colleagues to support this resolution, and I particularly am happy to be presenting this today in that my family has association with Clemson University. My son is a senior, Julian, who has been an intern here in Congress. I am very proud of his association, following in the footsteps of his late grandfather, Julian Dusenbury, who was a Clemson graduate.

I am also pleased that the communications director of the second district congressional office, Wesley Denton, is a Clemson graduate and also the health care legislative assistant, Micki Howard.

In conclusion, God bless our troops.

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

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

I rise in support of this resolution, and I commend and congratulate the gentlemen from South Carolina (Mr. BARRETT), (Mr. SPRATT), (Mr. CLYBURN), (Mr. DEMINT), (Mr. BROWN), and my friend (Mr. WILSON) for their authorship and sponsorship of this resolution. I can understand why the South Carolina delegation is so justifiably proud of the young men who have achieved so much on the links.

Among the very most important classrooms, teaching places in our system of our higher education, is the field of athletic competition. There is a reason why we want to encourage colleges and universities around our country to continue educating young men

and women on playing fields; and the achievements of the young men of the Clemson University men's golf team are an example of that principle.

I must say parenthetically one of the issues that I am proud of is my alma mater, which did not win the NCAA golf tournament, Bucknell University, was recently noted for graduating 100 percent of its student athletes who participate in NCAA sports, and that is an aspiration that I know is shared around the country.

These young men of Clemson and these young Tigers had an extraordinary year amidst extraordinarily difficult competition. I am told that they finished the season with a record of 128 wins, eight losses and three draws, or three ties, against opponents ranked in the top 25 teams in the country. So when they took on the very finest competition there was, they won 93 percent of the matches, which is really an astonishingly good record. I wish that I was right 93 percent of the time in the things that I do here in doing my job.

We also want to commend the Oklahoma State University Cowboys who were in second place in the tournament. My understanding is that the tournament took place on their home course, and I think that adds special luster to the achievement of the young men from Clemson because when one is playing against competition that is used to playing on that course day in and day out, it is an advantage for the home team that the Clemson team was able to overcome.

It is my understanding that each of the Tigers players who participated in the NCAA championship are native-born South Carolinians. That must be a source of great pride for the schools and the coaches and families of the State of South Carolina for which we congratulate those schools and coaches and families.

Finally, it is my understanding that players D.J. Trahan, Jack Ferguson, and Matt Hendrix were all honored as All-Americans in the 2002–2003 season. To have three All-Americans on one team in any sport is quite an achievement; and I know that Head Coach Larry Penley, who himself was honored as the Golf Coaches Association of America's Dave Williams Award winner as Coach of the Year, should be justifiably proud.

This morning, as we speak, there are young Americans who are in science labs and lecture halls and technology centers and study areas, all in campuses all around our country, and we commend them for that; but we also recognize that one of the most important places to learn about life and about the principles of life is on the field of battle and athletic competitions. It is obvious Clemson University should be very proud of these young men.

I also add one thing parenthetically now to inject a controversial topic for those of us, and I mean those of us on both sides of the aisle who so strongly support title IX and support equal athletic opportunities for young men and women. This is one example of how we do not have to choose between broader opportunities for all athletes and broader opportunities for some. One of the concerns about title IX is that non-revenue-producing sports on the men's side, like golf, which really does not produce revenue, would be jeopardized if we have a strong and robust title IX. Well, we have a strong and robust title IX. We are pleased we are going to keep this, and I think this is one more example of how we can have men and women excel in the field of athletic competition.

So I congratulate Clemson University, and all of their alumni and students and followers must be very, very proud of these young men who have won such an esteemed championship.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

I would like to first thank the gentleman from New Jersey. It is very ironic, as the gentleman mentioned, that the persons who are on this team were native born, in the public institutions of South Carolina, but the State which provides the highest percentage of out-of-state students is New Jersey, and so we have a very strong relationship with our sister State to the north that people would not really recognize, but we have really benefited—

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

Mr. WILSON of South Carolina. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, we appreciate that very much. We like to keep the smart ones in the State, but we let a few of them go to South Carolina.

Mr. WILSON of South Carolina. Mr. Speaker, we do enjoy that. Many choose to stay, but the bottom line is we do have the warm relationship with the State of New Jersey.

Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. Mr. Speaker, I thank the gentleman from South Carolina for yielding me the time, and I am excited and proud to be here today, growing up in the shadow of Clemson University.

Mr. Speaker, I rise today in support of House Resolution 266, which honors and congratulates the Clemson University men's golf team for winning the 2003 NCAA National Championship. First, I would like to thank the entire South Carolina delegation for cosponsoring this resolution and the chairman of the subcommittee of the Committee on Education and the Workforce for their diligent work in bringing this resolution to the floor.

Mr. Speaker, Clemson University was founded in 1889 as a small agricultural school, but over the past 100 years the Tiger community has grown to over 16,000 students, studying not only agriculture but also engineering, economics, genetics, and architecture.

Over the years, Clemson's high standards have been set outside the classroom as well as in athletic venues throughout the campus. The Tigers men's soccer team won two national championships in 1984 and 1987. The football team won a national championship in 1981; and most recently, the men's golf team won the 2003 national championship.

The list of accomplishments achieved by the 2003 golf team is much like their tee shots, Mr. Speaker, long and intimidating. The 2003 Tiger golf team was the first team in NCAA history to win its conference title, NCAA regional title, and the national championship in the same year. The Tigers began the season as the top-ranked team in the country and finished the year ranked number one after defeating an excellent Oklahoma Cowboy State squad by two strokes, despite playing on the home course of OSU.

Mr. Speaker, the Clemson Tiger golf team finished the year with an impressive record of 128–8 and three; and as my friend, my colleague from New Jersey, said, 93 percent of the time they went out, they won. That was against the top 25 opponents, the best in Clemson history.

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An equally astonishing fact, and one I am extremely proud of, Mr. Speaker, is that the team is comprised entirely of South Carolinians. The Tiger golf team has brought honor and pride to the university, the Third Congressional District, and the entire State. Throughout their outstanding play during the 2003 season, the team demonstrated to all of us that with dedication and hard work comes great reward.

I would like to extend my personal congratulations to each player: D.J. Trahan, Ben Duncan, Matt Hendrix, Greg Jones, Michael Sims, Jack Ferguson, Brian Duncan, Martin Catalioto, and Nick Biershenk, as well as Coach Larry Penley, who was awarded the Dave Williams Award as the National Coach of the Year by the Golf Coaches of America.

Mr. Speaker, I want to again extend my sincerest congratulations to the entire Clemson family on this great day commemorating the first national championship for the Clemson University Men's golf team, and I hope there will be many more days like this in the future.

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

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself such time as I may consume to thank and congratulate the gentleman from South Carolina (Mr. BARRETT) for his leadership on this issue and his promotion of a great university.

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

Mr. ANDREWS. Mr. Speaker, I yield myself such time as I may consume to simply congratulate our colleagues from South Carolina and to urge adoption of the resolution.

Mr. SPRATT. Mr. Speaker, I rise today to honor a remarkable achievement. In May of this year, the Clemson Tigers men's golf team from my great State of South Carolina won the NCAA Division I golf championship in dramatic fashion, edging out the Oklahoma State Cowboys by two strokes on their own course.

The team was led by Senior D.J. Trahan, the number one ranked college golfer for much of this year, and Sophomore Jack Ferguson, who was ranked in the top 25 for most of the year. Trahan finished 22nd with a four round 299 to become the only Clemson player ever with four top 25 finishes, and Ferguson finished 19th with a team best four round 298. Also anchoring the team were Junior Matt Hendrix, Junior Gregg Jones, and Senior Ben Duncan, who finished tied for 35th, 35th, and 52nd respectively.

My hat goes off to Coach Larry Penley and the entire squad for their remarkable 124–8–3 record this year, and for bringing Clemson their first ever national golf championship. They have made your State very proud. It gives me greater pride to see that every member of the Clemson team makes their home in South Carolina. If this keeps up, we may start to see athletes drinking sweet tea instead of Gatorade.

On top of their golf achievements, I am proud that each of these young men will leave with a Clemson academic degree. With that background, I am sure they will be as successful in life as they have been in golf.

Mr. BROWN of South Carolina. Mr. Speaker, I rise today to recognize the outstanding achievement of the 2002–2003 Clemson University Golf Team. The Tigers, who started and ended the year as the number-one ranked team in the Nation, clinched the school's first NCAA Division I golf title in May in Stillwater, OK and became the first school in NCAA history to win its conference championship, NCAA regional title and National Championship in the same year. The national title victory was the sixth tournament win of the year for the Tigers, a single season record, and the team finished the season with a remarkable 124–8–3 record against top 25 opposition, an incredible 93 percent winning percentage—by far the best in the Nation and in Clemson history.

The 2003 National Champions were led by team number one, D.J. Trahan, the 2002 National Player of the Year and the 2000 USGA Public Links Champion. D.J. is a member of the ACC's 50-Year Anniversary team and has represented the United States as a member of the 2001 Walker Cup team and the 2002 Palmer Cup and World Amateur teams. He was awarded the Ben Hogan Award as top colleague golfer and named the top collegiate golfer by Golf World in 2002. D.J., whose career GPA is a 3.2, was also elected to the Verizon Academic All-America third-team for 2002 becoming the first Clemson athlete to be named a National Player of the Year and Academic All-American in the same year. I am proud to have Mr. Trahan, a resident of Mount Pleasant, as a constituent in South Carolina's First District.

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

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentleman from South Carolina (Mr. WILSON) that the House suspend the rules and agree to the resolution, H. Res. 266.

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.

WELCOMING HIS HOLINESS THE FOURTEENTH DALAI LAMA AND RECOGNIZING HIS COMMITMENT TO NON-VIOLENCE, HUMAN RIGHTS, FREEDOM, AND DEMOCRACY

Mr. LEACH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 359) welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy.

The Clerk read as follows:

H. RES. 359

Whereas for over 40 years in exile, His Holiness the Fourteenth Dalai Lama has used his position and leadership to promote compassion and non-violence as a solution to not only the present crisis in Tibet, but to other long-running conflicts around the world;

Whereas the Dalai Lama was awarded the Nobel Peace Prize in 1989 in recognition of his efforts to seek a peaceful resolution to the situation in Tibet, and to promote non-violent methods for resolving conflict;

Whereas the Dalai Lama has been a strong voice for the basic human rights of all peoples, particularly freedom of religion;

Whereas the Dalai Lama has personally promoted democratic self-government for Tibetans in exile as a model for securing freedom for all Tibet, including relinquishing his political positions and turning these authorities over to elected Tibetan representatives;

Whereas the Dalai Lama seeks a solution for Tibet that provides genuine autonomy for the Tibetan people and does not call for independence and separation from the People's Republic of China;

Whereas the envoys of the Dalai Lama have traveled to China and Tibet twice in the past year to begin discussions with Chinese authorities on a permanent negotiated settlement of the Tibet issue;

Whereas the successful advancement of these discussions is in the strong interest of both the Chinese and Tibetan people; and

Whereas it is the policy of the United States to support substantive dialogue between the Government of the People's Republic of China and the Dalai Lama or his representatives: Now, therefore, be it

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

(1) the visit of the Dalai Lama to the United States in September 2003 is warmly welcomed;

(2) the Dalai Lama should be recognized and congratulated for his consistent efforts to promote dialogue to peacefully resolve the Tibet issue and to increase the religious and cultural autonomy of the Tibetan people; and

(3) all parties to the current discussions should be encouraged by the Government of the United States to deepen these contacts in order to achieve the aspirations of the people of Tibet for genuine autonomy and basic human rights.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 359, the resolution under consideration.

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

There was no objection.

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

At the outset, I would like to express my great appreciation for the distinguished ranking member, the gentleman from California (Mr. LANTOS), for his long interest in this issue and congratulate the gentleman from New Jersey (Mr. ROTHMAN) for sponsoring this thoughtful and timely resolution welcoming his Holiness the Fourteenth Dalai Lama, and recognizing his commitment to nonviolence, human rights, freedom, and democracy.

As my colleagues may be aware, the Dalai Lama, Tibet's spiritual leader in exile, is in the United States for a 3-week lecture and teaching tour. While he is in Washington, his Holiness is expected to meet with President Bush and other senior administration officials to update them on the status of contacts between his envoys and representatives of the People's Republic of China.

The United States is encouraged that China invited the Dalai Lama's envoys to visit the Beijing and Tibetan regions in the fall of 2002 and again in the spring of 2003. The resumption of direct contacts has been accompanied by the release of several high-profile Tibetan political prisoners in what appears to be a softening of rhetoric regarding the Dalai Lama and the Tibet issue in the official Chinese media. Despite these encouraging signs of progress, however, severe human rights abuses and tight controls on fundamental freedoms persist in Tibet.

To date, the Chinese have insisted that the Dalai Lama renounce the prospect of independence before a substantive dialogue can resume. Although the Dalai Lama heads a ''government in exile'' in India, he has stated publicly and repeatedly he is seeking greater autonomy and not independence for Tibet.

While the United States Government recognizes Tibet as part of China, it is the policy of the U.S. to support respect for the human rights of all Chinese citizens, including ethnic Tibetans. To emphasize our concerns in this regard, Secretary Powell has appointed a special coordinator for Tibetan issues. The U.S. continues to raise Tibet during bilateral and multilateral exchanges with Chinese leaders.

While the U.S. does not have official diplomatic relations with the ''government in exile'' in Dharamsala, the U.S. maintains contact with a wide variety of groups inside and outside of China, including with Tibetans in the United States, China, and around the world. Our contacts include meetings with the Dalai Lama in his capacity as an important and revered spiritual leader and Nobel Prize laureate. It is a sign of enormous respect and affection for the Dalai Lama that the President, the Secretary of State, and other senior administration officials meet with him on an ongoing basis.

The executive branch and Congress continue to urge the Chinese Government to respect fundamental freedoms, to refrain from detaining individuals for the peaceful expression of their views, and to protect and preserve Tibet's unique religious, cultural, and linguistic heritage. We are all likewise united in our desire to encourage Beijing to follow through on discussions with the Dalai Lama's special envoys and engage in substantive dialogue, hopefully leading to a negotiated settlement of outstanding issues.

Finally, during these troubled times, it may be useful to reflect on the observations of His Holiness, who has spoken strongly of his desire for better understanding and respect among the different faiths and peoples of the world. ''The need for simple human-to-human relationships is becoming increasingly urgent,'' the Dalai Lama has noted. Today, he stresses, ''The world is smaller and increasingly interdependent. One nation's problems can no longer be solved by itself completely. Thus, without a sense of universal responsibility, our very survival becomes threatened. Basically, universal responsibility is feeling for other people's suffering just as we feel our own. This is the way to achieve a true understanding unfettered by artificial consideration.''

These are the words of the Dalai Lama. With the Dalai Lama's poignant observations in mind, I would suggest that there is no better way to honor this distinguished spiritual leader and symbol of the aspirations of the Tibetan people than for Members to support this very thoughtful resolution.

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

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, first, I would like to commend my good friend from Iowa, the chairman of the subcommittee, the gentleman from Iowa (Mr. LEACH), and the chairman of our full committee, the gentleman from Illinois (Mr. HYDE), for facilitating the consideration of this resolution. I want also to commend my good friend, the gentleman from New Jersey (Mr. ROTHMAN), for introducing this resolution.

Mr. Speaker, yesterday, the Congress marked an important date. It was the 20th anniversary of the founding of the Congressional Human Rights Caucus, and His Holiness the Dalai Lama was the principal speaker at the festivities.

Twenty years ago, my distinguished Republican colleague, who left us just a couple of years ago, Mr. PORTER of Illinois, and I founded the Congressional Human Rights Caucus. For 2 decades, this organization, supported across the board by hundreds of colleagues, has fought for human rights in every part of the world.

When we started the Human Rights Caucus, much of our attention was aimed at the Soviet Union, and the Soviet Union is no more. Many of the refuseniks and dissidents and persecuted political prisoners in the Soviet Union had their battle fought for them by the Congressional Human Rights Caucus.

When we commenced the Congressional Human Rights Caucus, South Africa was an apartheid state divided on racial lines with strict punitive regulations impacting the black population. That South Africa exists no more. And it was one of the great joys of the Human Rights Caucus to have played a modest role in the liberation of Nelson Mandela.

It was appropriate that the organization which has been the umbrella organization in the Congress of the United States for 2 decades on behalf of human rights across this globe, fighting discrimination on racial, ethnic, religious, political grounds, fighting discrimination against women, which is still so prevalent in many parts of the Islamic world, should have as its principal speaker His Holiness the Dalai Lama.

The Dalai Lama is the embodiment of human rights on our planet. Despite the tragedies which have befallen the Tibetan people at the hands of the Chinese Communists since 1959, His Holiness has consistently called for a peaceful resolution of the Chinese Tibetan conflict. And it is a significant historic fact, Mr. Speaker, that 16 years ago it was within the framework of the Congressional Human Rights Caucus that His Holiness the Dalai Lama presented his five-point peace plan calling for reconciliation between the Chinese authorities and the people of Tibet.

When he first came here at our invitation 16 years ago, he was not seen by the Department of State; he could not go near the White House. Today, he is an honored guest at the White House. And the recognition that his work has received is demonstrated by the Dalai Lama being a recipient of the Nobel prize for peace.

When we invited His Holiness the Dalai Lama in 1987, none of us dared hope that his posture as a moral authority would rise to the heights it has attained. As we meet here this morning, there are strong indications that the Chinese at long last are ready to make their peace with Tibet and with the Dalai Lama.

The Dalai Lama's representative, Lodi Gyari, was received in Beijing this summer. And when the British Prime Minister Tony Blair met with the new Chinese President, there was a serious, substantive, and constructive discussion of the role of Tibet within China. The Congressional Human Rights Caucus yesterday called on the government of China to invite His Holiness the Dalai Lama to Beijing so that at long last peace can prevail between the long-suffering people of Tibet and the Chinese Government.

It is appropriate, Mr. Speaker, that this House express its respect and admiration for this great moral authority whose stature transcends Tibet, whose stature transcends his Buddhist principles, who stands globally as a symbol of peace, reconciliation, and an acceptance of pluralism on this small planet. I strongly urge all of my colleagues to support this resolution.

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

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Mr. LEACH. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. KIRK) who is such a leader on human rights issues in this body.

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

We celebrate this week the 20th birthday of the Congressional Human Rights Caucus founded by my predecessor, John Porter, and the gentleman from California (Mr. LANTOS). We think about the Lantoses and other families who were saved by Raoul Wallenberg, the living history and symbol of civil rights at the end of World War II. We think about one of the founders of the Democratic Party, Thomas Jefferson, and remember him largely for his legacy in human rights. We think about one of the founders of the Republican Party, Abraham Lincoln, and we think about his remembrance for human rights, and we are so lucky today to be in the presence of His Holiness, the Dalai Lama, who is our generation's symbol for human rights.

I thank the gentleman from New Jersey (Mr. ROTHMAN) for putting this resolution together, the gentleman from Illinois (Chairman HYDE), and of course the gentleman from California (Mr. LANTOS) for bringing this so quickly to the floor during His Holiness' visit to Washington.

The fourteenth Dalai Lama is the spiritual leader of the Tibetan people, and he has been leading a nonviolent struggle for freedom for his people for 40 years.

In 1959, the year I was born, he was forced to flee his Tibetan homeland and resettle in northern India. From Dharamsala, India, the Dalai Lama and his Tibetan government in exile have established a democracy under which the Tibetans in exile are free to practice their religion and lead a democratic life. However, while the Dalai Lama leads a small contingent in Dharamsala, there are over 6 million Tibetans living inside China, and his struggle is their struggle.

In 1989, the Dalai Lama was awarded the Nobel Peace prize in recognition of his work seeking a peaceful resolution of the Tibet problem. Congress has a strong history of supporting the Tibetan people. In 1987, it was the human rights caucus which hosted him on his first visit to Washington. At that time he unveiled his five-point peace plan. Congress and the U.S. Government continued to be supportive of the Tibetan cause for religious freedom, and we have established U.S. offices to help the Tibetan people, and we are encouraged by the recent dialogue between His Holiness and the Chinese government.

Representatives of His Holiness the Dalai Lama have twice traveled to Beijing and Lhasa to bring further progress on the Tibetan issue. Hopefully the day is coming when Tibetans in exile can return to their homeland and Tibetans in Tibet can enjoy a freedom of religion and a rich cultural history upon which is a key value of our country.

I want to recognize the leadership of the gentlewoman from California (Ms. PELOSI) who has been a dear friend of the Dalai Lama when it was a bit more of a lonely struggle, and I salute her leadership and the visit of the Dalai Lama.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader. Since she first joined us in Congress, she has been an indefatigable fighter for human rights across the globe, but she has had a special relationship with the people of Tibet and His Holiness, the Dalai Lama. She has been the leader in calling for a peaceful reconciliation between the government in Beijing and the people of Tibet, and yesterday she graced us with her presence at the 20th commemoration of the birth of the Congressional Human Rights Caucus and the visit of His Holiness, the Dalai Lama.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time so I can join in praising the gentleman from New Jersey (Mr. ROTHMAN) for bringing this important resolution to the floor and for his leadership on the Subcommittee on Foreign Operations where he works closely with the gentleman from Illinois (Mr. KIRK), and I commend the gentleman from Illinois also for making the issue of Tibet a priority. The gentleman from Illinois learned at the knee of John Porter who worked with the gentleman from California (Mr. LANTOS), and I congratulate the gentleman from California (Mr. LANTOS), the ranking member of the Committee on International Relations. He and John Porter founded the Human Rights Caucus 20 years ago. We observed that yesterday, and it was absolutely fitting and appropriate that His Holiness was the special guest speaker yesterday. What an honor it was for all of us. It brought luster to the Congress, and it was again a fitting tribute to the Human Rights Caucus.

I thank the gentleman from California for his extraordinary leadership. When I first came to Congress in 1987, I was invited to a meeting with His Holiness, the Dalai Lama, and I was overwhelmed to receive such an invitation. He and John Porter were hosting the meeting in a small room. At that meeting His Holiness put forth his five points of autonomy, not independence, of nonviolence, protecting the environment and stopping the resettlement, et cetera, a very peaceful approach to a resolution of the conflict that could have been.

The Chinese regime did not see it that way. They kept saying they say autonomy; they mean independence, and until they reject independence, we cannot have a conversation, and so these many years have gone by without a resolution.

That is why I am pleased to rise in strong support of H. Res. 359, welcoming His Holiness, the Dalai Lama, and recognizing his commitment to nonviolence, human rights, freedom and democracy. I am proud to be an original cosponsor of the Rothman resolution, and I commend the gentleman for bringing this to the floor. The gentleman from California (Mr. LANTOS) has a lifetime commitment to human rights, and in his position as co-chair and ranking member, he has spoken out for hundreds of thousands of victims of religious, ethnic, and political oppression all over the world.

In 40 years in exile, His Holiness has used his position and leadership to promote wisdom, compassion, and nonviolence as a solution not only to the present crisis in Tibet, but to other long-standing conflicts around the world. We must heed the guidance of His Holiness. He is a constant reminder that the crisis in Tibet is a challenge to the conscience of the world. We have not forgotten the people of Tibet and their struggle. We must and will continue our efforts to improve their lot.

The self-determination for Tibetans must be a priority in the U.S.-China relationship. We know that more than a million Tibetans have died under the Chinese occupation as a result of torture, starvation and execution. More than 6,000 monasteries and irreplaceable jewels of Tibetan culture have been destroyed. Tibetans are routinely imprisoned and tortured for nonviolently expressing their views. Freedom of religion is severely curtailed. China is encouraging the large-scale settlement of nonTibetans into Tibet, which is overwhelming the Tibetan population in many areas and threatening its very culture.

The U.S. Government knows the facts. In March 2003, the U.S. State Department issued its annual Country Report on Human Rights. The report documents continuing human rights abuses by the Chinese government in Tibet and states, ''Chinese authorities continue to commit serious human rights abuses, including instances of torture, arbitrary arrest, detention without public trial, and lengthy detention of Tibetan nationalists for peacefully expressing their political or religious views.''

The survival of the Tibetan identity is an issue of urgent U.S. and international concern. That concern will not diminish until a negotiated solution is achieved and the rights of the Tibetan people are respected. This is an important time for the Tibetan people. Tibetans urge the world to support the Dalai Lama's proposal for the restoration of peace and human rights in Tibet. There is some reason for optimism, as has been mentioned. Envoys of His Holiness, the Dalai Lama, have traveled to China and Tibet twice in the past year to continue discussions with Chinese authorities on a permanent negotiated settlement.

But unless the United States and other countries of the world are committed to meeting that challenge I mentioned that Tibet poses to the conscience of the world, then we cannot be consistent when we talk about human rights in any other part of the world. How can we talk about the violations of human rights and drastic actions we want to take in response to them one place and totally ignore them in Tibet? It undermines our moral authority to talk about human rights any place in the world unless we also talk about them in Tibet and China.

Today we recognize the Dalai Lama for his efforts to peacefully resolve the Tibetan issue and to promote the human rights of the Tibetan people. I talked at the beginning of my remarks when I first met His Holiness as a new Member of Congress 16 years ago. I remember a number of years later when the gentleman from California (Mr. LANTOS), Mr. PORTER, and Senator George Mitchell and Senator Dole, then the Republican and Democratic leaders of the U.S. Senate, we all joined together and we had a speech by His Holiness in the Rotunda of the Capitol. It was a momentous occasion, and we moved from a very small room into the center of the Capitol of the United States.

At that time, His Holiness told us about what was going on in Tibet, but he also was hopeful and optimistic about what could be in the future. I remember a personal story he told us when he was a little boy and he was already the Dalai Lama, he visited the United States. This was before he escaped from Tibet before the Chinese came in, but he came to the United States on a visit and President Franklin Roosevelt gave him a watch and he talked about that watch. It had the setting of the sun.

It was one of those watches that showed it was day time with the sun coming up or going down and what that meant to him. So he has had a connection to our country since he was a child. Since he was a child he has been the Dalai Lama. His presence in the

United States any time is a blessing for all of us.

Mr. Speaker, it is appropriate that we honor and welcome him as the gentleman from New Jersey (Mr. ROTHMAN) has done so magnificently with this resolution. I urge my colleagues to unanimously support it.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ROTHMAN), a distinguished former member of the Committee on International Relations whose interest on foreign policy has been retained even after he left our committee, and who is the author of this important resolution.

Mr. ROTHMAN. Mr. Speaker, I thank my distinguished colleague, the ranking member of the Committee on International Relations, the gentleman from California (Mr. LANTOS), who is a mentor to so many of us in this Congress and an example of what a Member of Congress can achieve not only in the Congress, but around the world with regard to human rights and so many other important issues.

While I have left the Committee on International Relations, I have not left the field, so to speak. I join many distinguished friends and colleagues on the Committee on Appropriations Subcommittee on Foreign Operations.

Mr. Speaker, I would like acknowledge the gentleman from Iowa (Mr. LEACH) for his work on the issues of human rights; and of course my cherished friend, the chairman of the Committee on International Relations, the gentleman from Illinois (Chairman HYDE) for all of his courtesies and leadership he has extended throughout the years. I would also like to thank the majority leader and our Democratic leader, the gentlewoman from California (Ms. PELOSI) whose eloquent remarks speak for themselves as to her long commitment to this issue of freedom for Tibet and the Tibetan people.

Mr. Speaker, the issue of Tibet is not a new one to this House, as the gentleman from California (Mr. LANTOS) and so many other Members have eloquently stated. Congress has been on record throughout these many, many years in support of the people of Tibet speaking out against the persecution of Tibetans, opposing the destruction of the 6,000 monasteries in Tibet. Congress is on record condemning the torture and abuse of Tibetan monks and nuns. Congress is on record bringing the world's attention to the economic marginalization and impoverishment of Tibetans in their own land.

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We as a Congress have also provided support for the Tibetan refugees who have made the difficult journey and decision to leave Tibet and seek refuge from persecution in foreign lands. I am proud to add my voice as the sponsor of this resolution in support of the Tibetan people, led, of course, by His Holiness the Dalai Lama. That is because I believe that it is not only our obligation as freedom-loving Americans who believe in the value of each individual's human rights and dignity but because it is our moral duty, I believe, as human beings to speak out for the voiceless, the powerless, and the victims in the world.

Mr. Speaker, House Resolution 359 welcomes His Holiness the Dalai Lama to the United States and recognizes the Dalai Lama for his efforts to peacefully resolve the Tibetan issue. The measure encourages dialogue between the relevant parties, China and Tibet, in order to achieve genuine autonomy and respect for the human rights and religious freedoms of the people of Tibet.

Since 1959 when His Holiness the Dalai Lama was forced to flee his homeland of Tibet and seek refuge in India, he has worked tirelessly to improve the lives of Tibetans both inside and outside of Tibet and for a peaceful resolution to the conflict so that his fellow Tibetans can return to their homeland. The Dalai Lama has promoted a democratically elected government for Tibetans in exile located in Dharamsala, India; and he remains the head of state and spiritual leader of the Tibetan people. But His Holiness has indicated that should a negotiated settlement be reached on the issue of Tibet, he would not play any role in a future Tibetan government or seek the Dalai Lama's traditional political responsibilities. The Dalai Lama has also actively worked to sustain the distinct cultural and religious identity of Tibetans, which can be seen in Tibetan communities in India, Nepal, and in so many places around the world.

His Holiness the Dalai Lama has taken the courageous step of promoting his middle path, the middle-way approach, which provides genuine autonomy for Tibetans but does not call for independence or separation of Tibet. For over 40 years, His Holiness has been a leader in promoting nonviolent solutions for conflicts across the globe and has been a vocal supporter of human rights for all people, including the freedom of religion. He was, as we know, awarded the Nobel Peace Prize in 1989 for these efforts.

Mr. Speaker, I ask all of my colleagues to support House Resolution 359 and ask for them to continue to speak out so that one day Tibetans will be afforded the basic human rights that every single human being on this planet deserves.

The SPEAKER pro tempore (Mr. DUNCAN). The time of the gentleman from California (Mr. LANTOS) has expired.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise to welcome His Holiness, the 14th Dalai Lama of Tibet, and to join with my colleagues in support of this resolution. The Dalai Lama's steadfast leadership and commitment to peace and positive social change for the people of Tibet has been a model for this world. His continued defense of human rights worldwide is an inspiration to all of us.

In 2001, the Dalai Lama made a very special visit to Minnesota. It was an honor to have him in our State. It was a unique and exciting experience for all Minnesotans, but especially for the thousand Tibetans living in Minnesota. The Dalai Lama brought a message of faith, self-examination, and compassion to us in Minnesota. He continues to encourage all of us to take a firm position regarding principled matters, such as human rights, democracy, and religious freedom. Today, the Dalai Lama's message continues to resonate, and it is truly more important than ever. The defense of political, religious, and human rights requires constant vigilance. We must work with such inspirational leaders as the Dalai Lama to promote human rights, health, healing, opportunity, and hope for the people of Tibet, the United States, and the world.

I encourage all of my colleagues to take a moment to reflect on this very special message of peace, hope, and humanity that the Dalai Lama brings to us. This week I would urge all of my colleagues to join together in reflecting once again in peace, hope, and opportunity for our world. I urge my colleagues to support this resolution.

Mr. LEACH. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Speaker, I merely want to underscore how significant it is that across the political spectrum, Republicans and Democrats join forces in paying tribute both to the concept of the role of human rights in U.S. foreign policy and to the embodiment of human rights on this planet, His Holiness the Dalai Lama.

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

It is always awkward for this Congress, or any body, to comment on the affairs of other societies; but the uniqueness of our foundation as a nation state was that we were the first country established on the principle of individual rights which were assumed to be universal, not simply particular to those living in the original 13 colonies.

Thus we have an obligation to our forbears to speak to the universality of political values, rights endowed by a Creator to all citizens of this planet. It is in this context that we recognize the transcendent universality of the Dalai Lama's mantle of leadership values which track so consistently our heritage.

I urge Members to support this resolution.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today to recognize His Holiness, the Dalai Lama for his commitment to non-violence, human rights, freedom, and democracy. I would like to thank Congressman ROTHMAN for introducing this bill for such an enigmatic and charismatic person whose lifetime we have the privilege of witnessing.

In 1959, the Dalai Lama was forced to flee his homeland of Tibet and seek refuge in India. In over 40 years in exile, the Dalai Lama has remained a true leader with integrity, inspiring others with his actions and philosophies. He has promoted compassion, nonviolence, and peace as a solution both to the current crisis in Tibet and to other conflicts around the world.

The Dalai Lama has promoted democratic self-government and self-determination for Tibetans in exile as a model for securing freedom for all of Tibet, and he demonstrated his commitment thereto by relinquishing his political positions and turning these authorities over to elected Tibetan representatives. He works now for a peaceful solution for the Tibetan crisis that promises a future of autonomy; however, he has not called for independence and separation from China.

The Dalai Lama was awarded the Nobel Peace Prize in 1989 in recognition of his nonviolent methods for resolving conflict and his continuous efforts to create a peaceful resolution in Tibet.

I am proud to say that Congress has consistently supported the people of Tibet, speaking out against the persecution of Tibetans, and opposing the destruction of over 6,000 monasteries. The torture and abuse of Tibetan monks and nuns is unacceptable, and we must do more to bring the world's attention to the impoverishment of Tibetans in their own land.

We must provide support for the refugees who have made the difficult decision to embark upon their journey to leave Tibet and seek refuge from persecution in foreign lands. As Ranking Member of the Immigration and Claims Subcommittee of the Judiciary Committee, I have compassion and empathy for their struggle for recognition of basic human rights as well as the adjustment it takes to resettle in a foreign land.

I am proud to join my colleagues today and advocate peaceful solutions to political problems. I believe we should encourage all parties to engage in positive dialogue to effectively reach a conclusion without violence. The Dalai Lama has been a role model and hero to his community, and his noble life should be an example to us all.

Mr. LEACH. 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 Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 359.

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

The yeas and nays were ordered.

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

GENERAL LEAVE

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion to go to conference on H.R. 2555, and that I may include tabular and extraneous material.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2555) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. SABO

Mr. SABO. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SABO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill, H.R. 2555, be instructed to insist on inclusion of the highest possible level of funding for each homeland security, preparedness and disaster response program within Titles II, III and IV and on inclusion of House General Provision 521.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from Minnesota (Mr. SABO) and the gentleman from Kentucky (Mr. ROGERS) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. SABO).

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

Mr. Speaker, as we meet today on the eve of September 11, I am one Member who remains very concerned about America's safety and the safety of the flying public. We can and must do more. My motion is just one important step in the right direction.

This motion to instruct conferees is very straightforward. It is a motion to instruct the House conferees to insist on the highest possible level of funding for each homeland security, preparedness and disaster response program in the bill and to insist on the amendment adopted on the House floor by a vote of 278 to 146 to require the screening of cargo carried in the belly of passenger aircraft.

As the conference on the fiscal year 2004 homeland security appropriations bill begins, we now have an opportunity to provide additional homeland security resources and help close known security gaps. We should do so. We should correct one of the most glaring gaps in our aviation security program, the fact that all passengers and their bags are screened for explosives and weapons, but cargo carried in the same place as passenger baggage is not screened at all. The Markey amendment adopted on the floor seeks to eliminate this air security gap. The House conferees should insist on it.

Some have argued that the screening of cargo carried on passenger aircraft is impossible to do immediately and would result in a $3 billion loss to the airline industry. This is an argument of a pre-9/11 America. We now screen passengers and their baggage. We did not before. We now secure cockpits. We did not before. Where there is a will, there is a way. The Congress either does or does not have that will. I think that the American public would ''will'' us to have the cargo carried on the airplanes they fly in screened.

I must point out, however, that the Markey amendment addressed only one of the homeland security gaps that exist today. There are many others. The higher levels in some of the funding differences between the House and Senate bills would help address other homeland security and preparedness shortfalls. The first affects the preparedness of our first responders. The House bill provides $3.5 billion for the Office for Domestic Preparedness, $625 million more than the Senate. If we were to accept the Senate level, our States and localities would lose $625 million in funding that helps to better equip and train our Nation's first responders.

Only a few months ago, the Council on Foreign Relations released a report entitled, ''First Responders, Drastically Underfunded, Dangerously Unprepared.'' The report stated that billions of dollars are needed to properly equip first responders. I do not know if their estimate is right, but I do know that a great deal of additional funding is needed. Therefore, our conferees should insist on the highest funding level possible.

The second has to do with our ability to identify and respond to medical emergencies. The House bill provides $50 million for the Metropolitan Medical Response System. The Senate bill provides no funding. Not to fund this system would widen the homeland security gap that we have been trying to close.

The third deals with the porousness of our northern border, which is well known. The Air and Marine Interdiction office has told us of instances of smugglers and others being caught coming across our northern border.

□ 1230

Yet today we have no permanent air surveillance of our northern border.

The Senate bill provides a total of $71 million to permanently monitor air activity along our northern border. The House bill provides no funding for this. I think we all see the need to fund this homeland security improvement.

The Senate bill provides a total of $459 million for procurement and installation of airport explosive detection systems. The House bill provides $335 million. A number of our Nation's airports may not meet the December 31 deadline for electronic screening of all checked baggage due to the fact that TSA has been slow to fund needed modifications. We should provide all of the funding we can to allow TSA to act quickly.

The Senate bill provides $74 more than the House for 570 new Border Patrol agents and additional inspectors. The House bill provides few staffing increases in this area. The PATRIOT Act called for tripling of the number of agents and inspectors on our northern border, and the Senate funding would result in us meeting that requirement for border agents.

Lastly, the Senate bill provides $156 million more than the House bill for Disaster Relief. We have woefully underfunded the Disaster Relief program for this year and now it looks like FEMA only has enough funding to get them to the beginning of the fiscal year 2004.

FEMA has been distributing only the funding that States and localities can immediately spend, so the backlog is growing. This further strains our citizens and communities that are already in distress.

Because all of these important programs may help close some of today's homeland security gaps and better prepare our Nation, this motion to instruct directs the House conferees to agree to the highest funding levels possible for homeland security, preparedness, and disaster response programs and to insist on inclusion of the Markey amendment to screen air cargo on passenger aircraft.

In summary, let me say that we should be doing all we can to close known security gaps today, not tomorrow.

Mr. Speaker, I urge the adoption of this motion to instruct conferees.

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

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

The SPEAKER pro tempore (Mr. DUNCAN). Does the gentleman from Minnesota have additional speakers?

Mr. SABO. Mr. Speaker, yes, I do. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, it is appropriate that we appoint conferees and begin the conference on this, the day before September 11, as the gentleman from Minnesota has indicated. It is not appropriate, however, that we will be considering a conference bill in which the budget allocation of the House and Senate equals only $29.4 billion, a mere 2.3 percent above today's funding. That does not even equal inflation.

The House and the Senate bills are, in this case, a bit different. The House bill provides more funding for first responders. The Senate bill provides more funding to secure our northern border, as the gentleman has indicated, for airport security and for Disaster Relief. All of that is needed, plus more.

The House bill also includes the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) to require that cargo carried on passenger aircraft is screened. This is the right thing to do. Today no cargo is screened. According to a TSA public statement there is a 35 to 65 percent likelihood that terrorists are planning to put a bomb in cargo on a passenger plane. But even if we were to do all of the things required and funded in the House and Senate bills, we will still leave many homeland security problems to deal with for another day.

Neither the House nor the Senate bill provides any funding to improve security at the perimeters or backsides of our airports. The ability to easily penetrate those backsides of our airports has been demonstrated on numerous occasions, most recently in New York, where fishermen lost due to a storm came ashore on the back side of JFK Airport and no one spotted them.

Neither the House nor the Senate bill provides sufficient funding to secure our ports by implementing the port security plans required under the Maritime Transportation Security Act in anything less than 20 years. Neither the House nor the Senate bill provides funding to fully implement the Markey amendment. Neither the House nor the Senate bill provides funding for Customs to substantially increase the checking of cargo entering through our ports for weapons of mass destruction.

The GAO has said that the current low inspection rate makes container shipments a prime target for terrorists. So I support the motion to instruct, because it is the only motion that we can offer under House rules which makes sense.

I do not support the majority party budget system that has gotten us to this ridiculous situation under which it is apparently fine to move quickly on an $87 billion supplemental package for Iraq, but not fine to add a small percentage of this amount to better secure our homeland, our ports, our borders and our airports.

What kind of security do we have, when an individual could recently ship himself in a container from New York to another location in this country and not be detected, even though you had a human being inside the cargo box? I mean, how secure are we when that can happen? We have a long way to go before we meet the promises that so many of us made after 9/11.

The President told the country 2 days ago that 9/11 had taught him that we need to provide whatever is necessary for the security of the country. That being the case, I wish that he would accept some of the increases that we have asked for for more than a year-and-a-half on a bipartisan basis in this House. I wish that we did not have a President who was vetoing more than $1.5 billion of homeland security items that were passed in a bill that had 90 percent support of Republicans and Democrats alike in both the House and the other body. I wish we could get together on these items, which are clearly essential to the safety of our public and to the strength of this country at home.

I would urge Members to support the motion to recommit. It is the very least that we can do under these circumstances to secure the home front while we are obliterating the budget surplus by what we spend abroad to do the same thing.

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

Mr. SABO. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Minnesota and the gentleman from Wisconsin for their leadership on this issue.

The issue that I am going to address today is one that goes to the heart of how serious we are in this country about protecting innocent Americans from a successful al Qaeda attack. On the second anniversary of September 11, we know that al Qaeda still maintains that planes are at the very top of their list of potentially successful attacks upon the physical and psychological well-being of our Nation.

Twenty-two percent of all air cargo in the United States is actually placed on passenger planes; not on cargo planes, on passenger planes. For each of us, as we get on a plane they screen our shoes, they screen our computers, our cell phones, our carry-on bags. Our luggage, if it is checked, is screened before it is put into the belly of the plane. But the cargo which is placed on that very same plane is not screened.

Now, we saw yesterday what happens, when a young man, Charles McKinley, successfully shipped himself from New York to Dallas without being detected except at the point at which he emerged from his box on the doorstep of his parents.

This is a funny cartoon about a very deadly, serious subject. If you are wearing shoes and pants, you get searched at the airport. If you are wearing a dress and heels, you get searched at the airport. But if you are wearing a box, like Charles McKinley, neither you nor the box gets searched. That is a homeland security hole that will get filled by al Qaeda if we do not fill it ourselves.

What the Transportation Security Administration and the Bush administration likes to call a ''known shipper'' program, I call an ''unknown cargo'' program. The known shipper regulations are a bureaucratic paper exercise, not a serious security program. Charles McKinley's little escapade has exposed the known shipper program as a complete and total fraud. What Mr. McKinley has pointed out to our country is

that if an enemy wants to terrorize this country, they do not need to worry about hiding a box cutter; they just need to sit quietly inside a box.

The Transportation Security Agency has announced yesterday that it is going to develop an individual passenger profile of every airline passenger based on the risk that they pose to committing a future act of terrorism. So in addition to taking off our shoes, having someone rifle through our luggage, having to pass through metal detectors, we will also be given a color code. Well, if you are shipping cargo, your color code is always the same, green. Go, put it on the passenger plane. Al Qaeda is, in fact, targeting these planes as a subject for the further terrorization of our country.

Now, Pan Am Flight 103 was brought down in 1988 over Lockerbie, Scotland, by a bomb contained in unscreened baggage. Today the victims of Pan Am Flight 103 are still concerned about airline security, and have endorsed the Markey-Shays amendment to require screening or inspection of cargo loaded on to passenger planes. In addition, the Coalition of Airline Pilots of America, which pilots so many of these planes, has also endorsed the Markey-Shays amendment, the idea of screening all cargo placed on passenger planes.

It is crazy for people to be sitting on planes with their screened shoes looking out the window at a cargo truck now loading cargo on the very same plane that has not been screened. We could have al Qaeda in a box just being shipped on these planes. They do not need a boarding pass to get on above, they can put their bombs on without a boarding pass underneath on the very same passenger plane. You could ship a terrorist through this loophole.

So, while up above in the passenger cabin we now have screening for the passengers, we have air marshals, we have a double reinforced steel door to the pilot's cabin, we have armed pilots and passengers who will jump any al Qaeda from now on, meanwhile, down below, nothing which will stop them from putting this cargo on.

Support this motion to instruct. The White House, the Senate, the cargo and airline industry must listen to the American people.

□ 1245

Mr. SABO. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. TURNER), the ranking Democrat on the authorizing committee.

Mr. TURNER of Texas. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, this is the week that we remember that attack on America that occurred on September 11, 2001. It is a time of mourning, a time of remembrance. We all remember the horror of the Twin Towers, the Pentagon, the crash in the open field in Pennsylvania. We remember the determination on the faces of firefighters and the workers who entered the fiery inferno in a valiant attempt to save the lives of people they did not know. We remember the resolve and the commitment that resounded throughout this Congress and this Nation in the aftermath of that dreadful day.

Never again, we said, would we be caught unprepared. Never again would we send some of our bravest citizens, our police, our firefighters, our emergency workers into harm's way unable to communicate with one another. Never again would we allow large security gaps that could be exploited by those who seek to do us harm.

Mr. Speaker, in the aftermath of September 11, this Congress responded with unprecedented speed and unity. We authorized the President to use force against the al Qaeda network and their sponsors, the Taliban. We enacted legislation to overhaul airport security, fortify our borders, secure our seaports. We proposed formation of a new Department of Homeland Security. These actions were only the first steps in what we intended to be a sustained effort to secure America from the threat of terrorist attack.

But, Mr. Speaker, 2 years after the attacks, security gaps remain; and it is our solemn duty to do all we can to move faster, to take stronger measures to deliver security to the American people. Two years after September 11, we still lack a unified terrorist watch list to help us thwart the attacks before they occur. Two years after September 11, our forces on the border need reinforcement and the Coast Guard is stretched to its limits trying to carry out its mandate to secure our ports and coastlines. We must deploy stronger forces on our borders and protect our ports and coastline to close that security gap. Two years after September 11, the first responders, the valiant men and women who risk all to keep us safe, do not have the equipment and training that they need to meet the threats posed by chemical, biological, and radiological attacks. First responders do not have the equipment they need to communicate at a disaster site. Clearly, we must move faster; we must be stronger in our commitment to these frontline soldiers.

Therefore, I fully support the motion offered by the ranking member of the Subcommittee on Homeland Security of the Committee on Appropriations.

We have been told that we are safer today than we were before September 11 of 2001, but that is not the test that we must pass. The question before us is are we as safe as we must be to protect the American people. By this measure, we have much yet to do. The sums requested by this motion are essential to fulfilling our commitment to protecting the American people. This is the first responsibility of government, and nothing else matters if we fail.

Mr. SABO. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

If there had been a simple regulation in place in December 1988, Pan Am 103 likely never would have happened, and that is passenger bag match, an issue that later, the Commission on Aviation Security and Terrorism appointed by President Bush on which I served and my good colleague at the time, John Paul Hammerschmidt from this body, recommended. But it was recommended earlier in hearings that I had chaired as Chair of the Subcommittee on Investigations and Oversight that we have passenger bag match. Because when the aircraft arrived from Malta at Frankfurt, Germany, for the beginning of the Pan Am 103 trip and a bag was transferred from the Malta aircraft to the 727 of Pan Am to go on to London, the bag went on, but the passenger did not. If we had the rule in place that if the passenger is not on, the bag comes off, that bomb would never had been on board that plane.

Today, we have passenger bag match at American airports as a result of the Transportation Security Act that we passed in the aftermath of September 11. A much tougher bill, it did the things that our commission recommended in 1990.

So today, we have a situation where the TSA screeners at the Nation's airports know what is in the carryon, they know what is on your body, and if you have replacement parts, they know what is in your body; but they do not know what is in the box that goes in the cargo hold on that airplane, and they need to know that. Known shipper cargo match is a good idea, but screening that box as well is a better idea, and that is what we need to know.

In addition, I think unfortunately, while the committee and the chairman and the ranking member did all they could with the money available, the amounts provided in this bill for port security are grossly inadequate to meet the threat of international terrorism, which is moving to the new level of port security problems. The House-passed bill had $150 million for port security grants, the Senate had $100 million for port security grants. The Coast Guard has told our committee, the Committee on Transportation and Infrastructure, that it will cost ports and port operators $1.6 billion in the next 2 years to comply with the security standards this body already voted and put into law. In the last round of security grants, there was $150 million available and $1 billion worth of applications.

One does not have to think too far back to the USS *Cole* with a small boat loaded with explosives ramming into the side of a U.S. naval war ship, blowing it to pieces, to imagine the same scenario in an offshore oil port in the Gulf of Mexico or in one of our busy ports on the east coast, the west coast, the Gulf Coast ports, or on one of the Great Lakes.

Neither the House nor the Senate Homeland Security Appropriation Act

includes any funding for conducting foreign port security assessments for the Coast Guard. We learned a lesson in aviation that we have to have American security personnel overseas, foreign airports, looking into their security arrangements and making independent assessments, and coming back and reporting to the FAA, to the Department of Transportation, and to the Congress. And we have the authority to say, if you do not do the security right overseas, your airplanes do not land in this country. So we have a hammer on them, and we can make them comply.

But in maritime, as a result of failure to have the funding for foreign port security assessments, those great maritime nations of Malta, Cyprus, Liberia, Panama, great Third World flag, third flag nations, are going to be the places that are going to conduct the security assessments and self-certify and say, everything is okay. It is not okay until we say so, until our Coast Guard is there with security personnel looking those ports over and assuring that they have put in place the measures that we require; and we have to do a better job on this side as well. Those Third World countries do little to enforce safety and security. We have to do it here, and we should do it in this bill.

Mr. SABO. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I must say that I think the chairman and the ranking member of this committee have done as best they can with what they have to do with. I also must note that 2 years later we are still struggling with getting the job done, and I think it is now time for us to press forward with all due haste to see that these homeland security issues are dealt with as quickly and as effectively as possible.

The House bill has $650 million more for the Office of Domestic Preparedness. The conferees should give first responders this higher amount. The Senate bill has $50 million for port security grants. That higher funding is critical. The President has asked for $87 billion to make Iraq secure. Certainly, America deserves no less. We are spending about half as much, about half that much to try to make the American people secure.

The motion also instructs conferees to include a provision that requires all cargo on passenger planes to be screened. Obviously, this is something that needs to be done. But we do not want to be on this floor anytime in the future talking about what happened, what went wrong, what we should have done. Now is the time to deal with homeland security funded appropriately and get the job done for the American people that we know needs to be done and we know how to do it.

Mr. SABO. Mr. Speaker, my understanding is that I have the right to close, so I will reserve the balance of my time.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us provides $29.4 billion for the new Department of Homeland Security. That is an increase of over $1 billion above the amounts proposed by the President, and it is $535 million above the current year's spending.

This motion by the gentleman from Minnesota would result in more spending. We could spend all that we could beg, borrow, or steal in the name of homeland security, and it still would not be enough, according to some people. Throwing dollars at this problem of security will not necessarily add to our security. What we need is a sensible plan, spending sensible sums, for a comprehensive and complete system of protection of our people.

□ 1300

I think we have such a plan. And I am willing to accept the gentleman's motion and to do my best to meet its goals. But the motion gives me an opportunity, Mr. Speaker, on the eve of the day that changed America, 9–11, to reflect on that awful day, but also to reflect upon how far our Nation has come in protecting us from another such event.

The presumption in the motion is that we are not spending enough money to protect our Nation's homeland. I think the question is, is the glass half empty or is it half full? I think it is half full. We are not there yet, but we have come so far. We have come so far in these 2 years in protecting the country.

Since September 11 the Congress has provided almost $76 billion for homeland security funding across the entire government. For the 22 agencies that now make up the new Department of Homeland Security, the Congress has provided almost $44 billion through the current year, and then we add in the 2004 bill an additional $29.4 billion, which brings the total to the Department for fiscal years 2002 through 2004 to $73.3 billion. Protecting our borders is the first line of defense against terrorism. We include in the bill $9 billion for border protection and related activities. That is an increase of $400 million over fiscal 2003. Including $2 billion for U.S. Coast Guard homeland security activities.

We make innovative technology and capital investments a priority, recognizing that our borders will only be secure when we use a combination of people and technology. But let us talk about the borders just a minute.

We have added inspectors, special agents, border patrol agents to these borders, we have added 5,400 new personnel at those borders. That increases the coverage in our ports by 25 percent. In addition to that, we have added 4,100 Coast Guard personnel to protect the ports, to protect the waterways, to increase the intensity and numbers of inspections at ports of entry into the country; 4,100 new Coast Guard people on the job today that were not there before.

We will continue, and hear me now, we will continue to inspect 100 percent of all high-threat cargo and high-threat vessels coming into our waters. We cannot discuss in this open forum all that is being done in that respect. We would have to go into a classified briefing to do so, which we have done. I cannot talk about all of those things, but we are inspecting 100 percent of all high-threat cargo and high-threat vessels coming into our waters.

We have heard a lot about port security. In this bill we add $100 million, another down payment to secure the critical port facilities. We add that to the $388 million that is already appropriated for port security grants, a total funding level now of $488 million. Radiation detectors, other technology, $263 million for cargo screening and these technologies have been deployed at our busiest land and sea ports including Miami, Los Angeles, Newark. And we include in this bill another $129 million for these technologies, which brings that total to $392 million.

It has been said that we need to search these container pieces coming to us offshore before they get here. And that is precisely what the administration proposed and the Congress agreed to. We provide $60 million for a thing called the Customs Container Security Initiative, fully funding that effort since it began. We include $62 million in this bill bringing total funding for that project to $122 million. And with that money, we are now in the process, either in the process or already searching these container pieces at 20 of the mega-ports around the world that ship us 80 percent of our container freight, searching those targets, that high-threat cargo before it ever reaches American ports so that we do not have to do it here.

We also place a very high priority on funding our State and local first responders. Homeland security, we have all said, is hometown security. And our hometowns are protected by our local firemen, local police, emergency personnel and the like. We have not shunned them and it is essential that they have the resources to address the needs of our hometowns. We will never forget the heroism on 9–11, of those wonderful first responders, so many of whom unfortunately gave their lives on 9–11. We include $4.4 billion in this bill for those people, law enforcement, fire fighters, emergency personnel. And since September 11, the Congress has provided nearly $21 billion for those State and local governments, for terrorism prevention and preparedness, most of which is going to our local first responders. Almost $21 billion for your firemen, your first responders, your emergency technicians, your policemen, and more is on the way.

Science and technology efforts are critical to improving security, increasing the efficiency of what we do and increasing the costs. We include in this

bill $900 million for science and technology, including $60 million to design, develop and test anti-missile devices for commercial aircraft, $60 million.

Then, of course, transportation security for those who fly. Since September 11, we have provided a total of $10.3 billion for passenger safety through the Transportation Security Administration, including passenger, baggage, and cargo screening. An additional $5.172 billion is included in the fiscal 2004 bill. And since September 11, we have included $1.5 billion on explosive and trace detention systems, including the development, procurement, and installation. We include in this bill $335 million more to buy more of these systems, as well as $50 million for air cargo safety, and $40 million for research on next generation technologies.

We come to this question that the gentleman from Massachusetts (Mr. MARKEY) has brought to our attention, and that is the safety or security of cargo on passenger planes. I think we all agree with his goal. It is our goal. It has been the goal of this subcommittee since we came into being, it seems like a long time ago, but it was only back in March that the subcommittee came into being. And, frankly, I am very proud of what our subcommittee has done. We have begun a staff. We had to find a place to meet. We had to hold hearings in Department where many of the principals were not yet sworn into office or confirmed, get the budget together, hold hearings, and then finally mark up a bill. And I am very proud to say that we were the first of the 13 appropriations bills brought to the floor and passed through the body, and we are the first to go to conference with the Senate. That is quite a record.

I am proud of the members of the subcommittee on both sides of the aisle, and I am especially proud of the staff on both sides of the aisle who have done a remarkable job of pulling all of this together.

We included in this bill $50 million for air cargo screening. The Senate bill has 60. I think we can go higher and give the TSA the resources it needs for the development of an air cargo screening program for domestic and foreign cargo carriers and to develop a risk-based screening system, to identify pieces of cargo that require closer scrutiny even while we work at post-haste speed to develop the machinery that does not now exist to absolutely search all pieces going on passenger or cargo planes. Funds are also provided to research and development, new technologies that would make this happen.

Mr. Speaker, I have no problem with the motion to instruct. It is the goals that we share. We share the same goals that the motion elicits. I think we have developed a good bill. I am very proud of the efforts of the Nation since 9–11 to come to grips with a new terror, a new threat to our security. The President has led the effort on both fronts, that is to take the battle to the terrorists on their own turf rather than wait until they come for us here, but at the same time preparing the Nation itself to defend itself against a terrorist who might make it through.

Do we have more to do? Absolutely. We have scratched the surface. But we have made a lot of progress and we will continue to make that progress.

Mr. Speaker, we are prepared to close.

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

Mr. SABO. Mr. Speaker, we have one speaker for the balance of our time.

The SPEAKER pro tempore (Mr. DUNCAN). The gentleman from Minnesota (Mr. SABO) has 1 minute remaining.

Mr. SABO. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I think the message here is simple: If Members think that our ports are safe enough, our borders are safe enough, our airlines are safe enough, then by all means, vote against this motion. But if you recognize that they are not, then you ought to vote for it.

But I would have one cautionary note. I would say to my friends on the majority side of the aisle, please do not vote for this motion if you then intend to scuttle the Markey amendment in conference. If that were to happen, it would be tantamount to deceiving the public and trying to have it both ways.

If you voted for this motion, stick to it in conference or else everything that we have tried to do today will be as phony as a $3 bill.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in support of this motion to instruct conferees on our Nation's first Homeland Security Appropriations bill. Everyone expected that the new Homeland Security Department would experience the standard growing pains associated with the establishment of any new government agency and that such pains would get worked out over time. However, the situation that prompted the creation of this agency is different, and homeland security does not have the luxury to "get it right" over time. We must start getting it right the first time with this first appropriations bill. Accordingly, we must supply the necessary federal resources today, not tomorrow, and not after another terrorist attack.

While Chairman ROGERS and Ranking Member OBEY did the very best they could given their inadequate allocation, many important homeland security initiatives and programs remain underfunded. Understandably, we have focused our homeland security efforts on passenger aviation. But we must quickly provide similar focus to securing other likely targets including air cargo, seaports, electronic business systems, and other critical infrastructure. Strengthening and making less vulnerable our electronic business transactions would help protect both California's utility power grid and its economy, the fifth largest economy in the world. Providing perimeter security and thorough cargo screening will help ensure the safety of passengers and employees at Los Angeles International Airport, the nation's second busiest airport. Screening cargo ships before they reach the mega seaport of Los Angeles-Long Beach will not only maintain the economic integrity of the nation's largest intermodal container port, but also protect the residents of the portside communities. Adequately funding these efforts would produce real and immediate benefits for my state and community.

We must also sufficiently fund all functions of homeland security including border and customs efforts, disaster relief, and first responders. However, prioritizing and funding these various security initiatives as we have done with aviation security can only be accomplished with the necessary resources. It is critical, therefore, that we make our position crystal clear and instruct House conferees to insist on the highest possible level of funding for each homeland security, preparedness, and disaster response program.

Mr. Speaker, if in these grave economic times, the administration believes we can afford to spend an additional $87 billion for the military and reconstruction effort in Iraq in our campaign to prevent terrorism, then it is morally bound to support our efforts in Congress to provide the necessary resources for our own security in America.

I urge my colleagues to support the motion.

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 Minnesota (Mr. SABO).

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 360 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 360

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. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes. The 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 Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or a designee and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1315

The SPEAKER pro tempore (Mr. SWEENEY). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, the resolution before us is a fair and bipartisan modified open rule, simply requiring that proposed amendments to the underlying legislation be preprinted in the CONGRESSIONAL RECORD. This rule waives all points of order against consideration of the bill and provides for 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

It provides that the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read.

It waives all points of order against the committee amendment in the nature of a substitute, and makes in order those amendments to the committee's amendment that are printed in the CONGRESSIONAL RECORD or are pro forma amendments for the purpose of debate. It also provides that only the Member who has authorized for an amendment to be printed or a designee may offer it and that each of these amendments shall be considered as read.

Finally, this rule also provides for one motion to recommit, with or without instructions.

It has also come to my attention that a clerical error has caused Amendment No. 15 to be incorrectly printed in the CONGRESSIONAL RECORD, and I would like to inform Members that a copy of the correct amendment is available at the desk for their review.

I rise today to introduce the rule for H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003, known as the FACT Act. This legislation represents a truly bipartisan effort by the Committee on Financial Services to produce a thoughtful and well-debated piece of legislation, and I would like to congratulate both the gentleman from Ohio (Chairman OXLEY) and the gentleman from Massachusetts (Ranking Member FRANK) for a great deal of credit for their leadership that each of them have shown throughout the process of bringing this bill to the floor today.

The United States enjoys a financial system that is the envy of the rest of the world. It is the most free market, transparent, open and robust system on the planet. American consumers and others who come from across the globe to conduct business here would not enjoy the benefits of this free market system without strong, smart laws to provide this transparency and freedom while offering meaningful consumer protections.

The Fair Credit Reporting Act legislation that we are debating today lives up to this same high standard of smart and strong financial policy. It promotes transparency and a dynamic economic system in America while protecting consumers by preserving the basis of our uniform national consumer credit system. The national system currently in place has tremendously beneficial effects on the American economy and for American consumers. It has provided for the democratization of consumer credit since the Fair Credit Reporting Act was first passed in 1970 by ensuring affordable access to credit for millions of Americans through uniform credit reporting standards, and it has increased the speed and efficiency at which these credit transactions can be processed.

This legislation also makes extensive revisions to the Fair Credit Reporting Act's, or FCRA's, provisions governing the accuracy of consumer reports and enhancing consumers' ability to correct errors in them. By improving the accuracy of these reports, both consumers and those who supply the marketplace with credit reports stand to benefit tremendously.

It should also be noted, as proof of their commitment to bipartisanship, that the Committee on Financial Services approved this legislation by a vote of 61 to 3, following an extensive and wide-ranging battery of hearings.

This legislation improves the accuracy of credit reports in a number of ways. It allows consumers to place fraud alerts on their personal credit reports to prevent identity thieves from opening accounts under their name. It allows consumers to block information from being given credit to a credit bureau and from reporting by a credit bureau after filing a police report if such information results in identity theft. It gives consumers increased flexibility to dispute inaccurate information in their credit reports. It provides victims of identity theft with a summary of their rights and gives consumers the right to see their credit scores. It expands consumers' access to a free copy of their credit reports and protects consumer privacy by restricting access to consumers' sensitive health information.

This legislation also provides our Nation's financial institutions with new powers and obligations to ensure that they are doing as much as they can do in the battle against identity theft. The legislation requires credit card issuers to investigate suspicious address changes. It requires creditors to take additional precautions before extending additional credit to consumers who have placed a fraud alert on their files. It prohibits merchants from printing more than the last five digits of a payment card on an electronically printed receipt. It obligates banks to develop policies and procedures to identify potential instances of identity theft and to reconcile potentially fraudulent consumer address information during the opening of an account.

This legislation also contains a provision of special interest to me and a number of my colleagues from both sides of the aisle. Title VI of this legislation contains a provision that I have authored that I believe will improve workplace safety for millions of Americans. Right now, an opinion by the Federal Trade Commission uses an interpretation of FCRA to create a disincentive for employers to retain objective and professional investigators of workplace misconduct, such as sexual or racial harassment, workplace violence, threat, fraud, SEC violations or other improprieties.

This legislation would clarify that decision, ensuring that our workplaces are free of violence, fraud and intimidation by all employees.

The gentleman from California (Mr. DREIER), the Committee on Rules chairman; the gentleman from Massachusetts (Mr. FRANK), Committee on Financial Services ranking member, and a bipartisan coalition of other members of this body, including the gentleman from New York (Mr. SWEENEY) have cosponsored this provision, and I am glad that today, while we are doing as much as we can to help consumers and to preserve this great system of consumer credit, we have also taken the opportunity to do something for American's employees.

Mr. Speaker, this is a fair rule that every Member of the House should support. The underlying legislation is also a bipartisan effort that passed through

its committee of jurisdiction overwhelmingly and deserves the support of every Member of this body.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, first, let me thank my friend from Texas (Mr. SESSIONS) for yielding me the time.

Mr. Speaker, I support the underlying bill before us today, the Fair and Accurate Credit Transactions Act, and while the rule is not actually open and the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Washington (Mr. INSLEE) and the gentleman from Illinois (Mr. EMANUEL) each had amendments denied by the Committee on rules, it does allow Members to offer amendments that have been preprinted in the CONGRESSIONAL RECORD and that do not violate the rules of the House of Representatives.

Mr. Speaker, this bill is not perfect, but it is a bipartisan product, and the Democrats on the Committee on Financial Services, led by the gentleman from Massachusetts (Mr. FRANK), our ranking member, made significant improvements in it during the committee process. The resulting legislation includes new consumer protections against identity theft, a $50 billion problem that claimed 10 million victims in 2002.

It requires credit bureaus to block adverse credit information that has resulted from identity theft and allows consumers to add fraud alerts to their credit information. Moreover, the bill strengthens consumers' rights to review their credit scores, allowing them to request a free credit report annually from each of the three major national credit bureaus.

It has provisions for medical privacy. It prevents in that regard disclosure of certain health information and prohibits credit bureaus from using medical information to determine credit eligibility.

Therefore, Mr. Speaker, I urge Members, as does the gentleman from Texas (Mr. FROST) who was to handle this rule but had other matters that called him away, but I am encouraged to say that he joins in supporting this bipartisan bill.

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

Mr. SESSIONS. Mr. Speaker, I yield 4 minutes to the gentleman from Dallas, Texas (Mr. HENSARLING), who is on the Committee on Financial Services.

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

Mr. Speaker, it is difficult to challenge the fact that Americans have the most accessible and lowest cost credit in the world. Uniform national standards have played a major role in this development. These national standards have led to an increase in access to credit for many previously underserved populations, especially lower income Americans. This has created new economic freedoms for many who could not dream of such opportunity in the past, including unprecedented rates of homeownership and automobile ownership which are the envy of the world.

The FACT Act protects these standards. The FACT Act also protects consumers because the best consumer protection is a competitive marketplace and a free flow of accurate information. National standards allow numerous credit providers throughout the country to more effectively compete for each other consumers' business. In turn, consumers benefit through lower cost in a dizzying variety of credit products.

Mr. Speaker, the FACT Act plays an integral role in job creation as well. The Hispanic Chamber of Commerce has testified that seven out of 10 small businesses are started with less than $20,000 and over 45 percent of them use credit cards as a major source of financing. If the national standards provided by the Fair Credit Reporting Act are allowed to expire, small businesses, the job engine of our economy, would face new obstacles and new burdens in obtaining much needed start-up and expansion capital. This will hurt jobs.

Some argue that national standards for credit reporting are not necessary and that consumer information and privacy would be more effectively regulated on a State-by-State basis, but most credit transactions take place across State lines, and such a patchwork of State-by-State laws would clearly interfere with the free flow of reliable information and the access to instant credit upon which our economy is dependent.

□ 1330

Mr. Speaker, it is no secret that identity theft is a growing problem in our society. As a former victim of identity theft myself, I am pleased to see that the FACT Act takes many steps to ensure that all the parties involved in identity theft are doing their part to protect both consumers and businesses. Law enforcement officials agree that national standards are vital, or play a vital role in combating identity theft, and this legislation works towards that end.

For the sake of jobs and the economy, for the sake of low-cost available credit, I urge all of my colleagues to vote for this rule and vote for the bipartisan FACT Act. And I want to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for their leadership on this vital issue.

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

Mr. SESSIONS. Mr. Speaker, I yield 1 minute to the gentlewoman from Tennessee (Mrs. BLACKBURN), one of the bright young stars of the Republican majority and a member of the Committee on the Judiciary.

Mrs. BLACKBURN. Mr. Speaker, I rise in support of this rule and in passage of the Fair And Accurate Credit Transactions Act. H.R. 2622 makes permanent the national uniform standards for credit reporting that were established in 1996. This bill will do much to give consumers and small businesses protection from fraud and from identity theft.

National standards for the management of financial information have allowed more consumers to qualify for home loans, and we should not forget that home purchases and refinancing are keys to this economy's health. With 9.9 million victims of identity theft in 2002 alone, it is time for us to take action.

Now, I am one of those that prefers State control to Federal control, but Congress does have a responsibility under the Constitution for the oversight of interstate commerce, and credit is the key to the economic prosperity. Fifty different systems make credit less accessible, more expensive, and less reliable. This will help our lending institutions be better recordkeepers, it will give consumers more control over their credit files, and ensure that lenders notify consumers before submitting negative credit information.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Financial Institutions and Consumer Credit and the main sponsor of this legislation.

Mr. BACHUS. Mr. Speaker, I thank the vice chairman of the Committee on Rules for yielding me this time.

Mr. Speaker, our economy today is important to all of us. That goes without saying. But what a lot of people do not realize is that two-thirds of our economy is consumer spending. That is the driver in our economy today. And consumer spending today is contingent upon maintaining a national uniform credit reporting system. We have that today, but it will expire December 31.

Now, what has the national uniform credit reporting system done? A lot of people do not know that it exists, but we use it every day and the benefits to our country and to the American people have been immense. We have held eight hearings. We have had over 100 witnesses, and we have brought out legislation to protect the national uniform credit reporting system by a vote of 61 to 3 from the committee.

Since the institution of the national uniform credit reporting system, the number of Americans having credit extended to them has tripled in percentages. There was a time in this country, and our grandfathers and even our fathers or mothers might tell us about it, that when they needed a loan, they had to be eyeballed. We heard testimony of this in the committee. An individual

went down to the bank, they sat down and they were asked a series of questions. They could ask about your family. A lot of times credit was based on an individual's family or whether they had lived in a community for 2 or 3 years.

Credit could not be taken across State lines. Credit could not even be taken from one city to another. If someone moved and credit was dependent, and they had not had a job for over a year or 2 years, they did not get credit. That is all ended today. Almost all Americans today can get credit and credit from a number of sources.

Contrast that to Europe, contrast that to Asia where less than half the people in those countries today enjoy credit. Today, we can go down and buy an automobile, and within an hour it can be financed on the spot. We can apply for a home mortgage and have 20 or 30 different opportunities and rates. Credit cards? Some have argued there is too much credit out there. But let me say this. The other option is no credit. And in a country where we enjoy freedom and we enjoy choice, having a choice or having the ability to get a credit card is an important privilege.

Today or tomorrow we are going to vote on this legislation. It goes beyond renewing our national uniform credit reporting system. It addresses the shortcomings of that system. Most all of us have had constituents come to us, most of my colleagues in this body have shared stories with me and said there is something inaccurate on my credit report, and even though I have tried to repair it, it keeps popping up. There are important new rights for consumers to ensure that their credit reports will be more accurate in the future. What will that mean to them? It could mean getting a loan on a home mortgage at a half a percent or a quarter percent lower rate. What could that mean to them? It could mean as much as $50,000 or $75,000 over the term of the loan.

We have another problem in this country. The FTC said yesterday that it is a problem costing American consumers $50 billion, something that was not even in our vocabulary 10 years ago, and it is called ID theft. There was a time that if someone wanted to rob, they went to a bank. Then we protected our banks with security guards and safes and systems like that. Then they started robbing railroad trains. They started attacking those because they were defenseless. Today, they do not have to rob a bank, if they are smart. They do not have to break into the mail. All they have to do is go on a computer and steal someone's ID. ID theft.

The FTC says that it cost American consumers $50 billion last year. They say that there are probably a half million Americans who do not even know they have been the victim of ID theft. Many of those that we all represent have had $100 or $50 or $20 taken from them by ID theft. They do not know it, and they may never know it. This bill offers important new protections in that regard, and it does what the consumer groups have said was the number one need of Americans, and that is the ability to have their credit report, to have a free credit report, to be able to look at that credit report and see if it is accurate. This bill gives that right.

Also, if someone has been the victim of ID theft, and the gentlewoman from Oregon (Ms. HOOLEY), who cosponsored this bill with me along with the gentleman from Kansas (Mr. MOORE), who cosponsored this bill with me, the gentlewoman from Illinois (Mrs. BIGGERT), who cosponsored this bill, who were original lead cosponsors, all of them had constituents who told horror stories of being the victims of ID theft and not being able to defend themselves in a fair and expeditious manner, this legislation today will help those we represent who have been the victim of ID theft. It will also protect the rest of us from becoming victims of ID theft.

Will it end ID theft? No, it will not end ID theft. Will it help us protect ourselves against ID theft? Yes. Will it help us have more accurate credit reports? Yes. Will it help us continue to offer low interest rates and choices to low- and middle-income Americans? Yes, it will. Will it continue to help us protect an economy that is driven by consumer spending? Yes. An important bill? As important in finance as the national interstate highway system is to us in transportation.

Imagine if we did not have a national interstate system today for transportation. Well, imagine what it would be like if we do not pass this bill, and we do not do it in an expeditious manner, and we cripple this national uniform reporting agency. Our interstates today run straight through. They are seamless. We do not have a bunch of traffic lights on our interstates. What we have today and what we want to preserve is a seamless standard, one uniform standard nationwide; and that is what this bill we bring to the floor does today.

Our constituents will know nothing about this bill. They will probably read nothing about this bill. But this bill is very important to them. It is very important to business people. Today, a car dealer, every day, cannot make a sale without going to the national uniform credit reporting system. The national automobile dealers have joined over 100 other business groups in saying this is their number one priority for the year.

Mr. Speaker, this bill is the result of the leadership of the gentleman from Ohio (Mr. OXLEY), and it is the result of bipartisan support. It had 32 original cosponsors almost evenly divided between Democrats and Republicans. It is a good product. It is good for our constituents. Secretary of the Treasury John Snow advocated and was successful in his suggestion being incorporated in this bill for further protections for the American people. And we will hear a lot about those in the next 4 or 5 hours as we consider this bill.

Mr. Speaker, we will need to consider the good within it. And I appreciate the gentleman on the other side of the aisle saying he supported the underlying bill. Let us not unravel that bill today. Some of these amendments may be considered innocuous, but after 6 months of looking at it and building a consensus, what we have included in this bill is what business groups, consumer groups, and other groups came to a consensus on. The administration, Democrats, Republicans in committee feel this is the very best bill; and that is what we will vote on today, hopefully.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to the gentlewoman from Oregon (Ms. HOOLEY). She too is one of the bipartisan cosponsors of this measure

Ms. HOOLEY of Oregon. Mr. Speaker, I thank the gentleman for yielding me this time. I wish to thank the Committee on Rules for the work they have done in bringing us an open rule for the Fair and Accurate Credit Transactions Act so we can all openly debate this bill.

I would also like to thank the gentleman from Ohio (Mr. OXLEY), the chairman of the committee; the gentleman from Massachusetts (Mr. FRANK), the ranking member; the gentleman from Alabama (Mr. BACHUS), the subcommittee chairman; the gentleman from Vermont (Mr. SANDERS); the gentleman from Kansas (Mr. MOORE); the gentlewoman from Illinois (Mrs. BIGGERT); the gentleman from Ohio (Mr. LATOURETTE); and all of the others that worked so hard on this legislation. And particularly the gentleman from Alabama (Mr. BACHUS). I do not know how many meetings he held, but we held more meetings on this piece of legislation than any other piece of legislation I have had since I have been here.

Five years ago, I was at a meeting where we were talking about consumer credit and credit reports and what that meant to people, and I started hearing stories about identity theft. That is when I first introduced this bill and got interested in this. Very recently, I was at a meeting with some technology people, and we were talking about a bunch of other things. I gave a little spiel, and when I got through I had mentioned in my opening remarks some talk about identity theft. The rest of the conversation was about identity theft and the number of people that either had it happen to them or knew someone that had had it happen to them and talked about how awful it was to get through the process.

□ 1345

What we have before us today is a bill that will help prevent identity theft, and help people get through the

process a lot easier. It has more consumer protections than any piece of legislation that I have seen since I have been here. This bill is a bipartisan effort, and the final product is something we can all be proud of.

I did have one amendment which was not granted a waiver by the Committee on Rules. This amendment would have increased criminal penalties for identity thieves. I felt it was germane to the underlying legislation, to stem the tide of identity theft. While I am disappointed the amendment will not be considered today, I look forward to working with the Committee on the Judiciary and drafting legislation that will put more teeth into our laws to punish those criminals who prey on our Nation's consumers.

Mr. Speaker, I thank the Committee on Rules and the Committee on Financial Services for the fine work they have done on the Fair and Accurate Credit Transaction Act. I urge Members to support both the rule and final passage.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. OXLEY), the chairman of the Committee on Financial Services.

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

Mr. OXLEY. Mr. Speaker, I want to first applaud the Committee on Rules for granting an open rule here. This is a bill that in many ways reflects all of the folks in our district who rely on getting credit to make this economy run. That is pretty much everybody that we represent, and so to have a full and open debate on this legislation, after all, we are, in fact, reauthorizing the Fair Credit Reporting Act, and we will be making a lot of these provisions permanent, so this is a very important debate. Obviously, the opportunity to debate this fully is the proper thing to do.

This bill that we will be taking up under this open rule is in many ways landmark legislation, historic legislation that addresses some of the real needs that people have out there in terms of obtaining credit, of keeping our economy moving with easily available credit, for eliminating the paperwork and the time that it took for a long time to get auto loans and other consumer loans, and just as importantly, to protect individuals against theft of their own identity.

We carefully crafted, with the work of the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Ohio (Mr. LATOURETTE), the chairman of the subcommittee, the gentleman from Alabama (Mr. BACHUS), and other members of the committee, particularly the gentleman from Massachusetts (Mr. FRANK), to not only make this a reauthorization of the Fair Credit Reporting Act, but to encompass the real need to change the law as it regarded identity theft.

The Federal Trade Commission recently completed a study that indicated that every year 10 million Americans have their identity stolen. One of the most gripping hearings that the gentleman from Alabama (Mr. BACHUS) conducted was to hear from a woman from Cleveland, a constituent of the gentleman from Ohio (Mr. LATOURETTE), testifying about how long it took her once she found out she was a victim of identity theft, to get her good credit back, the time it took, the amount of money it took, and this could be the kind of story that literally millions of people can tell every day.

So we set about working with the gentlewoman from Oregon (Ms. HOOLEY) and the gentleman from Ohio (Mr. LATOURETTE) and others to craft legislation that we could make part of this historic bill that we are going to be voting on this afternoon.

That was our goal and clearly we met it. The bill that we debated and marked up first in the subcommittee and then in our full committee turned out to be a bipartisan product that all of us can take a great deal of pride in. It is really how this place ought to work. It is how the legislative process ought to work when working on important pieces of legislation in a bipartisan manner to solve problems that bedevil our constituents. I think that is why the Committee on Rules recommended an open rule because they felt that we had this good bipartisan support; indeed, a 61–3 vote that came out of our committee, and a wide number of Members on both sides of the aisle, whether they were on the Committee on Financial Services or not, who share the same goals as we do in pursuing our efforts to reauthorize this legislation and particularly to provide strong consumer protections and protections against the theft of one's identity.

Mr. Speaker, that is what brings us here today. I would expect after some very vigorous debate and some amendments proffered, that at the end of the day, we will see a strong bipartisan vote in the House for this legislation.

I think that we will look back on this with a great deal of pride in what we have been able to accomplish.

Make no mistake about it, we have to reauthorize the existing Fair Credit Reporting Act by the end of this session of Congress. To do anything less would be a dereliction of our duty to maintain the strong credit reporting system that we have developed in this country in the 1996 Act. That is why I support the rule and obviously support passage of this historic legislation. Again, I thank the Committee on Rules for making our job just a little bit easier.

I would like to thank Mr. SESSIONS and the rest of the Committee on Rules for crafting a good rule that provides for the consideration of H.R. 2622, the Fair and Accurate Credit Transactions Act, or FACT Act. The rule before us today is a modified open rule that gives Members on both sides of the aisle full opportunity to propose amendments to this bipartisan legislation. It also allows our Democrat colleagues a motion to recommit.

It is not surprising that we would take up this important consumer protection legislation under such an open process. From the very beginning of the Financial Services Committee's consideration of this bill we have worked cooperatively with our Democrat colleagues on the committee. In April of this year, the ranking minority member of the committee, Mr. FRANK, and I announced that the committee would hold comprehensive hearings on issues relating to the reauthorizing of the Fair Credit Reporting Act, landmark consumer protection legislation first enacted in 1970. The legislation that emerged from that process—which included eight hearings and testimony from over 100 witnesses—is bipartisan in the truest sense of that word, as demonstrated by the overwhelming 61–3 committee vote on final passage.

Committee members, Republicans and Democrats alike, have realized that the FACT Act is critically important to the U.S. economy and the American public. How many times over the past 2 years have we heard that it is the American consumer who has almost single-handedly kept our economy afloat? At a time in our history when consumer spending accounts for over two-thirds of gross domestic product, any disruption in the free flow of affordable credit would have serious consequences for job creation and economic growth. By preserving our national credit reporting system the FACT ensures that this disruption will not put the brakes on an economy that is on the mend.

The FACT Act is one of the most comprehensive consumer protection bills the Congress will enact this year. It significantly advances the fight against identity theft, one of the fastest growing crimes in America. A study conducted by the FTC just last week outlines the dramatic increase in the rate and cost of identity theft crimes. The study indicates that 10 million Americans were victimized by identity thieves last year. The financial costs are staggering with over $10,000 stolen in the average fraud, and American businesses and innocent victims spending upwards and innocent victims spending upwards of $55 billion due to identity theft. The FTC's findings underscore the urgent need for Congress to pass this legislation.

While many members in our Committee contributed to this work product, I wanted to mention two members who deserve special recognition. I would like to thank Mr. FRANK for his contributions to this legislation, in particular for his attention to the legislation's provisions on medical privacy and on the accuracy of consumer reports. I also want to recognize the contribution of the author of this legislation, Mr. BACHUS, the chairman of the Financial Institutions and Consumer Credit Subcommittee, who painstakingly reviewed the issues addressed in this legislation in an exhaustive series of hearings and ushered the bill so successfully through his subcommittee.

On a related note, since the Financial Services Committee reported out H.R. 2622, the Government Accounting Office (GAO) submitted a statement to the Senate Banking Committee on July 31, 2003, emphasizing the critical nature of accurate credit reporting to the consumer credit process, and some notable inconsistencies in the accuracy of consumer credit reporting today. It has recently come to my attention that reporting an accurate date of delinquency may be complicated

by the relationship between the credit grantor, which originates and controls that data, and the data furnisher's role as the "intermediary" between the creditor and the consumer reporting agency. Maintaining and reporting accurate credit data will necessarily be a cooperative effort between the creditor and all other businesses engaged by the creditor to perform collection and data furnishing services. As this legislation moves to conference committee, I will continue to study the date of delinquency issue in hopes that the data furnishers who establish and follow the reasonable procedure requirements created in H.R. 2622 are not subject to unreasonable enforcement actions.

I urge my colleagues to support this fair rule and support the bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I compliment the gentleman from Ohio (Mr. OXLEY) and the ranking member for their efforts in this regard. As was said earlier, while the bill is not perfect, it does make significant improvements, and these came about during the bipartisan committee process.

With that in mind, I would hope that we would understand that strengthening consumers' rights is always a part of our responsibility. The one regret that we have is that the amendment of the gentlewoman from Oregon (Ms. HOOLEY) that was offered that was not made in order which would allow for criminal penalties for identity theft does seem to be a make-sense proposition, and hopefully at some point in the future, it will be undertaken in a positive way, which I believe will assist consumers.

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

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

Mr. Speaker, this debate today, this opportunity to talk about the Fair Credit Reporting Act with not only the gentleman from Florida (Mr. HASTINGS) and his colleagues on his side of the aisle, but my colleagues on this side of the aisle, we give thanks for a lot of hard work that has taken place.

The gentleman from Ohio (Mr. LATOURETTE) from the Committee on Financial Services, began the process, was a leader in the identity theft issue. The gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) have done a fabulous job, but let us not forget the work that we did together with the ranking member, the gentleman from Massachusetts (Mr. FRANK) and others on the Democratic side, to ensure that this bill has the necessary protections.

I thank the staff director of the Committee on Rules Billy Pitts, and Josh Saltzman and Adam Jarvis, who are with the Committee on Rules, and from the White House we received a great deal of hard work from Elen Liang representing President Bush. I would like to thank them for their strong work. I support this rule and the underlying legislation, and I urge all of my colleagues to support it also.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY). Pursuant to clause 8 of rule XX, proceedings will resume on motions previously postponed.

Votes will be taken in the following order:

H. Res. 359, by the yeas and nays;

Motion to instruct on H.R. 1308, by the yeas and nays;

Motion to instruct on H.R. 2555, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

WELCOMING HIS HOLINESS THE FOURTEENTH DALAI LAMA AND RECOGNIZING HIS COMMITMENT TO NON-VIOLENCE, HUMAN RIGHTS, FREEDOM, AND DEMOCRACY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 359.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and agree to the resolution, H. Res. 359, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 492]

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
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Conyers
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
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
Ferguson
Filner
Flake
Fletcher
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
Holden
Holt
Honda
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
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
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt

Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Davis (IL)
Davis, Jo Ann
Emerson
Gephardt
Hoekstra
Istook
Janklow
Keller
Rangel
Reyes
Udall (CO)
Watson
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1415

Mr. MENENDEZ changed his vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the remainder of this series will be conducted as 5-minute votes.

MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 1308 offered by the gentleman from Maryland (Mr. RUPPERSBERGER) on which the yeas and nays were ordered.

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 gentleman from Maryland (Mr. RUPPERSBERGER).

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 206, nays 213, not voting 15, as follows:

[Roll No. 493]

YEAS—206

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Clay
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley (CA)
Doyle
Edwards
Ehlers
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)
Jefferson
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)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
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 (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wu
Wynn

NAYS—213

Aderholt
Akin
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
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
Chabot
Chocola
Coble
Cole
Collins
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Tom
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Dreier
Duncan
Dunn
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Greenwood
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
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
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (MI)
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)
Young (FL)

NOT VOTING—15

Ballenger
Davis (IL)
Davis, Jo Ann
Emerson
English
Gephardt
Green (WI)
Hoekstra
Houghton
Janklow
Keller
Rangel
Reyes
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1425

Messrs. SAXTON, TERRY and MCINNIS changed their vote from ''yea'' to ''nay.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

Mr. GREEN of Wisconsin. Mr. Speaker, earlier today I unfortunately missed a vote because I was unavoidably detained elsewhere in the Capitol. Had I been here, I would have voted ''no'' on rollcall vote 493, the Motion to Instruct Conferees on the Tax Relief, Simplification and Equity Act.

MOTION TO INSTRUCT CONFEREES ON H.R. 2555, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2004

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on the bill, H.R. 2555.

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 gentleman from Minnesota (Mr. SABO) 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 347, nays 74, not voting 13, as follows:

[Roll No. 494]

YEAS—347

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Ballance
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)

Blumenauer
Boehlert
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Castle
Chabot
Clay
Clyburn
Coble
Cole
Conyers
Cooper
Costello
Cox
Cramer
Crowley
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Dooley (CA)
Doolittle
Doyle
Dunn
Edwards
Emanuel
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Honda
Hooley (OR)
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Kolbe
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCotter
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nethercutt
Neugebauer
Northup
Nunes
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Rahall
Ramstad
Rehberg
Renzi
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Sandlin
Saxton
Schakowsky
Schiff
Schrock
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Turner (TX)
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)
Wolf
Wu
Wynn
Young (AK)

NAYS—74

Aderholt
Akin
Baird
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Cannon
Carter
Chocola
Collins
Crane
Crenshaw
Cubin
Culberson
Davis, Tom
Deal (GA)
DeMint
Dreier
Duncan
Ehlers
Feeney
Flake
Franks (AZ)
Garrett (NJ)
Gibbons
Gutknecht
Isakson
Johnson (IL)
Johnson, Sam
Kennedy (MN)
King (IA)
Kingston
Kline
Knollenberg
Linder
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Ney
Norwood
Nussle
Osborne
Otter
Oxley
Paul
Pence
Petri
Pitts
Radanovich
Regula
Rohrabacher
Ryan (WI)
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Sullivan
Terry
Thornberry
Tiahrt
Toomey
Weldon (FL)
Wilson (SC)
Young (FL)

NOT VOTING—13

Davis (IL)
Davis, Jo Ann
Emerson
Gephardt
Hoekstra
Houghton
Janklow
Keller
Kleczka
Rangel
Reyes
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SWEENEY) (during the vote). Members are advised there are less than 2 minutes remaining in this vote.

□ 1434

Messrs. BURGESS, GINGREY, and BOOZMAN changed their vote from ''nay'' to ''yea.''

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. Speaker, on rollcall Nos. 492, 493, 494. I could not be here to vote as I was with President Bush in my District as he spoke to the Marines, FBI, and 1st responders at the FBI Lab at Quantico, VA. Had I been present, I would have voted "no" on 492; "no" on 493; and "yes" on 494.

APPOINTMENT OF CONFEREES

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs ROGERS of Kentucky, YOUNG of Florida, WOLF, WAMP, and LATHAM, Mrs. EMERSON, Ms. GRANGER, Messrs. SWEENEY, SHERWOOD, SABO, PRICE of North Carolina, SERRANO, Ms. ROYBAL-ALLARD, and Messrs. BERRY, MOLLOHAN, and OBEY.

There was no objection.

ANNOUNCEMENT OF PRAYER BREAKFAST MEETING TOMORROW

(Mr. BOSWELL asked and was given permission to address the House for 1 minute.)

Mr. BOSWELL. Mr. Speaker, as my colleagues probably know, many of them, I am president of the prayer breakfast in the House of Representatives, meeting every Thursday morning at 8 o'clock when we are here. With the announcement of tomorrow, the question has come up from several about tomorrow and the fact that it is Remembrance Day, a very important day.

We will, repeat, we will continue with the regularly scheduled breakfast, as a number of Members are going to be here. It will be the regular time, 8 o'clock, in the Members' dining room here in the Capitol building. Tomorrow at 8 o'clock, the prayer breakfast will proceed.

INSTITUTIONAL INTEGRITY

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, last night as we were discussing the length of the vote, I made some comments which, as I think about them this morning, were inappropriate. I meant to make a point about institutional integrity; and as I rethink what I said, it was inappropriately personally aimed at the gentleman from Texas who was in the chair.

So without repeating the offense, I just want to apologize to the gentleman from Texas. My comment should have been more institutional and not personal, and I thank the House for its indulgence.

PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Speaker, yesterday during the consideration of H.R. 2989, I inadvertently voted ''yes'' on rollcall number 482. My vote should have been ''no.''

GENERAL LEAVE

Mr. OXLEY. 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. 2622, the Fair and Accurate Credit Transactions Act of 2003.

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

There was no objection.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

The SPEAKER pro tempore. Pursuant to House Resolution 360 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2622.

The Chair designates the gentleman from Idaho (Mr. SIMPSON) as chairman of the Committee of the Whole, and requests the gentleman from New York (Mr. QUINN) to assume the chair temporarily.

□ 1439

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. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore (Mr. QUINN). Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 30 minutes.

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

Mr. OXLEY. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I am proud to stand before the House today with this important bipartisan jobs bill. When 9/11 hit our country, our committee responded quickly with bipartisan legislation: the U.S. PATRIOT Act and the Terrorism Risk Insurance Act. When the securities markets fell into crisis with corporate scandals, we swiftly passed the Sarbanes-Oxley Act. Today, as the preemptions in our national credit markets are set to expire, we again have responded swiftly and responsibly with a bipartisan solution to keep the American economy stable and growing.

Since the Fair Credit Reporting Act passed with its amendments, we have achieved some of the lowest mortgage rates and credit rates on record, with more competitive offerings for consumers than ever before. Mortgage and credit approvals that used to take weeks or even months are now completed in a matter of minutes, giving consumers more flexibility, making credit more affordable and available, and creating more jobs and economic growth for all Americans.

American consumers and workers also enjoy unprecedented mobility thanks to our national credit system. According to the Congressional Research Service, our national credit standards have enabled the U.S. to achieve one of the most mobile societies with 14.5 percent of our population moving in any given year, and lower-income individuals more likely to move than higher-income groups. Throughout modern history, national economies have risen and fallen based, in large part, on the flexibility and mobility of labor and management. This freedom is possible only because consumers have portable credit histories and can move from State to State. These advantages of our national system, greater choices, lower interest rates, faster and more available credit, mobility, jobs, and economic growth begin to be lost if we fail to enact legislation by the end of this year and allow our national system to expire.

In addition to preserving our national credit system, the FACT Act is one of the most comprehensive consumer protection bills that this Congress will enact this year. The FTC released a study just last week on one of the most troublesome problems that consumers are faced with today, and that is identity theft. The FTC found that 10 million Americans were victimized by identity thieves last year, costing consumers and businesses over $50 billion, not counting the 300 million hours spent by victims to try to repair damaged credit records. And these victim numbers have been skyrocketing. Congress needs to pass strong uniform identity theft protections and needs to do it now.

The FACT Act fights identity theft based on language drawn roughly half each from bipartisan Democrat and Republican proposals. Consumers would be able to place fraud alerts in their credit reports to prevent identity thieves from opening accounts in their names. They can block fraudulent income resulting from identity theft and benefit from provisions ensuring greatly improved accuracy of information before it ever gets reported. Consumers would be given the right to access their credit scores, along with free credit reports so that every American could easily and annually review their credit reports to ensure that no funny business has occurred. And they would be given greater access to information to better understand their rights, to more easily dispute inaccuracies with real investigations required, and the ability to know in advance if any lender is going to submit negative information into their records.

We have also greatly increased the privacy protections for all Americans. We have simplified and made it easier for consumers to limit unsolicited marketing offers. In combination with the FTC's do-not-call proposals, this will help every American consumer control the marketing information that they wish to receive. Equally important, we provide critical new protections for consumers' medical information. After this bill is enacted, lenders will not be able to use medical information without an individual's consent, nor will they be able to share or have access to unencrypted private medical information without consent. These are important benefits that will protect consumers in every State.

I expect that a small number of Members may want to prune back this legislation, unintentionally weakening the national credit system and undercutting the uniform consumer protections this bill provides to all Americans. But allowing different State standards on key protections will hurt, not help, consumers. What happens when a consumer living in one State and vacationing in a second is trying to resolve an identity theft occurring in a third State? And what can happen with consumers and businesses who will not know what State law applies and will find themselves caught in conflicting State requirements that cannot be adequately complied with. If a thief steals a Californian's identity and tries to open an account in another State with an identity from somewhere else, the consumer will not get any extra protection without a national standard.

The FACT Act protects all consumers equally. We have taken the best reasonable consumer protections from all States and made them into a uniform standard that everyone in all States can understand and comply with. We have strong identity theft protections, greatly improved access by consumers to their credit information, vastly improved ability for consumers to correct their records, and greatly expanded privacy protections.

Members today have a choice. We can protect our national credit system, along with all of the jobs and economic growth it creates, in addition to giving consumers solutions to identity theft and access to improved credit records. We can fulfill our responsibility to the American people by bolstering the expiring national credit system with permanent extension.

□ 1445

Or, Congress can shirk its duty and water down protections that apply equally to all Americans. Can you imagine going back to a time when you could only get a credit card from a local bank; mortgages and car loans took weeks to approve, and high interest rates made credit unavailable and unaffordable for many Americans.

This legislation was overwhelmingly approved by our committee on a bipartisan 61–3 vote. We have received support from almost every relevant federal regulator. I stand with the recorded support of almost every other member of our committee, regardless of party affiliation, with pride and conviction to urge a vote for this important legislation.

Mr. Chairman, I would particularly like to thank the gentleman from Alabama (Mr. BACHUS) and the ranking member, the gentleman from Massachusetts (Mr. FRANK) for their tireless efforts in crafting this product. We stand in full support and ask for Members strong positive vote for this legislation.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank my colleague and chairman, the gentleman from Ohio (Mr. OXLEY), for his kind words. I do have to correct him. At this point,

the way I feel, it would be incorrect to say that my efforts were tireless, but I am pleased we brought this bill to the floor.

I urge Members to vote for this bill. There will be some amendments and I will be supporting some. I will be opposing others. I do not think they go to the heart of the bill. There is one particularly important amendment that will be offered by the ranking member of the Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises of the Committee on Financial Services, the gentleman from Pennsylvania (Mr. KANJORSKI).

We are here today because there were sunsets in the original bill in 1996. The fact that we had to come back to renew this has given us the opportunity to make some significant consumer improvements, and I agree with the gentleman from Ohio (Mr. OXLEY). I will vote for this bill because if it becomes law, consumers will have significant new protections in many areas.

They will not be all that I would have liked. For someone who serves in the minority, this bill, I think, shows both the opportunities but also the inherit limitations of being in the minority. That is a bill where we worked together. We worked together where the majority was predominant as democracy requires. I appreciate the chance we had to make some improvements that Members on our side wanted.

In many cases, the request for improvements, for instance, identity theft, where the gentlewoman from Oregon (Ms. HOOLEY) led our task force, they were mutually agreed on.

So I think we have a bill that is better than existing law and that, frankly, contains more new consumer protections than any legislation I have seen in a while. On the other hand, I should be very clear, this is not the bill that I believe we would have written if we were in the majority. There are some areas where we would have written it differently, but that is the nature of the process. And given where we were and the negotiations we were able to do, the votes that we were able to take, we have a product that I think does the best possible in these circumstances to do the two important things we have to do: One, as the gentleman from Ohio (Mr. OXLEY) has said, help the market to function.

The free market is a wonderful engine for the creation of wealth. And what we have done here today is to reenact some rules that allow it to go forward in the most efficient possible way. We have also shown, I think, that it is entirely consistent with a respect for and understanding of the free market, to protect consumers in various ways.

The market is an excellent instrument, but it is not a perfect one. It will make some mistakes. There will be errors. There will be abuse. I believe our job as legislators is to try to write legislation, create rules that allow the market to function while protecting people in ways that do not unduly interfere with the market. And I think, as I said in this bill, we have moved significantly in that direction. So I would urge Members to be supportive.

I do note that after this bill, let me explain this to people, after this bill passed through committee, the State of California did adopt additional legislation in the area of privacy. Much of that legislation is unaffected by what we do today. One section out of that legislation would be affected by what we do today. Had California acted earlier, we might perhaps have been able to address that in our deliberations. Given the way things work, once a bill is out of committee, that becomes harder.

I know from friends from California are going to continue, on our side, to try to make efforts, whether it is here or later on in the Conference Committee, and these are decisions that we will try to make to try to improve that. I regret this, but given the timing, that was something we could not control.

With all of that, the basic point to me is that we have a bill today that continues the preemptions, which I believe help the market function at its most efficient in granting credit and adds to, in most cases, the consumer protections, including some areas like identity theft and medical privacy which had not, in 1996, been on everybody's agenda. So I hope that we will go through the amendment process. I hope a couple of amendments will win, but in any case, I will urge Members to vote for this bill as the best accommodation that we were able to achieve in this circumstance of the duty to make it possible for the free market to function, while at the same time, providing those protections for consumers which would not automatically come from the market.

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

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

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

Mr. Chairman, I rise in strong support of H.R. 2622. I want to thank the gentleman from Ohio (Mr. OXLEY) and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), the ranking member, the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Kansas (Mr. MOORE) and all the co-sponsors for their hard work on this extremely important piece of legislation.

Mr. Chairman, to its sponsors and co-sponsors, every bill is an important bill, but there are a few bills that we will take up this session or this Congress that are as critically important to our economy as reauthorizing and making permanent the expiring protections contained in the Fair Credit Reporting Act, or FCRA.

The FCRA may not be a household word, but it nonetheless touches virtually every aspect of our lives and our economy. Without this reauthorization, there could be no national credit system. Without a national credit system, there will be less credit, slower credit, inaccurate credit, inefficient credit, and in many cases, no credit at all. Less, slower, accurate, inefficient and no credit will lead inevitably to less spending, slower growth, lower incomes and fewer jobs. That would be noticed by the American consumer and would be a disaster for the American economy. And this is why H.R. 2622 is a must-pass bill for us this session.

I want to add that H.R. 2622 is much more important than a routine reauthorization of a critically important program. Thanks to the hard work of many of my colleagues on both sides of this aisle, it is a much improved version of its predecessor because it addresses the new challenges and problems created by new technologies. Chief among those are the provisions addressing identity theft which barely existed 5 years ago when we last reauthorized expiring conditions of FCRA.

In 2002, 14,777 complaints were registered with the Federal Trade Commission from victims of identify theft from my home State of Illinois alone. These consumers reported losses of almost $6.8 million to identity theft. H.R. 2622 is a good bill that provides important new protections for consumers and stops identity theft before it happens. Mr. Chairman, I urge my colleagues to support this bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me time. I thank him and the gentleman from Ohio (Mr. OXLEY) for their leadership on this important bill of which I am proud to be an original co-sponsor.

This is a strong bipartisan product that will benefit consumers as well as the entire U.S. economy. It will help the market to function more efficiently, and as an example of this bipartisanship, I am very pleased that it was the wisdom of the Committee on Financial Services to include my amendment in Section 509.

This amendment requires clear and conspicuous disclosure of credit card companies' ability to raise a customer's interest rate even though the customer makes all of their payment on time. This bill makes groundbreaking advances in fighting ID theft and in providing new rights to make sure the information on credit reports is accurate, allows free credit reports, access to credit scores, and protections for medical record. These advances are so significant that the gentleman from Pennsylvania (Mr. KANJORSKI) and I have extended the

sunset amendment we will offer later in this debate from 7 years, which we first proposed, to 9 years. I believe this amendment is critically important.

All the consumer protections in this bill are the result of the current sunset which forced Congress to reexamine the FCRA before the end of the year.

I urge my colleagues to support this legislation because it is incredibly important to the economy. For my district in New York, passage of this legislation means tourists who come to shop in our famous retail sector will be able to receive instant credit, no matter how many State lines they cross on their way to New York City.

Nationally this legislation is critical to home mortgage financing and refinancing that have kept the housing market booming during the recent economic downturn.

I urge a ''yes'' vote on this bipartisan legislation. It is important for consumers and for the U.S. economy.

I am pleased to rise in support of H.R. 2622 the Fair and Accurate Credit Transactions Act (FACT Act).

This is a strong bipartisan product that will benefit consumers as well as the entire U.S. economy.

From the beginning of the consideration of the FCRA reauthorization this year Chairmen OXLEY and BACHUS and Ranking Members FRANK and SANDERS have conducted a thorough, open process that has created a consensus bill that I hope will be overwhelmingly approved.

As an example of this bipartisanship, I am especially pleased that it was the wisdom of the Financial Services Committee to include my amendment in Section 509.

This amendment requires clear and conspicuous disclosure of credit card companies' ability to raise a customer's interest rate even though the customer makes all their payments on time.

This devious practice is known as ''bait and switch'' where a consumer's low interest rate is increased to 20 percent or higher simply because they may have taken out a new mortgage or some other liability.

A recent New York Times article documented just such a case where an Illinois doctor had his rate go from 6.2 percent to 16.99 percent when he took out a mortgage.

This legislation makes ground breaking advances in fighting I.D. theft, which is now more often practiced by organized crime, and in providing new rights to make sure the information on credit reports is accurate, allows free credit reports and access to credit scores.

These advances are so significant that Congressman KANJORSKI and I have extended the sunset amendment we will offer later in the debate from the seven years we first proposed to nine years.

I believe this sunset amendment is critically important.

All the consumer protections in this bill are the result of the current sunset which forced Congress to re-examine the FCRA before the end of this year.

I urge my colleagues to support this legislation because it is incredibly important to the economy.

For my district in New York, passage of this legislation means tourists who come to shop in our famous retail sector will be able to receive instant credit no matter how many state lines they cross on their way to New York City.

Nationally, this legislation is critical to home mortgage financing and re-financings that have kept the housing market booming during the recent economic downturn.

I urge a yes vote for this important legislation.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. LUCAS).

Mr. LUCAS of Oklahoma. Mr. Chairman, I rise today in support of H.R. 2622, the Fair and Accurate Credit Transactions Act. I am a cosponsor of this important piece of legislation because I feel that reauthorizing uniform national standards included in the Fair Credit Reporting Act will ensure America continues to have the best credit system in the world.

Mr. Chairman, I came to Congress in 1994 and joined the Committee on Banking, now the Committee on Financial Services, because I knew that one of the common needs of my congressional district was capital. We were capital starved and I wanted to be a part of the committee that would have influence over the cost of and the availability of credit. And that is why I fully support this bill. It protects my constituents' access to fast and affordable credit, which is vital in today's economic times.

I also support this bill because it includes measures to protect the explosion of the identity theft in this country. Last week the FTC reported 9.9 million Americans were victims of identity theft in the last year, and that is a frightening statistic to all of us.

H.R. 2622 imposes meaningful new obligations on financial institutions to prevent identity theft and to ensure the accuracy of credit information. The uniform national credit reporting standards have lowered costs and increased choices and conveniences for all of our constituents. I urge my colleagues to support this important reauthorization.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 4 minutes to the gentlewoman from Oregon (Ms. HOOLEY) who served as the Chair of our task force on identity theft and who is responsible for much of the good material in this bill.

Ms. HOOLEY of Oregon. Mr. Chairman, in August of 2001, a constituent of mine had her purse stolen, an unfortunate incident that caused her some initial annoyance, but one she quickly forgot after doing all the responsible things like filing a police report, cancelling her credit cards, notifying the major credit bureaus of the theft. She took those responsible steps and put it behind her.

She took those steps and put it behind her. Two years later when she was called about a new computer being delivered to her home, a computer she never ordered, she decided to investigate what was going on, and what she found out was that there were seven credit cards being used in her name and two cell phones, cell phones and cards that she had never requested or never seen.

Since that time, this woman has spent many hours on the phone with e-mails and research trying to clean up her credit files and protect herself from future theft. She said to me she feels like a ball in a pinball machine, being constantly bounced around from agency to agency, from credit bureau to credit bureau.

At one point a Portland police officer actually suggested to her that it might be easier to her if she would actually change her legal identity and her name. That would be easier than trying to prevent future theft and trying to clean up the damage it caused.

□ 1500

I want to tell my colleagues something is wrong with a system when a law enforcement official suggests that a victim change her identity to prevent it from being stolen. Unfortunately, this experience I have described has become all too common. Identity theft is a national epidemic, the fastest-growing white collar crime in America.

Thankfully, the legislation before us today has serious and effective provisions to prevent identity theft from ever happening in the first place and, if it should, to make it easier to clean it up. Much of the bill before us today is a result of years of effort by the gentleman from Ohio (Mr. LATOURETTE) and myself. I am proud to have this legislation before the House today.

The FACT Act is a bipartisan bill that contains landmark consumer legislation. There are a lot of people that I have to thank, all of the cosponsors, certainly the gentleman from Ohio (Mr. OXLEY), the chair; the gentleman from Alabama (Mr. BACHUS), the subcommittee chair; the gentleman from Massachusetts (Mr. FRANK), ranking member; and all of the others that worked so hard on this. But I would also like to thank the staffs of both the minority and majority staff who worked incredibly hard on this. I also want to thank John Prible from my staff who worked hard on this, Travis Brower from my office and former staffers Josh Raymond and Tom Moore.

Just a few important provisions to protect against identity theft include free annual credit reports to empower consumers, national fraud alerts to protect against the issuance of fraudulent credit, a red flag system to provide our financial institutions with the latest guidance on new identity theft fads. It provides a summary of rights for victims of identity theft. It allows consumers to block all information resulting from identity theft. Consumers can obtain their credit scores and indicators to educate consumers, protection for consumers for their sensitive medical information. These are just a few of the many consumer protections provided in this legislation.

I believe that the provisions in this legislation will go a long ways towards helping our consumers fight identity theft. This legislation is long overdue, and I urge all of my colleagues to support this bill and help protect American consumers against the threat of identity theft. Please support this legislation to help our consumers and protect against identity theft.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. ISAKSON) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

The Committee resumed its sitting.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from the First State of Delaware (Mr. CASTLE), a valuable member of the Committee on Financial Services.

Mr. CASTLE. Mr. Chairman, I thank the distinguished chairman of the committee and both the ranking member from Massachusetts for this good piece of legislation. Obviously I support the bill before us.

This bipartisan legislation passed the House Committee on Financial Services by a vote of 61 to 3 in July of this year. We do not have a lot of votes with those kinds of numbers in it, an overwhelming endorsement which should obviously be noted by all of us.

The legislation is a good, bipartisan bill. It is a result of six hearings, nearly 100 witnesses and months of deliberations. Through this very thorough process, the Committee on Financial Services has produced a bill that will protect the financial privacy and access to credit for all consumers, and it will help our economic recovery by ensuring businesses have access to accurate information which provides prompt credit to American consumers.

As my colleagues know, one of the forces that has helped sustain our economy in recent years is consumer spending. A critical factor in enabling American consumers to purchase products when they need them and want them is our strong system of consumer credit. That system is supported by the Fair Credit Reporting Act which ensures the factual information is available on which to base the extension of credit. Virtually every business in this Nation and every consumer that has ever used credit depends on this system.

One of my constituents, Michael Uffner, president, chairman and CEO of AutoTeam Delaware, testified before the committee this year. Mike Uffner stressed the importance of access to accurate credit information to serve customers in a timely and fair manner. Americans want to be able to walk into an automobile showroom and purchase an automobile that day based on a prompt approval of a loan based on their credit.

In December, the national uniform consumer protection standards in the Fair Credit Reporting Act will expire. Without this legislation, there would be no national standards for consumer protections and credit availability. This will negatively affect consumer access to credit and the economy as a whole. A failure to pass this legislation would mean higher costs to consumers, who will be paying more for their credit without this legislation. In today's economy, in which we rely on instant credit available to us across the country, we need to have this legislation. This is uniformity, not a state-by-sate issue; and as Congress we must protect the consumers.

Mr. Chairman, again, I want to express my strong support for this bill and urge my colleagues on both sides of the aisle to join the 63 bipartisan members of the House Committee on Financial Services who worked together to craft the bill to protect consumers and give confidence to businesses. This is a proper step to ensure that all of our constituents have access to fair and reasonable credit information.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), the second-ranking member of the committee, the ranking member of our Subcommittee on Capital Markets, Insurance and Government Sponsored Enterprises, and one of the leaders in shaping this legislation.

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

Mr. KANJORSKI. Mr. Chairman, I rise in strong support of H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003.

If we fail to extend the expiring provisions of the Fair Credit Reporting Act before the end of this year, conflicting State laws could place financial institutions in a difficult compliance position, and the current efficiencies in obtaining credit could significantly decrease. We would, moreover, create more difficulties for our already-struggling economy. For example, according to a recent report commissioned by the Financial Services Roundtable, the loss of national uniform credit reporting standards would produce a 2 percent drop in the gross domestic product of this Nation.

The Fair Credit Reporting Act in its 1996 amendments, in my view, have created a nationwide consumer credit system that works increasingly well. This law has expanded access to credit, lowered the price of credit, and accelerated decisions to grant credit. One reason that the law works so well is the establishment of the uniform system that preempts States from enacting miscellaneous and potentially conflicting requirements regarding credit reporting.

As my colleagues may recall, Mr. Chairman, I strongly supported creating these preemptions in the 102nd, 103rd and 104th Congresses. I also believe that we should extend them now. I do not, however, think that they should be made permanent. Consequently, I will offer an amendment later today to address this issue.

In addition to extending the expiring preemptions of State law, H.R. 2622 will make a number of important improvements in current law with respect to consumer protection. These provisions, among other things, will improve the accuracy of and correction process for credit reports and establish strong privacy protections for consumers' sensitive medical information.

Furthermore, identity theft is a growing problem in our country. A recent report by the Federal Trade Commission found that 27.3 million Americans have been victims of identity theft in the last 5 years. I am, therefore, particularly pleased that H.R. 2622 includes several provisions designed to combat these crimes and aid consumers.

Mr. Chairman, I think this legislation is a high mark for this Congress, and I want to compliment the gentleman from Ohio (Mr. OXLEY), chairman of the committee; the gentleman from Massachusetts (Mr. FRANK), the ranking member of the committee; the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee of the Financial Institutions and Consumer Credit; and the gentleman from Vermont (Mr. SANDERS), our ranking member on that subcommittee.

This legislation is a perfect example that good, spirited, bipartisan activity can accomplish much for this Congress and for this Nation. We have worked to try and work out all the efforts of so many individuals who would like favoritism or special interest reports and, in fact, have worked for the common good of both industry and the consumer; and I think, Mr. Chairman, we have accomplished that.

So I congratulate my several Members that I mentioned and the full committee and this Congress. This is an extraordinarily successful piece of legislation that we should be proud of on a bipartisan basis.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Chairman, I thank the chairman for yielding me the time, and I want to commend the gentleman from Ohio (Mr. OXLEY), the chairman, and the gentleman from Massachusetts (Mr. FRANK), the ranking member, for the outstanding work they have done on a bill that is critical to American business and enterprise and American consumers.

I want to particularly thank the chairman for incorporating within the

manager's amendment a provision that directs the FTC and the Treasury to promulgate rules and regulations for an orderly implementation and transition to the free credit reports called for in section 501.

Mr. Chairman, the Fair Credit Reporting Act is critical to business in America. Identity theft and the protection of consumers from identity theft is critical, but time is also critical.

By allowing the provision of free credit reports without an orderly transition for their seeking and a safe way for them to be sought could spike demand on the crediting reporting agencies and delay the reports of credit on those consumers seeking credit. For example, 2 weeks ago when home loans spiked in one day by a half a percent, a delay in the receipt of a credit report by a prospective home buyer seeking a mortgage could have cost them 10, 20, $50,000 over the life of the loan.

I encourage the chairman to continue work with the Members and then later as this is implemented with the FTC to ensure that we have a safe way for the free credit report to be sought specifically either by the Internet or in writing, and secondly, for us to manage the flow so that the spikes in those requests do not damage the timeliness with which paying customers seeking credit in this country can receive an orderly report on their credit.

The committee is doing America's consumers and the consistency of credit reporting in this country a great service by the bill. I commend the chairman for the manager's amendment, and I intend to support the bill fully.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman very much for yielding me the time, and I rise to add my appreciation to the chairman of this committee and the ranking member. The chairman and the ranking member have truly evidenced the importance of the Committee on Financial Services and its bipartisan effort. These are issues I believe that really cross partisan lines and, more particularly, impact the humanity of those who may be facing some of the disasters that may come through the lack of fair credit reporting and as well the whole issue of identity theft.

I thank both the ranking member and the chairman of the subcommittees that were relevant to this particular legislation; and I rise to support it and to highlight a particular aspect of the legislation that I am very proud of, and I want to congratulate the committee for its astuteness and wisdom on this very important issue.

Title VI, protecting employees' misconduct and investigation, tracks the legislation that I cosponsored along with the gentleman from Texas (Mr. SESSIONS), the gentleman from Massachusetts (Mr. FRANK), and other Members of this body that frankly deals with a question that is minute maybe but is large in terms of the needs that it covers.

The legislation was called the Civil Rights and Employee Investigation Clarification Act, and I am very delighted that title VI in this legislation really responds to the concerns that are raised, and that is, that the Fair Credit Reporting Act, as interpreted by the Federal Trade Commission, sometimes impedes investigations of workplace misconduct.

Mr. Chairman, in particular, it deals with or undermines or did undermine the ability of employers to use experienced, outside organizations or individuals to investigate allegations of drug use or sales, violence, sexual harassment, other types of harassment, employment discrimination, job safety and health violations, as well as criminal activity, including theft, fraud, embezzlement, sabotage or arson, patient or elder abuse, child abuse and other types of misconduct related to employment. This was not the intention of the Fair Credit Reporting Act, but by its interpretation this is what occurred.

Employers have been advised by agencies and courts to utilize such experienced outside organizations and individuals in many cases to assure compliance with civil rights laws and other laws, as well as written workplace policies. That was crafted in order to give privacy to the employees and to the relationships that would help cure the problem so that there was a bridge or a firewall between the employers and the employees that might be caught up in the malfeasance or might be caught up in providing some insight in how do we correct these problems.

Employees and consumers are put at risk because the Fair Credit Reporting Act frustrates or impedes employers in their efforts to maintain a safe and productive workforce and to create that firewall in order to protect those who would tell and those who would help remedy versus those who were creating the problem.

This is an important piece of legislation, and title VI is particularly important in creating that firewall to ensure that not only do we have fair credit reporting, not only do we provide a protection for those suffering from identity theft, but we also provide the opportunity for truth and clarity in making sure that we have safe workforces and using the right kind of talent to do so.

Mr. Chairman, I rise in support of the Fair and Accurate Credit Transactions Act of 2003 (''FACT Act''), only insofar as its adoption includes the full and unamended text of Title VI: ''Protecting Employee Misconduct Investigations.''

OVERBROAD PROVISION

On April 5, 1999, the Federal Trade Commission (FTC) issued an opinion letter (the Vail letter), which stated that if an employer used experienced outside organizations to investigate employee misconduct, the investigation must comply with the notice and disclosure requirements of the Fair Credit Reporting Act (FCRA). Because it is virtually impossible to conduct an investigation while complying with these requirements, and because employers and investigators face unlimited liability, including punitive damages, for failing to comply with FCRA, the Vail letter effectively deters employers from using experienced and objective outside organizations to investigate workplace misconduct. Yet, in many cases, an employer must do so in order to comply with obligations under other laws. Thus, the Vail letter often places employers in the untenable position of having to choose between two legal obligations.

FCRA REQUIREMENTS

The pertinent FCRA requirements include:

(1) Notice to the consumer (in this case, the employee) of the investigation;

(2) The employee's consent prior to the investigation;

(3) A description of the nature and scope of the proposed investigation, if the employee requests it;

(4) A release of a full, un-redacted investigative report to the employee; and

(5) Notice to the employee of his or her rights under FCRA prior to taking any adverse employment action.

Any mistake in compliance with these or any of the FCRA's other numerous technical requirements may expose employers and investigators to unlimited liability for compensatory and punitive damages.

However, Title VI of H.R. 2622, remedies this problem without tampering with FCRA's consumer credit protections. Title VI of H.R. 2622 is an incorporation of a bill that I cosponsored, along with Representatives SESSIONS, BAKER, PAUL, MOORE, SHAYS, FRANK, and ROYCE, H.R. 1543, to amend the FCRA to exempt certain communications from the definition of ''consumer report,'' and for other purposes.

The Vail letter places many businesses in an extremely difficult position. While an employer may avoid running afoul of Vail by performing the investigation itself, there are many instances where a company has no choice but to use an outside investigator. For example, the technical nature of the alleged misconduct may require an expert investigator, such as where the misconduct involves securities fraud. In other instances, such as corporate governance cases, the investigation may involve misconduct by a high-level official and outside objectivity is necessary. In other cases, the employer may simply lack the resources to conduct an in-house investigation. Even where outside investigators are not necessary, they may be preferred. Indeed, both the courts and administrative agencies have strongly encouraged employers to use experienced outside organizations to investigate suspected workplace violence, employment discrimination and harassment, securities violations. theft or other workplace misconduct. As Assistant Attorney General James K. Robinson said in his May 4, 2000 Congressional Testimony, ''[t]he Department [of Justice] and other agencies often strongly encourage companies, as part of their compliance programs to retain outsider counsel to conduct certain internal investigations, on the theory that an outsider is less subject to retaliation or intimidation by supervisors or co-workers and is less likely to be biased by concerns for the company's business with existing or future customers.''

While the letter impacts all businesses, it is particularly damaging to small and medium sized companies that do not have the in-house resources to conduct their own investigations. Even the FTC has recognized that ''there is considerable tension between [the FCRA requirements] and certain public policy aims of statutes and regulations that, directly or indirectly compel or encourage investigations of various forms of workplace misconduct . . . [and the situation is] particularly troubling for small employers.''

Although the FTC recognizes the problem it, nonetheless, has refused to reverse its position and rescind the letter, claiming that a legislative fix is necessary. Title VI of H.R. 2622 is that legislative fix. It remedies the problems created by FTC's letter by excluding employment investigations that are not for the purpose of investigating the employee's credit worthiness from the FCRA requirements. The bill is essentially a narrow technical correction that does not tamper with FCRA protections for any investigations into credit-worthiness. In addition, the bill does not leave those suspected of misconduct without protection: it still requires that employers who take adverse action against an employee based on information from an investigation provide the employee with a summary of the nature and substance of any investigative report.

BENEFITS OF H.R. 2622

This bill, along with an intact Title VI exclusion of workplace investigations, will preserve the continuity of our credit system and will include comprehensive identity theft, dispute resolution, and credit report accuracy provisions. Additionally, this legislation proposes to take the important step of providing all Americans with access to a free credit report every year in order to empower consumers to take control of their financial records.

This legislation will prove crucial to the protection of consumers from the dangers of identity theft, the fastest growing white-collar crime in America. The following important steps toward protecting our consumers from identity theft are proposed within relevant provisions:

Creating a duty for furnishers to investigate change of addresses, which can be indicators of identity theft;

Creating a multi-level fraud alert system for victims of identity theft to protect their credit information;

Requiring all credit and debit card receipts to be truncated to protect these valuable identifiers;

Providing a summary of rights for all potential victims of identity theft;

Allowing consumers to block all credit information resulting from identity theft;

Establishing ''Red Flag'' procedures so that government regulators may help furnishers to eradicate identity theft before it occurs (preventative); and

Requiring a study on how technology can help solve identity theft.

In addition, this legislation will take steps to improve dispute resolution procedures and improve the accuracy of credit reports. The legislation proposes to take the following steps towards these goals:

Require a reasonable reinvestigation of disputes and requires a prompt reinvestigation;

Require CRA's and furnishers to reconcile differences in addresses on requests;

Prevent repollution of data that is a result of identity theft; and

Require credit reports to disclose contact information of furnishers to resolve disputes.

This legislation will also provide consumers with more access than ever before to their credit information in order to empower these consumers with the information to protect themselves. The legislation proposes to create this access by:

Providing free credit reports annually to all consumers; and

Disclosing credit scores for a reasonable fee, as well as important factors that make the score.

Finally, this legislation also contains important provisions to protect medical information that is present in financial services' systems and provide for confidentiality of medical data in all credit reports.

Taken together, the above ''facts'' as to the FACT Act will protect the privacy rights of Americans; however, in crafting this bill, the Committee on Financial Services failed to put a limitation on the scope of the notice and disclosure requirements with respect to investigations into workplace misconduct. In 1999 and 2000, the Federal Trade Commission (FTC) issued several staff opinion letters which concluded that if an employer hires an experienced and objective outside organization to investigate suspected workplace misconduct, i.e., sexual or racial harassment, workplace violence, theft, fraud, SEC violations, or other improprieties, the investigation would qualify as a ''consumer report'' subject to the Fair Credit Reporting Act (FCRA). As such, employers and the investigators hired by them to handle alleged harassment cases would be subject to the cumbersome and over-reaching notice and disclosure requirements of FCRA.

Mr. Chairman and Ranking Member, I therefore support this bill only insofar as it is accepted with the inclusion of Title VI in its entirety and as drafted.

□ 1515

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY), the chairwoman of the Subcommittee on Oversight and Investigations of the Committee on Financial Services.

Mrs. KELLY. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to applaud both the chairman and the ranking member of the Committee on Financial Services for acting on this important legislation with the kind of thoroughness and deliberation that they did take.

The legislation before us, the FACT Act, is the result of half a dozen hearings, 75 witnesses, and months of deliberation by my colleagues from both sides of the aisle. The construction of the legislation is the permanent reauthorization of the Fair Credit Reporting Act, or the FCRA. It has provided a national uniform reporting system that has effectively lowered the cost of credit and increased choices and convenience for consumers across the country.

In our hearings, we heard extensive testimony from many diverse witnesses with different interests. But there was a common message that the FCRA has lowered the cost of credit and helped fuel our economy. And this extension of low-cost credit has created new opportunities for populations who have never before had access to credit. That is why this legislation has overwhelming bipartisan support.

The Fair Credit Reporting Act has also helped address other important security provisions, such as combating identity theft and the blocking of terrorist financing under the USA PATRIOT Act, both issues which I have held a number of hearings on in my oversight subcommittee. Combating identity theft and drying up terrorist financing requires the collaborative effort of law enforcement and regulatory agencies, consumers and financial institutions, all with access to appropriate information.

FCRA improves our ability to combat identity theft and help law enforcement officials track down illicit money under the PATRIOT Act. The information sharing under this legislation is essential to protecting the American people by detecting suspicious activity and weeding out wrongdoers.

The national reform standards under FCRA have also facilitated the financial institution's ability to utilize additional authentications and identity verifications to protect consumer security. And the increased protections incorporated in this legislation are critically important in enabling victims to correct the damage to their credit histories created by identity thefts. This legislation will further help law enforcement combat financial fraud and track down criminals and terrorists. It adds new protections that are important to achieving these goals.

We have also made other important improvements to the FCRA in order to protect the sanctity of privacy of the American people throughout the credit-granting process. I believe that medical information of consumers should be kept private and does not need to be shared or distributed to others by creditors listed on credit reports. Individuals should know their personal medical information belongs to them and is not released for other purposes, whether it is for the credit-granting process or employee background checks. And we have done this with our legislation by coding this information.

Mr. Chairman, I would like to thank the gentleman from North Carolina (Mr. WATT) and the gentleman from Arkansas (Mr. ROSS) for working with me on an amendment in full committee that will protect the medical information of individuals without disrupting access to low-cost credit and the security of information. By allowing consumers to benefit from reporting the financial aspects of their transactions to credit bureaus while maintaining the sanctity of their medical privacy, this legislation is a real win for Americans.

Mr. Chairman, I strongly support this legislation. It is crucial to the economy and the security of the American people. I thank the chairman for addressing these important issues, and I urge my colleagues to vote for this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), another diligent member of the committee who made a great contribution to this bill.

Mr. HINOJOSA. Mr. Chairman, I am an original cosponsor of the Fair and Accurate Credit Transactions Act, and I support it strongly. H.R. 2622, known as the FACT Act, provides for a strong national credit system. It preserves consumers access to affordable credit, enhances consumer protections, and will ensure that Hispanics will continue to have access to credit.

From the beginning of this process, my new Democrat colleagues and I have been deeply involved in crafting this bipartisan bill, which passed the Committee on Financial Services by a 61 to 3 vote. The bill preserves the continuity of our credit system and includes comprehensive identity theft, dispute resolution, and credit report accuracy provisions that will increase and strengthen people's control over their own financial records.

Identity theft is one of the fastest growing white collar crimes in the United States, especially in my State of Texas. This legislation, H.R. 2622, will help reduce those crimes and help the victims of identity theft regain their identity and restore their credit. The FACT Act addresses all these important issues and more. It will benefit consumers in our economy, and it will help improve financial literacy in the United States.

I commend my Republican colleagues, especially the chairman, the gentleman from Ohio (Mr. OXLEY), and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), for working with us in a bipartisan manner to develop this legislation. I also applaud the ranking member, the gentleman from Massachusetts (Mr. FRANK), and another ranking member, the gentleman from Vermont (Mr. SANDERS), for guiding us through this process.

Finally, Mr. Chairman, I want to give special thanks to the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Kansas (Mr. MOORE), and the other 10 new Democrats who worked so diligently to compromise and help us forge this bipartisan compromise. I strongly encourage my colleagues to support this important legislation, H.R. 2622.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Alabama (Mr. BACHUS), the author of this important legislation and the chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Chairman, I thank the chairman of the committee, the gentleman from Ohio (Mr. OXLEY), for yielding me this time and who was certainly instrumental in making this a priority and in allowing the committee to take as much time as it did to consider this issue, because it was an important issue.

We have received a statement from the Executive Office of the President, which arrived here today, concerning this legislation; and I want to read from it. It says the administration strongly supports House passage of H.R. 2622. The bill includes many of the administration's proposed consumer protections, including new tools to help fight identity theft. The national credit reporting system has proven critical to the resilience of consumer spending and the overall economy.

That is one thing we heard over and over, that the national credit reporting system was essential to maintain the overall economy and consumer spending. So I am pleased that Chairman OXLEY has received this important endorsement from the President.

It has been said that I was the author of this legislation, and, in fact, I would sort of like to claim that, but it is truly a bipartisan bill. We had a blueprint to start with, however, on our ID theft provision, and I would like to recognize at this time and thank the gentleman from Ohio (Mr. LATOURETTE) for all his work on identifying the theft provision that needed to be in this legislation.

Actually, he introduced, with the gentlewoman from Oregon (Ms. HOOLEY), the original number of provisions which were taken and put in this bill verbatim. So we did not have to start from scratch. It was a big help that we had a bipartisan bill that the gentleman from Ohio and the gentlewoman from Oregon had worked on. What he brought to the table from the start was a piece of legislation that has since evolved over time, been updated, and I think improved with the help of consumers and the industries and the administration and Members of this Congress to serve as a valuable protection against identity theft, and I commend him on that.

I want to run over some of those protections if time permits. Here are some of the important consumer protection tools. It allows consumers to place fraud alerts in their credit reports to prevent identity thieves from opening accounts in their names, including a special provision to protect active duty military personnel, who we found, sadly, had been particularly susceptible to ID theft. It allows consumers to block fraudulent information from being given to a credit bureau and from being reported by a credit bureau if that information results from identity theft. It provides ID theft victims with a summary of their rights. It gives consumers the right to see not only their credit reports but their credit scores.

Now, that is an important new right which will help people. And I think there was unanimous agreement on this from industry, from consumers, and Members of Congress. This will actually help people save money with lower interest rates. One estimate I have read is $21 billion in savings in home mortgages alone.

It restricts access to consumer-sensitive health information. That is something people said: we do not want our health information to be shared without our permission. It empowers consumers by making it easier to limit unsolicited marketing offers. And it ensures improved accuracy of credit report procedures. It is very important that the information that is shared between creditors and credit bureaus is accurate. It provides consumers with a one-call-for-all protection by requiring credit bureaus to share consumer calls on ID theft, including reporting fraud alerts with other credit bureaus. One call does it all. Important suggestion.

With that, Mr. Chairman, I would also like to commend Wayne Abernathy, Assistant Secretary of the Treasury, and Secretary of Treasury Snow. And once again, I wish to commend the chairman, the gentleman from Ohio (Mr. LATOURETTE), the gentleman from Massachusetts (Mr. FRANK), and all of the 58 cosponsors of this original legislation.

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

Mr. OXLEY. Mr. Chairman, I am pleased to yield 2 minutes to my good friend, the gentleman from the great Buckeye State of Ohio (Mr. LATOURETTE), a former prosecutor, and one of the real leaders in the identity theft provisions, along with the gentlewoman from Oregon (Ms. HOOLEY).

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

Mr. LATOURETTE. Mr. Chairman, I thank both the gentleman from Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) for their very kind words.

Mr. Chairman, when I travel back to Ohio, I have to admit that folks up there are not telling me how important it is that we reauthorize the Fair Credit Reporting Act. They are not telling me how this legislation helped them drive home the new minivan the same day they went to the dealership, or how the convenience of the national credit granting system allowed them to charge a trip with the kids to Disneyland on their MasterCard. What is ironic, Mr. Chairman, is that this lack of interest from the average American consumer demonstrates to me very clearly that the amendments the Congress passed in 1996 to create the national credit system that we all take for granted today is working exceptionally well and it is a perfect illustration of why we need to support this legislation.

The bill before us today not only makes that system of the national standard for our country, but it also, as has been mentioned, tackles the problem of identity theft. During the committee's extensive hearing process on this legislation, we heard from a number of experts on the issue. We also heard from a number of victims. One of them came from my hometown, a woman by the name of Maureen Mitchell. And it was the severity of Maureen's case that inspired me to

work with my friend, the gentlewoman from Oregon (Ms. HOOLEY), who has really been dogged in the pursuit of this part of the legislation for years, and my hat's off to the gentlewoman from Oregon.

It was the severity of that case, and, basically, she and her husband had their identities stolen, and they racked up $100,000 in bills. In Chicago, the thieves went and got $45,000 in loans in the span of 2 hours, and they were horrified to learn that they were the ''proud owners'' of two sport utility vehicles that they, of course, did not purchase.

Anytime the Congress debates the issue of preempting State law, we have to question whether or not the Federal Government knows better than the States on how to pass a law that affects our citizens. When the question relates to access to credit and identity theft, I strongly believe the answer is in this legislation. Creating a set of uniform national standards will benefit people across the economic spectrum and is the perfect vehicle to fight the crime of identity theft.

I would urge my colleagues on both sides of the aisle to think of all the times we take for granted the ability to gain fast access to credit in our day-to-day activities. As a parent, it was terrifying when my daughter got her first credit card in the mail. But when that envelope arrived and she proudly stuck that piece of plastic in her wallet, she began building a credit history that will one day allow her to buy a home or take that vacation to Disneyland.

□ 1530

Mr. Chairman, I would like to thank very much the gentleman from Ohio (Chairman OXLEY), the gentleman from Massachusetts (Mr. FRANK), and the gentleman from Alabama (Chairman BACHUS) for this nice piece of legislation.

Mr. Chairman, when I travel back home to Madison, Ohio, I'll admit it—the folks up there aren't telling me how important reauthorizing the Fair Credit Reporting Act is to them. They're not telling me how this legislation helped them drive a new minivan home the same day they went to the dealership, or how the convenience of our national credit granting system allowed them to charge a trip with the kids to Disneyland on their Matercard. What's ironic, Mr. Chairman, is that this lack of interest from average American consumers demonstrates to me very clearly that the amendments Congress passed in 1996 to create the national credit system that we all take for granted today is working exceptionally well, and is a perfect illustration of why we need to support this legislation.

The bill before us today not only makes that system the national standard for our country, but also tackles the issue of identity theft. During the Committee's extensive hearing process on this legislation, we heard from a number of experts on this issue, and we also heard the testimony of a number of victims, one of whom—Maureen Mitchell—is from my hometown. The severity of Maureen's case is what inspired me in the 106th Congress to work with my friend Congresswoman DARLEEN HOOLEY to draft what have now become the critical ID theft provisions in the bill before us today. To give you some idea of the enormity and extent of the Mitchell family's identity theft saga, all told, Maureen and her husband Ray have been victimized to the tune of well over $100,000. Their identities have been used to apply in a two-hour period for $45,000 worth of personal loans at three different banks in Chicago. And they are the ''owners'' of two luxury Sport Utility Vehicles that they never purchased.

Any time Congress debates the issue of pre-empting State law, we have to question whether or not the Federal Government knows better than the States how to pass a law that affects our citizens. When the question relates to access to credit and identity theft, I strongly believe that the answer is in this legislation: creating a set of uniform national standards will benefit people across the economic spectrum, and is the perfect vehicle to fight the crime of identity theft.

That said, it would be wrong of us to tie consumers and industry down with very specific operating guidelines and regulations. It would be foolish to believe that there is one cure-all that will completely prevent cases of identity theft, but with the options and flexibility provided by this legislation, consumers, creditors, and law enforcement will be able to stay ahead of the identity thieves as they find new technologies and methods of carrying out this crime.

Again, I urge my colleagues on both sides of the aisle to consider all the times we take for granted the ability to get fast access to credit in our day-to-day activities. As a parent, yes, it was a terrifying thing when my oldest daughter got her first credit card. But what that envelope arrived in the mail and she proudly stuck that piece of plastic in her wallet, she began building a credit history that will one day allow her to buy a home and take that vacation to Disneyland with her family. With the Fair Credit Reporting Act set to expire at the end of the year, this Congress is in a unique position to have a tremendous impact on every American consumer. If we do not act today and support this legislation, we will be denying future generations of Americans the same financial luxuries we have all enjoyed for the last eight years.

Finally, I would like to thank Chairman OXLEY and Subcommittee Chairman BACHUS for their strong leadership on this legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume to engage in a colloquy with the chairmen of the full committee and the subcommittee.

Mr. Chairman, as part of this colloquy, I would say to my friends the chairmen of the full committee and subcommittee that many Members are concerned about the scope of the preemption that was just referred to, particularly with regards to identity theft.

So I want to clarify with the author of the bill, the committee chairman, what we are intending and how we have underscored that intention in the manager's amendment which will be coming forward.

Does this bill or this amendment allow the preemption of any State law on identity theft, such as limits on Social Security number use, criminal penalties for identity theft perpetrators, or other identity theft protections that are not specific subject matters addressed by this bill.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, the answer is no. The Member from Massachusetts is correct. The identity theft protections in this bill amend section 605 of the Fair Credit Reporting Act. The uniform standard for section 605 is contained in section 624(b)(1)(e) which states that, ''No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 605.''

The section goes on to describe section 605 saying that it relates to information contained in consumer reports, and now to identity theft prevention. That means that 605 is the section for identity theft protections, but the uniform standard requirement is still limited to the subject matters that our provisions actually address such as investigating address changes, fraud alerts, truncating credit card account numbers, blocking bad credit information, establishing red flag guidelines for identity theft prevention, and reconciling address changes.

State identity theft laws that address different issues such as limiting Social Security number use or criminal penalties on identity theft perpetrators are not preempted. We have agreed with the gentleman from Massachusetts (Mr. FRANK) to clarify this in the manager's amendment to underscore in the uniform standards provision that describes section 605 that it only relates to the specific identity theft prevention subjects covered and not to other identity theft issues outside of the subject matters covered in the uniform standard.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, I would like to affirm the understanding between the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK).

In this bill we built upon the amendments that the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Oregon (Ms. HOOLEY) had first offered along with the gentleman from New York (Mr. ACKERMAN) and also the gentleman from Massachusetts (Mr. FRANK) to flesh out existing uniform standards.

The bill of the gentleman from Ohio (Mr. LATOURETTE) and the gentlewoman from Oregon (Ms. HOOLEY) that we used as our base text expanded on the uniform standards for identity theft. But in that bill, as in ours, there is no intent to go beyond the specific subjects identified in the bill.

So, for example, we do create uniform standards for opening new credit accounts when there are allegations of potential identity theft under our fraud alert and blocking provisions. Because you need a consistent rule that consumers and businesses can rely on when there has been a fraud alert, when there has been an allegation of identity theft. We do not address other subject matters that are not covered such as limits on Social Security number use or criminal penalties for identifying theft perpetrators.

These are issues that we expect the States to continue to work out solutions to. Hopefully we can return to work on those ourselves with Members like the gentleman from Florida (Mr. SHAW) or the gentleman from Arizona (Mr. SHADEGG), the gentleman from California (Mr. OSE), the gentleman from Illinois (Mr. EMANUEL). And I think the gentlewoman from Oregon (Ms. HOOLEY) also wants to address some of those issues. Many of them will have to be addressed either in the Committee on Ways and Means or in the Committee on the Judiciary. And they have valid concerns, but it is just from a jurisdictional standpoint.

Mr. FRANK of Massachusetts. Reclaiming my time, I thank the gentleman from Alabama (Mr. BACHUS). Let me say I appreciate the affirmations from both gentlemen.

Mr. Chairman, let me say now, I want to transition from the colloquy where we were in agreement as to what it says to express my view that I think even with these agreements the bill is, with regard to some existing law in California and elsewhere, more preemptive than it needs to be.

I recognize the value of this colloquy in making clear what those limits are. The gentlewoman from California (Ms. WATERS) who has been very concerned about this and who, indeed, alerted me to it earlier, and I unfortunately did not pay as much attention as I should have at the time, she is concerned and I share her concerns, so she will be pursuing this further.

So I just want to say while I am pleased to have this colloquy and to have these understandings, my own personal view, which I realize is not shared by the gentleman of Ohio (Mr. OXLEY) and the gentleman from Alabama (Mr. BACHUS) is that even with these understandings, there is more preemptive language here than need be. I intend to work with the gentleman from California and other Californians in various ways to try and further reduce that preemption.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, just to make a clarification, it has been said that this bill will preempt the new California legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, let me take back my time. There were two different California issues here. Of course, one would not expect California to settle for only one controversy. The gentleman from Alabama (Mr. BACHUS) is correctly alluding to the future issue of so-called SB1. But what the gentleman from California had identified to me before that had passed was preemption of existing California where it predates the recent enactment. And that is the concern that I was alluding to.

Mr. BACHUS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, as we have said, we need a national standard just like we need a national interstate highway system or other national uniform standards. California saw fit, when they passed this law, to exempt local statutes.

Mr. FRANK. Mr. Chairman, I will have to take back my time. I have one more speaker. The gentleman is again talking about the language going forward in SB1. The gentlewoman from Los Angeles and I are now addressing a different set of laws, laws that had already been on the books prior to that, laws passed subsequent to 1996, some of which I think are unnecessarily preempted, although this colloquy has helped.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART), a valuable member of our committee from the Keystone State.

Ms. HART. Mr. Speaker, I rise in support of the FACT Act, the Fair and Accurate Credit Transactions Act. Fortunately, today we appear to have bipartisan support of the Act, and it is for a clear reason, our credit system in the United States is the envy of the world. Our uniform national standards have helped to make the United States a world leader, and have continued to spur on our economy, even in times that have been difficult in the last year or so.

The bill makes these national standards that have been in effect permanent. This is important to ensure continuity in our credit system, and also to maintain continued access to the best credit markets in the world. This is especially important because two-thirds of our economy depends very heavily on consumer spending. Consumers will not spend without access to credit, and to get access to credit, consumers and lenders need consistent, uniform standards for credit reports. Broader access is the result. National and worldwide access is also the result.

According to the Federal Reserve Board, in fact, since the Fair Credit Reporting Act was enacted, the overall percentage of families with general purpose credit cards increased from 16 to 73 percent and the largest increase was among lower-income families.

Homeownership levels have also grown approximately 10 percent, again with low income and minority families receiving the largest gains.

According to some estimates, these improvements have saved consumers nearly $100 billion annually. Many of my colleagues have mentioned the benefits also regarding fighting identity theft. This bill allows each consumer to get a copy of their credit report annually, and that will help to avoid a lot of the problems we have been having with ID theft and use of credit by those not authorized. It helps the consumer to identify charges that are not theirs, it helps to identify and clear them from the credit report keeping the consumers' credit clear.

Every year a consumer would have access to a free copy of that credit report, see their credit scores which help them understand whether they are going to be able to get access to a mortgage or new credit.

Finally, I ask my colleagues to support this Act because it will create continuity, it will continue the dynamic American system, and it will help us keep access to safe credit and flexibility for the American consumer.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS), the ranking member of the subcommittee who worked very hard to make the bill better, but still obviously has some concerns with it. But from the consumer standpoint, the gentleman worked as hard as anyone.

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

Unfortunately, I rise in opposition to this legislation. While this bill does include important consumer protection provisions, such as the provision that I and other members of the committee fought for, which would provide free annual credit reports to consumers who request them, and would also allow consumers to receive more information about their credit scores identical to a very good law in the State of California, there are major flaws in this legislation.

For a start, even in terms of that pro-consumer provision, we are not quite sure when that will go into effect, and I fear it will not go into effect as soon as it should.

Secondly, I think the major concern that I and consumer organizations all across this country have is that this legislation would permanently preempt the States from passing stronger consumer protection laws in order to aggressively punish identity thieves and to improve the accuracy of consumers' credit reports.

I may be the conservative on the committee, but it has long been my belief when we are dealing with an issue of protecting consumer rights, we cannot take away the ability of the States to pass stronger consumer protection laws. I find it very ironic from day one of this discussion that conservatives who have told us over and over again how much they dislike the big bad Federal Government stepping on States' rights, in fact have brought that provision into this legislation.

So if the State of Vermont or the State of California or the State of Ohio wants to go further in this area, well, my goodness, that big bad Federal Government, which we have heard so much about, is able to say sorry, you cannot do it. Attorneys general, governors, State legislators, you cannot do that, and I think that is wrong.

During the course of the debate on the committee, there was a very interesting discussion over an amendment that I and the gentleman from Alabama (Mr. BACHUS) brought forth which deals with the issue of what I call credit card switch and bait, and I will be bringing forth an amendment to win support of it. It is not included in this bill, and it should be.

Mr. Chairman, what is going on in this country is that people who pay off their credit card debts on time every single month nonetheless are seeing huge increases in the interest rates that they are paying. How does that happen? It happens because maybe 3 years ago they took out a loan which is still outstanding, or maybe they had an emergency medical bill and they had to borrow money, and arbitrarily the credit card company has determined they are a greater financial risk and their rates can double or triple. I think that is wrong.

This bill has some positive provisions, but we can do much better, and I would urge a ''no'' vote on it.

□ 1545

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of this carefully balanced legislation. I want to compliment the authors and the committee chairman for doing what I think is a superb bill that will in fact help consumers across America. Indeed, I think this is a key component in protecting our credit structure and enabling Americans to get the credit that they need. I am very pleased that the legislation does what it does.

Importantly, as the author of our Nation's first identity theft legislation, I am very pleased with the provisions in this bill that deal with identity theft. It makes some important strides in improving our fight against identity theft. For example, the bill requires that anytime a transaction is made and information is transmitted using a credit card number, that number has to be truncated so that someone who wants to steal your identity by grabbing ahold of your credit card number will not have the full number. While some companies currently do that, not all do. This will protect them very much.

There are a number of other key provisions dealing with the issue of identity theft, and that is a critical issue because, for example, it was just reported last week that in America last year, 10 million people became the victims of identity theft. Those individuals themselves, as individuals, suffered $5 billion in damages. But on top of that, businesses in America sustained $47 billion of losses as a result of identity theft. And so the ID theft provisions in this bill I think are very, very important. But it could go further.

The General Accounting Office testified in July of this year that Social Security numbers are often the identifier of choice among individuals seeking false identities; and perhaps to the shock and amazement of people in this room and across the country, just last month, an organization engaged in consumer advocacy, to prove that Social Security numbers are too available, purchased the Social Security number of Attorney General John Ashcroft and CIA Director George Tenet off the Internet for a mere $26. The problem is that Social Security numbers are too available.

In 2002, the FBI testified that possession of someone else's Social Security number is key to laying the groundwork to take over that individual's identity and obtain a driver's license, loans, credit cards, and merchandise. It is also key to taking over an individual's existing account and wiring money from the account, charging expenses to an existing credit line, writing checks on the account or simply withdrawing money.

It is absolutely critical that this Congress this year enact legislation to prohibit the purchase and sale of Social Security numbers in a fashion that allows identity thieves to get ahold of those numbers. This legislation does not yet do that. Hopefully, either in an amendment yet offered this afternoon or in the conference committee, we can do that. There is bipartisan support for this idea. I know the gentleman from Illinois (Mr. EMANUEL) on the other side supports doing it as well as a number of others. I have been helped by many, including the gentleman from Massachusetts. We can deal with this problem, but we must do so in legislation that will pass this year. Anyone who blocks that legislation or seeks to keep it from happening and happening very, very quickly, I think, is doing a disservice to the victims of identity theft across this country.

It is important to note that the second greatest concern of Americans when it comes to privacy is that their identity might be stolen by an identity thief and that they might be victimized by that and undergo that pain. Again, I would reiterate that this is very important legislation. It goes a long way toward stopping identity theft. It can go a little further if we prohibit the purchase and sale of Social Security numbers.

I urge my colleagues to vote for the legislation.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY), one of those who had a major input into this bill.

Mr. CROWLEY. Mr. Chairman, first I want to take this opportunity to thank the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK), as well as the gentleman from Alabama (Mr. BACHUS) and the gentleman from Vermont (Mr. SANDERS), for their work together in what I believe is truly a bipartisan effort and manner to craft, in my opinion, a well-balanced bill, understanding that there is a deadline looming in the not-too-distant future as pertains to many of these issues.

This bill ensures the continued flow of credit for American consumers by allowing for the permanent protection of credit availability. Our economy and our credit-granting industry should not have to continually look over its shoulder at potentially burdensome regulations, regulations that could hinder the availability of credit for millions of Americans. But this legislation is not just about protecting consumer credit options. It is about protecting consumers' identity and their health information. This bill strengthens the rules to protect consumers from identity theft.

The Committee on Financial Services, which I am a member of, heard from a woman who originally lived in my district, someone who I grew up just seven doors away from. Her name was Maureen Sullivan. Now it is Maureen Mitchell. She grew up in Woodside, Queens, New York, who was a victim herself, and her husband, of identity theft. It cost her not only money but it cost her an enormous amount of time, not to mention mental anguish. This quite frankly happens all too often in this country. This bill addresses many of these issues and works for increased protections for honest Americans and honest people. Most importantly, this bill ensures the strict prohibition of medical and health information from being used in the credit-granting or denial process. No longer can the information used in hospitals and in doctors' offices be used to decide one's creditworthiness.

I want to urge my colleagues to vote in favor of this legislation. Once again I want to thank the chairman and the ranking member for all their good and honest work on what I think is a worthy piece of legislation.

Mr. OXLEY. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, let me say this. The body just heard from the gentleman from Arizona. He actually introduced in the 104th Congress the very first legislation dealing with identity theft. It was the Identity Theft and Deterrence Act, which had criminal penalties in it. Before most Americans, even most Members of Congress, knew of this problem, he knew about it.

We do have a continuing concern about Social Security numbers. If we are going to truncate them, this is a great example of why we need a uniform standard. We cannot have one

State truncating them into six numbers, another State into five numbers where we could not interchange them. I would encourage the gentleman from Arizona to continue to work with the Committee on Ways and Means in dealing with this problem, because it is something that we need to address in identity theft. I applaud and commend him for his effort and encourage him to continue with it.

The CHAIRMAN. Without objection, the gentleman from North Carolina (Mr. WATT) will control the time of the gentleman from Massachusetts (Mr. FRANK).

There was no objection.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE), a valued member of the committee who was chairman of the Democratic task force on this bill.

Mr. MOORE. Mr. Chairman, I thank the gentleman from North Carolina for yielding me this time. I also want to thank the gentleman from Ohio (Mr. OXLEY), the gentleman from Massachusetts (Mr. FRANK), also the gentleman from Vermont (Mr. SANDERS), and the gentleman from Alabama (Mr. BACHUS) for the great work that they did on this bill. I rise in strong support of this bill which passed out of committee 61 to 3. That is almost unheard of in this body where there is so much contentiousness, it seems, way too often. I think people out in the country wonder what is going on here. I think this is a splendid example of our ability to work together for something to benefit the American people and for business in this country.

I ask my colleagues to vote in support of the bill that is going to come up on the floor today because it does assure the availability of reasonably priced consumer credit to consumers, which is going to enhance their ability to purchase things that they want in the future as well as to protect our economy and business in this country.

I think it is very, very important that we pass this legislation intact. It increases consumer awareness of their rights. It protects against identity theft. It expands consumer access to credit information and gives a free credit report annually to consumers in this country. There are a number of consumer protections that the gentleman from Vermont and others worked for that are now built into this bill and if this bill is adopted will become in fact permanent.

I urge my colleagues and all the Members of this body to vote in support of this bill.

Mr. WATT. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. EMANUEL) who has had such a tremendous impact on this bill, particularly the medical privacy portions of the bill. He has been a stalwart.

Mr. EMANUEL. Mr. Chairman, I would like to thank my colleague from North Carolina for his kind words. I would like to also congratulate the gentleman from Ohio (Mr. OXLEY), the gentleman from Massachusetts (Mr. FRANK), the gentleman from Alabama (Mr. BACHUS), the gentleman from Vermont (Mr. SANDERS), and the gentleman from California (Mr. OSE) for cosponsoring our amendment that deals with medical information and blacking out that information. This is a landmark bill that will help American consumers by giving them important new rights and protections.

Our economy benefits from a national credit reporting system like no other in the world, and this legislation strikes the right balance by safeguarding consumers while also ensuring continued access to our instant credit system. Medical information should have no place in employment decisions or credit determinations, and corporate affiliates should not be able to share it. This information deserves the strongest protection under the law, but beyond that it is important that we give consumers back some control over who can and cannot use this information. In fact, a recent Gallup poll showed 95 percent of consumers are worried that their health providers or insurers may be sharing their private medical information with others. Beyond this concern, however, they fear losing more control every day over sensitive medical information.

No longer will we ask whether you opt in or opt out. Your medical information, medical information in your family from here forward is blacked out. It protects you in the most sensitive area. It blacks out the use of medical information in the credit-granting process. It establishes strict limits on the use of medical information for employment purposes. It blacks out the indiscriminate sharing of medical information among corporate affiliates. It blacks out the use of medical information to create individualized or aggregate lists based on consumers' payment transactions for medical products; creates a new and higher standard for reporting by credit reporting agencies to others who have requested information; and establishes strict limits on the reuse of medical information.

This is both good for consumers and good for business. In a typical way when you have a win-win situation, it will also in my view garner great bipartisan support. Again I want to close by thanking the chairman and the ranking member for having a bill that brings together business interests and consumer interests not only throughout the bill but also in this particular area, by blacking out medical information and giving consumers again control over their own lives.

Mr. WATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in 1996, or when the original fair credit reporting bill was passed, which I do think was 1996, there was quite a bit of controversy about whether the Federal Government should be the controlling entity with respect to these kinds of credit issues. You had your classic States rights versus Federal Government debate. That has been much less of a debate this time because over time we have come to realize that commerce, both intrastate and interstate, is substantially impacted by the availability of credit. Just about everybody is using credit in commerce. Nobody is paying cash anymore, or seldom are people paying cash. So the argument about whether the Federal Government has a legitimate role in this fair credit process kind of has gone by the board over the years and was less of an issue in this debate and gave the committee in my estimation the opportunity to focus on really creating a comprehensive kind of approach to dealing with credit in this country, dealing with some of the problems that people face when credit reporting agencies get the wrong information, dealing with identity theft and medical privacy, and the whole range of issues that can come into play when a credit transaction is about to take place.

□ 1600

I think the gentleman from Ohio (Chairman OXLEY) and the gentleman from Massachusetts (Mr. FRANK) have done just a magnificent job of hearing all of the input from all of the different sides and coming together on a bill that came out of committee with not unanimous support, but virtually unanimous support.

Now, there are some things that may be tweaked between the committee process and the floor, and there might be some need to change one or two things that have been agreed upon, but there are some amendments that I think could have a negative effect on this kind of bipartisan agreement that has characterized this bill.

So I hope that as we go forward into the amendment process, all of us will remember how hard we worked to keep this a bipartisan bill, to deliver a bill to the Senate that had just broad-based support so they would not sit there and not do anything and let the authorization run out. We need to maintain this bill in its current form as much as possible, unless the Chair and ranking member have agreed to amendments. I hope that my colleagues will keep that in mind.

Mr. Chairman, it is time for us to pass this bill, move it over to the Senate, and hope that they will produce a product that will keep credit available to people in this country on a set of fair and equitable rules.

Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I want to thank the gentleman from North Carolina for taking over for me temporarily and for his very effective leadership throughout the deliberations on this bill.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. OXLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in only 1 minute it will be difficult to thank everybody, but let me try. First, the chairman of the subcommittee, the gentleman from Alabama (Mr. BACHUS), who has shown enormous leadership, the main sponsor of this bill. He held over eight hearings with over 100 witnesses. The gentleman from North Carolina is right, everybody who wanted to be heard on this bill was heard, sometimes more than once.

I would like to express thanks to the gentleman from Massachusetts (Mr. FRANK) for his leadership and direction and for helping us all along the way; to the gentlewoman from Oregon (Ms. HOOLEY), and to the gentleman from Ohio (Mr. LATOURETTE), particularly on their efforts on identity theft; and to the gentlewoman from Illinois (Mrs. BIGGERT) for her contributions as well. It is a real honor roll of members on our committee.

Frankly, over the last 2½ years, our committee has established a pretty solid record of bipartisan cooperation and production, whether it was the Sarbanes-Oxley bill, or whether it was tourism risk insurance, and the list goes on. This, I think, is one more addition to that honor roll. For that I am extremely grateful to the members of the committee on both sides of the aisle. We have been clearly blessed with a cooperation, and I think it will be reflected in the final vote.

Mr. HOYER. Mr. Chairman, I urge all my colleagues to support this legislation—the Fair and Accurate Credit Transactions of 2003—which provides a national uniform standard on how consumer reporting agencies and other financial services entities may access and use consumer financial and medical data.

But before I discuss the substance of the underlying bill, I want to compliment the Chairman and Ranking Member of the Financial Services Committee (Mr. OXLEY and Mr. FRANK), who worked together in crafting this bipartisan legislation, which I believe will be passed by an overwhelming margin today.

This, Mr. Chairman, is how our legislative process should work. The Chairman and Ranking Member identified a need. They held hearings. And they crafted the bipartisan solution on the Floor today that is, nonetheless, open to amendment.

Mr. Chairman, the advent of the Internet and the Information Revolution has been a terrific boon for the American consumer. Millions have received quick credit decisions on financing a new car, on obtaining a credit card, and on taking out or refinancing a mortgage. This has clearly facilitated many of the most important financial decisions consumer make, and strengthened our economy.

However, it also illustrates the need for national uniform standards for financial information. And that is what this bill addresses.

Under this legislation, consumers can receive a free annual credit report that will disclose their credit score. In addition, the Act gives consumers new options for disputing and correcting inaccuracies in their credit reports, encourages prompt investigations of such disputes, and establishes new requirements to prevent corrected errors from being reintroduced into a credit report.

The Act also includes provisions to combat identify theft. A recent Federal Trade Commission survey indicated that more than 27 million Americans have been victims of identity theft in the last five years, including nearly 10 million people in the last year alone.

H.R. 2622 permits consumers to more easily place ''fraud alerts'' on their consumer reports; to require credit reporting agencies to block (or omit) information that is confirmed to have resulted from an identity theft, as long as the consumer has filed a police report concerning the ID theft; and to prohibit retailers from printing the expiration date and more than the last five digits of a consumer's credit or debit card number on electronic receipts.

Finally, the Act greatly expands the protections in the Fair Credit Reporting Act that govern the sharing and use of sensitive medical records and information, as well as information pertaining to medical-related payments and debts. These provisions will prohibit consumer reporting agencies from including medical information in a consumer's credit report unless the medical information is directly relevant to the consumer's attempts to obtain employment or credit and the consumer has explicitly consented to the release of the information.

Mr. Chairman, this legislation is not only substantively important, it is timely. As my colleagues may know, Congress must reauthorize the Fair Credit Reporting Act before the preemptions expire on December 31, 2003.

I urge my colleagues to vote for this legislation.

Mr. GILLMOR. Mr. Chairman, I rise today in strong support of H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003. Passage of this important legislation is essential to maintaining our current national credit reporting system. As Federal Reserve Board Chairman Alan Greenspan make clear to the Financial Services Committee in his testimony, if we do not act to extend the uniform national standard for consumer protections governing credit transactions first established in the Fair Credit Reporting Act ''we will have great difficulty in maintaining the level of consumer credit currently available.''

H.R. 2622 maintains the free flow of credit reporting information to lenders and other financial services providers while also creating powerful new consumer protections. Consumers will have the authority to place fraud alerts in their credit reports, preventing identity thieves from using their information and keeping negative information resulting from fraudulent activity from being reported to a credit bureau.

The Fair and Accurate Credit Transactions Act will also allow consumers to access annually a free copy of their credit score and credit report identifying the key factors affecting their credit worthiness with recommendations on ways to improve their score. A provision I authored in H.R. 2622 will also improve the transparency of credit scoring systems by mandating that if the number of credit enquiries on a consumer's account negatively affects their score it must be disclosed in their consumer report. This ensures the consumer and their prospective lenders are fully informed. This important requirement will allow conscientious consumers to shop around for the best rates on loans or mortgages without unknowingly harming their credit.

I would like to thank Financial Services Committee Chairman OXLEY and Subcommittee Chairman BACHUS for their hard work on this issue and urge my colleagues to join me in voting for this vital legislation. The consumer benefits afforded by our national credit system are too important to our nation's economy to be left at risk.

Mr. ACKERMAN. Mr. Chairman, I rise today in support of H.R. 2622, the Fair and Accurate Credit Transactions Act. Over the past several months, the Financial Services Committee has held numerous hearings, in addition to the subcommittee and full committee markup of this legislation. As a member of the committee, I am proud to have played a role in crafting this important legislation which achieves a number of goals important to consumers, as well as to the financial industry.

This legislation extends the expiring provisions of the Fair Credit Reporting Act, allows consumers to receive free annual credit reports, and protects consumers' sensitive medical information.

I am particularly pleased with the provisions that help consumers prevent and correct inadequacies in their credit reports. The bill provides that when a financial institution reports negative information, such as a consumer's delinquencies, the institution must notify the consumer of this in writing. This is a win-win for all parties involved. Financial institutions will stand a greater chance of collecting their money sooner if the consumer is warned that being reported to the credit bureau is imminent. A notice in writing stating you will be reported to the credit bureaus for this delinquency and that this will affect your credit rating is strong motivation for most consumers. For the consumer who wants to protect and improve his credit rating, this is essential information. For the consumer whose identity has been stolen, this may be a vital notification.

I have greatly appreciated the opportunity to collaborate with Chairman OXLEY, Ranking Member FRANK and their excellent staffs, all my colleagues on the Financial Services Committee, and representative of both the financial services industry and consumer groups to develop this historic bipartisan legislation. I ask my colleagues to join with me in supporting H.R. 2622.

Mr. BEREUTER. Mr. Chairman, this Member rises today to express his support for H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003 (FACT Act). This important legislation permanently extends those provisions in the Fair Credit Reporting Act (FCRA) which relate to the preemption of State laws. These provisions in the FCRA are set to expire on December 31, 2003. The FCRA is the Federal law which governs the furnishing of reports on the credit worthiness of consumers.

This Member would like to thank the distinguished gentleman from Alabama (Mr. BACHUS), the Chairman of the House Financial Services Subcommittee on Financial Institutions and Consumer Credit, for introducing this important legislation. Furthermore, this Member would like to thank both the distinguished gentleman from Ohio (Mr. OXLEY), the Chairman of the House Financial Services Committee, and the distinguished gentleman from Massachusetts (Mr. FRANK), the Ranking Member of this Committee, for their support in bringing this measure to the House floor.

This legislation, H.R. 2622, is essential since it ensures the continuity of the nationwide credit system while providing important consumer protections. This Member supports this legislation for many reasons. However, he would like to focus on the following three reasons.

First, this legislation provides for a free credit report annually for consumers. Typically, credit reporting agencies charge consumers up to $9 for the disclosure of the information in their credit files. Under current law, a consumer may receive a free consumer report from a reporting agency only under certain circumstances, such as when a consumer receives a notice of an adverse action by a reporting agency. The FACT Act would provide for a free credit report annually for consumers for any reason. This Member believes that this provision will promote consumer awareness of a person's credit history as well as provide an opportunity for the consumer to correct any inaccurate information on one's credit report.

Second, this legislation provides important provisions to curb identity theft. To illustrate the need for these provisions, the Federal Trade Commission (FTC) released a survey at the beginning of September of this year which showed that a staggering 27.3 million Americans had been victims of identity theft in the last 5 years, including 9.9. million people in the last year alone. This bill provides the following consumer protection tools against identity theft: Allows consumers to place ''fraud alerts'' in their credit reports to prevent identity thieves from opening accounts in their names; allows consumers to block information from being given to a credit reporting agency and from being reported by this agency if such information results from identity theft; and prohibits furnishers of credit information from forwarding to reporting agencies information on a consumer if the furnisher has substantial doubts as to its accuracy.

Lastly, this bill continues the Federal preemption of State laws as it relates to the corporate affiliate sharing of financial information. During the consideration of the 1996 amendments to the FCRA, this Member authored a provision, which was signed into law, that required a consumer opt-out nontransactional is shared among corporate affiliates. Examples of nontransaction information include data from a consumer credit report and information on an application such as a consumer's income or assets. This provision on consumer notice is very important as it was the first consumer ''opt out'' on the sharing of financial information that this Member is aware of that was signed into Federal law.

In conclusion, for the reasons stated above and many others, this Member encourages his colleagues to support H.R. 2622.

Mr. CASTLE. Mr. Chairman, I rise today to express my strong support for the Fair and Accurate Credit Transactions Act of 2003. This bipartisan legislation passed the House Financial Services Committee by a vote of 61–3 in July 2003. An overwhelming endorsement which should be noted today.

This legislation is a good bipartisan bill, it is the result of six hearings, nearly 100 witnesses, and months of deliberations. Through this very thorough process, the Financial Services Committee has produced a bill that will protect the financial privacy and access to credit for all consumers. Furthermore, it will help our economic recovery by ensuring that businesses have access to accurate information which provides prompt credit to American consumers.

As my colleagues know, one of the forces that has helped sustain our economy in recent years is consumer spending. A critical factor in enabling American consumers to purchase products when they need them and want them, is our strong system of consumer credit. That system is supported by the Fair Credit Reporting Act, which insures that factual information is available on which to base the extension of credit. Virtually every business in this Nation, and every consumer that has ever used credit, depends on this system.

One of my constituents, Michael Uffner, President, Chairman and CEO, of Auto Team Delaware, testified before the House Financial Services Committee this year. Mike Uffner stressed importance of access to accurate credit information to serve customers in a timely and fair manner. Americans want to be able to walk into an automobile showroom and purchase an automobile that day based on a prompt approval of a loan based on their credit.

In December, the national uniform consumer protection standards in the Fair Credit Reporting Act will expire. Without this legislation, there would be no national standards for consumer protections and credit availability. This will negatively affect consumer access to credit and the economy as a whole. A failure to pass this legislation means higher costs to consumers, who will be paying more for their credit without this legislation. In today's economy, rely on instant credit, available to us across the country. There is uniformity, this is not a state by state issue, as Congress we must protect consumers.

This legislation has a number of consumer protections, it helps protect consumer credit while providing access to greater opportunities of credit nationwide. This legislation provides consumers with the tools they need to fight identity theft and to ensure the accuracy of their credit reports.

Mr. Chairman, again, I want to express my strong support for this bill and urge my colleagues on both sides of the aisle to join the 61 bipartisan members of the House Financial Services Committee who worked together to craft this bill to protect consumers and give confidence to businesses. This is a proper step to ensure that all of our constituents have access to fair and reasonable credit and information.

Mr. SCHIFF. Mr. Chairman, I rise today to support the two amendments offered by my colleagues from California, Representatives SHERMAN, LEE, and WATERS which would protect California's consumer protection laws from being preempted by the base bill being debated today. First, let me express my appreciation to my colleagues who serve on the Financial Services Committee for bringing to this Floor such a strong bipartisan bill. H.R. 2622 is important legislation which is necessary to ensure the effectiveness of our nation's credit reporting system.

It is true, this legislation will extend consumer protections currently not afforded to millions of Americans. This is not true, however, for Californians. The California Legislature, with overwhelming bipartisan and consumer support, has adopted progressive and effective financial privacy laws which afford California residents the most far reaching consumer protections in the nation.

Under California law, Californians can correct erroneous credit reporting through the filing of police reports, can request a fraud alert to be posted on their personal credit reports, have access to contact information for those who placed information on their credit report, and have the right to remove their names from credit card solicitation lists furnished by credit bureaus.

Most recently, California adopted legislation which requires financial institutions to obtain a consumer's affirmative consent before sharing information with most third parties and prevents, except under certain circumstances, the affiliate sharing of a consumer's nonpublic personal information.

Should this legislation be adopted in its current form and without these amendments, perhaps fifteen consumer protections, including those which I have just listed, will be preempted. As I said, while many Americans will enjoy additional consumer protections through the adoption of H.R. 2622, Californian's will lose many of the consumer protections which they have come to depend on.

We should not punish Californians for adopting far reaching consumer protections. In fact we should learn form California's example and extend these protections to the rest of the nation. And while this legislation will help millions of Americans it will be detrimental to all Californians.

All Members should support the amendments offered by Representatives SHERMAN, LEE and WATERS to ensure the protection of California law and protect a state's right to enact and enforce effective consumer protection laws. However, should these amendments not be agreed to today, I urge my colleagues to ensure that this issue is corrected in the House—Senate Conference Committee on this legislation.

Finally, H.R. 2622 is necessary and important legislation which would only be made better with the adoption of these amendments.

Mr. RUPPERSBERGER. Mr. Chairman, I have interest in a company that does business with a financial institution that one way or another might be impacted by this legislation, so I have decided to vote present on H.R. 2622, the Fair & Accurate Credit Transactions Act and the accompanying amendments on September 10, 2003. This includes all roll call votes starting at #495 until the end of the consideration of this measure. It also includes any motion to recommit and final passage on H.R. 2622, the Fair & Accurate Credit Transaction Act.

I do support the efforts of this legislation in combating identity theft and applaud authors of this measure.

Mr. OXLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text is the amendment in the nature of a substitute is as follows:

H.R. 2622

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Fair and Accurate Credit Transactions Act of 2003''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Effective dates.

TITLE I—UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS

Sec. 101. Uniform national consumer protection standards made permanent.

TITLE II—IDENTITY THEFT PREVENTION

Sec. 201. Investigating changes of address and inactive accounts.
Sec. 202. Fraud alerts.
Sec. 203. Truncation of credit card and debit card account numbers.
Sec. 204. Summary of rights of identity theft victims.
Sec. 205. Blocking of information resulting from identity theft.
Sec. 206. Establishment of procedures for depository institutions to identify possible instances of identity theft.
Sec. 207. Study on the use of technology to combat identity theft.

TITLE III—IMPROVING RESOLUTION OF CONSUMER DISPUTES

Sec. 301. Coordination of consumer complaint investigations.
Sec. 302. Notice of dispute through reseller.
Sec. 303. Reasonable investigation required.
Sec. 304. Duties of furnishers of information.
Sec. 305. Prompt investigation of disputed consumer information.

TITLE IV—IMPROVING ACCURACY OF CONSUMER RECORDS

Sec. 401. Reconciling addresses.
Sec. 402. Prevention of repollution of consumer reports.
Sec. 403. Notice by users with respect to fraudulent information.
Sec. 404. Disclosure to consumers of contact information for users and furnishers of information in consumer reports.
Sec. 405. FTC study of the accuracy of consumer reports.

TITLE V—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

Sec. 501. Free reports annually.
Sec. 502. Disclosure of credit scores.
Sec. 503. Simpler and easier method for consumers to use notification system.
Sec. 504. Requirement to disclose communications to a consumer reporting agency.
Sec. 505. Study of effects of credit scores and credit-based insurance scores on availability and affordability of financial products.
Sec. 506. GAO study on disparate impact of credit system.
Sec. 507. Analysis of further restrictions on offers of credit or insurance.
Sec. 508. Study on the need and the means for improving financial literacy among consumers.
Sec. 509. Disclosure of increase in APR under certain circumstances.

TITLE VI—PROTECTING EMPLOYEE MISCONDUCT INVESTIGATIONS

Sec. 601. Certain employee investigation communications excluded from definition of consumer report.

TITLE VII—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

Sec. 701. Protection of medical information in the financial system.
Sec. 702. Confidentiality of medical information in credit reports.

SEC. 2. DEFINITIONS.

Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by adding at the end the following new subsections:

''(r) RESELLER.—The term 'reseller' means a consumer reporting agency that—

''(1) assembles and merges information contained in the database of another consumer reporting agency or multiple consumer reporting agencies concerning any consumer for purposes of furnishing such information to any third party, to the extent of such activities; and

''(2) does not maintain a database of the assembled or merged information from which new consumer reports are produced.

''(s) OTHER DEFINITIONS.—

''(1) BOARD; CREDIT; CREDITOR; CREDIT CARD.—The terms 'Board', 'credit', 'creditor', and 'credit card' have the same meanings as in section 103 of the Truth in Lending Act.

''(2) COMMISSION.—The term 'Commission' means the Federal Trade Commission.

''(3) DEBIT CARD.—The term 'debit card' means any card issued by a financial institution to a consumer for use in initiating electronic fund transfers (as defined in section 903(6) of the Electronic Fund Transfer Act) from the account (as defined in such Act) of the consumer at such financial institution for the purpose of transferring money between accounts or obtaining money, property, labor, or services.

''(4) ELECTRONIC FUND TRANSFER.—The term 'electronic fund transfer' has the same meaning as in section 903 of the Electronic Fund Transfer Act.

''(5) FEDERAL BANKING AGENCY.—The term 'Federal banking agency' has the same meaning as in section 3 of the Federal Deposit Insurance Act.

''(6) IDENTITY THEFT.—The term 'identity theft' means a fraud committed using another person's identifying information, subject to such further definition as the Commission and the Board may prescribe, jointly, by regulation.

''(7) POLICE REPORT.—The term 'police report' means a copy of any official valid report filed by a consumer with any appropriate Federal, State, or local government law enforcement agency, or any comparable official government document that the Board and the Commission shall jointly prescribe in regulations, that is subject to a criminal penalty for false statements.''.

SEC. 3. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsections (b) and (c)—

(1) before the end of the 2-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly prescribe regulations in final form establishing effective dates for each provision of this Act (except as otherwise specified); and

(2) the regulations prescribed under paragraph (1) shall establish effective dates that are as early as possible while allowing a reasonable time for the implementation of the provisions of this Act, but in no case shall the effective date be later than 10 months after the date of issuance of such regulations in final form.

(b) IMMEDIATE EFFECTIVE DATE.—The following provisions shall take effect on the date of the enactment of this Act:

(1) Title I.
(2) Section 201.
(3) Section 609(d)(1) of the Fair Credit Reporting Act (as added by the amendment in section 204(a)).
(4) Section 305.
(5) Section 505.
(6) Section 506.
(7) Title VI.

(c) EFFECTIVE DATE FOR PROTECTION OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM.—Section 701 shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act, except that paragraph (2) of section 604(g) of the Fair Credit Reporting Act (as added by section 701) shall take effect on the later of—

(1) the end of the 90-day period beginning on the date the regulations required under paragraph (5)(B) of such section 604(g) (as added by section 701) are prescribed in final form; or

(2) the date specified in the regulations referred to in paragraph (1).

TITLE I—UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS

SEC. 101. UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS MADE PERMANENT.

Section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)) is amended—

(1) by striking ''Subsections (b) and (c)'' and all that follows through ''do not affect any settlement,'' and inserting ''Subsections (b) and (c) do not affect any settlement,''; and

(2) by striking ''Consumer Credit Reporting Reform Act of 1996'' and all that follows through the period at the end of paragraph (2) and inserting ''Consumer Credit Reporting Reform Act of 1996.''.

TITLE II—IDENTITY THEFT PREVENTION

SEC. 201. INVESTIGATING CHANGES OF ADDRESS AND INACTIVE ACCOUNTS.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (f), the following new subsection:

''(g) 'RED FLAG' PATTERNS OF POSSIBLE IDENTITY THEFT.—

''(1) INVESTIGATION OF CHANGES OF ADDRESS.—The Federal banking agencies and the National Credit Union Administration, in carrying out the responsibilities of such agencies and Administration under subsection (k), shall jointly prescribe regulations for credit card and debit card issuers to ensure that, if any such issuer receives a request for an additional or replacement card for an existing account within a short period of time after the issuer has received notification of a change of address for the same account, the issuer will follow reasonable policies and procedures that require, as appropriate, that the issuer not issue the additional or replacement card unless the issuer—

''(A) notifies the cardholder of the request at the former address of the cardholder and provides to the cardholder a means of promptly reporting incorrect address changes;

''(B) notifies the cardholder of the request by such other means of communication as the cardholder and the card issuer previously agreed to; or

''(C) uses other means of assessing the validity of the change of address, in accordance with reasonable policies and procedures established by the card issuer in accordance with the regulations prescribed under subsection (k).

''(2) INACTIVE ACCOUNTS.—The Federal banking agencies and the National Credit Union Administration, in carrying out the responsibilities of such agencies and Administration under subsection (k), shall consider including, as a possible 'red flag' pattern, reasonable guidelines providing that when a transaction occurs with respect to a credit or deposit account that has been inactive for more than 2 years, the creditor or depository institution shall follow reasonable policies and procedures that provide for notice to be given to a consumer in a manner reasonably designed to reduce the likelihood of identity theft with respect to such account.''.

(b) CLERICAL AMENDMENTS.—

(1) The heading for section 605 of the Fair Credit Reporting Act is amended to read as follows:

''§ 605. Requirements relating to information contained in consumer reports and to identity theft prevention.''.

(2) The table of sections for title VI of the Consumer Credit Protection Act is amended by striking the item relating to section 605 and inserting the following new item:

''605. Requirements relating to information contained in consumer reports and to identity theft prevention.''.

(3) Section 624(b)(1)(E) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(1)(E)) is amended

by inserting ''and to identity theft prevention'' after ''consumer reports''.

SEC. 202. FRAUD ALERTS.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by adding at the end the following new subsection:

''(i) ONE-CALL FRAUD ALERTS.—

''(1) INITIAL ALERTS.—Upon the direct request of a consumer, or an individual acting on behalf of or as a personal representative of a consumer, who asserts, in good faith, a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, a consumer reporting agency described in section 603(p) shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

''(A) include a fraud alert in the file of that consumer for a period of not less than 90 days beginning on the date of such request, unless the consumer specifically requests that such fraud alert be removed before the end of such period;

''(B) disclose to the consumer that the consumer may request a free copy of the file of the consumer and provide the consumer, upon request, a free disclosure of the consumer's file (as described in section 609(a)) within 3 business days after such request;

''(C) for 2 years after the date of such request, exclude the consumer from any list of consumers prepared by the agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer subsequently requests that such exclusion be rescinded before the end of such period; and

''(D) refer the information regarding the fraud alert to each of the other consumer reporting agencies described in section 603(p), as required under section 621(f)(1).

''(2) EXTENDED ALERTS.—Upon the direct request of a consumer, or an individual acting on behalf of or as a personal representative of a consumer, who contacts a consumer reporting agency described in section 603(p) to report details of an identity theft and submits evidence that provides the agency with reasonable cause to believe that such identity theft has occurred, the agency shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

''(A) include a fraud alert in the file of that consumer and provide an opportunity for the consumer to extend the alert for a period of up to 7 years from the date of such request, unless the consumer subsequently requests that such fraud alert be removed before the end of such period;

''(B) provide the consumer with the option of including more complete information in the consumer's file, including a telephone number or some other reasonable means of communication that any person who requests the consumer's report may utilize for authorization before establishing a new credit plan in the name of the consumer; and

''(C) provide the consumer with at least 2 free disclosures of the information described in section 609(a) during the 12-month period beginning on the date of such request.

''(3) ACTIVE DUTY ALERTS.—Upon the direct request of an active duty military consumer, or an individual acting on behalf of or as a personal representative of an active duty military consumer, who contacts a consumer reporting agency described in section 603(p), the agency shall, if the agency maintains a file on the consumer who is making the request and has a reasonable belief that the agency knows the identity of the consumer—

''(A) include an active duty alert in the file of that consumer during a period of not less than 12 months beginning on the date of the request, unless the consumer requests that such active duty alert be removed before the end of such period;

''(B) for 2 years after the date of such request, exclude the consumer from any list of consumers prepared by the agency and provided to any third party to offer credit or insurance to the consumer as part of a transaction that was not initiated by the consumer, unless the consumer subsequently requests that such exclusion be rescinded before the end of such period; and

''(C) refer the information regarding the active duty alert to each of the other consumer reporting agencies described in section 603(p), as required under section 621(f)(1).

''(4) PROCEDURES.—Each consumer reporting agency described in section 603(p) shall establish policies and procedures to comply with the obligations of paragraphs (1), (2), and (3), including procedures that allow consumers to request initial, extended, or active duty alerts in a simple and easy manner, including by telephone.

''(5) NOTICE TO USERS.—No person who obtains any information that includes a fraud alert under this section from a file of any consumer from a consumer reporting agency may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (9).

''(6) REFERRALS OF FRAUD ALERTS.—Each consumer reporting agency described in section 603(p) that receives a referral of a fraud alert from another such agency pursuant to paragraph (1)(D) or (3)(C) shall follow the procedures required under subparagraphs (A), (B), and (C) of paragraph (1), in the case of a referral under paragraph (1)(D), and subparagraphs (A) and (B), in the case of a referral under paragraph (3)(C), as if the agency received the request from the consumer directly.

''(7) DUTY OF RESELLER TO RECONVEY ALERT.—A reseller that is notified of the existence of a fraud alert in a consumer's consumer report shall communicate to each person procuring a consumer report with respect to such consumer the existence of a fraud alert in effect for such consumer.

''(8) DUTY OF OTHER CONSUMER REPORTING AGENCIES TO PROVIDE CONTACT INFORMATION.—If a consumer contacts any consumer reporting agency that is not a consumer reporting agency described in section 603(p) to communicate a suspicion that the consumer has been or is about to become a victim of fraud or related crime, including identity theft, the agency shall provide the consumer with information on how to contact the Commission and the consumer reporting agencies described in section 603(p) to obtain more detailed information and request alerts under this subsection.

''(9) FRAUD ALERT.—

''(A) DEFINITION.—For purposes of this subsection, the term 'fraud alert' means, at a minimum, a statement—

''(i) in the file of a consumer that the consumer may be a victim of fraud, including identity theft, or is a consumer described in paragraph (3); and

''(ii) that is transmitted in a manner that facilitates a clear and conspicuous view of the statement by any person requesting such file.

''(B) OTHER INFORMATION.—A fraud alert shall include information that notifies all prospective users of a consumer report on the consumer to which the alert relates that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to.

''(10) OTHER DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) ACTIVE DUTY MILITARY CONSUMER.—The term 'active duty military consumer' means a consumer in military service who—

''(i) is on active duty (as defined in section 101(d)(1) of title 10, United States Code) or is a reservist performing duty under a call or order to active duty under a provision of law referred to in section 101(a)(13) of title 10, United States Code; and

''(ii) is assigned to service away from the consumer's usual duty station.

''(B) NEW CREDIT PLAN.—The term 'new credit plan' means a new account under an open end credit plan (as defined in section 103(i) of this Act) or a new credit transaction not under an open end credit plan.''.

SEC. 203. TRUNCATION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (k) (as added by section 206 of this title) the following new subsection:

''(l) TRUNCATION OF CREDIT CARD AND DEBIT CARD ACCOUNT NUMBERS.—

''(1) IN GENERAL.—Except as provided in this subsection, no person that accepts credit cards or debit cards for the transaction of business shall print the expiration date or more than the last 5 digits of the card number upon any receipt provided to the cardholder at the point of the sale or transaction.

''(2) LIMITATION.—This section shall apply only to receipts that are electronically printed, and shall not apply to transactions in which the sole means of recording the person's credit card or debit card number is by handwriting or by an imprint or copy of the card.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply after the end of—

(1) the 3-year period beginning on the date of the enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is in use before January 1, 2005; and

(2) the 1-year period beginning on the date of the enactment of this Act, with respect to any cash register or other machine or device that electronically prints receipts for credit card or debit card transactions that is first put into use on or after January 1, 2005.

SEC. 204. SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.

(a) IN GENERAL.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by adding at the end the following new subsection:

''(d) SUMMARY OF RIGHTS OF IDENTITY THEFT VICTIMS.—

''(1) IN GENERAL.—The Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall prepare a model summary of the rights of consumers under this title with respect to the procedures for remedying the effects of fraud or identity theft involving credit, electronic fund transfers, or accounts or transactions at or with a financial institution.

''(2) SUMMARY OF RIGHTS AND CONTACT INFORMATION.—If any consumer contacts a consumer reporting agency and expresses a belief that the consumer is a victim of fraud or identity theft involving credit, electronic fund transfers, or accounts or transactions at or with a financial institution, the consumer reporting agency shall, in addition to any other action the agency may take, provide the consumer with the model summary of rights prepared by the Commission under paragraph (1) and information on how to contact the Commission to obtain more detailed information.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b)(3) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) is amended by striking ''section 609(c)'' and inserting ''subsection (c) or (d) of section 609''.

SEC. 205. BLOCKING OF INFORMATION RESULTING FROM IDENTITY THEFT.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (i) (as added by section 202 of this title) the following new subsection:

''(j) BLOCK OF INFORMATION RESULTING FROM IDENTITY THEFT.—

''(1) BLOCK.—Except as provided in paragraph (3), a consumer reporting agency shall block the reporting of any information in the file of a consumer that the consumer identifies as information that resulted from an alleged identity theft and confirms is not information relating to any transaction by the consumer not later than 5 business days after the date of receipt by such agency of—

''(A) appropriate proof of the identity of a consumer;

''(B) a police report evidencing the claim of the consumer of identity theft;

''(C) the identification of the information by the consumer; and

''(D) confirmation by the consumer that the information is not information relating to any transaction by the consumer.

''(2) NOTIFICATION.—A consumer reporting agency shall promptly notify the furnisher of information identified by the consumer under paragraph (1)—

''(A) that the information may be a result of identity theft;

''(B) that a police report has been filed;

''(C) that a block has been requested under this subsection; and

''(D) of the effective date of the block.

''(3) AUTHORITY TO DECLINE OR RESCIND.—

''(A) IN GENERAL.—A consumer reporting agency may decline to block, or may rescind any block, of consumer information under this subsection if the consumer reporting agency reasonably determines that—

''(i) the information was blocked in error or a block was requested by the consumer in error;

''(ii) the information was blocked, or a block was requested by the consumer, on the basis of a misrepresentation of fact by the consumer relevant to the request to block; or

''(iii) the consumer knowingly obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions, or the consumer should have known that the consumer obtained possession of goods, services, or moneys as a result of the blocked transaction or transactions.

''(B) NOTIFICATION TO CONSUMER.—If the block of information is declined or rescinded under this paragraph, the affected consumer shall be notified promptly, in the same manner as consumers are notified of the reinsertion of information under section 611(a)(5)(B).

''(C) SIGNIFICANCE OF BLOCK.—For purposes of this paragraph, if a consumer reporting agency rescinds a block, the presence of information in the file of a consumer prior to the blocking of such information is not evidence of whether the consumer knew or should have known that the consumer obtained possession of any goods, services, or monies as a result of the block.

''(4) EXCEPTIONS.—

''(A) VERIFICATION COMPANIES.—This subsection shall not apply to—

''(i) a check services company, which issues authorizations for the purpose of approving or processing negotiable instruments, electronic funds transfers, or similar methods of payments; or

''(ii) a deposit account information service company, which issues reports regarding account closures due to fraud, substantial overdrafts, automated teller machine abuse, or similar negative information regarding a consumer, to inquiring banks or other financial institutions for use only in reviewing a consumer request for a deposit account at the inquiring bank or financial institution.

''(B) RESELLERS.—

''(i) NO RESELLER FILE.—This subsection shall not apply to a consumer reporting agency if the consumer reporting agency—

''(I) is a reseller;

''(II) is not, at the time of the request of the consumer under paragraph (1), otherwise furnishing or reselling a consumer report concerning the information identified by the consumer; and

''(III) informs the consumer, by any means, that the consumer may report the identity theft to the Commission to obtain consumer information regarding identity theft.

''(ii) RESELLER WITH FILE.—The sole obligation of the consumer reporting agency under this subsection, with regard to any request of a consumer under this subsection, shall be to block the consumer report maintained by the consumer reporting agency from any subsequent use if—

''(I) the consumer, in accordance with the provisions of paragraph (1), identifies, to a consumer reporting agency, information in the file of the consumer that resulted from identity theft; and

''(II) the consumer reporting agency is a reseller of the identified information.

''(iii) NOTICE.—In carrying out its obligation under clause (ii), the reseller shall promptly provide a notice to the consumer of the decision to block the file. Such notice shall contain the name, address, and telephone number of each consumer reporting agency from which the consumer information was obtained for resale.

''(5) ACCESS TO BLOCKED INFORMATION BY LAW ENFORCEMENT AGENCIES.—No provision of this subsection shall be construed as requiring a consumer reporting agency to prevent a Federal, State, or local law enforcement agency from accessing blocked information in a consumer file to which the agency could otherwise obtain access under this title.''.

SEC. 206. ESTABLISHMENT OF PROCEDURES FOR DEPOSITORY INSTITUTIONS TO IDENTIFY POSSIBLE INSTANCES OF IDENTITY THEFT.

(a) IN GENERAL.—Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (j) (as added by section 205 of this title) the following new subsection:

''(k) 'RED FLAG' GUIDELINES REQUIRED.—

''(1) IN GENERAL.—The Federal banking agencies and the National Credit Union Administration, in consultation with the Commission, shall jointly establish and maintain guidelines for use by insured depository institutions in identifying patterns, practices, and specific forms of activity that indicate the possible existence of identity theft with respect to accounts, and update such guidelines as often as necessary.

''(2) REGULATIONS.—The Federal banking agencies and the National Credit Union Administration, in consultation with the Commission, shall jointly prescribe regulations requiring insured depository institutions to establish and adhere to reasonable policies and procedures for implementing the guidelines established pursuant to paragraph (1) to identify possible risks to customer accounts or to the safety and soundness of the institutions.

''(3) CONSISTENCY WITH VERIFICATION REQUIREMENTS.—Policies and procedures established pursuant to paragraph (2) shall not be inconsistent with, or duplicative of, the policies and procedures required under section 5318(l) of title 31, United States Code.

''(4) INSURED DEPOSITORY INSTITUTION DEFINED.—For purposes of this subsection, the term 'insured depository institution'—

''(A) has the meaning given to such term in section 3 of the Federal Deposit Insurance Act; and

''(B) includes an insured credit union (as defined in section 101 of the Federal Credit Union Act).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the 1-year period beginning on the date of the enactment of this Act.

SEC. 207. STUDY ON THE USE OF TECHNOLOGY TO COMBAT IDENTITY THEFT.

(a) STUDY REQUIRED.—The Secretary of the Treasury shall conduct a study of the use of biometrics and other similar technologies to reduce the incidence and costs of identity theft by providing convincing evidence of who actually performed a given financial transaction.

(b) CONSULTATION.—The Secretary of the Treasury shall consult with Federal banking agencies, the Federal Trade Commission, and representatives of financial institutions, credit reporting agencies, Federal, State, and local government agencies that issue official forms or means of identification, State prosecutors, law enforcement agencies, and the biometric industry and other representatives of the general public, in formulating and conducting the study required by subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Treasury for fiscal year 2004 such sums as may be necessary to carry out the provisions of this section.

(d) REPORT REQUIRED.—Before the end of the 180-day period beginning on the date of the enactment of this Act, the Secretary shall submit a report to Congress containing the findings and conclusions of the study required under subsection (a), together with such recommendations for legislative or administrative actions as may be appropriate.

TITLE III—IMPROVING RESOLUTION OF CONSUMER DISPUTES

SEC. 301. COORDINATION OF CONSUMER COMPLAINT INVESTIGATIONS.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by adding at the end the following new subsection:

''(f) COORDINATION OF CONSUMER COMPLAINT INVESTIGATIONS.—

''(1) IN GENERAL.—The consumer reporting agencies described in section 603(p) shall develop and maintain procedures for the referral, to each such agency, of any consumer complaint received by any such agency alleging any identity theft or requesting a block or a fraud alert.

''(2) MODEL FORM AND PROCEDURE FOR REPORTING IDENTITY THEFT.—The Commission, in consultation with the Federal banking agencies and the National Credit Union Administration, shall develop a model form and model procedures to be used by consumers who are victims of identity theft for contacting and informing creditors and consumer reporting agencies of the fraud.

''(3) ANNUAL SUMMARY REPORTS.—Each consumer reporting agency described in section 603(p) shall submit an annual summary report to the Commission on consumer complaints received by the agency on identity theft or fraud alerts.''.

SEC. 302. NOTICE OF DISPUTE THROUGH RESELLER.

(a) REQUIREMENT FOR REINVESTIGATION OF DISPUTED INFORMATION UPON NOTICE FROM A RESELLER.—Section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(1)(A)) is amended—

(1) in subparagraph (A) of paragraph (1)—

(A) by striking ''If the completeness'' and inserting ''Subject to subsection (e), if the completeness'';

(B) by inserting '', or indirectly through a reseller,'' after ''notifies the agency directly''; and

(C) by inserting ''or reseller'' before the period at the end of such subparagraph;

(2) in subparagraph (A) of paragraph (2)—

(A) by inserting ''or a reseller'' after ''dispute from any consumer''; and

(B) by inserting ''or reseller'' before the period at the end of such subparagraph; and

(3) in subparagraph (B) of paragraph (2), by inserting ''or the reseller'' after ''from the consumer''.

(b) REINVESTIGATION REQUIREMENT APPLICABLE TO RESELLERS.—Section 611 of the Fair

Credit Reporting Act (15 U.S.C. 1681i) is amended by adding at the end the following new subsection:

''(e) REINVESTIGATION REQUIREMENT APPLICABLE TO RESELLERS.—

''(1) EXEMPTION FROM GENERAL REINVESTIGATION REQUIREMENT.—Except as provided in paragraph (2), a reseller shall be exempt from the requirements of this section.

''(2) ACTION REQUIRED UPON RECEIVING NOTICE OF A DISPUTE.—If a reseller receives a notice from a consumer of a dispute concerning the completeness or accuracy of any item of information contained in a consumer report on such consumer produced by the reseller, the reseller shall, within 5 business days of receiving the notice and free of charge—

''(A) determine whether the item of information is incomplete or inaccurate as a result of an act or omission of the reseller; and

''(B) if—

''(i) the reseller determines that the item of information is incomplete or inaccurate as a result of an act or omission of the reseller, correct the information in the consumer report or delete it; or

''(ii) if the reseller determines that the item of information is not incomplete or inaccurate as a result of an act or omission of the reseller, convey the notice of the dispute, together with all relevant information provided by the consumer, to each consumer reporting agency that provided the reseller with the information that is the subject of the dispute.

''(3) RESELLER REINVESTIGATIONS.—No provision of this subsection shall be construed as prohibiting a reseller from conducting a reinvestigation of a consumer dispute directly.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The heading for paragraph (2)(B) of section 611(a) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(2)(B)) is amended by striking ''FROM CONSUMER''.

SEC. 303. REASONABLE REINVESTIGATION REQUIRED.

Section 611(a)(1)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681i(a)(1)(A)) is amended by striking ''shall reinvestigate free of charge'' and inserting ''shall, free of charge, conduct a reasonable reinvestigation to determine whether the disputed information is inaccurate''.

SEC. 304. DUTIES OF FURNISHERS OF INFORMATION.

(a) IN GENERAL.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended—

(1) in paragraph (1)(A), by striking ''knows or consciously avoids knowing that the information is inaccurate'' and inserting ''knows or has reasonable cause to believe that the information is inaccurate'';

(2) in paragraph (1)—

(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(B) by inserting after subparagraph (A), the following new subparagraph:

''(B) REASONABLE PROCEDURES TO ENSURE ACCURACY.—A person that regularly furnishes information relating to consumers to a consumer reporting agency described in section 603(p) shall maintain reasonable procedures designed to ensure that the information furnished is accurate.''; and

(C) by adding at the end the following new subparagraph:

''(F) DEFINITION.—For purposes of subparagraph (A), the term 'reasonable cause to believe that the information is inaccurate' means, based on the procedures described in subparagraph (B), has knowledge, other than solely allegations by the consumer, that would cause a reasonable person to have substantial doubts about the accuracy of the information.''; and

(3) by adding at the end the following new paragraph:

''(6) ABILITY OF CONSUMER TO DISPUTE INFORMATION DIRECTLY WITH FURNISHER.—

''(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that—

''(i) is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p); and

''(ii) was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B).

''(B) SUBMITTING A NOTICE OF DISPUTE.—A consumer who seeks to dispute the accuracy of information with a person under subparagraph (A) shall provide a dispute notice directly to such person at the address specified by the person for such notices that—

''(i) identifies the specific information that is being disputed; and

''(ii) explains the basis for the dispute.

''(C) DUTY OF PERSON AFTER RECEIVING NOTICE OF DISPUTE.—After receiving a notice of dispute from a consumer pursuant to subparagraph (B), the person that provided the information in dispute to a consumer reporting agency referred to in subparagraph (A) shall—

''(i) conduct an investigation with respect to the disputed information;

''(ii) review all relevant information provided by the consumer with the notice;

''(iii) complete such person's investigation of the dispute and report the results of the investigation to the consumer before the expiration of the period under section 611(a)(1) within which a consumer reporting agency would be required to complete its action if the consumer had elected to dispute the information under that section; and

''(iv) if the investigation finds that the information reported was inaccurate, promptly thereafter report correct information to each consumer reporting agency described in section 603(p) to which the person furnished the inaccurate information.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 621(c)(5)(A) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)(5)(A)) is amended by striking ''section 623(a)(1)'' and inserting ''paragraph (1) or (6) of section 623(a)''.

(2) The heading for section 621(c)(5) of the Fair Credit Reporting Act (15 U.S.C. 1681s(c)(5)) is amended by striking ''VIOLATION OF SECTION 623(a)(1)'' and inserting ''CERTAIN VIOLATIONS OF SECTION 623(a)''.

SEC. 305. PROMPT INVESTIGATION OF DISPUTED CONSUMER INFORMATION.

(a) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly study the extent to which, and the manner in which, consumer reporting agencies and furnishers of consumer information to consumer reporting agencies are complying with the procedures, time lines, and requirements under the Fair Credit Reporting Act for the prompt investigation of the disputed accuracy of any consumer information, the completeness of the information provided to consumer reporting agencies, and the prompt correction or deletion, in accordance with such Act, of any inaccurate or incomplete information or information that cannot be verified.

(b) REPORT REQUIRED.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System and the Federal Trade Commission shall jointly submit a progress report to the Congress on the results of the study required under subsection (a).

(c) RECOMMENDATIONS.—The report under subsection (b) shall include such recommendations as the Board and the Commission jointly determine to be appropriate for legislative or administrative action to ensure that—

(1) consumer disputes with consumer reporting agencies over the accuracy or completeness of information in a consumer's file are promptly and fully investigated and any incorrect, incomplete, or unverifiable information is corrected or deleted immediately thereafter;

(2) furnishers of information to consumer reporting agencies maintain full and prompt compliance with the duties and responsibilities established under section 623 of the Fair Credit Reporting Act; and

(3) consumer reporting agencies establish and maintain appropriate internal controls and management review procedures for maintaining full and continuous compliance with the procedures, time lines, and requirements under the Fair Credit Reporting Act for the prompt investigation of the disputed accuracy of any consumer information and the prompt correction or deletion, in accordance with such Act, of any inaccurate or incomplete information or information that cannot be verified.

(d) DEFINITIONS.—For purposes of this section, the terms ''consumer'', ''consumer report'', and ''consumer reporting agency'' have the same meaning as in the Fair Credit Reporting Act.

TITLE IV—IMPROVING ACCURACY OF CONSUMER RECORDS

SEC. 401. RECONCILING ADDRESSES.

Section 605 of the Fair Credit Reporting Act (15 U.S.C. 1681c) is amended by inserting after subsection (g) (as added by section 201 of this Act) the following new subsection.

''(h) NOTICE OF DISCREPANCY.—

''(1) IN GENERAL.—If a person has requested a consumer report relating to a consumer from a consumer reporting agency described in section 603(p), the request includes an address for the consumer that substantially differs from the addresses in the file of the consumer, and the agency provides a consumer report in response to the request, the consumer reporting agency shall notify the requester of the existence of the discrepancy.

''(2) REGULATIONS.—

''(A) REGULATIONS REQUIRED.—The Federal banking agencies and the National Credit Union Administration shall jointly prescribe regulations providing guidance regarding reasonable policies and procedures a user of a consumer report should employ when such user has received a notice of discrepancy under paragraph (1).

''(B) POLICIES AND PROCEDURES TO BE INCLUDED.—The regulations prescribed under subparagraph (A) shall describe reasonable policies and procedures for use by a user of a consumer report—

''(i) to form a reasonable belief that the user knows the identity of the person to whom the consumer report pertains; and

''(ii) if the user establishes a continuing relationship with the consumer, and the user regularly and in the ordinary course of business furnishes information to the consumer reporting agency from which the notice of discrepancy pertaining to the consumer was obtained, to reconcile the consumer's address with the consumer reporting agency by furnishing such address to such consumer reporting agency as part of information regularly furnished by the user for the period in which the relationship is established.''.

SEC. 402. PREVENTION OF REPOLLUTION OF CONSUMER REPORTS.

Section 623(a)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)(1)) is amended by inserting after subparagraph (D) (as so redesignated by section 304(2)(A)) the following new subparagraph:

''(E) INFORMATION ALLEGED TO RESULT FROM IDENTITY THEFT.—If a consumer submits a police report to a person who furnishes information to a consumer reporting agency that states that information maintained by such person that purports to relate to the consumer resulted from identity theft, the person may not furnish such information that purports to relate to the consumer to any consumer reporting agency, unless the person subsequently knows or is informed by the consumer that the information is correct.''.

SEC. 403. NOTICE BY USERS WITH RESPECT TO FRAUDULENT INFORMATION.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by adding at the end the following new subsection:

''(e) NOTICE OF FRAUDULENT INFORMATION RELATING TO IDENTITY THEFT.—If an agent acting as a debt collector (as defined in title VIII) of a person who furnishes information to any consumer reporting agency uses information contained in a consumer report on any consumer and learns that any such information so used is the result of identity theft or otherwise is fraudulent, the agent shall—

''(1) if such information—

''(A) originated from the person for whom the debt collector is acting as agent, notify the person of the fraudulent information; or

''(B) originated from a person other than the person for whom the debt collector is acting as agent, notify the consumer reporting agency (that provided the consumer report) of the fraudulent information, either directly or through the person for whom the debt collector is acting as agent; and

''(2) upon the request of the consumer, provide the consumer with all information which the consumer would be entitled to receive if the information related to the consumer other than by reason of identity theft.''.

SEC. 404. DISCLOSURE TO CONSUMERS OF CONTACT INFORMATION FOR USERS AND FURNISHERS OF INFORMATION IN CONSUMER REPORTS.

Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended—

(1) in paragraph (2), by inserting '', including addresses of the sources, and (if provided by the sources of information) the telephone numbers identified for customer service for the sources of information'' after ''sources of information'' the 1st place such term appears in such paragraph; and

(2) in paragraph (3)(B) by striking clause (ii) and inserting the following new clause:

''(ii) the address and (if provided) the telephone numbers identified for customer service of the person.''.

SEC. 405. FTC STUDY OF THE ACCURACY OF CONSUMER REPORTS.

(a) STUDY REQUIRED.—Until the final report is submitted under subsection (b)(2), the Federal Trade Commission shall conduct an ongoing study of the accuracy and completeness of information contained in consumer reports prepared or maintained by consumer reporting agencies and methods for improving the accuracy and completeness of such information.

(b) BIENNIAL REPORTS REQUIRED.—

(1) INTERIM REPORTS.—The Federal Trade Commission shall submit an interim report to the Congress on the study conducted under subsection (a) at the end of the 6-month period beginning on the date of the enactment of this Act and biennially thereafter for 8 years.

(2) FINAL REPORT.—The Federal Trade Commission shall submit a final report to the Congress on the study conducted under subsection (a) at the end of the 2-year period beginning on the date the final interim report is submitted to the Congress under paragraph (1).

(3) CONTENTS.—Each report submitted under this subsection shall contain a detailed summary of the findings and conclusions of the Commission with respect to the study required under subsection (a) and such recommendations for legislative and administrative action as the Commission may determine to be appropriate.

TITLE V—IMPROVEMENTS IN USE OF AND CONSUMER ACCESS TO CREDIT INFORMATION

SEC. 501. FREE REPORTS ANNUALLY.

(a) FREE REPORTS ANNUALLY FROM NATIONWIDE CONSUMER REPORTING AGENCIES.—Section 612 of the Fair Credit Reporting Act (15 U.S.C. 1681j) is amended by adding at the end the following new subsection:

''(e) FREE ANNUAL DISCLOSURE.—Upon the direct request of the consumer, a consumer reporting agency described in section 603(p) shall make all disclosures pursuant to section 609 once during any 12-month period without charge to the consumer.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 612(c) of the Fair Credit Reporting Act (15 U.S.C. 1681j(c)) is amended by inserting ''that is not a consumer reporting agency described in section 603(p)'' after ''consumer reporting agency''.

SEC. 502. DISCLOSURE OF CREDIT SCORES.

(a) STATEMENT ON AVAILABILITY OF CREDIT SCORES.—Section 609(a) of the Fair Credit Reporting Act (15 U.S.C. 1681g(a)) is amended by adding at the end the following new paragraph:

''(6) If the consumer requests the credit file and not the credit score, a statement that the consumer may request and obtain a credit score.''.

(b) DISCLOSURE OF CREDIT SCORES.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by inserting after subsection (d) (as added by section 204 of this Act) the following new subsection:

''(e) DISCLOSURE OF CREDIT SCORES.—

''(1) IN GENERAL.—Upon the consumer's request for a credit score, a consumer reporting agency shall supply to a consumer a statement indicating that the information and credit scoring model may be different than the credit score that may be used by the lender, and a notice which shall include the following information:

''(A) The consumer's current credit score or the consumer's most recent credit score that was previously calculated by the credit reporting agency for a purpose related to the extension of credit.

''(B) The range of possible credit scores under the model used.

''(C) All the key factors that adversely affected the consumer's credit score in the model used, the total number of which shall not exceed four, subject to paragraph (9).

''(D) The date the credit score was created.

''(E) The name of the person or entity that provided the credit score or credit file upon which the credit score was created.

''(2) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(A) CREDIT SCORE.—The term 'credit score'—

''(i) means a numerical value or a categorization derived from a statistical tool or modeling system used by a person who makes or arranges a loan to predict the likelihood of certain credit behaviors, including default (and the numerical value or the categorization derived from this analysis may also be referred to as a 'risk predictor' or 'risk score'); and

''(ii) does not include—

''(I) any mortgage score or rating of an automated underwriting system that considers one or more factors in addition to credit information, including the loan to value ratio, the amount of down payment, or a consumer's financial assets; or

''(II) any other elements of the underwriting process or underwriting decision.

''(B) KEY FACTORS.—The term 'key factors' means all relevant elements or reasons adversely affecting the credit score for the particular individual listed in the order of their importance based on their effect on the credit score.

''(3) TIMEFRAME AND MANNER OF DISCLOSURE.—The information required by this subsection shall be provided in the same timeframe and manner as the information described in subsection (a).

''(4) APPLICABILITY TO CERTAIN USES.—This subsection shall not be construed so as to compel a consumer reporting agency to develop or disclose a score if the agency does not—

''(A) distribute scores that are used in connection with residential real property loans; or

''(B) develop scores that assist credit providers in understanding a consumer's general credit behavior and predicting the future credit behavior of the consumer.

''(5) APPLICABILITY TO CREDIT SCORES DEVELOPED BY ANOTHER PERSON.—

''(A) IN GENERAL.—This subsection shall not be construed to require a consumer reporting agency that distributes credit scores developed by another person or entity to provide a further explanation of them, or to process a dispute arising pursuant to section 611, except that the consumer reporting agency shall provide the consumer with the name and address and website for contacting the person or entity who developed the score or developed the methodology of the score.

''(B) EXCEPTION.—This paragraph shall not apply to a consumer reporting agency that develops or modifies scores that are developed by another person or entity.

''(6) MAINTENANCE OF CREDIT SCORES NOT REQUIRED.—This subsection shall not be construed to require a consumer reporting agency to maintain credit scores in its files.

''(7) COMPLIANCE IN CERTAIN CASES.—In complying with this subsection, a consumer reporting agency shall—

''(A) supply the consumer with a credit score that is derived from a credit scoring model that is widely distributed to users by that consumer reporting agency in connection with residential real property loans or with a credit score that assists the consumer in understanding the credit scoring assessment of the credit behavior of the consumer and predictions about the future credit behavior of the consumer; and

''(B) a statement indicating that the information and credit scoring model may be different than that used by the lender.

''(8) REASONABLE FEE.—A consumer reporting agency may charge a reasonable fee for providing the information required under this subsection.

''(9) USE OF ENQUIRIES AS A KEY FACTOR.—If a key factor that adversely affects a consumer's credit score consists of the number of enquiries made with respect to a consumer report, that factor shall be included in the disclosure pursuant to paragraph (1)(C) without regard to the numerical limitation in such paragraph.''.

(c) DISCLOSURE OF CREDIT SCORES BY CERTAIN MORTGAGE LENDERS.—Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g) is amended by inserting after subsection (e) (as added by subsection (b) of this section) the following new subsection:

''(f) DISCLOSURE OF CREDIT SCORES BY CERTAIN MORTGAGE LENDERS.—

''(1) IN GENERAL.—Any person who makes or arranges loans and who uses a consumer credit score as defined in subsection (e) in connection with an application initiated or sought by a consumer for a closed end loan or establishment of an open end loan for a consumer purpose that is secured by 1 to 4 units of residential real property (hereafter in this subsection referred to as the 'lender') shall provide the following to the consumer as soon as reasonably practicable:

''(A) INFORMATION REQUIRED UNDER SUBSECTION(e).—

''(i) IN GENERAL.—A copy of the information identified in subsection (e) that was obtained from a consumer reporting agency or was developed and used by the user of the information.

''(ii) NOTICE UNDER SUBPARAGRAPH (D).—In addition to the information provided to it by a third party that provided the credit score or scores, a lender is only required to provide the notice contained in subparagraph (D).

''(B) DISCLOSURES IN CASE OF AUTOMATED UNDERWRITING SYSTEM.—

''(i) IN GENERAL.—If a person who is subject to this section uses an automated underwriting system to underwrite a loan, that person may satisfy the obligation to provide a credit score by disclosing a credit score and associated key factors supplied by a consumer reporting agency.

''(ii) NUMERICAL CREDIT SCORE.—However, if a numerical credit score is generated by an automated underwriting system used by an enterprise, and that score is disclosed to the person, the score shall be disclosed to the consumer consistent with subparagraph (C).

''(iii) ENTERPRISE DEFINED.—For purposes of this subparagraph, the term 'enterprise' shall have the same meaning as in paragraph (6) of section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992.

''(C) DISCLOSURES OF CREDIT SCORES NOT OBTAINED FROM A CONSUMER REPORTING AGENCY.—A person subject to the provisions of this subsection who uses a credit score other than a credit score provided by a consumer reporting agency may satisfy the obligation to provide a credit score by disclosing a credit score and associated key factors supplied by a consumer reporting agency.

''(D) NOTICE TO HOME LOAN APPLICANTS.—A copy of the following notice, which shall include the name, address, and telephone number of each consumer reporting agency providing a credit score that was used:

''''NOTICE TO THE HOME LOAN APPLICANT

''''In connection with your application for a home loan, the lender must disclose to you the score that a consumer reporting agency distributed to users and the lender used in connection with your home loan, and the key factors affecting your credit scores.

''''The credit score is a computer generated summary calculated at the time of the request and based on information a consumer reporting agency or lender has on file. The scores are based on data about your credit history and payment patterns. Credit scores are important because they are used to assist the lender in determining whether you will obtain a loan. They may also be used to determine what interest rate you may be offered on the mortgage. Credit scores can change over time, depending on your conduct, how your credit history and payment patterns change, and how credit scoring technologies change.

''''Because the score is based on information in your credit history, it is very important that you review the credit-related information that is being furnished to make sure it is accurate. Credit records may vary from one company to another.

''''If you have questions about your credit score or the credit information that is furnished to you, contact the consumer reporting agency at the address and telephone number provided with this notice, or contact the lender, if the lender developed or generated the credit score. The consumer reporting agency plays no part in the decision to take any action on the loan application and is unable to provide you with specific reasons for the decision on a loan application.

''''If you have questions concerning the terms of the loan, contact the lender.'.

''(E) ACTIONS NOT REQUIRED UNDER THIS SUBSECTION.—This subsection shall not require any person to do any of the following:

''(i) Explain the information provided pursuant to subsection (e).

''(ii) Disclose any information other than a credit score or key factor, as defined in subsection (e).

''(iii) Disclose any credit score or related information obtained by the user after a loan has closed.

''(iv) Provide more than 1 disclosure per loan transaction.

''(v) Provide the disclosure required by this subsection when another person has made the disclosure to the consumer for that loan transaction.

''(F) NO OBLIGATION FOR CONTENT.—

''(i) IN GENERAL.—Any person's obligation pursuant to this subsection shall be limited solely to providing a copy of the information that was received from the consumer reporting agency.

''(ii) LIMIT ON LIABILITY.—No person has liability under this subsection for the content of that information or for the omission of any information within the report provided by the consumer reporting agency.

''(G) PERSON DEFINED AS EXCLUDING ENTERPRISE.—As used in this subsection, the term 'person' does not include an enterprise (as defined in paragraph (6) of section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992).

''(2) PROHIBITION ON DISCLOSURE CLAUSES NULL AND VOID.—

''(A) IN GENERAL.—Any provision in a contract that prohibits the disclosure of a credit score by a person who makes or arranges loans or a consumer reporting agency is void.

''(B) NO LIABILITY FOR DISCLOSURE UNDER THIS SUBSECTION.—A lender shall not have liability under any contractual provision for disclosure of a credit score pursuant to this subsection.''.

(d) INCLUSION OF KEY FACTOR IN CREDIT SCORE INFORMATION IN CONSUMER REPORT.—Section 605(d) of the Fair Credit Reporting Act (15 U.S.C. 1681c(d)) is amended—

(1) by striking ''DISCLOSED.—Any consumer reporting agency'' and inserting ''DISCLOSED.—

''(1) TITLE 11 INFORMATION.—Any consumer reporting agency''; and

(2) by adding at the end the following new paragraph:

''(2) KEY FACTOR IN CREDIT SCORE INFORMATION.—Any consumer reporting agency that furnishes a consumer report that contains any credit score or any other risk score or predictor on any consumer shall include in the report a clear and conspicuous statement that a key factor (as defined in section 609(e)(2)(B)) that adversely affected such score or predictor was the number of enquiries, if such a predictor was in fact a key factor that adversely affected such score.''.

SEC. 503. SIMPLER AND EASIER METHOD FOR CONSUMERS TO USE NOTIFICATION SYSTEM.

(a) IN GENERAL.—Section 604(e)(5)(A)(i) of the Fair Credit Reporting Act (15 U.S.C. 1681b(e)(5)(A)(i)) is amended by inserting ''in a simple and easy manner and'' after ''notify the agency,''.

(b) SIMPLIFIED NOTICE AND RESPONSE FORMAT FOR USERS.—Section 615(d) of the Fair Credit Reporting Act (15 U.S.C. 1681m(d)) is amended—

(1) by redesignating paragraphs (2), (3), and (4), as paragraphs (3), (4) and (5); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2) SIMPLE AND EASY NOTIFICATION.—Any statement given the consumer under paragraph (1)(E) shall be in a simple and easy to understand format and shall describe the simple and easy method established under section 604(e)(5)(A)(i) for the consumer to respond.''.

SEC. 504. REQUIREMENT TO DISCLOSE COMMUNICATIONS TO A CONSUMER REPORTING AGENCY.

(a) IN GENERAL.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended by inserting after paragraph (6) (as added by section 304(3)) the following new paragraph:

''(7) NEGATIVE INFORMATION.—

''(A) NOTICE TO CONSUMER REQUIRED.—

''(i) IN GENERAL.—If any financial institution that extends credit and regularly and in the ordinary course of business furnishes information to a consumer reporting agency described in section 603(p) furnishes negative information to such an agency regarding credit extended to a customer, the financial institution shall provide a notice of such furnishing of negative information, in writing, to the customer.

''(ii) NOTICE EFFECTIVE FOR SUBSEQUENT SUBMISSIONS.—After providing such notice, the financial institution may submit additional negative information to a consumer reporting agency described in section 603(p) with respect to the same transaction, extension of credit, account, or customer without providing additional notice to the customer.

''(B) TIME OF NOTICE.—

''(i) IN GENERAL.—The notice required under subparagraph (A) shall be provided to the customer prior to, or no later than 30 days after, furnishing the negative information to a consumer reporting agency described in section 603(p).

''(ii) COORDINATION WITH NEW ACCOUNT DISCLOSURES.—If the notice is provided to the customer prior to furnishing the negative information to a consumer reporting agency, the notice may not be included in the initial disclosures provided under section 127(a) of the Truth in Lending Act.

''(C) COORDINATION WITH OTHER DISCLOSURES.—The notice required under subparagraph (A)—

''(i) may be included on or with any notice of default, any billing statement, or any other materials provided to the customer; and

''(ii) must be clear and conspicuous.

''(D) MODEL DISCLOSURE.—

''(i) DUTY OF BOARD TO PREPARE.—The Board shall prescribe a brief model disclosure a financial institution may use to comply with subparagraph (A), which shall not exceed 30 words.

''(ii) USE OF MODEL NOT REQUIRED.—No provision of this paragraph shall be construed as requiring a financial institution to use any such model form prescribed by the Board.

''(iii) COMPLIANCE USING MODEL.—A financial institution shall be deemed to be in compliance with subparagraph (A) if the financial institution uses any such model form prescribed by the Board, or the financial institution uses any such model form and rearranges its format.

''(E) USE OF NOTICE WITHOUT SUBMITTING NEGATIVE INFORMATION.—No provision of this paragraph shall be construed as requiring a financial institution that has provided a customer with a notice described in subparagraph (A) to furnish negative information about the customer to a consumer reporting agency.

''(F) SAFE HARBOR.—A financial institution shall not be liable for failure to perform the duties required by this paragraph if, at the time of the failure, the financial institution maintained reasonable policies and procedures to comply with this paragraph.

''(G) DEFINITIONS.—For purposes of this paragraph, the following definitions shall apply:

''(i) NEGATIVE INFORMATION.—The term 'negative information' means information concerning a customer's delinquencies, late payments, insolvency, or any form of default.

''(ii) CUSTOMER; FINANCIAL INSTITUTION.—The terms 'customer' and 'financial institution' have the same meaning as in section 509 of the Gramm-Leach-Bliley Act.''.

(b) MODEL DISCLOSURE FORM.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall adopt the model disclosure required under the amendment made by subsection (a) after notice duly given in the Federal Register and an opportunity for public comment in accordance with section 553 of title 5, United States Code.

SEC. 505. STUDY OF EFFECTS OF CREDIT SCORES AND CREDIT-BASED INSURANCE SCORES ON AVAILABILITY AND AFFORDABILITY OF FINANCIAL PRODUCTS.

(a) STUDY REQUIRED.—The Federal Trade Commission, in consultation with the Office of Fair Housing and Equal Opportunity of the Department of Housing and Urban Development, shall conduct a study of—

(1) the effects of the use of credit scores and credit-based insurance scores on the availability and affordability of financial products and services, including credit cards, mortgages, auto loans, and property and casualty insurance;

(2) the degree of causality between the factors considered by credit score systems and the quantifiable risks and actual losses experienced by

businesses, including the extent to which, if any, each of the factors considered or otherwise taken into account by such systems are accurate predictors of risk or loss, and where the means square error of a scoring model's predictions are considered in the evaluation of accuracy;

(3) the extent to which, if any, the use of credit scoring models, credit scores and credit-based insurance scores result in disparate impact by geography, income, ethnicity, race, color, religion, national origin, age, sex or marital status, and creed, including the extent to which the consideration or lack of consideration of certain factors by credit scoring systems could result in disparate effects and the extent to which, if any, the use of underwriting systems relying on these models could achieve comparable results through the use of factors with less disparate impact; and

(4) the extent to which credit scoring systems are used by businesses, the factors considered by such systems, and the effects of variables which are not considered by such systems.

(b) PUBLIC PARTICIPATION.—The Commission shall seek public input about the prescribed methodology and research design of the study required in subsection (a).

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Before the end of the 18-month period beginning on the date of the enactment of this Act, the Federal Trade Commission shall submit a detailed report on the study conducted pursuant to subsection (a) to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include the findings and conclusions of the Commission, together with such recommendations for legislative or administrative action as the Commission may determine to be necessary to ensure that credit and credit-based insurances score are used appropriately and fairly to avoid disparate effects.

(d) CREDIT SCORE DEFINED.—For purposes of this section, the term ''credit score'' means a numerical value or a categorization derived from a statistical tool or modeling system used to predict the likelihood of certain credit or insurance behaviors, including default.

SEC. 506. GAO STUDY ON DISPARATE IMPACT OF CREDIT SYSTEM.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study of the credit system to determine the extent to which, if any, discrimination exists with regard to the availability and the terms of credit which has a disparate impact on the basis of race, color, income and education level, geographic location, age, sex, sexual orientation, national origin, or marital status and the nature of any such discriminatory effect.

(b) REPORT REQUIRED.—Before the end of the 2-year period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the findings and conclusions of the Comptroller General pursuant to the study conducted under subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate.

SEC. 507. ANALYSIS OF FURTHER RESTRICTIONS ON OFFERS OF CREDIT OR INSURANCE.

(a) IN GENERAL.—The Board of Governors of the Federal Reserve System shall conduct a study of—

(1) the ability of consumers to avoid receiving written offers of credit or insurance in connection with transactions not initiated by the consumer; and

(2) the potential impact any further restrictions on providing consumers with such written offers of credit or insurance would have on consumers.

(b) REPORT.—The Board of Governors of the Federal Reserve System shall submit a report summarizing the results of the study required under subsection (a) to the Congress no later than 12 months after the date of the enactment of this Act, together with such recommendatioons for legislative or administrative action as the Board may determine to be appropriate.

(c) CONTENT OF REPORT.—The report described in subsection (b) shall address the following issues:

(1) The current statutory or voluntary mechanisms that are available to a consumer to notify lenders and insurance providers that the consumer does not wish to receive written offers of credit or insurance.

(2) The extent to which consumers are currently utilizing existing statutory and voluntary mechanisms to avoid receiving offers of credit or insurance.

(3) The benefits provided to consumers as a result of receiving written offers of credit or insurance.

(4) Whether consumers incur significant costs or are otherwise adversely affected by the receipt of written offers of credit or insurance.

(5) Whether further restricting the ability of lenders and insurers to provide written offers of credit or insurance to consumers would affect—

(A) the cost consumers pay to obtain credit or insurance;

(B) the availability of credit or insurance;

(C) consumers' knowledge about new or alternative products and services;

(D) the ability of lenders or insurers to compete with one another; and

(E) the ability to offer credit or insurance products to consumers who have been traditionally underserved.

SEC. 508. STUDY ON THE NEED AND THE MEANS FOR IMPROVING FINANCIAL LITERACY AMONG CONSUMERS.

(a) STUDY REQUIRED.—The Comptroller General shall conduct a study to assess the extent of consumers' knowledge and awareness of credit reports, credit scores, and the dispute resolution process, and on methods for improving financial literacy among consumers.

(b) FACTORS TO BE INCLUDED.—The study required under subsection (a) shall include the following issues:

(1) The number of consumers who view their credit reports.

(2) Under what conditions and for what purposes do consumers primarily obtain a copy of their consumer report (such as for the purpose of ensuring the completeness and accuracy of the contents, to protect against fraud, in response to an adverse action based on the report, or in response to suspected identity theft) and approximately what percentage of the total number of consumers who obtain a copy of their consumer report do so for each such primary purpose.

(3) The extent of consumers' knowledge of the data collection process.

(4) The extent to which consumers know how to get a copy of a consumer report.

(5) The extent to which consumers know and understand the factors that positively or negatively impact credit scores.

(c) REPORT REQUIRED.—Before the end of the 9-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Congress on the findings and conclusions of the Comptroller General pursuant to the study conducted under subsection (a), together with such recommendations for legislative or administrative action as the Comptroller General may determine to be appropriate, including recommendations on methods for improving financial literacy among consumers.

SEC. 509. DISCLOSURE OF INCREASE IN APR UNDER CERTAIN CIRCUMSTANCES.

Section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (f) (as added by section 502(c) of this title) the following new subsection:

''(g) DISCLOSURE TO CONSUMER.—

''(1) IN GENERAL.—The ability of a credit card issuer to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account shall be clearly and conspicuously disclosed to the consumer by the credit card issuer in any disclosure or statement required to be made to the consumer under this title in connection with a credit card solicitation that is not initiated by the consumer.

''(2) REGULATIONS AND MODEL STATEMENTS.—The Board, in consultation with the Federal banking agencies and the National Credit Union Administration, shall develop such guidelines in regulations as necessary to assure that the information to be disclosed to consumers pursuant to paragraph (1) is clearly and conspicuously provided in a prominent location in any credit card solicitation that is not initiated by the consumer, and shall include model disclosure statements to be used by credit card issuers in making the disclosures required to be provided to the consumer by paragraph (1).''.

TITLE VI—PROTECTING EMPLOYEE MISCONDUCT INVESTIGATIONS

SEC. 601. CERTAIN EMPLOYEE INVESTIGATION COMMUNICATIONS EXCLUDED FROM DEFINITION OF CONSUMER REPORT.

(a) IN GENERAL.—Section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a) is amended by inserting after subsection (p) the following new subsection:

''(q) EXCLUSION OF CERTAIN COMMUNICATIONS FOR EMPLOYEE INVESTIGATIONS.—

''(1) COMMUNICATIONS DESCRIBED IN THIS SUBSECTION.—A communication is described in this subsection if—

''(A) but for subsection (d)(2)(D), the communication would be a consumer report;

''(B) the communication is made to an employer in connection with an investigation of—

''(i) suspected misconduct relating to employment; or

''(ii) compliance with Federal, State, or local laws and regulations, the rules of a self-regulatory organization, or any preexisting written policies of the employer;

''(C) the communication is not made for the purpose of investigating a consumer's credit worthiness, credit standing, or credit capacity; and

''(D) the communication is not provided to any person except—

''(i) to the employer or an agent of the employer;

''(ii) to any Federal or State officer, agency, or department, or any officer, agency, or department of a unit of general local government;

''(iii) to any self-regulatory organization with regulatory authority over the activities of the employer or employee;

''(iv) as otherwise required by law; or

''(v) pursuant to section 608.

''(2) SUBSEQUENT DISCLOSURE.—After taking any adverse action based in whole or in part on a communication described in paragraph (1), the employer shall disclose to the consumer a summary containing the nature and substance of the communication upon which the adverse action is based, except that the sources of information acquired solely for use in preparing what would be but for subsection (d)(2)(D) an investigative consumer report need not be disclosed.

''(3) SELF-REGULATORY ORGANIZATION DEFINED.—For purposes of this subsection, the term 'self-regulatory organization' includes any self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934), any entity established under title I of the Sarbanes-Oxley Act of 2002, any board of trade designated by the Commodity Futures Trading Commission, and any futures association registered with such Commission.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 603(d)(2)(D) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(D)) is amended by inserting ''or (q)'' after ''subsection (o)''.

TITLE VII—LIMITING THE USE AND SHARING OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

SEC. 701. PROTECTION OF MEDICAL INFORMATION IN THE FINANCIAL SYSTEM

(a) IN GENERAL.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)) is amended to read as follows:

''(g) PROTECTION OF MEDICAL INFORMATION.—

''(1) LIMITATION ON CONSUMER REPORTING AGENCIES.—A consumer reporting agency shall not furnish for employment purposes, or in connection with a credit or insurance transaction, a consumer report that contains medical information about a consumer, unless—

''(A) if furnished in connection with an insurance transaction, the consumer affirmatively consents to the furnishing of the report;

''(B) if furnished for employment purposes or in connection with a credit transaction—

''(i) the information to be furnished is relevant to process or effect the employment or credit transaction; and

''(ii) the consumer provides specific written consent for the furnishing of the report that describes in clear and conspicuous language the use for which the information will be furnished; or

''(C) such information is restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer, unless the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance other than property and casualty insurance.

''(2) LIMITATION ON CREDITORS.—Except as permitted pursuant to paragraph (3)(C) or regulations prescribed under paragraph (5)(A), a creditor shall not obtain or use medical information pertaining to a consumer in connection with any determination of the consumer's eligibility, or continued eligibility, for credit.

''(3) ACTIONS AUTHORIZED BY FEDERAL LAW, INSURANCE ACTIVITIES AND REGULATORY DETERMINATIONS.—Section 603(d)(3) shall not be construed so as to treat information or any communication of information as a consumer report if the information or communication is disclosed—

''(A) in connection with the business of insurance or annuities, including the activities described in section 18B of the model Privacy of Consumer Financial and Health Information Regulation issued by the National Association of Insurance Commissioners (as in effect on January 1, 2003);

''(B) for any purpose permitted without authorization under the Standards for Individually Identifiable Health Information promulgated by the Department of Health and Human Services pursuant to the Health Insurance Portability and Accountability Act of 1996, or referred to under section 1179 of such Act, or described in section 502(e) of Public Law 106–102; or

''(C) as otherwise determined to be necessary and appropriate, by regulation or order and subject to paragraph (6), by the Commission, any Federal banking agency or the National Credit Union Administration (with respect to any financial institution subject to the jurisdiction of such agency or Administration under paragraph (1), (2), or (3) of section 621(b), or the applicable State insurance authority (with respect to any person engaged in providing insurance or annuities).

''(4) LIMITATION ON REDISCLOSURE OF MEDICAL INFORMATION.—Any person that receives medical information pursuant to paragraphs (1) or (3) shall not disclose such information to any other person except as necessary to carry out the purpose for which the information was initially disclosed, or as otherwise permitted by statute, regulation, or order.

''(5) REGULATIONS AND EFFECTIVE DATE FOR PARAGRAPH (2).—

''(A) REGULATIONS REQUIRED.—Each Federal banking agency and the National Credit Union Administration shall, subject to paragraph (6) and after notice and opportunity for comment, prescribe regulations that permit transactions under paragraph (2) that are determined to be necessary and appropriate to protect legitimate operational, transactional, risk, consumer, and other needs, consistent with the intent of paragraph (2) to restrict the use of medical information for inappropriate purposes.

''(B) FINAL REGULATIONS REQUIRED.—The Federal banking agencies and the National Credit Union Administration shall prescribe the regulations required under subparagraph (A) in final form before the end of the 6-month period beginning on the date of the enactment of the Fair and Accurate Credit Transactions Act of 2003.

''(6) COORDINATION WITH OTHER LAWS.—No provision of this subsection shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.''.

(b) RESTRICTION ON SHARING OF MEDICAL INFORMATION.—Section 603(d) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)) is amended—

(1) in paragraph (2), by striking ''The term'' and inserting ''Except as provided in paragraph (3), the term''; and

(2) by adding at the end the following new paragraph:

''(3) RESTRICTION ON SHARING OF MEDICAL INFORMATION.—Except for information or any communication of information disclosed as provided in section 604(g)(3), the exclusions in paragraph (2) shall not apply with respect to information disclosed to any person related by common ownership or affiliated by corporate control if—

''(A) the information is medical information; or

''(B) the information is an individualized list or description based on a consumer's payment transactions for medical products or services, or an aggregate list of identified consumers based on payment transactions for medical products or services.''.

SEC. 702. CONFIDENTIALITY OF MEDICAL CONTACT INFORMATION IN CREDIT REPORTS.

(a) DUTIES OF MEDICAL INFORMATION FURNISHERS.—Section 623(a) of the Fair Credit Reporting Act (15 U.S.C. 1681s–2(a)) is amended by inserting after paragraph (7) (as added by section 504(a)) the following new paragraph:

''(8) DUTY TO PROVIDE NOTICE OF STATUS AS MEDICAL INFORMATION FURNISHER.—A person whose primary business is providing medical services, products, or devices, or the person's agent or assignee, who furnishes information to a consumer reporting agency on a consumer shall be considered a medical information furnisher for the purposes of this title and shall notify the agency of such status.''.

(b) RESTRICTION OF DISSEMINATION OF MEDICAL CONTACT INFORMATION.—Section 605(a) of the Fair Credit Reporting Act (15 U.S.C. 1681c(a)) is amended by adding the following new paragraph:

''(6) The name, address, and telephone number of any medical information furnisher that has notified the agency of its status, unless—

''(A) such name, address, and telephone number are restricted or reported using codes that do not identify, or provide information sufficient to infer, the specific provider or the nature of such services, products, or devices to a person other than the consumer; or

''(B) the report is being provided to an insurance company for a purpose relating to engaging in the business of insurance other than property and casualty insurance.''.

(c) NO EXCEPTIONS ALLOWED FOR DOLLAR AMOUNTS.—Section 605(b) of the Fair Credit Reporting Act (15 U.S.C. 1681c(b)) is amended by striking ''The provisions of subsection (a)'' and inserting ''The provisions of paragraphs (1) through (5) of subsection (a)''.

(d) COORDINATION WITH OTHER LAWS.—No provision of any amendment made by this section shall be construed as altering, affecting, or superseding the applicability of any other provision of Federal law relating to medical confidentiality.

(e) FTC REGULATION OF CODING OF TRADE NAMES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (f) (as added by section 301 of this Act) the following new subsection:

''(g) FTC REGULATION OF CODING OF TRADE NAMES.—If the Commission determines that a person described in paragraph (8) of section 623(a) has not met the requirements of such paragraph, the Commission shall take action to ensure the person's compliance with such paragraph, which may include issuing model guidance or prescribing reasonable policies and procedures as necessary to ensure that such person complies with such paragraph.''.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—Section 604(g) of the Fair Credit Reporting Act (15 U.S.C. 1681b(g)) (as amended by section 701) is amended—

(1) in paragraph (1) by inserting ''(other than medical contact information treated in the manner required under section 605(a)(6))'' after ''a consumer report that contains medical information''; and

(2) in paragraph (2) by inserting ''(other than medical information treated in the manner required under section 605(a)(6))'' after ''a creditor shall not obtain or use medical information''.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect at the end of the 15-month period beginning on the date of the enactment of this Act.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in the designated place in the CONGRESSIONAL RECORD and pro forma amendments for the purposes of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

Are there amendments to the bill?

AMENDMENT NO. 17 OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. OXLEY:

Page 7, after line 9, insert the following new subsection:

(d) CRITERIA FOR ORDERLY IMPLEMENTATION OF FREE ANNUAL CREDIT REPORT PROVISION.—

(1) IN GENERAL.—In developing the regulations and effective dates under subsection (a) (and subject to the time limits in paragraph (2) and subsection (a)), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall provide a systematic approach for implementing the amendment made by section 501 that allows for an orderly transition to the consumer report distribution system required by the amendment in a manner that—

(A) does not temporarily overwhelm consumer reporting agencies with requests for disclosures of consumer reports beyond their capacity to deliver; and

(B) does not deny creditors, other users, and consumers access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft, during the transition period.

(2) PROHIBITION ON EXTENSION OF EFFECTIVE DATE.—

(A) ONE-TIME AUTHORIZATION.—The Federal Trade Commission and the Board of Governors of the Federal Reserve System may exercise the authority provided under paragraph (1) only once during the 2-month period referred to in subsection (a)(1).

(B) EXTENSION OF EFFECTIVE DATE PROHIBITED.—No provision of this subsection shall be construed as extending, or authorizing the Federal Trade Commission or the Board of Governors of the Federal Reserve System to extend, the 2-month period referred to in subsection (a)(1) or the 10-month period referred to in subsection (a)(2) relating to the requirements imposed on consumer reporting agencies by the amendment made by section 501.

Page 10, strike line 12 and insert ''inserting '(and to specific identity theft prevention subjects covered)' after''.

Page 20, line 7, insert ''a summary of rights, or other disclosure, that is the same as or substantially similar to'' after ''with''.

Page 20, after line 14, insert the following new subsection:

(c) EFFECTIVE DATE.—Paragraph (2) of section 609(d) of the Fair Credit Reporting Act (as added by subsection (a) of this section) shall apply after the end of the 60-day period beginning on the date the model summary of rights is prescribed in final form by the Federal Trade Commission pursuant to paragraph (1) of such section and in accordance with section 3(a) of this Act.

Page 27, line 4, strike '', or duplicative of,''.

Page 28, line 4, strike ''credit'' and insert ''consumer''.

Page 28, strike line 7 and insert ''the biometric industry, and the''.

Page 28, line 8, strike the comma after ''public''.

Page 32, line 11, insert '', using an address or a notification mechanism specified by the consumer reporting agency for such notices'' before the period.

Page 35, beginning on line 25, strike ''thereafter report correct information to'' and insert ''notify''.

Page 36, line 3, strike the period, the closing quotation marks, and the second period and insert ''of that determination and provide to the agency any correction to that information that is necessary to make the information provided by the person accurate.''.

Page 36, after line 3, insert the following new subparagraph:

''(D) FRIVOLOUS OR IRRELEVANT DISPUTE.—

''(i) IN GENERAL.—The requirements of this paragraph shall not apply if the person receiving a notice of a dispute from a consumer reasonably determines that the dispute is frivolous or irrelevant, including—

''(I) by reason of the failure of a consumer to provide sufficient information to investigate the disputed information; or

''(II) the submission by a consumer of a dispute that is substantially the same as a dispute previously submitted by or for the consumer, either directly to the person under this paragraph or through a consumer reporting agency under subsection (b), with respect to which the person has already performed the person's duties under this paragraph or subsection (b), as applicable.

''(ii) NOTICE OF DETERMINATION.—Upon making any determination under clause (i) that a dispute is frivolous or irrelevant, the person shall notify the consumer of such determination not later than 5 business days after making such determination, by mail or, if authorized by the consumer for that purpose, by any other means available to the person.

''(iii) CONTENTS OF NOTICE.—A notice under clause (ii) shall include—

''(I) the reasons for the determination under clause (i); and

''(II) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.''.

Page 56, line 16, insert before the closing quotation marks the following new sentence: ''This paragraph shall not apply to a person described in subsection (j)(4)(A)(i), but only to the extent that such person is engaged in activities described in such subsection.''.

Page 60, line 16, insert ''or the financial institution reasonably believed that the institution is prohibited, by law, from contacting the consumer'' before the period.

Page 73, strike line 6 and all that follows through line 14, and insert the following new subparagraph:

''(C) the information to be furnished pertains solely to transactions, accounts, or balances relating to debts arising from the receipt of medical services, products, or devices, where such information, other than account status or amounts, is restricted or reported using codes that do not identify, or do not provide information sufficient to infer, the specific provider or the nature of such services, products, or devices, as provided in section 605(a)(6)).

Page 75, line 8, strike ''purpose'' and insert ''purposes''.

Page 75, line 21, insert ''(and which shall include permitting actions necessary for administrative verification purposes)'' after ''needs''.

Mr. OXLEY. Mr. Chairman, I am pleased to offer this manager's amendment, which reflects extensive negotiations with the committee's ranking minority member, the gentleman from Massachusetts (Mr. FRANK), to resolve issues that arose when the committee marked up this legislation in July. The amendment makes largely technical and conforming changes to legislation that the committee overwhelmingly approved by a vote of 61 to 3.

First, the amendment clarifies that while the new consumer protections against identity theft create uniform standards preempting State laws on the same specific subjects, the bill does not preempt subject matters that are outside the scope of those new provisions, such as limits on Social Security number use or criminal penalties for identity theft perpetrators. This approach assures that the strong new identity theft protections we establish in this legislation are applied uniformly across the country, while leaving undisturbed those State statutes that address subjects not covered by the bill's identity theft provisions.

Second, the amendment includes language responsive to concerns raised by several members at the Committee on Financial Services's markup of the FACT Act relating to the new furnisher reinvestigation duties imposed by section 304 of the bill.

Specifically, the manager's amendment gives furnishers the same right to reject frivolous or irrelevant disputes brought by consumers that credit bureaus have under existing law, including disputes already submitted to and resolved by the furnisher or a credit bureau. The furnisher is required to provide the consumer whose dispute it rejects as frivolous or irrelevant with a notice stating the reasons for that determination and identifying any information required to investigate the disputed information.

Third, the manager's amendment gives direction to the Federal regulators who are required to promulgate regulations establishing effective dates for various provisions of the bill to take into account the need for an orderly transition to a system in which consumers will be able to request a free credit report annually, to avoid overwhelming the credit bureaus and impeding their ability to satisfy time-sensitive requests for reports within the 2- to 12-month effective date provided in the legislation.

Let me again thank the ranking member, the gentleman from Massachusetts (Mr. FRANK), for the cooperative spirit in which he and his staff have worked with us since the committee's markup to make these important improvements to what was an already outstanding piece of legislation. I urge all of my colleagues to support the amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I support this amendment. It is better than we got. It is not all I want, but it improves the bill, as is appropriate for this particular form of a non-controversial amendment in a technical way. It embodies some improvement in the situation vis-a-vis the retroactive California preemption that was embodied in the colloquy.

The colloquy that the gentleman from Alabama and the gentleman from Ohio and I had is really an explanation of what is in this particular manager's amendment, I think it will improve the bill, and I urge it be adopted.

The CHAIRMAN. The question occurs on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 8 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. WATERS:

Page 7, line 15, insert ''(a) IN GENERAL.—'' before ''Section''.

Page 7, after line 24, insert the following new subsection:

(b) SPECIFIC EXCEPTIONS.—Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

''(e) SPECIFIC EXCEPTIONS.—Subsections (b) and (c) shall not apply to—

''(1) the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004); or

''(2) the Consumer Credit Reporting Agencies Act of California (sections 1785.1 through 1785.36 of the California Civil Code).''.

Ms. WATERS. Mr. Chairman, first let me say that the gentleman from Ohio (Chairman OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK), worked very, very hard to get a bipartisan bill to bring everybody together, along with the gentleman from Alabama (Mr. BACHUS). I think everybody put their best foot forward on this legislation, and I am just sorry that I am not able to support the bill simply because I have to protect California.

I think there was a misunderstanding somewhere along the way. I made lot of inquiries about whether or not post-1996 legislation or laws were protected in this bill. I was led to believe that they were protected, but now I find that they were not protected, and what we stand to do is literally undo or preempt much of the good consumer legislation that has been produced in my State. So I must object to the permanent preemption provisions that are proposed in this bill, the Fair and Accurate Credit Transaction Act.

I believe that the States should be free to adopt more extensive consumer protections than those that are provided in this Fair Credit Reporting Act. I believe that the national standards contained in the Fair Credit Reporting Act should be the floor, not a ceiling, on the protections available to consumers. States should have the right to provide additional protections.

I will ask my colleagues on both sides of the aisle, do any of you know what the next major consumer problem will be in the year 2010? In 1996, when the amendment to the Fair Credit Reporting Act was established, identity theft was not even on the radar. We had never even heard of identity theft. The idea that someone would violate a person by stealing their identity and accessing their financial records was not an issue we were familiar with. Now it is the fastest growing consumer complaint to the FTC, with over 200,000 complaints in 2002 alone.

As Californians, our laws on such emerging consumer issues as identify theft represent the gold standard in consumer protection, and that is why I am asking for support on an amendment to carve out all of California laws enacted since the passage of 1996 amendments to the Fair Credit Reporting Act from preemption provisions contained in the bill.

There has been an attempt, well, I do not know what happened, but, again, there was a misunderstanding, and I was misled. All of the consumer protections that were enacted after 1996, with the exception of California Civil Code 1785.25(a) regarding furnishers, are preemptable. So, I have a long list.

For example, let me tell you what is preempted. Consumer reporting agencies must disclose the names and addresses of all sources of information used in Consumer Reports. That is California law, now preempted if this passes.

California also requires consumer reporting agencies to, with a reasonable degree of certainty, match at least three categories of identifying information within the consumer's file with the information provided by a retailer. The categories of identifying information may include the consumer's first and last name, month and date of birth, driver's license number, place of employment, current residence, previous residence, or Social Security number. This effectively reduces a successful attempt at identity theft and reduces the chances for mistaken identity.

Another preemption, a consumer has the right to receive his or her credit score, the key factors in any related information. Another preemption.

A consumer would be able to have a security freeze placed on his or her credit report by making a request in writing by certified mail with a consumer credit reporting agency. A security freeze prohibits the consumer reporting agency from releasing the consumer's credit report or any information from it without the expressed authorization of the consumer. It would preempt it.

Upon receipt from a victim of identity theft of a police report or valid investigative report, a consumer reporting agency must provide a victim of identity theft with up to 12 copies of their credit report during a consecutive 12-month period free of charge. It is very hard to straighten up this identity theft. Sometimes it takes 3 to 4 years. But if you are getting that credit report every month and you can compare what has been taken off, what has been left on, where the mistakes are, you can wind out of this thing.

With strong consumer protections, Federal preemption of States would not be necessary because Federal law would be the floor, rather than the ceiling.

Then, again, as all of you are aware, this past August, California signed into law SB1, which provides strong consumer protections that should be the law of the land. You are going to hear more about this in an amendment additional to mine that will be presented.

But, again, let me just say that whatever the mistakes were, I should have been involved in the manager's amendment to correct these problems. I have not been placed in there. So I do not know what we are going to do, but I ask my colleagues to please consider what has been done here.

Mr. OXLEY. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes, equally divided and controlled by the proponent and opponent.

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

Mr. SHERMAN. Reserving the right to object, the gentleman's unanimous consent applies to this one amendment?

Mr. OXLEY. Mr. Chairman, if the gentleman will yield, yes.

Mr. SHERMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, because this came afterwards, what happens to the 5 minutes just used? Is it subsequent to the 5 minutes the gentlewoman just used?

Mr. OXLEY. Mr. Chairman, if the gentleman will yield, that is fine with me.

Mr. FRANK of Massachusetts. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The unanimous consent request is that further debate on this amendment be limited to 20 minutes.

Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) will control 10 minutes and a Member in opposition will control 10 minutes.

Mr. OXLEY. Mr. Chairman, I designate the gentleman from Alabama (Mr. BACHUS) to control the 10 minutes on this side.

The CHAIRMAN. The gentleman from Alabama will control the time in opposition.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I want to acknowledge that the gentlewoman from California is absolutely correct. She did call to my attention during this discussion on this bill the potential problem that she learned about of a retroactive preemption. I missed it. I made a mistake in this case. She was correct and we should have spotted it. I think it is incorrect.

I want to make clear we are talking about two separate issues here on the preemption. There is the preemption prospectively of what is known as SB1. That is not what is at issue here. There will be a second amendment on that.

This has to do with laws that were passed by California subsequent to 1996 that were not subject to preemption at the time that would now be retroactively preempted. I think that is a mistake.

I should note that the gentlewoman read a list of preemptions. In many of the cases I acknowledge what is preemptive does provide some protection. In other words, it is not a case where there is a preemption, all protections are wiped out. In some cases, the protections are functionally equal. In other cases, they may be somewhat different. But these are laws that had been on the books in California. My view was that this bill ought to go forward with the existing preemptions, with some new consumer protections. It was not my intention to extend the preemptions. Through failure to spot

the meaning of some particular words, I must concede that this happened.

□ 1615

I regret that. We have tried in conversations to undo it. We have in the manager's amendment undone some of it, but not enough of it. But as I said, there are still some of the sections preempted and are replaced by other protections, so it is not a case where there will be no protections at all; but it does seem to me still that there are some rollbacks of California law that were unnecessary.

So as a matter of fairness to California, I do not think we should have been preempting without full knowledge.

Now, I do not mean to say that anybody did anything inappropriate. I should have been clearer about what was happening and we simply failed to spot the meaning of four words; that sometimes happens. I support the gentlewoman's amendment. I think the California laws are substantively wise, but that is not the primary point. My primary point is that we should not be here retroactively preempting what a State has done. That is very different than the future of SB1. We will talk about that later.

So I strongly support the gentlewoman's amendment; and throughout this process, because this bill is a long way from being sent to the President, I will continue to do what I can. She is correct, she and the other gentlewoman from California who serves on the committee called this to our attention, they deserved a better response than they got; and I will do everything I can now to correct the error that we made.

Mr. BACHUS. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, let me first stress that the legislation before us on which we are having an amendment by the gentlewoman from California now, and we will have one from the gentleman from Vermont which will follow that, I first want to say to them that there are many important consumer protections in this bill: free credit report, fraud alerts, the one-call-does-it-all, protecting of health information. And I want to commend both of the gentlewomen for their participation in that. So I do want to say that several of their suggestions, several of the things that they advocated are in this legislation.

To the gentlewoman from California, I rise in opposition to disregarding a national uniform standard in the case of, and this amendment covers two different acts; one of them because the act before us simply does not address a lot of the Gramm-Leach-Bliley things that this legislation did not address. I think this Congress will, at some point, take up a review of those things. The second one does deal with ID theft; it is the California legislation that was just passed.

This legislation before us today, if it passes, Californians will have important new protections in ID theft cases. And I think we all, no matter how we feel about the gentlewoman's amendment, I hope we can all agree on that. We do think that this amendment really strikes at the essence of this bill; and that is a broad, uniform standard where what is done in California meets the test of what is done in Alabama, and what is done in Alabama meets the test of what is done in Ohio. If we apply different standards to fraud alerts, if we require different standards of credit reporting agencies or reports, there is so much interaction here between States. It simply drives up the expense, when California, representing a fourth of this Nation, can impose its own standards on a national issue in which, on a daily basis, millions of transactions are crossing State lines.

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

Ms. WATERS. Mr. Chairman, I yield myself 1 minute to explain to the gentleman that this is not an imposition on the rest of the country; this is a carve-out for California. This is a protection for what we have already done. We have protections in the law from 1996; and what we are saying is, you should not have national standards that are less than what we have produced in California. I have tried to protect that. I thought that I had. And as our ranking member said, a mistake was made. We thought, based on the representations of everybody, that it had been protected. And now I am here with an amendment that simply says, leave California alone and allow the better consumer laws to stand in California. Do not preempt these laws with standards that are less than what we have in California.

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

Ms. WATERS. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, is the gentlewoman talking about cases in identity theft? Is that what we are talking about?

Ms. WATERS. No. As the ranking member tried to explain, there are two different issues here today.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. BACHUS. Mr. Chairman, I yield the gentlewoman 1 minute of my remaining time.

Ms. WATERS. Mr. Chairman, there are two different issues here. When we did this work in committee, we thought that we had protected the consumer laws that were made in California after 1996; and everybody, all of our staff people, everybody thought so, on both sides of the aisle.

Mr. BACHUS. As to identity theft?

Ms. WATERS. No. I just read a number of them a few minutes ago in my presentation that had to do with some other laws, with credit reports and some other kinds of things.

Mr. BACHUS. Well, the amendment deals with two specific acts.

Ms. WATERS. Yes.

Mr. BACHUS. One of those acts was just passed by the California legislature in the past few days.

Ms. WATERS. Yes. That is the latter part. That is the latter part of this amendment. But the amendment that I am speaking to now is the one where I said consumer reporting agencies must disclose the names and addresses of all sources of information. California requires consumer reporting agencies to, with a reasonable degree of certainty, match at least three categories identifying information. I read a list of items that had been preempted that none of us thought had been preempted, and I am trying to carve out for California and put them back in.

Mr. BACHUS. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Alabama (Mr. BACHUS) has 6 minutes remaining; the gentlewoman from California (Ms. WATERS) has 6 minutes remaining.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, first let me just say I do rise in strong support of the Waters amendment to protect Californians', Californians' mind you, financial privacy laws and identity theft provisions. I applaud my colleague from California for her leadership on this issue, for identifying a mistake that was made, and really for just trying to correct it in a very rational way. That is what this amendment does. It corrects a mistake that was made. This bill is a bipartisan bill. We all wanted to support it; but coming from California, the gentlewoman has figured out a way that we should support this, and it would be a win-win for all of us.

The FTC, Mr. Chairman, reported on September 3 that 27.3 million Americans have been victims of identity theft in the last 5 years, including 9.91 million people, or 4.6 percent of the population in the last year alone. Now, these are epidemic levels, and we must do everything we can do to prevent identity theft and to help the victims of this horrendous crime. That is why this amendment is so important. It would preserve very important California laws on identity theft. These are California laws.

Let us be clear. If we do not adopt the Waters amendment today, Californians will lose vital identity theft provisions currently provided in California law. Victims of identity theft will lose the right to a free monthly credit report. Victims of identity theft will lose the protection of California's law providing the right to correct a credit report with a police report. Victims of identity theft will lose the protections of California's law requiring credit bureaus to place a fraud alert within 5 business days of receipt of a request from the consumer. And the list continues. In total, seven existing California laws would be wiped out by this bill and another four will probably be

eliminated. It really simply defies logic to kill these existing California protections for the victims of identity theft when we are facing a growing identity theft crisis in our State.

Again, I thank the gentlewoman for her leadership. I thank her for offering this fix to this very important bill, and I hope that we all can support this correction of a major error that was made.

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

What this amendment does, first of all, it addresses two things; one is SB1 that was just passed in California. And as to affiliate-sharing, that is what is preempted by this legislation. But the present preemption, what we are doing is, we are taking a preemption that presently exists in the law and we are extending it as of January 1. So SB1 as to affiliate-sharing, you cannot do that today in California. You would be, if FCRA was not renewed.

Now, the second component that you have here is California's version of FCRA. And what that would do, the Waters amendment would not only allow California to change its law on an ongoing basis, but beyond what we grandfathered today, and we are grandfathering some of those protections, but it would also resurrect certain laws that are preempted today.

Now, as to a uniform standard, and I want to go back to what we posed to Treasury and what their response was in testimony before our committee, why should uniform national standards be extended to include matters that are designed to help fight identity theft? Why should not States be able to adopt stricter anti-ID theft measures?

Now, since that time, in the manager's amendment, we have allowed a lot of those as long as they do not affect the operation of the FCRA, and the answer that we got from the Federal Reserve, from the Treasury, from the FTC was that it would literally cost millions of dollars; that it is important to have national uniform standards for identity theft prevention measures.

For example, section 202 of the act calls for the development of a national fraud alert system. This requires the credit reporting agencies that operate on a nationwide basis to allow consumers to place various types of alerts in their credit reports when they are victims of identity theft. Now, we require certain things to go into those alerts. If California requires other things, then a company doing business in Ohio or Alabama or New York would not only have to comply with that law, they would have to comply with the California law if they had customers or consumers in California. Merchants dealing with California consumers would not only have to comply with the national law, they would have to worry about the law in all 50 other States with credit reports.

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We would have a gradual erosion and chipping away of our national system. And we took volumes and volumes of testimony how the person most penalized by this would be the consumers in paying higher interest rates, also in being a less effective national standard. We would also discourage people from using the National Uniform Credit System to report and to furnish information if they thought they not only had to comply with a national law but a California law.

Finally, philosophically, when California is able to basically define what FCRA will be, then California imposes its will on the national policy. And we have to have a national policy. We have representatives of California here. In fact, probably one-fifth of this body is made up of California representatives, or one-sixth. They participated in this.

I anticipate that when this final vote is taken, the vast majority, as in committee, of Californians will vote for this legislation. But we simply cannot allow any State to dictate how this system will operate in Alabama, Ohio, New York or to impose additional requirements and costs on consumers in California or Massachusetts or other States. Simply put, this amendment, it sounds good but it strikes at the very efficiency, the cost efficiency, of our national credit reporting system. It bogs it down.

I will conclude with this: California recognized this when they preempted the law of several large cities in California who had attempted to impose their own standards simply by saying we cannot. The cost of cities and counties imposing their own standard would be prohibited. California ought to see that that logic also applies on a national level.

Governor Davis, I believe, initially bought into this. Initially when this legislation, some of this legislation was proposed, he did not sign it. He did not support it. He is now facing a recall in a few weeks, but I am not sure that is the time to judge what ought to be done in the middle of a politically expedient campaign.

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

Ms. WATERS. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentlewoman from California (Ms. WATERS) has 4 minutes remaining. The gentleman from Alabama's (Mr. BACHUS) time has expired.

Ms. WATERS. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

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

Mr. SANDERS. Mr. Chairman, I thank the gentlewoman for yielding me time.

California may have one-sixth of the Members in this body, Vermont does not. I am it and I rise in strong support of the Waters amendment.

The issue of preemption was hotly debated in the Committee on Financial Services, and on one side of that issue was virtually every consumer organization in America. Groups like the Consumer Federation of America, the U.S. Public Interest Research Group, Consumers Union, and many others. And some of us in the committee supported these consumer organizations, making the point that the gentlewoman from California (Ms. WATERS) just made. That in the nature of our government, we are the United States of America, there are 50 States in our country. And sometimes one State does something really good and a whole lot of other States learn from that State. And that is one of the reasons that we have a creative form of government with a lot of ideas that are flowing.

On the other side of that debate, of course, were the credit card companies and the banks. And let us be clear, they do not want strong consumer protection. They are the people who are charging individuals in this country 25 percent interest rates on their credit cards. They do not want to see governors and legislatures and attorneys general stand up strongly and protect consumers. So what ends up happening is that we have a national bill which has admittedly some good provisions in it, but at the same time, it takes away the ability of 50 States to go further.

So the gentlewoman from California (Ms. WATERS), the gentlewoman from California (Ms. LEE), and I and many others were fighting for higher Federal standards, more consumer protection, but at the same time, give California the right to go forward.

It is inconvenient. Well, democracy is inconvenient. Alabama does some things. Vermont does some things. We live together. We learn from each other. We argue with each other, but we do not take away, we should not take away the rights of the States to go further. I support this amendment.

Mr. Chairman, I support the amendment offered by Congresswoman WATERS. This amendment would simply allow the 7 Fair Credit Reporting Act preemptions to expire, as Congress intended, on January 1, 2004 in order to allow the 50 states of this country to pass stronger consumer protection laws to improve the accuracy of credit reports and to aggressively fight identity theft.

I should note right off the bat that every major national consumer group in this country including the Consumer Federation of America, the U.S. Public Interest Research Group, Consumers Union, and the National Consumer Law Center all vigorously oppose state preemption. I would also like to tell you that the National Association of Attorneys General, representing all 50 States of this country, unanimously passed a resolution opposing the 7 FCRA state preemptions.

Mr. Chairman, you know my views on this subject. If my State of Vermont or your State of Ohio wants to pass laws that are stronger than the Federal Government's, we should give States that right. The States are the laboratories of Democracy. You know what happens here. If there is a particular identity theft crisis in Colorado and the Colorado State Legislature passes a law to correct this problem,

and it works, what happens? Pretty soon, California may pass the same law. Then Nebraska. Then Maryland. And, eventually it filters up to the federal government and we have a good national law on the books. But, if this legislation is signed into law, we would permanently prevent the States from taking this action. We hear a lot of talk from conservatives about protecting the States and the American people against the big, bad and instrusive Federal Government. Well, call me a conservative on this issue because I believe that the 50 States in this country should be able to pass their own laws and should not be pre-empted by the Federal Government from passing stronger laws that protect consumers. So, I would say to my conservative friends on the other side of the aisle, vote for my amendment. It is consistent with your philosophy on the role of the government.

And to my Democratic friends on this side of the aisle, I ask all of you to vote for this amendment as well. Let us not forget that just last week, during a recent mark-up of the Securities Fraud Deterrence and Investor Restitution Act (H.R. 2179) in the Capital Markets Subcommittee, virtually every Democrat voted against preempting the states from taking strong enforcement actions against Wall Street firms that defraud investors. I agree. The 50 States of this country should not be prohibited from aggressively punishing corporate wrongdoing.

Today, we are dealing with the exact same issue: state preemption. But, this time it deals with consumer protection. Just like we should not prohibit States from aggressively punishing corporate wrongdoers, to my mind, we should also not permanently bar the states from aggressively punishing identity thieves and improving the accuracy of consumers' credit reports. Therefore, I hope my Democratic friends will vote for this amendment as well.

Mr. Chairman, as we all know, the newspapers are filled with horror stories about the harm being done to consumers by identity thieves. This problem is compounded by the shabby job done by the credit reporting system in ensuring that consumers' credit reports are accurate and up-to-date. States have been at the forefront of the effort to stop identity thieves and to clean up the credit reporting industry. The federal government should be a partner in that effort but should not pull the rug out from under the states. There is no greater impediment to consumer credit than a credit report full of errors. There is no reason to tie the states' hands.

We have heard from the financial services industry and the major credit bureaus that if we don't extend these state preemptions, the entire credit system will collapse. But, let us not forget, we had a national credit system before the 1996 state preemptions were inserted, and it worked well. For example, one of the witnesses that we heard from on this issue from Juniper Bank who supports preemption cited a study that showed ''in 1990, more than 70 percent of credit card balances were being charged more than an 18 percent annual interest rate. By 1993, only 34 percent of credit card balances were being charged more than 18 percent interest.''

Great study. All of the benefits to consumers just happened to be 3 years before the 1996 preemptions were enacted.

Another supporter of state preemption who testified at our first hearing from the Information Policy Institute pointed to another study that showed that credit card prices ''declined by almost 35 percent between the first quarter of 1984, and the fourth quarter of 1996,'' saving consumers ''about $30 billion per year.''

Again, great study. All of the benefits to consumers happended to occur before the 1996 state preemptions were enacted.

In addition, the 1996 FCRA amendments specifically grandfathered stronger consumer protection statutes in California, Massachusetts and Vermont from pre-emption. What have we seen in these 3 states that have stronger consumer protection laws in regards to credit reporting? We have seen that my State of Vermont now has the lowest rate of consumer bankruptcies in this country; the State of Massachusetts has the second lowest consumer bankruptcies in the United States; and California comes in ahead of the median. At a time when the United States as a whole experienced the highest rate of bankruptcy cases in history, increasing by 23 percent since 2000, I would say that these three examples gives us proof that stronger State consumer protection laws work.

What about mortgage rates? Well, the most recent data indicate that the State of California has the lowest effective rate for a conventional mortgage in the nation, and Vermont and Massachusetts were well below the median. Sounds pretty good to me.

In addition, let us not forget why the 1996 FCRA amendments were enacted. While identity theft complaints have been the number one complaint to the FTC each year since 2000, and in fact doubled from 2001 to 2002, it was credit bureau mistakes which were the number one complaint to the FTC 10 years earlier. And it was credit bureau mistakes, and complaints about them, that led Congress to the 1996 FCRA amendments. From 1990–92, according to a study by U.S. PIRG, mistakes in credit reports were the number one complaint to the FTC. What will the new crisis be? We don't know for sure. But, if we permanently preempt the States from acting on future problems, we will do this country a great disservice.

Moreover, if some of the new members don't believe Congress intended these preemptions to sunset, I would refer them to the floor statement of the former Ranking Member of the Banking Committee and former Republican Congressman from California Al McCandless who had this to say during the floor debate on this bill:

''The issue over whether the Fair Credit Reporting Act should preempt more stringent State laws or whether it should permit States to enact tougher credit reporting statutes has been one of the single toughest issues for the Banking Committee to tackle. On the one hand, many of our Members like the idea of a national uniform standard. On the other, we do not want to tie the hands of State legislatures. I think that this compromise bill resolves the issue of preemption to most everyone's satisfaction. The Fair Credit Reporting Act as amended by this compromise bill, will be the law of the land for the next 8 years. It will provide consumers across the country with greater protection than is currently offered by any existing State statute. A uniform national standard will make compliance more straightforward and will facilitate the extension of credit to consumers. States will be able to enact more stringent legislation if necessary after 8 years.''

Let me repeat, ''States will be able to enact more stringent legislation if necessary after 8 years.''

That's what was said by the top Republican on the Banking Committee on the floor of the House when a compromise was reached on this bill. Let's stick to that compromise and support this amendment.

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

Mr. Chairman, I think I made the case as clearly as it can be made. I was told by everybody that certain California laws after 1996 were protected. Now I find that they have been preempted. And I really do not think it is fair that I find myself here on the floor today having the laws of my State preempted and a manager's amendment that does not attempt to correct it.

I suppose I believe that my ranking member is going to do everything he can, I guess working in conference somewhere, to try and give back the protections that we have in California. I have always maintained that the Federal standard should be the floor. If any State would like to protect its consumers more, who is the Federal Government to tell them they cannot do it? That is wrong.

I do not buy the argument that it is inconvenient for some bank or financial institution to have to deal with California, because California has better consumer laws, and they would just rather be able to deal with them the same way that they deal with everybody else.

I do not think it is fair, and I do not think we should use the powers of our government to do that.

Let me just say this, that knowing that I was today that we were not preempted, and this does not have anything to do with SB1, I am talking about those laws that I referred to. Knowing that I was told that, I would expect my colleagues, who have worked pretty well on both sides of the aisle, to try and get a bill that everybody could support, that you would at least represent to me that you are going to try and undo the mistake. That you are going to try.

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

Ms. WATERS. I yield to the gentleman from Alabama.

Mr. BACHUS. I will say this: Yes, there are provisions of California law that were preempted, but they are provision where we established a consumer protection on a national basis. And in almost every one of these cases, we went beyond what most States do.

Ms. WATERS. Reclaiming my time, we have to compare it issue-by-issue and then determine whether or not, in fact, you have done better or you have done worse.

The CHAIRMAN. All time for debate on the amendment offered by the gentlewoman from California (Ms. WATERS) has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

The CHAIRMAN. Are there any further amendments?

Mr. OXLEY. Mr. Chairman, I ask unanimous consent that debate on the following amendments, and any amendments thereto, be limited to the time specified equally divided and controlled by the proponent and opponent as follows:

The amendments numbered 2, 5, 7, 9, and 10 in the CONGRESSIONAL RECORD shall be debatable for 10 minutes;

The amendments numbered 1, 6, 11, 12, and 16 in the CONGRESSIONAL RECORD shall be debatable for 20 minutes;

And the amendments numbered 15 and 4 in the CONGRESSIONAL RECORD shall be debatable for 30 minutes.

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

Mr. SHERMAN. Reserving the right to object, Mr. Chairman, I thought that the Lee-Sherman amendment was getting 40 minutes equally divided. I could be wrong on that. What was the agreement?

Mr. OXLEY. Thirty minutes, Mr. Chairman.

Mr. SHERMAN. Mr. Chairman, would the gentleman mind having the Lee-Sherman amendment given 40 minutes?

Mr. OXLEY. What number is that?

Mr. SHERMAN. Number 15.

Mr. OXLEY. Number 15? I would give it 35 minutes. How is that for a compromise?

Mr. SHERMAN. That is a wonderful idea, Mr. Chairman.

Mr. OXLEY. Mr. Chairman, I amend my unanimous consent request to make the amendment number 15 debatable for 35 minutes.

The CHAIRMAN. Is there objection to the request with the addition that amendment number 15 be debatable for 35 minutes equally divided?

There was no objection.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 15 OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Ms. LEE:

Page 7, after line 24, insert the following new section:

SEC. 102. FINANCIAL PRIVACY EXCEPTIONS.

Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

''(e) FINANCIAL PRIVACY EXCEPTIONS.—Subsections (b) and (c) shall not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.''.

The CHAIRMAN. The gentlewoman from California (Ms. LEE) will be recognized for 17½ minutes and a Member opposed will be recognized for 17½ minutes.

The Chair recognizes the gentlwoman from California (Ms. LEE).

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

Mr. Chairman, first, let me thank the gentleman from Ohio (Mr. OXLEY) and the ranking member, the gentleman from Massachusetts (Mr. FRANK) for their diligent work to really make this a bipartisan bill. Of course, I cannot support it as long as it preempts California and that is what it does.

I offer this amendment today on behalf of all Californians and all Americans, really, who deserve and want to take back control of their private financial information. And I want to thank my California colleague, the gentleman from California (Mr. SHERMAN), the gentleman from California (Mr. FARR), the gentlewoman from California (Ms. WATERS), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Massachusetts (Mr. MARKEY), and all of those who have been working on this very, very important issue and this important amendment.

Mr. Chairman, our amendment would make a major step towards reclaiming consumers' financial privacy by doing the following: First, it protects California's recently enacted landmark Privacy Act; and, secondly, it allows every State to enact financial privacy laws giving consumers in those States similar protections to Californians, which, of course, is the strongest in the Nation, if they so choose, only if they so choose. For those of you who are not fortunate enough to hail from the great State of California and may not be familiar with California's new law, let me just provide a little bit of background.

What does the new privacy law do? It gives consumers the right to stop the sharing of information by financial institutions, unless they meet very stringent criteria. The law requires financial institutions to obtain a consumer's affirmative consent before sharing information with most third parties. It also provides standards for consumers to receive clear notice of their rights.

Now, how did this groundbreaking law come about? Well, it was the result of a long hard fight and it is a major effort by California State Senators, Jackie Speier and John Burton. And I really want to thank them for their tireless effort in working with the financial institutions in California to come up with this arrangement, this compromise, this law which really did result in resounding bipartisan support for the bill SB1, which passed the California Senate by a vote of 31 to 6 and passed the assembly by a vote of 76 to 1.

Yes, I also want to thank Governor Davis for really standing up for California consumers by signing this bill. But it is very important, I believe, to recognize the critical role California consumers played in the fight for new and strong financial protections because in the end it was this broad support and the very hard work of California consumers that pushed the bill forward.

In fact, I want to cite a January California opinion poll to demonstrate the overwhelming popularity for a strong financial protection. Now, the poll found that 91 percent of individuals supported a ballot initiative that will require a bank, credit card company, insurance company or other financial institutions to notify a consumer and to receive a customer's permission before selling any financial information to any separate financial or nonfinancial company. The support was strong regardless of party affiliation: 96 percent of Democrats, 88 percent of Republicans, 90 percent of Independents. Clearly, financial privacy is not a partisan issue.

Now these groundbreaking, popular, hard-won protections which were negotiated with our financial institutions in California are threatened because of this bill before us today. Let us be clear, this bill does preempt California law. And what does that mean? That means that important California protections will just basically be wiped out. In fact, it means that Californians will never see parts of the law that was signed by the governor. And it means that the will of an overwhelming majority of Californians will be overturned by what we are doing today.

We cannot allow that to happen. We have an obligation to stop that and this amendment would do exactly that. And just like we have an obligation to stand up for all of our consumers today, we are standing up for our California consumers. We have an obligation to stand up for consumers, as I said, all across the country so that they have the opportunity to protect and to control their intimate financial details.

□ 1645

Consumers in California are no different than consumers everywhere when it comes to their financial privacy. Strong protections are what they seek and what they deserve.

I want to take a moment to address some of the inflated and really irrational concerns that have been raised about our amendment. It will not bring commerce to a grinding halt. It will not mean an end to affordable mortgages, and it will not leave more minorities without access to credit. It will not put an end to ATM machines, and it will not ruin the credit system as we know it.

It will merely require banks and insurance companies and other financial institutions to ask California consumers before they share and sell their private information. It will merely allow consumers and other States to benefit from similar protections in the future if they determine that it makes sense for them.

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

The CHAIRMAN. Does the gentleman from Ohio (Mr. OXLEY) claim the time in opposition?

Mr. OXLEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Ohio (Mr. OXLEY) is recognized.

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

Mr. Chairman, I rise in opposition to the amendment and this really strikes at the heart of what we are trying to do in this legislation to provide national uniformity of our credit system. The Lee amendment would destroy the national uniformity with respect of the ability of the financial institutions and others to share information among affiliated entities.

The Lee amendment does not affect only Californians. Would that be the case, I would not be as particularly concerned, but by grandfathering the California law with respect to affiliate sharing, the Congress would actually abdicate its obligations by allowing California to set the national standard with respect to affiliate sharing. I suggest to my colleagues that that is the responsibility of the national legislature, indeed the Congress.

In essence, many financial institutions will not be able to adhere to multiple sets of rules with respect to affiliate sharing. Then what happens? Some or many will simply adopt the California requirements as the national standard, and ultimately, it becomes California setting national standards, and while I have a great deal of respect for my colleagues from California and the Golden State, I do not think it is a responsible position for the Congress to abdicate that responsibility to the Golden State.

So the question is not necessarily whether there will be a national standard but, in fact, who will set it, and ultimately, the Constitution provides the ability of the Congress to set those national standards.

The Lee amendment also would allow any other State to adopt its own laws with respect to affiliate sharing. Therefore, financial institutions and consumers could find themselves attempting to understand dozens of State laws pertaining to affiliate sharing. The actions dealing with privacy in California should not impact the Federal debate on FCRA, and this is important to understand. The affiliate sharing provisions in the California law are preempted by the existing provisions of FCRA today. So they will be essentially null and void whether Congress reauthorizes the FCRA or whether it does not.

The understanding among all parties in California was that the affiliate sharing provisions would be invalidated under the existing FCRA national standard. The negotiations on the California law and the shift of several companies positions in opposition to neutral was based on opposition to a State-wide referendum and was part of the negotiations that went on in the California legislature. That is not unusual in today's making of laws in any particular State.

In short, grandfathering California law and future laws in other States guts our national uniform standards and harms consumers across the country, could cause an increase in interest rates, inability to get credit, precisely the opposite of what we are trying to do in this legislation. That is why this legislation passed 61 to 3 in the Committee on Financial Services. That is why we have a broad base of support for this legislation across the aisle, among all sections of the country, why we have had strong leadership from both sides of the aisle on this important legislation.

We do not need at this point to get in a situation where we have a rush by other States to simply gut our national standards. That is not what we are about in this body, and all of us who have supported this legislation, who probably cosponsored and voted for it in committee and sent letters, Dear Colleagues, out supporting this legislation need to understand that this is a killer amendment to what we are trying to do in the underlying legislation, and that is why this amendment should be defeated.

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

Ms. LEE. Mr. Chairman, I yield 5 minutes to the gentleman from southern California (Mr. SHERMAN), cosponsor of this amendment.

Mr. SHERMAN. Mr. Chairman, I thank the chairman for arranging an extra 5 minutes to debate this important amendment. It is our intention to offer it, and then withdraw it at the end of this discussion, in the hopes that these issues can be dealt with effectively in conference. By withdrawing the amendment at the end of this discussion, we will save the House at least 30 minutes as compared to a recorded vote, thus giving my colleague a six-time return on his investment.

This is a good and necessary bill. We have an amazing credit system in this country where a bank on the east coast will compete for the opportunity to lend money to somebody on the west coast who they have never met; even when none of the banks' employees knows anyone who knows the borrower. Imagine that compared to where we were in this country 100 years ago, when it took a personal relationship with a banker to get a loan. This is an amazing system, and it can exist only with national credit reporting that borrowers and lenders can rely upon and only with a national system that regulates that national credit reporting.

But in our effort to have national standards, which our friends on the other side of the aisle have explained the importance of, we should not reach the lowest common denominator. Instead, we need to look at what the States have done to protect their consumers and try to have a national standard that is at least as high, or at least addresses each of the different consumer protection issues. So, this bill needs to be compared to California law to see whether it achieves that, or whether it might achieve it at the end of the conference.

There are two sets of consumer protections in California law. The first is known as the pre-SB1, pre-Speier's bill protections. In this area, we from California had been told that none of the California pre-SB1 protections would be preempted. But in fact, they were. However, the violence done by that preemption is perhaps not as great as some of my colleagues have pointed out because in many of the cases where California law was preempted, it was replaced by a national standard that was just as good for consumers, even if slightly different in form.

For example, there is the California requirement that consumer reporting agencies must disclose the names and addresses of all sources of information in the consumer report. That California law is preempted but replaced with an even stronger Federal law that not only requires that, but, (I thank the chairman for accepting my amendment in committee), also requires that the phone numbers, as well as the addresses, of those who provide that consumer information be provided in the consumer report.

So it is important that in conference, we take a look at all the pre-SB1 California provisions, make sure that whatever protections a Federal law preempts, are replaced by equally strong consumer protections.

In a few areas that is not the case, and I am confident that in conference, with the advocacy of our ranking member, the gentleman from Massachusetts (Mr. FRANK) and with the chairman of the committee, we will achieve that.

The second set of California Consuming Protections were given to us by SB1, the Speier's bill, which was passed while this Congress was in recess last month. There are several provisions of that bill that are not preempted by Federal law and that will do an outstanding job of protecting Californians, and I commend them to our committee and to the State legislatures around the country. One of those (SBI) provisions, however, would be preempted. That is what is called the opt-out provision dealing with affiliate information sharing.

We are talking about a situation where a person goes to a bank, provides the bank with their financial information, are the bank shares it with their affiliated insurance company or their affiliated stock brokerage company? Good business practice, as well as California law, allows a consumer to instruct their financial institution not to share their information with an affiliated company. I think that is smart business. I commend Jackie Speier of California for writing it into California law.

As we go to conference, hopefully this issue will be addressed. One way to address it is the way Bank of America already addresses it voluntarily, and this would be a compromise. That is to

say, that a consumer should be able to opt-out for purposes of marketing. The consumer would be able to say, Bank, do not have your insurance company call me. If we were able to get that, yes, California consumers might lose a tiny bit, but 280 million Americans would gain substantially.

I look forward to a conference that will assure consumers around this country, and those of California, with enhaused protections.

Mr. OXLEY. Mr. Chairman, may I inquire as to the time left?

The CHAIRMAN. The gentleman from Ohio (Mr. OXLEY) has 13 minutes remaining. The gentlewoman from California (Ms. LEE) has 7 minutes remaining.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, Members are back in their office and they are listening to this debate, and one of the things that they may or may not have heard, but if they did, is that both gentlewomen from California may have been misled on this legislation into thinking that nothing in this law preempted California.

I, in fact, went back to the debate at the time that the gentlewoman from California (Ms. WATERS) offered a similar amendment to what is being offered on the floor today, and I want to read to her just by way of refreshing our memory, not to dispute what she says, and quote what she said.

She said, ''I, in good faith, would not like to preempt the work of the State of California, the legislators who have spent so much time. Nor would I like to be on record preempting them with supporting this legislation, when I know that we are going to have a ballot measure that is going to be passed. The people of the State of California are going to pass this ballot measure that will give them further protections. I do not believe that a ballot measure should be preempted here at the national level.''

She offered this amendment. It was defeated 56 to 6, and then as the legislation passed out of the full committee, the gentlewoman from California (Ms. LEE) and the gentlewoman from California (Ms. WATERS) joined the gentleman from Vermont (Mr. SANDERS) and voted against the whole thing because, in fact, it did preempt something in California. What is it that it preempts?

The legislation that California just passed did three things. Number one, it required opt-in for third party nonaffiliate sharing. Nothing in this legislation changes that. It had new Gramm-Leach-Bliley privacy notices. Nothing in this legislation affects that. There is only one thing and one thing alone that this legislation ''preempts'' California, and that is the required opt-out for affiliate sharing, and that is also the present law. So what was passed in California, as far as the required opt-out for affiliate sharing, the citizens of California did not get anything because the national law today preempts that. It had no effect.

If our national standards expire January 1, yes, they would, but as the gentleman from Ohio (Mr. OXLEY) said, Gramm-Leach-Bliley, we are going to address that next year and look at those affiliate sharing things. In fact, the chairman of the committee in the Senate says he is going to look at them, and I think that he probably will. We may address them in conference, but we did not open up that debate. We did not address it with our hearing.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Monterey, California (Mr. FARR), a real advocate for consumers, a great leader.

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding me the time.

I rise in strong support of the Lee-Sherman amendment No. 15, which protects the right of States to defend the privacy of their citizens. As written, this bill would preemptively cancel out the effects of California's SB1. I know it has been mentioned but remember, California, one, is the leading financial State in the United States and has the most number of consumers in the United States, and that bill passed after an incredibly long debate in the legislature, and it was supported by or went neutral by financial institutions who were affected by it, had overwhelming consumer support and was voted out of both Houses on a bipartisan fashion.

□ 1700

So do not take the actions of California lightly. It is a Big Business State, and it did a very remarkable thing by passing this bill. What Members should do now is preempt it. It preempts SB1 but also will nullify a number of existing identity theft laws.

The Credit Reporting Act states that it is a ceiling rather than a floor. I think if you look at what we have done in other legislation in this country where we set the floor in the areas of medical privacy, wire tapping, cable records, video rental record, telemarketing, financial records, and drivers records, Federal law allows the States to provide stronger protections. Why not here?

The Gramm-Leach-Bliley Act explicitly provides for States to enact laws for greater protection for the privacy of personal financial information. If you believe in States' rights and the ability of States to set standards to protect consumers, to protect Americans and their families, then I urge my colleagues to vote ''yes'' on this very important amendment.

Do not take the actions of California so lightly. It is a very important, remarkable historical act that has been created there; and we ought to allow California to proceed with it.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I just think we really need to go back historically in this discussion and take a look at what we were dealing with. I actually hate to say it, but I remember what it was like back before we dealt with uniform standards on credit back when we first started this in 1970. Then in 1996 we went to pure uniformity.

I remember trying to get credit and being told you are going to have to wait for a while before we can do that. I was not the only consumer. Probably 100 percent of Americans or probably 98 or 99 percent were being told they had to wait in order to establish whatever the credit was. Every place you went it was handled separately or differently or whatever.

Congress did something right. Congress did something extraordinarily right when they passed the act initially and then went to the uniform standards with the usurpation of some of the State laws in 1996. I think that is one thing we simply do not want to back off of. Regardless of what is in the California statute, California is the most significant State we have in terms of people and in terms of financial interests, but the bottom line is that to impose the California standards basically on this country could be a problem.

I might also note another reason to vote against this amendment to this legislation is that it states at the end of it: ''or the law of any other State that is similar to the California Financial Information Privacy Act.'' That is a damaging statement because I don't know how you measure ''similar to.''

Other States could come in and try to do something that would upset the uniformity of what we are doing at the Federal Government level.

What we have done now here in Washington is given every single consumer in this country the opportunity to have a uniform plan so that we know how to get information right away. And with the use of technology that can be done. You can buy a car instantaneously, much less establish credit of a lesser nature some place else.

I think California's attempt to impose restrictions in an area that is completely, totally governed by the FCRA's uniform national standards would be a tremendous error.

We had extensive hearings. I think we need to remember that, too, as we make our decision on how to vote on this amendment. We had over 100 witnesses in very expensive hearings. The chairman and the subcommittee chairman did a wonderful job working with the majority party and our own majority party in terms of developing this legislation.

It did pass overwhelmingly in our committee as everybody understood exactly what we are dealing with. In fact, at that committee another member from California offered an amendment to sunset FCRA's uniform national standards at the end of this

year. And during that debate, a specific appeal to give California the ability to establish its own standards either through action by the State legislature or statewide ballot initiative came up. That amendment was defeated 56 to 6.

So, clearly, the individuals in this body who have looked at this issue carefully understand that to undermine it by allowing States to start to opt out and to have different provisions with respect to the fair credit reporting that we have in the country would be an error.

I would encourage everybody in this body to look at this carefully and to vote ''no'' on this amendment to make sure that we protect a very good piece of legislation.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), a real leader in this Congress in the fight for privacy rights.

Mr. MARKEY. Mr. Chairman, if the line of juris prudence that we are now operating under is allowed to stand, then we are in a situation in which there is no effective regulation of a bank, an insurance company, or a securities firm sharing of a consumer's personal financial information and no State regulation of such transactions.

In other words, we are left with a regulatory black hole in which neither the Federal Government nor the States are regulating what is going on within this affiliate structure where one part of a firm gets it and then shares it with all of its affiliates, stockbrokers, insurance, you name it. All of the family's secrets are then spread throughout the country and to anyone that is affiliated with them as an independent operator as well.

This is unacceptable. And it means we have no Federal standard for consumer consent regarding affiliate sharing and preemption of any State law dealing with the subject.

What the Lee amendment says is that we should close this black hole so that if the Federal Government is unwilling or unable to effectively address affiliate sharing, sharing it with all the companies which this bank or insurance company or stock brokerage has, taking all their secrets and starting to share it with all these other companies, then the States can do so.

This amendment preserves not only California's privacy statute but the laws of any other State that might want to give their people protection so that their family's secrets are not made a product sold to anyone with enough money to buy what it is that you are doing with your financial life, your stock brokerage, your insurance information.

This is an important issue that our country faces: the privacy of every American. It is why we fought the American Revolution.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume, as I feel compelled to respond to my good friend from Massachusetts in his somewhat overheated rhetoric regarding the revolution, which I know started in his district. And I am also sorry that we did not hear the famous story about his local banker, Mr. Wentworth. I am sure the other Members, who were not on the committee, have not had an opportunity to hear about it. I also am concerned that the gentleman was unable to hear 100 witnesses in eight separate hearings chaired by our good friend, the gentleman from Alabama.

Regulatory black hole? I would invite my good friend from Massachusetts to read this piece of legislation. This is the strongest piece of privacy legislation I would say ever passed, certainly in recent Congresses. That is why we had 61 members of our committee vote for the final product when it came to the final vote.

So I would say to my good friend, this really is crunch time as far as whether we are going to have a uniform standard that can protect consumers, can set out the rights that they have to protect their privacy, to protect their ability to fight off the horrible crime of identity theft, which affects 10 million Americans. That is what this bill is all about.

And we are dedicated to this national standard that has had so much success since the 1996 act. My friend from Delaware points it out so well, of the progress that we have made. We simply cannot allow ourselves to slip back and allow for States to start to move the goal post and to essentially lower those standards so that we end up with the system that we had before 1996, which would result in higher interest rates, less access to credit, and longer waits for credit. We do not want to go back to the bad old days; we want to move forward. And so I would suggest to the Members that that is what this bill is all about.

So, Mr. Chairman, I have great respect for my friend from Massachusetts, and am actually going to yield some of my time to him, since I miss him so much.

Mr. BACHUS. Mr. Chairman, will the gentleman yield for just a moment, before he yields to the gentleman from Massachusetts, because I think it probably has something to do with it.

Mr. OXLEY. I yield to the gentleman from Alabama.

Mr. BACHUS. Mr. Chairman, the original FCRA that the gentleman from Ohio pointed out was passed in 1996. Right? Not 1776. Is that right?

I will admit to the gentleman from Massachusetts we took absolutely no testimony on the American Revolution and none of our witnesses actually tied that in. But I appreciate his input.

Mr. MARKEY. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I would be pleased to yield to my good friend, the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I think the gentleman from Alabama missed the point in the discussion of the gentleman from Ohio where he changed the metaphor from the American Revolution to moving the goal post, which makes sense. As a graduate of Ohio State, you would try to switch the form of the debate.

But, nonetheless, we have California moving the goal post further away from the consumer, where in the minds of Californians, and most of us who have dedicated our lives to privacy, the California section moves it closer to the privacy objectives that ordinary families have for their personal financial information. And what we are doing here is essentially giving to the big financial institutions the ability to be able to circumvent this increasing interest at the State level of enhancing the rights of families to be able to protect their privacy.

I hope when we get to the conference committee that my cochairman of the privacy caucus, Senator SHELBY, who shares the passion on this issue, will be in disagreement with my colleagues as to whether or not we have reached in this bill the historic high point of where we should be in 2003 in terms of the protection of the privacy of American families.

Ms. LEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS), whose diligence on this bill has identified many errors we are trying to correct today.

Ms. WATERS. Mr. Chairman, I would like to thank the gentlewoman from California (Ms. LEE) for all the work she has done on this most important issue.

Mr. Chairman, if anybody had told me that I would be on the floor of Congress arguing States' rights, facing off with a conservative from Alabama, I would have told them they are crazy. But I am here today arguing States' rights on one of the most important issues confronting Americans today, and that is privacy.

Americans do not want people peeping into their bedrooms. They do not want folks eavesdropping on their calls. And they sure do not want financial institutions selling their personal and financial information. And that is what this is all about. This bill would require financial institutions to first obtain a consumer's explicit consent before selling or sharing their personal or financial information with affiliates or third-party companies for any purpose other than to complete a transaction initiated by the consumer.

What right do we have as Federal lawmakers saying to the American citizens that we do not care that they want their privacy protected; that we are the Federal Government; that we do not care what the States want because we have decided we want national standards for the convenience of the financial institutions. We do not want the financial institutions to have to be inconvenienced by having a State like California have better consumer laws than they have in these national standards.

I just do not believe the way this argument is going. I cannot believe that

I am standing here defending the privacy rights and the States' rights of Americans against the conservatives on the other side of the aisle.

□ 1715

Mr. Chairman, it is just too much for me to absorb at this moment. Let me say we have worked hard in California to have better consumer laws, and I dare say if we do not get it on this side, we are going to have to fight in the other body. But in the final analysis, we also have the ballot in California. We will go to the ballot to deal with this issue.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, let me reiterate again, because I think it is important that the gentlewoman from California (Ms. WATERS) know this, nothing in this legislation will, in any way, stop SB1, the California bill, from requiring opt-in for third-party non-affiliate sharing, nothing. The gentlewoman mentioned third parties, this was all about allowing institutions to share their privacy or their records with third parties. That is not what this bill is about. This bill does not authorize that. This bill does not permit that. There is nothing that does that. There is nothing in this bill that stops the second component of that new California law, and that is the privacy notices. Nothing in this legislation stops that.

What this legislation does is it continues the present law. Gramm-Leach-Bliley addressed the privacy issues, not fair credit reporting, and we are going to address those issues in hearings next year. As the gentleman from Massachusetts said, the chairman of the Senate has said he may address affiliate sharing in the Senate. That is fine. We may address it in conference. We did not address it in this bill.

We did not do anything not allowed by present law. Currently, the present law does not preempt that.

Finally, we established a high bar wherever we established a bar. The gentleman from California (Mr. SHERMAN) talked about one of the most important things that they did in California, and that is the telephone numbers, giving the telephone numbers. We put that in this bill over strong industry opposition. It is in there. It is an important new right that everyone in 50 States will have, and it is part of a national standard.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time.

When the Committee rises and we are in the full House, I intend to submit for the RECORD a letter signed by 55 Democrats and Republicans from California discussing the fact that this law, if passed, would preempt California law, SB1.

Finally, let me just say I want to support this bill, but why would any Representative from California support a bill that wipes out the protections for California consumers that they have worked so hard for, for so many years?

Mr. Chairman, I will include for the RECORD the list of financial institutions in California that negotiated with our consumers and remained neutral as this bill was signed into law by Governor Gray Davis. I think it is very important that we protect California law, and if other States want to support stronger measures, allow States to do that. As the gentlewoman from California (Ms. WATERS) said, this is a States' rights issue. I think this amendment would allow States to enact consumer protections that they deem necessary for their consumers.

American Electronics Association
California Bankers Association
California Chamber of Commerce
California Financial Services Association
California Mortgage Bankers Association
Capital One
Citigroup
Countrywide Financial
Farmers Insurance
Fidelity Investments
Financial Services Privacy Coalition
Household International, Inc.
JP Morgan Chase
MBNA
Merrill Lynch
Personal Insurance Federation of California
Providian Financial
Securities Industry Association
State Farm Insurance
Toyota Motor Sales USA
Washington Mutual
Wells Fargo

Ms. ESHOO. Mr. Chairman, I rise today to urge my colleagues to vote in favor of the Sherman-Lee Amendment to give consumers control over their financial information.

Seven million Americans were victims last year of ID theft. Overall, more than 33 million Americans have had their identities used by someone else sometime since 1990.

The Department of Justice says ID theft is the nation's fastest growing financial crime and the damages to consumers are becoming even more significant.

Despite the fact that millions of Americans are victimized by identity theft each year, Congress is getting ready to pass a bill that blocks states from enacting tougher reforms.

The strongest financial privacy law in the nation passed in California last month with overwhelming bipartisan support. This new law, sponsored by State Senator Jackie Speier, allows consumers to stop banks and other financial institutions from sharing confidential account and transaction histories with most of their affiliated companies.

As we consider this matter, I urge my colleagues to vote to bring these protections to all Americans and make sure that any changes to the Fair Credit Reporting Act truly benefit consumers.

Vote in favor of the Sherman-Lee Amendment which protects California's financial privacy law and allow other states to enact similar laws.

Ms. LEE. Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

AMENDMENT NO. 12 OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. NEY:

Page 56, after line 16, insert the following new subsection:

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 624(b) of the Fair Credit Reporting Act (15 U.S.C. 1681t(b)(3)) (as amended by section 204(b) of this Act) is amended—

(1) by striking ''or'' at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following new paragraphs:

''(3) with respect to the form and content of any disclosure required to be made under subsection (c), (d), (e), or (f) of section 609, except that this paragraph shall not apply—

''(A) with respect to sections 1785.10, 1785.16 and 1785.20.2 of the California Civil Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003) and section 1785.15 through section 1785.15.2 of such Code (as in effect on such date) and

''(B) with respect to section 12-14.3-104.3 of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

''(4) with respect to the frequency of any disclosure under section 612(e), except that this paragraph shall not apply—

''(A) with respect to section 12-14.3-105(1)(d) of the Colorado Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(B) with respect to section 10-1-393(29)(C) of the Georgia Code (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(C) with respect to section 1316.2-B of title 10 of the Maine Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(D) with respect to sections 14-1209(a)(1) and 14-1209(b)(1)(i) of the Commercial Law Article of the Code of Maryland (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(E) with respect to section 59(d) and section 59(e) of chapter 93 of the General Laws of Massachusetts (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003);

''(F) with respect to section 56:11-37.10(a)(1) of the New Jersey Revised Statutes (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003); and

''(G) with respect to section 2480c(a)(1) of the Vermont Statutes Annotated (as in effect on the date of enactment of the Fair and Accurate Credit Transactions Act of 2003).''.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

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

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

Mr. Chairman, I commend the leadership shown by the gentleman from Ohio (Mr. OXLEY), the ranking member, the gentleman from Massachusetts (Mr. FRANK), and the subcommittee chairman, the gentleman from Alabama (Mr. BACHUS), and their staff who put this important bill together.

Reauthorizing the expiring provisions in the Fair Credit Reporting Act had the potential to be extremely divisive, partisan and contentious. However, their diligent efforts have created a solid piece of legislation that was reported from the Committee on Financial Services by an overwhelming bipartisan vote. I believe this legislation is a testament to their hard work, and I give them credit for it.

Mr. Chairman, the Ney-Royce-Scott amendment is straightforward. It will amend sections 501 and 502 of H.R. 2622 so they will be able to set a national standard for consumer access to credit scores and credit reports. As Members know, section 501 requires that all consumers have the right to request a free copy of their credit report every year. This is a common sense way to help combat identity theft and fraud while helping Americans maintain a good credit rating.

Section 502 requires that consumers be able to request their credit scores for a reasonable fee, and that when they apply for a mortgage, the credit score their mortgage was based on be provided for a reasonable fee also. I think this is not only good for home buyers, but also a common sense way for consumers to be able to protect themselves from fraud and protect their credit history.

These are just two of the many new consumer protections in the FACT Act. However, neither sections 501 nor 502 is a national standard. As it is currently drafted, H.R. 2622 is silent on whether States can add requirements on top of those already in sections 501 and 502 of the bill.

This could mean that consumers could be faced with new, confusing duplicative and potentially burdensome disclosure requirements. I want to make it clear I do not want to prevent States from being able to protect their citizens. It has been proven time and again that the States often provide the best laboratory for testing new ways to protect consumers from fraud. The ability of States to be more nimble and to be more responsive than the Federal Government has allowed them to experiment with new ways to offer important consumer protections. In fact, both sections 501 and 502 can find their roots in State law. For example, section 502 is nearly word-for-word identical to law in California. Likewise, seven States currently have different requirements for making free credit reports available to consumers.

In recognition of the leadership States have shown, this amendment allows those States that already have laws in place and which lenders and credit bureaus already comply with to remain on the books, much like in 1996 when we put in place national standards, but grandfathered in laws that were already on the books.

However, much like in 1996, now that we are taking the lessons of those laws and forming them into a national standard, we must take the next step and make this standard truly national by preventing States from enacting new and duplicative laws that could harm consumers in the future. If we are not careful, consumers could end up getting multiple disclosures with different numbers, explanations, and forms that are highly confusing and even contradictory. Even worse, if sections 501 and 502 are not made a national standard, a patchwork of State laws could end up raising costs for consumers, something none of us want to see happen. That does not benefit consumers, which is why we need a single national standard that provides consumers with one clear and comprehensive disclosure. I believe sections 501 and 502 achieve that goal.

I do not doubt that the new requirements in sections 501 and 502 will be costly to industry. However, I think that most of us would agree that those costs are worthwhile because of the protections they afford consumers. That is one of the many trade-offs we have been forced to consider when drafting this bill.

Mr. Chairman, as I mentioned a moment ago, if we allow States to add more and more regulations on top of those already in H.R. 2622, then we create the risk of adding so many burdens that ultimately the consumer will see increased costs. That is why I urge my colleagues to support uniform national standards for consumers by supporting this amendment.

We have an opportunity to make a strong statement about the need to pass strong consumer protections while also making the statement that those consumer protections must be uniform. I urge Members to vote on the bipartisan Ney-Royce-Scott amendment, and I thank the cosponsors of the amendment.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the crux of this is that by this amendment, the gentleman from Ohio (Mr. NEY) seeks to extend preemption beyond where it is under current law. I believe what we attempted to do, with a great deal of success, we made a mistake with regard to California, was to go forward with existing preemptions, to bring them forward, while we added some consumer protections. It is not contested. This amendment would preempt State activity that is not now preempted.

If we simply extended the Fair Credit Reporting Act without this amendment, there are things that the States could do that this amendment will prevent them from doing. Yes, the bill does make some improvements with regard to credit scores and with regard to credit reports. But as an example, and I recognize that the gentleman's amendment does grandfather current State law that goes beyond what the Federal law does, but I cite these two States not because they are going to be preempted, but because they are an example of the kind of actions that States have taken in the past that would be preempted in the future.

Two of our more radical States have taken actions in the past that would be preempted in the future, Colorado and Georgia. What this amendment says is no other State should be as radical and as anti free market and as populist as those two places, Colorado and Georgia. Colorado and Georgia have both seen fit in their legislative processes to extend to their citizens rights with regard to credit scores and credit reports that no other State will be allowed to do if this amendment is adopted.

Now credit scores, in particular, are very important. Members should check with their own constituents and their own State governments. Credit scoring is spreading. People are now finding that credit scoring is being used not simply to give them a loan, but to give them insurance. It has become a very controversial subject. Indeed, one of the things that is in this bill, and I appreciate the chairman having agreed with us that it should be there, is a study that we have commissioned about the legitimacy of using credit scoring as a standard in areas outside the granting of credit.

Should consumers be denied insurance because there was a past credit problem if those consumers are being given insurance that does not involve credit, insurance which needs to be paid for currently?

The gentleman's amendment would prevent States in the future from going beyond where we are with regard to credit scoring. I agree there is need for uniformity in some things, but insurance has always been a State matter. I do not believe we need a national policy with regard to the regulation of insurance. If we do, then we have to change a lot more than simply preempt this because we have left insurance there.

I want to emphasize at this point, I understand this does not preempt what is currently around in some States, but it says in an area that is of growing concern to the States, credit scoring and that has particular concern for members of ethnic minority communities, you may not do anything in credit scoring that we have not done.

We do good things in this bill, but I do not think that it is perfect. I do not think it explores and occupies the entire universe of consumer protections. I believe there are things that the States could do that would be relative to that State that would not impinge on others.

I do not think the Colorado and Georgia rules interfere elsewhere. For instance, in Colorado it says as I said it, that if you are going to be treated negatively because there have been too many inquiries on your credit report, the credit agency has to tell you that so you can take some action to protect yourself. I think that is a reasonable

thing for a State to be able to do. I am glad Colorado has done it. I do not think Colorado ought to be, as it would be under this amendment, the last State to be able to make that protection. I hope that we will stick with what I thought was the outlines of what we were agreeing to here which was to preserve the existing preemptions, but not to extend them.

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

Mr. NEY. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to just stress again, and I was reminded by one of our able staff members, in the case of credit scoring, we have in our legislation emulated what California did to some extent.

□ 1730

I will be prepared to agree to a unanimous consent request that subsequently no one will be allowed to mention California in this debate. I would be ready to agree to that. But I will take my one last reference to it and say we have benefited from what the States do. Even if you believe in preemption, this is the wrong time in the evolution of national policy to lock in a preemption with regard to credit scoring. I warn Members, credit scoring is an explosive issue in some areas. It is one which is being expanded beyond the granting of credit. Do not vote for an amendment that will limit your State's ability to respond to what consumers will feel is very important in the area of credit scoring, and that is what this amendment would do. Even if you believe in an ultimate preemption, it is at a very premature stage. Credit scoring is a relatively new issue in terms of its being extended to other areas. I do not see any reason why we should go beyond the existing preemptions. Everyone has said they work very well. All the studies have been of the existing preemptions.

I want to be very clear once again, this is a new preemption. This would have the States lose the right that they now have, and have under the Fair Credit Reporting Act, to protect their citizens, particularly with regard to the area of credit scoring. I think it would be very unwise. I urge the Members to stay with the committee position here and defeat this amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. NEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. NEY) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. ROYCE:

Page 34, strike line 9 and all that follows through line 18, and insert the following new subparagraph:

''(A) IN GENERAL.—A consumer may dispute directly with a person the accuracy of information that is contained in a consumer report on the consumer prepared by a consumer reporting agency described in section 603(p), if—

''(i) the information was provided by the person to that consumer reporting agency in accordance with paragraph (1)(B);

''(ii) the consumer has disputed the accuracy of such information with the consumer reporting agency that prepared the consumer report pursuant to section 611;

''(iii) the consumer has received the results of the investigation from the consumer reporting agency and has requested that the consumer reporting agency reinvestigate the results in accordance with section 611; and

''(iv) the results of the consumer reporting agency's reinvestigation requested pursuant to (iii), as reported to the consumer, do not resolve the dispute.''

Page 35, beginning on line 25, strike ''thereafter report correct information to'' and insert ''notify''.

The CHAIRMAN. Pursuant to the order of the Committee of today, the gentleman from California (Mr. ROYCE) and the gentleman from Massachusetts (Mr. FRANK) each will control 10 minutes.

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

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume. I am offering this amendment today on behalf of myself and on behalf of the gentleman from Pennsylvania (Mr. TOOMEY) and the gentleman from Ohio (Mr. TIBERI). We are doing this to correct some of the serious problems with the furnisher liability provision that was offered by the committee's ranking member during the full committee markup. That particular provision penalizes businesses who voluntarily provide the information that makes our credit system work. The provision also turns the existing system for correcting errors on its head with little evidence that it will do anything to increase the accuracy of that system. As the director of the FTC's Bureau of Consumer Protection recently said, and I will quote these remarks, ''We don't want to discourage voluntary reporting. Imposing too many obligations on the furnishers could have that effect.''

As our chairman will recall, I believe, I along with several other members of the committee raised these concerns about what we perceived as these serious flaws. We were told by the other side of the aisle that each of these problems we raised would be addressed before consideration on the House floor. Unfortunately, we have not yet found common ground. I am hopeful that we yet will; but the amendment that I have filed here seeks to resolve the following key problems, and I want to state these problems again so that we can focus on them.

First, the furnisher liability provision would allow the current system to be circumvented, thereby flooding small- and medium-sized credit grantors with unnecessary investigations; second, that provision in the bill opens the door for credit repair clinics to subvert the existing system by overwhelming furnishers who are ill prepared to address these tactics. By overwhelming, we mean sending in tens of thousands at one time. Last, that provision effectively doubles the number of reinvestigations businesses would have to handle by encouraging consumers to file in two different places at the same time, because they would file both with the furnisher and they would file with the credit bureau. In short, the provision would drive many furnishers out of the voluntary system. That would reduce the integrity and accuracy of our system.

The current dispute resolution system resolves the overwhelming majority of disputes. It is only the very small number of unusual problems that need specialized attention. Our amendment that we are offering here preserves the existing system that works for so many consumers today, but provides a new right for those infrequent instances where the current system may not be sufficient. In short, our amendment requires individuals to use the current investigation and reinvestigation process through the bureaus. If the dispute is not resolved, it would then allow individuals to take their credit bureau dispute directly to the furnisher, and it compels the furnisher to address it within 30 days under a threat of liability. I think this approach addresses each of the concerns raised in the markup while providing a new dispute resolution process for those individuals who are not served through the current system.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

This is a difficult issue. Let me say first, I very much agree with the gentleman, and this is something that I want us to return to; and I hope the chairman will do this. The credit repair agencies, I agree, are a problem. Whatever system we have, I think there is an abusive practice there. I think the gentleman is right to point to it. I myself check my voice mail when I am down here. I called my Massachusetts voice mail where my phone is listed, and I have a man telling me that he has got my credit records in front of him and he can help me with my debts. Since I pay up pretty regularly, I thought maybe this was identity theft. I called him up, and it was one of these phoney credit repair agencies. I called just to do that.

Let me say to the gentleman, I would be glad to work with him to do legislation, because whatever we do, whatever remedy we give, we are going to have the problem of credit repair. I think he has pointed to a very good problem. I would just say to the gentleman that I look forward to working with him. I cannot support this particular amendment, but I would be glad to work with our chairman on dealing with the credit repair issue.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. ROYCE. I thank the gentleman for yielding. I look forward to trying to work out a satisfactory compromise on this.

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

Mr. ROYCE. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, the problem that the gentleman from California has identified is a real problem, and it does need a solution. I want to reiterate what the gentleman from Massachusetts said, because I think there is genuine support for finding a solution to this. The last thing we want is for small- and middle-sized businesses to be burdened down and not to report information to the national credit reporting system because this could actually encourage a situation in which people, knowing that they do not participate because of a liability, target them, do business with them and knowing that they are not part of the national credit reporting system. The more information that goes into that system, the more valuable it is. It is often these small- and middle-sized businesses that in fact do not have the sophistication to collect bad debts or to write off bad debts; and when they take a loss, it is more severe because it reflects a greater percentage. So the very businesses that need to be not only furnishing information but drawing information, we need to do everything we can to encourage those retailers and others to participate in the system.

I fear that unless somewhere in conference or in the Senate, and I would say to the gentleman from California, we just simply have not come up with the right language yet, but I know the gentleman from Ohio is very committed to working on this issue. I want to commend the gentleman from California for working on this issue and identifying it and bringing it to our attention, along with the National Retail Association that has made us very aware that this is a weakness of the bill as it now exists.

Mr. ROYCE. Mr. Chairman, I yield 2½ minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I thank the gentleman from California for yielding me this time. First of all I would like to congratulate the gentleman from Ohio (Mr. OXLEY), the gentleman from Alabama (Mr. BACHUS), and the gentleman from Massachusetts (Mr. FRANK) for producing a bill that addresses an extremely important issue. I know that the gentleman from Alabama has been quoted as saying that this is probably one of the most important economic initiatives that we have got to accomplish this session because it means so much to so many people.

I was reading some figures that say that if we are not going to go forward, if we did not or had not gone forward with reauthorizing the Fair Credit Reporting Act, it would result in a $20 billion loss in the consumer spending area. Actually, as some of the dialogue here has indicated, it would fall really on those that need help, who need access to credit most. I am glad that we are here, and I congratulate the chairman on his work.

I also am here to support the gentleman from California in trying to search for a solution to a provision that is in the bill that would, as has been said earlier, provide a disincentive for retailers to be a part of this nationwide system that we have that affords individuals access to credit. For the reasons stated before, the provision as it stands now, which would force an individual seeking to correct information on a credit report to go to the furnisher rather than the parties currently doing it now in the credit bureaus, would provide inefficiencies on the part of the furnishers; would, as I said earlier, provide a disincentive for those furnishers to even offer the information to the credit bureau; and ultimately, I think, would drive up costs for everybody. As we know, the individuals who end up suffering most are those who we are trying to help by affording the least expensive access to credit.

Again, I congratulate the gentleman from California on his efforts and want to offer help in any way that I can to hopefully resolve this issue.

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

I very much appreciate the support from the gentleman from Virginia. I appreciate the offer from the ranking member to work toward a resolution of this. In the spirit of cooperation, I am going to withdraw this amendment. However, Mr. Chairman, I am going to ask for your commitment that you will continue to work with me to ensure that these problems are resolved before a final conference report comes back to the House.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, let me indicate my support for the gentleman's purposes here. I think he makes an excellent point. We had some good debate in the committee as well as here on the floor. As we work toward, hopefully, the conference committee, I pledge my support for trying to find an answer to this difficult problem.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROYCE. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say, particularly with regard to protecting legitimate merchants against abusive credit repair companies, I would be glad to work with the gentleman.

Mr. ROYCE. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

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

There was no objection.

□ 1745

AMENDMENT NO. 4 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SANDERS:

Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 507. LIMITATION ON USE OF CONSUMER REPORTS.

(a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

''(d) LIMITATION ON USE OF CONSUMER REPORT.—No credit card issuer may use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for reasons other than actions or omissions of the card holder that are directly related to such account or a late payment of 60 days or more on any another credit card or debt.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting ''subject to subsection (d),'' before ''to review''.

The CHAIRMAN. Pursuant to the order of the committee of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

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

Mr. Chairman, this amendment is cosponsored by the gentlewoman from California (Ms. WATERS) and the gentlewoman from California (Ms. LEE). It is also strongly supported by the Consumer Federation of America, the Consumers Union, the Electronic Privacy Information Center, the National Association of Consumer Advocates, the National Consumer Law Center, the New York Public Interest Research Group, the Privacy Rights Clearinghouse, the Privacy Times, and the U.S. Public Interest Research Group. In other words, almost every major consumer organization in America is supporting this amendment.

Mr. Chairman, this amendment deals with an issue which is of growing concern to millions of credit card holders, and that is that, increasingly, credit card companies are engaging in an outrageous bait and switch practice which is costing consumers hundreds of millions of dollars.

This, Mr. Chairman, is how the scam works: In our country today, credit card companies are sending out over 5 billion solicitations a year. Yes, that is right, 5 billion pieces of mail are being sent to Americans every year in order to purchase this or that credit card. Sometimes I think about half of those solicitations come to my kids. Nonetheless, we are all receiving them. As we all know, these mailings very often have bold headlines stating zero percent interests rates for 6 months, or 2.5 percent interest rates for a year, or whatever. We all receive them.

Now, here, Mr. Chairman, is the scam and the bait and the switch. An individual fills out the form and purchases the credit card, and month after month after month, he or she pays the amount owed to the credit card company faithfully and on time. In other words, the individual consumer has fulfilled his or her end of the contract. But in the midst of this, something strange happens. People are paying up on time, but suddenly the interest rate skyrockets, despite the individual making their payment on time.

Now, how can this happen? How can interest rates double or triple when the individual has fulfilled the obligations of the credit card company and made payments on time and never has gone over the credit card limit?

Well, it happens because the credit card issuers, companies like Chase Manhattan, Citigroup or Bank One, have decided all on their own that the consumer has become a greater financial risk, even when that consumer has in every instance paid their credit card bill on time.

What happens is the company obtains information from their customer's credit report which indicates a late payment on another financial transaction, another transaction. Perhaps the consumer might have been late in paying a student loan or a mortgage payment or a medical bill, and because the individual was late paying off another financial transaction, having nothing to do with the credit card they have from this company, the credit card company raises interest rates on their transaction with that individual.

Even more outrageous, credit card companies are raising interest rates when the consumer has never been late on any payment, and here is the crime there: There is an illness in the family. Somebody borrows money to pay off a medical bill; and, because they have committed that terrible crime of borrowing money for a medical reason, interest rates will go on the credit card, although they have never been late on any payment.

That is absurd, that is unfair, and that is a rip-off of the American people. At a time when the Federal Reserve has lowered short-term interest rates 13 times, why do we have consumers in this country paying 16 percent, 26 percent, even 29 percent APR on their credit cards?

Furthermore, Mr. Chairman, the Committee on Financial Services and my Subcommittee of Financial Institutions, of which I am the ranking member on, have heard from a number of witnesses about the inaccuracies of credit reports. According to freecreditinsight.com, over 70 percent of credit reports contain errors, so the credit reporting agency makes a mistake and your interest rates go zooming up.

By charging higher interest rates, the profits of credit card companies skyrocket and consumers grow deeper and deeper into debt. Is it any wonder why bankruptcies in the U.S. are now at an all time high, increasing by 23 percent since 2000?

Mr. Chairman, this is the issue. This is a very simple issue. It is an issue of fairness. If I take out a credit card and the credit card company says to me you have to pay up at a certain time and your interest rates are such-and-such, and I do that every single month, that is what the deal should be. And, if I am late, if I go above the amount of credit that I agreed to, well, I agree, they have a right to penalize me. They do not have a right to double or triple my interest rates when I pay my bills on time and because I took out a loan because my wife might have been ill.

Mr. Chairman, Congress has a responsibility to stop the credit card industry from ripping off consumers by this deceptive and unfair practice. I urge my colleagues to vote for this amendment to restrict the credit card interest rate bait and switch.

Specifically, this amendment would prohibit credit card issuers from using negative information contained in their customers' credit reports, such as a late payment on a student loan, a lower credit score, a new mortgage or new loan to pay for medical emergency or an error in a credit report, as a reason to double or triple credit card interests rates.

Importantly, as part of a compromise worked out at the committee level, this amendment has been crafted so that if a consumer is at least 60 days delinquent on any other credit card or debt, the credit card company could still use that information to increase the interest rates of their customers.

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

The CHAIRMAN. Who seeks to control time in opposition?

Mr. OXLEY. Mr. Chairman, I claim the time in opposition to the Sanders amendment.

The CHAIRMAN. The gentleman from Ohio is recognized for 15 minutes.

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

Mr. Chairman, this amendment, first of all, was defeated on a bipartisan vote of 44 to 22 in the Committee on Financial Services.

Chairman Greenspan has raised serious concerns about this amendment. Let me quote, if I may, from a letter from Chairman Greenspan to the gentleman from Delaware (Mr. CASTLE) who had requested the response from the Fed, and specifically Chairman Greenspan, regarding the amendment offered by the gentleman from Vermont.

He says in part, ''The information gathered by credit reporting companies on the borrowing and payment experiences of consumers is a cornerstone of the consumer credit system in this country. Experience indicates that access to the information assembled by these companies and credit evaluation systems based on that information have improved the overall quality and reduced the cost of credit decisions while expanding the availability of credit.''

He goes on to end in this way: ''In sum, in deciding whether to restrict the use of certain information in credit evaluations, the Congress should be aware that such restrictions are likely to diminish the effectiveness of statistical systems that have played a significant role in reducing the overall cost of credit and widening its availability.''

So what we have here is the chairman of the Fed saying that the Sanders amendment is going to have a chilling effect on the availability of credit, and could drive up the cost of credit at the same time, basically saying to those of us who are good credit risks, we will be asked to pay for those who are less responsible in paying back those credit card debts.

Now, the committee did adopt an amendment offered by the gentlewoman from New York (Mrs. MALONEY) that specifically addresses the issue raised by the gentleman from Vermont. It requires any preapproved credit card solicitation to disclose the credit card issuer's ability to adjust the interest rate for reasons other than delinquencies on the credit card account. The notice will educate the consumer and allow him or her to act accordingly.

So in place of this rather draconian approach by the gentleman from Vermont, we have the gentlewoman from New York's amendment, which is part of this bill that we are debating now, adopted in the committee unanimously, that would provide more information, more notice to the consumer, to make certain that they are aware that, should a delinquency occur, it is a possibility that the interest rate could go up.

Essentially, this is an overkill amendment, and the committee found by a two-to-one margin that indeed that was the case. Nothing has changed from the time that the committee adopted the bill to today on the floor.

So the amendment would clearly increase the cost, and probably decrease

the availability of credit for credit card borrowers. Lenders must have the ability to adjust the interest rate on a loan in order to adequately price for that borrower's risk.

It seems obvious that those who are good credit risks are able to obtain credit at lower costs. That is how our system works. If someone who is a good credit risk suddenly imposes additional risk to the lender, the lender should be able to adjust for this increased risk. The amendment would prohibit a credit card issuer from doing this in many circumstances, and what the likely impact of this Sanders amendment would be lenders would be forced to offer credit card accounts at higher interest rates in order to buffer against any potential future risk that any borrower may present.

Frankly, for those of us, the vast majority of us, those who pay their credit card bills monthly and are responsible, why should we be faced with a potential for higher interest rates and less available on that score? Adjusting the price of credit to match the level of risk imposed by the customer is not a bait-and-switch tactic, it is simply good, common sense, and such adjustments are already adequately addressed by existing law, particularly in regard to the Maloney amendment.

To that extent, I oppose the Sanders amendment.

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

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

Mr. Chairman, my friend from Ohio just said why should people who pay their bill on time every month be penalized? I agree with him. But as the gentleman knows, right now people pay their bills on time every single month and, despite that, they can see a doubling or tripling of their interest rates, and that is precisely what we are trying to prevent.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me just thank the gentleman from Vermont for his leadership on the committee and for bringing this amendment today to the floor. But I must say that this is a very moderate amendment, it is a very conservative amendment, and I was, quite frankly, surprised he would go for it. But in the spirit of compromise, he did. So, very seldom do I believe that something is better than nothing, but I believe that this is such a fundamental injustice as it relates to our consumers that I had to support this very modest measure.

Quite frankly, a creditor should not be allowed to increase interest rates if consumers are paying the debt according to the agreed upon terms. They should not be allowed to raise interest rates based on payment histories of another debt. That is just fundamentally wrong. When individuals agree to a contract, when a consumer believes that they are doing the right thing and paying their monthly payments, how in the world can they get set up to fail? That is what this does.

□ 1800

An interest rate that jumps from 7 percent to 29 percent, bankruptcy, certainly, will follow if, in fact, this does not fit within the consumer's financial scheme. And generally, the consumer has a financial plan that they have to stick to in terms of payment schedules of debts. And so a huge payment like this is wrong. It would make more sense if the gentleman from Vermont (Mr. SANDERS) had offered an amendment to say what I just said earlier, that a creditor should never be allowed to increase an interest rate on a debt if, in fact, the consumer is paying that debt based upon the agreed-upon agreement. But I understand how this place works, and I really thought that he had enough support on the other side to at least get this very basic kind of amendment passed, I would say to the gentleman. So I want him to know that I support it. I thank him for bringing it to the floor. But just know I think that sooner or later, we have to correct this injustice.

Mr. OXLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Chairman, I thank the chairman for yielding me this time.

I rise in opposition to the Sanders amendment. I am listening to the gentlewoman from California's remarks that we should not allow a credit card company or a bank to alter one's interest rate on an extension of credit based on that consumer's performance in the marketplace, but if we look back to the beginning of the transaction to see how the credit was extended to begin with, it was based on the overall credit picture. And we have a nationwide credit access, information access system that affords lenders the ability to know more about their risk. And by tying the hands and essentially asking the credit card issuer and the lender to ignore information that will impact their risk will end up ultimately denying more credit to more people.

Mr. Chairman, we ought to let the marketplace work. We ought not go in and try and micromanage someone's business. We have the laws in place which require disclosure. There is the Maloney amendment that was attached in committee which will ensure adequate notice if there is, for some reason, the increase in the rate. Again, the end of the day is we want to make sure as many people as possible have access to credit.

What this amendment will do, as the chairman has said, will raise rates for everyone and will deny those who really need the credit access to those funds.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in support of this amendment. Mr. Chairman, I was hopeful that my friends on the opposite side of the aisle would have the good sense not to oppose something like this. This is so ridiculous. This is so ridiculous that they could absolutely defend a credit card company increasing your interest rates, even though you are paying your bills on time every month. You are paying your bills on time, you have not missed a payment, but because you did not pay Nordstrom's or Gap, and you may have a dispute with them, they are going to raise your interest rates. Then, my friends on the opposite side of the aisle will say, they have to do that; and if we do not allow them to do that, that will have a chilling effect on credit.

Well, I think what one of my friends on this side of the aisle just said to me makes a lot of sense. She said, you know, this is nothing but a racket. You are defending a racket. You are defending a racket that is exploiting the people for no good reason. They simply want to make more money, and they can come up with any excuse, any way possible to get more money, to gouge your constituents; and you would stand here and argue that unless we allow them to gouge your constituents, you will have a chilling effect on them being able to get some credit. Give me a break. This is the greatest ripoff I have ever seen. And to add to it that if you are paying your bills on time, you are not missing a payment, and you go out and borrow some money because you may have a situation where you need more money, they look at that and say, oh, they went out and they borrowed some more money; I can use this, and I can describe it as a credit risk. Up with the interest rates.

Oh, you are better legislators than that. You do not want to do that to your consumers. You do not want to undermine them that way. You do not want to have the dollars that they are working hard to earn pulled out of their pockets in this racket.

Support the amendment. That is the decent thing to do.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the chairman for yielding me this time.

We had this discussion on this amendment before the Committee on Financial Services, and it did not make a lot of sense then; and, frankly, it does not make a lot of sense now, that we would even consider this amendment.

Essentially, those who are issuing credit, particularly credit cards, that is their business, that is their product, that is what they do. And what they have to look to is the creditworthiness of any of us. We probably all in this room and most people in this country today are carrying some sort of credit card, and probably multiple credit cards in the cases of most individuals. And that is based on one's ability to be

able to pay their debts and be able to manage their accounts. Obviously, the one account is not necessarily the whole answer. The whole answer is exactly where you are financially. They make a decision with respect to where you are in a circumstance, and they issue the credit based on that. With the Maloney amendment, we have a circumstance in which people will be informed that if, indeed, their creditworthiness is challenged, they may have to pay higher interest rates.

The chairman cited a letter which I received on July 22, 2003, from Chairman Greenspan with respect to this issue, and I would just like to read a little further from that beyond what he had read. He said, ''Consumers' performance on credit accounts as well as the number and recency of certain types of inquiries to credit reporting companies are credit criteria that are statistically associated with creditworthiness in evaluative systems that are used for credit granting and pricing. Records of consumers' usage of, and payment performance on, credit accounts with other creditors are fundamental building blocks for evaluations of creditworthiness. For example, where a creditor commits to allow a consumer to make purchases or obtain cash advances from time to time on a revolving line of credit, the consumer's performance on other credit accounts can well presage the credit risk outlook for the creditor's own account,'' and it goes on from there.

It is relatively simple. You are in a situation in which an individual has taken credit based on the circumstances of their own creditworthiness and then has gone out and established their creditworthiness as not what it should be. There are problems or circumstances. Frankly, the credit card companies and others dealing with this do not want to have to do this if they can avoid it because it is easier for them to deal with it on the levels on which it is issued; but there are circumstances in which this happens, or perhaps this discourages it from happening, that is your interest rates might be increased.

So I think for all of these reasons, while this amendment sounds to be well-intended, ultimately would be extremely counterproductive in that I think a lot of the credit which is issued now, because people realize that this may be an outlet in order to make sure that people do not extend their credit otherwise, might in the future not be able to be granted, simply because the credit issuers are going to say this person has sort of a spotty history and yes, we would have done it if we had known we could have increased the interest rate if necessary, but in this circumstance we are not going to issue it. I think you are going to find a lot of people who marginally might have been able to receive credit before are not going to be able to receive it if this amendment were to be adopted. So I encourage the defeat of the amendment.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
Washington, DC, July 22, 2003.

Hon. MICHAEL N. CASTLE,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN: This letter responds to your request of July 18, 2003, seeking my views as to whether proposed changes to the Fair Credit Reporting Act might affect the pricing of credit based upon risk or might potentially bear upon the safety and soundness of creditors. The proposed amendments referred to in your letter would limit use in credit evaluation systems of certain types of information, such as information regarding the number of inquiries about the consumer made to a credit reporting company, and would also restrict consideration of other types of information, such as information about the consumer's personal credit experiences with other creditors in credit decisions that involve the interest rate on an account.

The information gathered by credit reporting companies on the borrowing and payment experiences of consumers is a cornerstone of the consumer credit system in this country. Experience indicates that access to the information assembled by these companies and credit evaluation systems based on that information have improved the overall quality and reduced the cost of credit decisions while expanding the availability of credit.

Credit evaluation systems rely on information to measure the credit risk posed by current and prospective borrowers. In the process of credit evaluation, creditors seek to use information that helps them better distinguish between good and bad credit risks. The information items that receive positive and negative weights in credit evaluation systems are those that have demonstrated statistical usefulness in this process.

Consumers' performance on credit accounts as well as the number and recency of certain types of inquiries to credit reporting companies are credit criteria that are statistically associated with creditworthiness in evaluative systems that are used for credit granting and pricing. Records of consumers' usage of, and payment performance on, credit accounts with other creditors are fundamental building blocks for evaluations of creditworthiness. For example, where a creditor commits to allow a consumer to make purchases or obtain cash advances from time to time on a revolving line of credit, the consumer's performance on other credit accounts can well presage the credit risk outlook for the creditor's own account. Similarly, an upsurge in recent inquiries could indicate that a borrow in financial distress is seeking to gain access to more credit. Thus, restrictions on the use of information about certain inquiries or restrictions on considering the experience of consumers in using their credit accounts will likely increase overall risk in the credit system, potentially leading to higher levels of default and higher prices for consumers. Even with higher prices for credit, elevated levels of default may raise risk levels for credit-granting institutions.

In sum, in deciding whether to restrict the use of certain information in credit evaluations, the Congress should be aware that such restrictions are likely to diminish the effectiveness of statistical systems that have played a significant role in reducing the overall costs of credit and widening its availability.

I hope these comments are useful.

Sincerely,

ALAN GREENSPAN.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY), the famous author of the Maloney amendment.

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank the gentleman from Alabama (Mr. BACHUS) and the gentleman from Ohio (Mr. OXLEY) and the gentleman from Massachusetts (Mr. FRANK) for their extraordinary leadership on this important bill. And I thank them for supporting my disclosure amendment which will require conspicuous disclosure on credit reports and all credit papers of pricing items and techniques and strategies.

But at the same time, I continue to be very, very troubled by some pricing strategies used by certain companies, and I believe that the Sanders amendment provides a needed reform.

The amendment affects how credit card companies use information from credit reports to increase interest rates on their customers. This devious practice is known as ''bait and switch,'' where a consumer's low interest rate may be increased to 20 percent or higher simply because they may have taken out a new mortgage or some other liability. A recent New York Times article documented just such a case where an Illinois doctor had his rate go from 6.2 percent to over 16 percent when he took out a mortgage.

The amendment merely allows the consumer a window of 60 days before their rates are increased, in the event they were on a vacation or got sick or missed a payment or were experiencing some type of short-term financial difficulty.

I have met with a large number of industry representatives on this issue. Some company practices are already close to the standard of this bill and some are not. Congress has established some minimum consumer protections in other instances where necessary for the credit card industry such as the $50 maximum liability for lost cards. I believe this amendment sets a modest floor for the industry's practices above which there is an abundance of room for different companies to take different approaches and compete in the free market.

Mr. Chairman, I support this amendment.

Mr. OXLEY. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I am opposed to this amendment for a couple of reasons. I too serve on the Committee on Financial Services where this amendment was defeated by a two to one margin. The Maloney compromise amendment which came up seemed reasonable. It does give disclosure, and I think that that certainly is a good warning to the consumer.

Mr. Chairman, one of the previous speakers mentioned a dispute, if you are disputing an item on your credit card statement, that is something that is put into abeyance, so that would not affect your credit rating. If we were to pass this amendment, I believe that all

consumers would be harmed, because there would be higher costs of credit nationwide.

When a credit card is issued, it is based upon a snapshot in time. As the picture changes, obviously, we need to have the companies remain to have that kind of flexibility that they have right now. This is really an issue of credit risk and creditworthiness; and as various occasions arise in one's life that they may be overextending themselves, then certainly the credit card company deserves to have the right to make those appropriate changes.

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

The sides on this debate are very clear. One side are the credit card companies and the very large banks who are making huge profits from their consumers and, in some cases in our low-interest moment, right now, who are charging 25 or 29 percent a year interest rates. In other words, they are ripping off the American people.

On the other side of this debate and supporting this amendment, are virtually every major consumer organization in America that is saying enough is enough. If people pay their bills on time every month, they should not see their interest rates double or triple. The chairman mentioned that there was bipartisan opposition to my amendment. He was right. But as he knows, there was bipartisan support for this amendment, including the gentleman from Alabama (Mr. BACHUS), who was very articulate and supportive of this amendment as chairman of the relevant subcommittee.

Let me simply conclude by saying this: the American people are sick and tired of being ripped off by credit card companies. When they pay their bills every month on time, they should not see their interest rates soar. I would urge the Members of this body, in a bipartisan way, to support the American consumer and pass the Sanders amendment.

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

Mr. OXLEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

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

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT NO. 16 OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mrs. KELLY:

Page 44, after line 22, insert the following new subsection:

(c) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended by inserting after subsection (g) (as added by section 702(e) of this Act) the following new subsection:

''(h) REGULATORY AUTHORITY TO ADJUST REPORT DISTRIBUTION SCHEDULES IN TIMES OF REQUEST SPIKES.—

''(1) IN GENERAL.—If the Federal Trade Commission and the Board of Governors of the Federal Reserve System determine that consumer reporting agencies have been temporarily overwhelmed with requests for disclosures of consumer reports under section 612(e) beyond their capacity to deliver such reports in a timely fashion, the Commission and the Board, by order, may implement such measures as the Commission and the Board determine to be necessary for a limited time to regain equilibrium between the ability of the agencies to disclose consumer reports and consumers demands for such reports.

''(2) PROTECTION FOR EMERGENCY AND TIME-SENSITIVE REQUESTS.—In issuing any order under paragraph (1), the Federal Trade Commission and the Board of Governors of the Federal Reserve System shall ensure that, during the effective period of any such order, creditors, other users, and consumers continue to have access to consumer credit reports on a time-sensitive basis for specific purposes, such as home purchases or suspicions of identity theft.''.

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentlewoman from New York (Mrs. KELLY) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, while this bill contains good consumer protections, my concern is that if free credit reports are extended to consumers, then there will be an unquestionable strain on the system. Unfortunately, the current system is not yet equipped to deal with overwhelming requests for credit reports that may result from offering free credit reports or any other extraordinary events. Consumers who have an identified need to access their file could find their request lost in an overburdened system. This will undoubtedly reduce service levels that could otherwise be dedicated to helping consumers who do have a concern about their files and need to have information quickly.

After holding several hearings on the issue of identity theft, my concern is that large numbers of people simply looking for information could result in a chaotic shock to the system that would be ripe then for fraud and difficult to detect criminal behavior.

□ 1815

In the full committee I offered an amendment to ensure consumers' requests are accommodated by alleviating burdens on credit bureaus as the new law is implemented. I am pleased we have included a lot of this language in the manager's amendment, and as a result, the underlying bill now directs regulators as they construct a system for implementation to take into consideration potential spikes in the volume of requests for first year of the legislation. It is a tremendous first step, but I do not feel it is enough.

The amendment I am offering now builds on the manager's amendment and simply gives regulators the authority to respond on a temporary basis to the needs of consumers when credit bureaus are overwhelmed with requests after the 1-year implementation.

If the regulators determine it is necessary to exercise this authority, the amendment also explicitly states that their temporary approach must maintain consumer access to credit reports for emergency or time-sensitive requests. Including incidents of home purchases and suspected identity theft. Without the flexibility that this amendment provides, customer service may decline as credit bureaus become overwhelmed with requests under extenuating circumstances. By giving regulators the authority to mitigate in these instances, credit bureaus would be able to devote time and attention that each request deserves.

I want to thank both the chairman and ranking member for including some language in the manager's amendment on the first year of implementation, but this amendment would complete that work. It is a straightforward approach to a significant problem and I urge colleagues to support the amendment that will benefit millions of Americans who need prompt access to their credit reports.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I claim the time in opposition to the amendment.

The gentlewoman correctly described what happened when the gentlewoman raised this issue in committee and we had a discussion of it and I agreed to the substance in the first year. And yes, in the manager's amendment we have, I think, a very good version of the amendment that she had introduced in committee because when you are doing something like this, there is often a problem in the transition. And the gentlewoman is correct that her initiative, we have managed the problem of the transition, namely, we have given to the regulators, in this case, primarily the Federal Trade Commission, with some participation from the Federal Reserve, the ability to do it within the first year.

But I could not agree to making that a permanent feature in the way in which we now have because, for instance, some of the credit reporting agencies might be responsible and gear up for this. I do not want to reward those that might not do it. I think it is very reasonable to say in the first year, and it is also the case when you go from not having this right to having the right, yes, you can expect there to be a slew of first-time requests. But

after the first year there is no reason to think that there is going to be this kind of backlog and a reasonable company ought to be able to manage that.

If something should turn out later down the road to be an unanticipated problem, we have the capacity to deal with it, but I think it would weaken this if we were now to say to the regulators, in effect, on an ongoing basis, they could suspend this indefinitely, suspend this right for a lot of people. So while I supported and was glad to the 1-year transition issue, it does seem to me to go much further and we had and this was a process of give and take, we had agreed I thought on free credit reports as a basic rule. I must say that on our side and in many other places, giving the regulators an ongoing right to suspend what we have advertised as a new right beyond the transition year is very troubling and I would find it very difficult if this were to be included.

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

Mrs. KELLY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, serving on the Committee on Financial Services has been a challenge at times and certainly a great pleasure. And I want to thank the gentleman from Ohio (Mr. OXLEY) for his leadership in championing the bill that we have before us.

The Kelly amendment, I believe, is a very worthwhile amendment. As free credit reports are extended to consumers, there will be an unquestionable strain on the system. Unfortunately, the system is not yet equipped to deal with the overwhelming requests for credit reports. It may result from offering free credit reports or other extraordinary events that may occur as people begin to request these free credit reports and overload the system.

Consumers who have identified the need to access their file will find their requests lost in an overburdened system. That will reduce service levels that could be dedicated to truly helping consumers who do have a concern about their files.

Yes, there is language in the manager's amendment that directs regulators as they construct a system for implementation to consider potential spikes in the volume of requests for their first year of implementation. The Kelly amendment, I believe, builds on this language and simply gives regulators the authority to respond on a temporary basis to the needs of consumers when credit bureaus are overwhelmed with requests.

If the regulators determine it is necessary to exercise this authority, the amendment also explicitly states that their temporary approach must maintain consumer access to credit reports for emergency or very time-sensitive requests, including instances of home purchases and suspected identity theft. Without this flexibility that this amendment offers, customer services will undoubtedly decline as credit bureaus become overwhelmed with these requests. By giving regulators the authority to mitigate in these instances, credit bureaus will be able to devote better time and attention to those needing the requests.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute.

One point, I recognize there could be a spike problem in the beginning. We should underline with regard to these requests, we are talking here about the problem of sending it out. Nobody has to send out a report that does not exist.

In other words, we are not imposing on the credit reporting agencies the duty of compiling the report anew. And I think that is something we ought to take into account. The question is simply whether after that first year they will be flooded, and the request is to simply send a report that exists. If no report exists, no obligation exists. And I do not think that the problem after the first year at this point is going to be so clearly a problem that we ought to write in this suspension. I am prepared to look at it later, but I think it would be a serious error at this point.

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

Mrs. KELLY. Mr. Chairman, does the gentleman have any further speakers on this issue?

Mr. FRANK of Massachusetts. Just myself to close, as we have the right to do.

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

Mr. Chairman, I believe this is an important work that I think we need to address before any conference report is finished. I think with an agreement with our chairman and with an agreement, hopefully, that was just stated by our ranking member, I think that I am willing to hopefully work with him in the spirit of cooperativeness here on the floor today.

Mrs. KELLY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

Mr. FRANK of Massachusetts. Reserving the right to object, I would point out to the gentlewoman, the last time she and I had this conversation the result was a pretty good amendment to the manager's. I think we have a pretty good track record of working together.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The amendment is withdrawn.

Mr. EHLERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in order to enter into a colloquy with the distinguished chairman of the Committee on Financial Service.

Mr. Chairman, constituents in my district have brought to my attention a problem regarding the inability of certain people to obtain a credit rating from a credit bureau, even when they are very creditworthy. This is an extremely troublesome issue given the importance of a credit rating in our society today. It is very difficult to function without credit. From placing a deposit when renting a car, to staying in a hotel to getting a mortgage for a home, people rely on credit every day. Indeed, credit bureaus wield a great deal of influence in this respect.

Unfortunately, the rules and formulas they apply can yield unjust and nonsensical results. For example, visiting scholars at our colleges and universities or other temporary workers from overseas who have good credit in their home countries, often industrialized countries with advanced credit and accounting systems, often cannot obtain credit when coming to America. This prevents them from obtaining a credit card which is so vital for proper functioning in this society.

As another example, one woman in my district worked overseas for about 10 years during which time her credit cards expired and she stopped transacting business with credit cards from America. Upon returning she had a nearly $20,000 cash balance in a bank account but she was unable to get a credit bureau to rate her. She could not get a mortgage for a house, a credit card or even a retail store charge account. Despite her many years of good credit rating, this lull in credit usage eliminated her creditworthiness in the eyes of the number crunchers at the credit bureaus.

At the same time, credit card companies turn around and grant credit cards almost willy nilly to high school or college students with no credit history at all. These kinds of situations are unfair given the importance of a credit rating, good or bad, for so many financial transactions. It just does not make sense in many situations that some creditworthy people cannot get a credit rating at all despite having adequate cash resources or a positive history in another country.

Mr. Chairman, I would appreciate the time and effort of you and the committee to investigate whether a solution to these problems can be found.

Mr. OXLEY. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentleman from Ohio.

Mr. OXLEY. Mr. Chairman, I understand the gentleman's concern and we have had some discussion about it. I would be pleased to work with him to explore what might be done to remedy these situations. It is certainly unfortunate that under our current system some situations like the ones you mentioned do arise preventing consumers, who are low credit risks, from obtaining credit quickly.

I look forward to working with the gentleman from Michigan (Mr. EHLERS) to see if we can address the legitimate concerns he raises.

Mr. EHLERS. Reclaiming my time, I thank the chairman for his assistance

and I look forward to working with him and the Committee on Financial Services on this important issue.

AMENDMENT NO. 1 OFFERED BY MR. KANJORSKI

Mr. KANJORSKI. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. KANJORSKI:

Page 7, strike line 13 and all that follows through line 24 and insert the following (and conform the table of contents accordingly):

SEC. 101. 9-YEAR EXTENSION OF UNIFORM NATIONAL CONSUMER PROTECTION STANDARDS.

Paragraph (2) of section 624(d) of the Fair Credit Reporting Act (15 U.S.C. 1681t(d)(2)) is amended to read as follows:

''(2) shall not apply after December 31, 2012.''.

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Ohio (Mr. OXLEY) each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. KANJORSKI).

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

Mr. Chairman, I strongly support the Fair and Accurate Credit Transactions Act. Nevertheless, I believe that we should alter the legislation to sunset the key elements of the bill at the end of 2012.

The gentlewoman from New York (Mrs. MALONEY) also joins me in sponsoring this pragmatic and reasonable amendment.

In June, I helped to introduce H.R. 2622 to extend the expiring provisions of the Fair Credit Reporting Act and to improve consumer protections. In my view, the 1996 amendments to create a national credit reporting system have expanded access to credit, lowered the price of credit, and accelerated decisions about getting credit. To continue this record of achievement, we need to extend the expiring provisions of this law before the end of the year.

While I support the FACT Act, I also continue to believe that we should amend the bill to include a 9-year sunset. As currently drafted, the legislation would permanently extend the seven expiring preemptions of State law within the Fair Credit Reporting Act. In my view, we should sunset the Uniformed National Consumer Protections Standards contained in H.R. 2622 at the end of 2012, and the Kanjorski-Maloney amendment accomplishes this narrow objective. Unlike current law, our amendment would not specifically allow States to enact additional credit reporting standards in the preempted areas after the 9-year sunset.

In referring to the U.S. relationship with the Soviet Union, Ronald Reagan once said that we should ''trust but verify.'' We have adopted a similar approach with H.R. 2622. We should trust that the participants in the credit reporting industry will continue to work to comply with the law but verify that the consumers continue to have appropriate protections with respect to their credit in years ahead.

Mr. Chairman, a sunset provision provides industry with incentive to continue to work to advance the interest of consumers. Moreover, without a sunset, we may well have trust until some major problem causes chaos in the credit reporting industry and forces Congress to revisit the issue in a haphazard way.

□ 1830

Furthermore, a sunset provision will allow us to evaluate the effectiveness of our credit-reporting programs and policies within a predetermined time frame and force us to decide whether to alter them. In fact, the sunset imposed by Congress in 1996 has allowed us today to review in a methodical and systematic manner the success of the current law and make necessary improvements to it to reflect changes in the financial system.

Identity theft, for example, has dramatically increased in recent years. Technology has also changed greatly in the last 7 years. Mr. Chairman, the FACT Act before us today addresses both of these developments. It, therefore, makes sense to ask the 112th Congress to review and reconsider our work in the 108th Congress and make further improvements to our credit reporting laws. A sunset at the end of 2012 provides sufficient time for industry to implement the reforms called for in this bill, establishes sufficient surety for our financial marketplace, and allows for new issues to arise on the public policy landscape.

In closing, Mr. Chairman, I encourage my colleagues to make a good bill even better by supporting the sensible and practical Kanjorski-Maloney amendment to sunset H.R. 2622 at the end of 2012.

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

Mr. OXLEY. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Chairman, it is a pleasure to speak to this amendment as well as to the legislation at hand. I am opposing the amendment. The amendment obviously would eliminate the uniform standards established by the FCRA in the future in 9 years.

Congress did something very good in 1996, and it did so voluntarily. There was not anything about to expire with FCRA in 1996, and Congress established a national uniform standard for FCRA in 1996 that recognized, quite competently, that this was an experiment, an experiment that should last and be tested over a 7-year period. That 7-year period is coming to an end on January 1 of 2004.

Over 100 witnesses through eight hearings loudly, clearly told our committee, Democrats and Republicans, that what we have had over the last 7 years and what Congress did in 1996 was quite successful. It has been successful for our economy, but, most importantly, successful for American consumers.

We are now, as American consumers, leaders of the world as far as credit goes, mortgage credit, consumer credit. And FCRA and the exemptions, the eight exemptions did that.

What we do not want to do is do this again in 9 years because what we have seen in the last 7 years and what was done in 1996 was done correctly.

Now, ladies and gentlemen, the committee rejected this amendment. We heard from, as I said, over 100 witnesses. Three of those witnesses included the Federal Trade Commission chairman, Chairman Greenspan, and Treasury Secretary Snow. They, too, believe this is the right way to go and support this legislation in its current form.

Now, there has been discussion on the floor today about what has been happening on the left coast and what has been happening in their legislature and what has been happening with their Governor who is in the process of being recalled. Well, this legislation is a great piece of legislation. I am afraid that because of their action, this Congress will be dealing with issues because of the California legislature in years to come.

This legislation today and what has happened in the last month out West demonstrate why this piece of legislation in its current form without the current amendment being offered is the right way to go.

The arguments that Congress will not address or will not be able to address, the problems or potential problems in the future without this amendment are unfortunately baseless because Congress can address issues pertaining to FCRA or issues pertaining to identity theft in 2 years, 3 years, 4 years, or 5 years.

Members of the House, the amendment is supported by some because they hope that the national uniform provisions will expire.

The national standard is good for consumers. It is good for America. This is a good bill drafted by the gentleman from Ohio (Chairman OXLEY) and the gentleman from Alabama (Mr. BACHUS). I support the bill. I urge my Members of the House and the Republican and Democrat side to reject the amendment from my learned colleague.

I thank the Members of the House for supporting this bill.

Mr. KANJORSKI. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am very pleased to be an original cosponsor of the Fair Credit and Reporting Act. Over the course of several months the committee conducted comprehensive hearings and produced a balanced bill that

preserves the national credit market and enhances consumer protections.

I do not think any reasonable person would question the fact that the engine driving these improvements is the sunset provision put in the original Fair Credit and Reporting Act in 1996 that expires at the end of this year. Without the present sunset, consumers would not be getting free credit reports or access to their scores as they will be in this underlying bill.

Without the sunset, the Congress would not be forced to conduct months of hearings on the fundamental questions of credit report accuracy, identity theft, the privacy of medical records, and access to credit reports. These are major, all-important new rights that the underlying legislation grants to consumers that result directly from the current sunset.

In offering this amendment today, the gentleman from Pennsylvania (Mr. KANJORSKI) and I seek to strike a balance. Nine years ensures that the legislation will be revisited, but it grants the financial services industry a prolonged period of time during which it will not have to be concerned about major changes of law that will affect company operations.

I applaud my colleague, the gentleman from Pennsylvania (Mr. KANJORSKI), for being consistent in his desire to sunset the programs Congress creates. I think this approach is particularly important on this issue and on the legislation before us tonight.

Nine years ago, the world was a very different place. Technology has completely changed the manner our constituents access financial services in that time, and things are likely to be just as different 9 years from now; and it is appropriate that Congress revisit this law at that point.

For that reason and the others illustrated by my colleague, I deeply and truly do believe that this amendment is a very important one, and I strongly support it.

Mr. OXLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, the gentleman from Ohio (Mr. TIBERI) spoke in opposition to this amendment and I think basically said everything that needed to be said on this particular amendment; and I think the most important thing he said is that Congress has demonstrated, because they have done it in the past, they are free to revisit and fine-tune FCRA anytime they wish; and they did that in 1996, even though there was not an impending deadline.

Far more important is what we learned in our hearing and how good the national credit reporting system is to our Nation. I am not sure that anybody disagrees with that, that anybody thinks that it ought to be experimented with, that it ought to expire in 9 years. It is very good for consumers. It has been particularly good in democratizing credit and extending credit to middle- and low-income Americans; and to limit that to 9 years, we do not do that with the Community Reinvestment Act. We do not do that to the Equal Credit Opportunity Act. We do not do that to our other acts which protect consumers, and this act is for the benefit of consumers and it protects consumers.

Let me conclude by saying the gentleman from Ohio (Mr. TIBERI) is one of our younger members of our committee, an outstanding member. It is just one example of the many young members that we have on our committee that have really had real input in this bill. I want to commend all of them.

I will close by commending the gentleman from Ohio (Mr. OXLEY) giving me the opportunity to work on this bill, for making it a priority, for realizing early that we needed multiple hearings. I would also like to commend these people: the gentleman from Massachusetts (Mr. FRANK), the gentlewoman from Oregon (Ms. HOOLEY), the gentleman from Kansas (Mr. MOORE), the gentleman from Ohio (Mr. LATOURETTE), the gentlewoman from Illinois (Mrs. BIGGERT), and other members of the committee.

Mr. KANJORSKI. Mr. Chairman, can I inquire as to the time remaining.

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). The gentleman from Pennsylvania has 3½ minutes remaining. The gentleman from Ohio (Mr. OXLEY) has 4½ minutes remaining.

Mr. KANJORSKI. Mr. Chairman, I yield myself such time as I may consume. I do not think we need our 3½ minutes. I have no other speakers, Mr. Chairman.

Mr. Chairman, I guess I want to first say one of the privileges of serving in the House of Representatives is the opportunity to meet the Members of Congress on the other side of the aisle, and one of the Members of Congress that has been very instrumental in this bill is my good friend, the gentleman from Alabama (Mr. BACHUS); and he and I do not agree on a lot of things philosophically, but he represents the type of qualities that this House needs more of. So it has been such a pleasure to see him cochair this subcommittee and accomplish the almost unanimous consent of this committee on this piece of legislation, and it goes a great deal to his innate abilities and his just Southern gentlemanliness of how to accomplish a good piece of legislation. So I want to compliment him.

I disagree on the proposition that it hurts to sunset things. I think my colleague and I probably agree and have voted for sunset provisions. I am probably on most of the committees I serve on known as the sunset person. I like to sunset everything. The reason I like to sunset everything is it forces the Congress of the United States to come back, reevaluate, restudy and bring up to date needs that otherwise are not driven by public recognition or by commonality in the public force to cause legislation to be addressed.

In my opening remarks, I said that it is important that we trust industry, and I think as a Member of my side of the aisle what I want to say is that I have met with all of the interested parties in the reporting industry and the financial industry, and I have found them all working toward a common effort to increase credit, to increase accessibility to credit, and increase efficiencies to benefit consumers. So we have no disagreements on that.

Between now and 2012 there will be changes in technologies and changes for needs, and in my opening remarks I also said I like the idea of trust but verify. There will be some elements of the society that want to take advantage or not comply with the act. It will give us an opportunity to evaluate that and find out methods that we can reward good practitioners of fair credit and at least bring into the limelight bad practitioners of good credit.

I just do also want to take one moment to respond to my gentleman friend from Ohio. He referred to the left coast, and I am not sure, was he looking north or looking south because he may have been attacking my hometown. I could be on the left coast if one is looking south.

The comment I want to make to my colleague is there is a fundamental illogic in his argument. He said that the left coast is having this recall and they are, and he seems to favor the recall. The recall probably is an element of sunset provisions, that is, the opportunity to require a revesting out there of an election of a Governor.

□ 1845

So if my colleague is in favor of not having sunsetting and not having recalling, then I suggest he talk to one of his fellow colleagues on his side, because I think he brought this about with the argument that the people should be protected with the right to recall.

I do not favor recall, but in the Congress I do favor a sunsetting provision because it will give us the opportunity to reevaluate, rejudge, and have oversight and correct some mistakes made in the initial legislation. So I urge all my colleagues on the Republican side, the Democratic side, and those that are Independent, in the middle, to support this amendment.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume, and in conclusion I would say to my good friend from Pennsylvania that this is a philosophical difference. Clearly, he makes some interesting arguments. The amendment was, in fact, rejected in the committee.

In fact, FCRA, as other Members have said on both sides of the aisle today, has been a very successful piece of legislation. It has provided consistency, reliability, certainty, and uniformity in our credit laws. And that has had enormous consequences for our economy and for consumers, as has been chronicled time and time again during the period of this debate.

I would suggest that this act that we are now seeking to make permanent has stood the test of time for 7 years, and it is now time that we make this permanent so that credit agencies, people who get credit, issuers, furnishers, everybody concerned knows what the rules are, knows that those rules are effective and work well, and that they will be permanent.

So I respectfully oppose the Kanjorski amendment.

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

The CHAIRMAN pro tempore (Mr. RYAN of Wisconsin). All time for debate has expired. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI).

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

Mr. KANJORSKI. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. INSLEE:

Page 80, after line 5, add the following new title (and conform the table of contents accordingly):

TITLE VIII—TECHNICAL CORRECTIONS

SEC. 801. AMENDMENTS RELATING TO SECTIONS 625 AND 626 OF THE FAIR CREDIT REPORTING ACT.

(a) SECTION 625.—Section 625(h) of the Fair Credit Reporting Act (15 U.S.C. 1681u(h)) is amended by striking ''Committee on Banking, Finance and Urban Affairs'' and inserting ''Committee on Financial Services''.

(b) SECTION 626.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) in subsection (b), by striking ''a supervisory official designated by''; and

(2) by adding at the end the following new subsections:

''(f) REPORTS TO THE CONGRESS.—On a semiannual basis, the head of a Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall fully inform the Permanent Select Committee on Intelligence and the Committee on Financial Services of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a).

''(g) PAYMENT OF FEES.—A Federal agency authorized to conduct investigations of, or intelligence or counterintelligence activities or analysis related to, international terrorism shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.''.

Mr. OXLEY. Mr. Chairman, I reserve a point of order.

Mr. INSLEE. Mr. Chairman, we have an amendment that will cure a modest imperfection that occurred essentially due to the PATRIOT Act. It is something that I think actually may have been an oversight, but it is something we would like to take a shot at solving today.

Mr. Chairman, while the FBI for years has been allowed to have access to our credit reports, we have wisely included certain conditions in the law about the FBI being able to dial up and get access to citizens' credit reports. There is a requirement that there be a sign-off by the Director or someone appointed by the Director, and that there be a report to Congress and that there be payment to the credit reporting agency for the costs associated with sharing the information. These are reasonable conditions and requirements for privacy concerns.

Unfortunately, when we adopted the PATRIOT Act, we did not include those conditions, those privacy protections, when it applied to the ability now for the Treasury Department and a host of other investigatory agencies who can now essentially call up and get citizens' reports. So our amendment would simply require the same privacy protections that apply to the FBI's getting access to our credit reports to other investigatory agencies.

We understand that there is a point of order raised on this, but we have brought this to the Chair's attention; and we hope as this matter moves along, the chairman will look for a way to solve this problem at a later date as this legislation matures. It is very solvable, it needs to be resolved, and it should not be controversial. So we hope that that will occur.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

AMENDMENT NO. 6 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRANK:

Page 44, strike lines 9 and 10 and insert ''Section 612 of the''.

Page 44, beginning on line 14, strike ''described in section 603(p)'' and insert ''that compiles and maintains files on consumers on a nationwide or regional basis''.

Page 44, strike line 18 and all that follows through line 22.

The CHAIRMAN pro tempore. Pursuant to the order of the Committee of today, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, there has been a good deal of self-congratulation on this bill, but some of it is not yet deserved. I hope after the adoption of this amendment it will be.

We have congratulated ourselves on, among other things, providing under this amendment for free copies once a year of credit reports to consumers. Indeed, we had a colloquy with the gentleman from New York about the flood that was going to happen; and at one point in committee. Language was adopted which did provide all consumers with free copies of all credit reports that might have been done on them.

Then an amendment was adopted in committee, and I wish it had not been adopted, it was not by vote, it just happened, which substantially limited it. So as of now, as the bill stands, if this amendment is not adopted, consumers can get free copies of their credit reports, consumers in general, from only one of the three major national credit agencies. And that is a good thing, but there are an awful lot of specialized credit agencies. There are regional credit agencies. Not as many. Some that remain from previously. There are local credit agencies. My amendment does not cover them; I leave them out. They had been in the original bill, but I had agreed to a cutback. The cutback went much further than I thought we had agreed to.

So what this amendment says is an individual should be able to get a free copy of their credit report from the national specialized credit agencies, and there are large numbers of national agencies. One of the most important is the Medical Information Bureau, and I have spoken to them. They have no objection to being in this requirement. They give medical information, which would be relevant. There is also ChoicePoint, CheckSystems, CLUE, and Landlords United. A lot of these national specialized agencies have to do with landlord-tenant agencies.

So if this amendment does not pass, please do not try to take credit for passing a bill that generally gives consumers a right to a free credit report. It gives consumers a right to a limited pool of free credit reports, those from the major national credit agencies. But a large number of the agencies which compile credit on people will be excluded from the bill, and I think that would be a severe error and a misrepresentation.

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

Mr. BAKER. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. BAKER) is recognized for 10 minutes.

Mr. BAKER. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the gentleman's amendment.

During the course of the committee deliberations, I was concerned about the consequences of the mandatory credit report obligation on those entities within communities which are basically small businesses. The three principal national credit reporting entities are responsible for in excess of 95 percent of all credit reporting activities, financial in nature, within the country.

I offered an amendment in committee which I represented to the gentleman that would affect what we deemed to be small reporting agencies in nature, to which there was agreement in that principle. The effect of the amendment, subject to further review, though it was not the intent, was clearly to go beyond just the very small credit bureaus in the way in which the amendment was constructed. I then understood, by error, the intent of the amendment was better than I originally thought.

Although I was aiming only at the very small credit bureaus, for which it would be an economic disadvantage of some significance for them to provide this level of free report and, furthermore, who are not now required under law to provide a free credit report for this reason, it also went to other entities, for example, MIB or other health-related reporting entities under the broad definition of consumer reporting enterprises that also required them to provide the free credit report. By inadvertence, my amendment was a little broader in scope than I thought, but in principle and effect I agree with the consequences of my amendment.

I support the gentleman's view that the three large credit-reporting entities, which conduct over 95 percent of the disclosure of financial matters of consumers, should be subject to this now new one additional reason for a provision of a free credit report. The adoption of this amendment, however, if the House were to accept the gentleman's position, would be to require all consumer-related reporting agencies, even the smallest, to provide this free credit reporting information even to their financial detriment.

Although there was some disagreement in the construct of the amendment in the committee, I would still reserve my objection to the gentleman's amendment; and I think it is a policy matter for the House to determine whether we would accept any relief from the requirement for the free credit report or would we accept the gentleman's position to require all entities regardless of economic consequence to provide the mandated credit report.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute and would say first that the gentleman has correctly stated it. And, frankly, I relied when that amendment was offered on what he now concedes was a misinterpretation. That is not a good way to legislate. And I am disappointed that the gentleman is going to try to keep the advantage of that misunderstanding.

Secondly, it is inaccurate to say that this amendment that I am now offering would cover everybody. I have agreed to exempt in this amendment the local credit agencies. I am talking about the national specialized ones. They are the primary difference between us.

The gentleman acknowledges and he explained an amendment that I did not think and I guess he did not think covered people like MIB. We did not object to it. It was not carefully read. We accepted the description. He says through inadvertence it went too far. That happens. But I think it is frankly inappropriate in terms of our legislatively working together to insist on that, particularly since I am not trying to restore the original language. I am excluding the small ones.

Mr. Chairman, what this does is this covers the few regional ones, but mostly it covers national specialized agencies which do not merit the description of those who are too poor.

So I think, once again, if we reject this amendment, we have what the gentleman concedes is an inadvertent amendment that was adopted that excludes a number of agencies and we cannot say that it gives everybody free credit reports.

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

Mr. BAKER. Mr. Chairman, I yield myself 2 minutes.

I simply point out in fairness to the gentleman that the discussion of regional reporting entities was not really a discussion point within the committee discourse. My concern was the economic consequences on the very small. And upon reflection of the impact of the amendment addressing the question of regionals and economic concerns, the arguments are the same.

I still feel that the exemption that I am attempting to preserve in the bill is appropriate and understand the gentleman's philosophic view that all of these enterprises at the regional level should be required to provide the free report.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Put aside the regionals. What about the national specialized agencies, like MIB? This amendment could be amended under the rules. An amendment could be offered to amend this, a second degree amendment. Would the gentleman agree to exclude the regionals and cover the specialized national ones?

Mr. BAKER. Mr. Chairman, reclaiming my time, let me suggest this to the gentleman, in light of everyone here present and observing this. I will be most happy not to repeat the same mistake I made at the committee and agree with the gentleman that in fact a description and analysis of the specialties does result in the view that they are large enough and sufficient in scope; I will commit to work with the gentleman going forward.

Mr. FRANK of Massachusetts. Where? This is the end of the bill.

Mr. BAKER. Well, it will likely be in conference, I would suggest, because there will be no assurance that the bill we pass here will seek Senate approval or uniformity with the Senate.

I would suggest to the gentleman that adopting here at the moment, without having a full listing of those specialty organizations, would be difficult for me to assess the effect. But I am not trying to obstruct the gentleman's interest and believe that the bill as constructed in its current form is appropriate.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute to express my extreme disappointment.

I relied on an explanation the gentleman now acknowledges was erroneous when this amendment was adopted. The gentleman says it goes too far. I have offered to try to compromise. He now tells me that after the bill has passed, he will work with me. That offer is worth about as much as the explanation I got, apparently. And it may or may not be a conferencable item. I do not know whether the Senate will have any language in this.

So I must express my extreme disappointment. This is not conducive to a cooperative working relationship, I must say to the gentleman from Louisiana. We tried to do this through negotiations in the manager's amendment; we have tried to repair this. And the gentleman has at every point said, no, I won because there was a misunderstanding, and that is it.

□ 1900

Mr. Chairman, I cannot consider that to be a reasonable offer to work together.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. FRANK) for yielding me this time.

Mr. Chairman, I rise in strong support of the Frank amendment. As we have heard, the base bill would allow every American access to a free annual consumer report upon request from the three national credit reporting agencies, and I salute the provision, as does the ranking member.

But as we all know, while the Fair Credit Reporting Act deals primarily with credit-reporting agencies, the underlying statute we are amending today through the FAIR Act deals with all consumer reporting agencies. These include credit investigative medical tenant reporting agencies, among many others.

Unfortunately, this bill inadvertently limits consumers to requesting

and reviewing only one free credit report annually from the three national reporting agencies, meaning this bill does not permit consumers to obtain free reports from hundreds of specialized national consumer reporting agencies that compile information on consumers for noncredit purposes.

This provision is necessary in order to correct this oversight and ensure free annual consumer reports from all entities covered by the Fair Credit Reporting Act, whether they be credit agencies or other information-gathering agencies.

We need to ensure that this legislation lives up to the spirit of what all of its supporters intended, including myself, that of allowing Americans access to all consumer reports compiled on them by information-reporting bureaus, not just credit reports, but medical reports and other reports about people's personal information.

I do recognize that the Medical Information Bureau, which I have worked closely with, for their agreement to provide these free annual reports upon request, but even with this agreement, there are too many information-gathering agencies which are exempt and will remain unresponsive from these provisions without passage of this amendment.

These consumer-reporting agencies include but are not limited to companies that compile consumer information relating to medical records, employment background checks, tenant screening, driving records, insurance claims, criminal records and check-writing history. In fact, in recent years, it has become evident that two companies, only two companies almost dictate which consumers can open checking accounts based upon the reports and scores they provide to financial institutions.

These information gatherers must be included under the obligation to ensure free annual reports to individuals upon the consumer's request. This will ensure greater accuracy and transparency, what I believe is the basic goal of the underlying bill today.

Everyone should support this amendment. It does not change the bill, but rather clarifies the intent of all of its supporters, of which I am one. I urge my colleagues to support this amendment.

Mr. BAKER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I wish to address the view of the gentleman with regard to the consequences of these determinations. The focus of the bill was to provide those individuals without financial resources or for just cause access to a credit report without having to pay for it.

In our negotiations or discussions about resolution of the matter, I am willing and would support an amendment that would preserve that right for those protected classes under the bill to have access to a free credit report, regardless of the nature of that credit-reporting entity.

What I did not want to require was a broad-based requirement for either the specialty or the small business credit reporting agency to be under a monetary obligation to provide all requesters a free credit report. I think that is a fair position, given my concerns about the economic impact on these business enterprises, and would be reluctant not to provide that measure of equity to the regional reporting agencies without understanding better the economic consequences.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in support of the Frank amendment to the Fair Credit Reporting Act. One of the things that happened in committee, and it is unfortunate because of a misunderstanding, all of a sudden we are restricting these free credit reports.

One of the big deals about passing this bill was that everyone got a free credit report. The Frank amendment allows all consumers to obtain a free annual credit report from any nationwide consumer reporting agency. It eliminates the provision in the bill that restricts consumers to getting their free annual credit report from just three national consumer reporting agencies. The amendment also restores the right of consumers who are unemployed or on public assistance or believe they have been a victim of fraud to obtain a free credit report from any consumer reporting agency. Right now they can get that from all of the major credit reporting agencies. Under this bill, as it is currently written without this amendment, they will be restricted. They will only be able to get these free reports from local or regional consumer reporting agencies.

I believe I speak for both sides of the aisle when I say it was never the intention of the Committee on Financial Services to strip away these rights that these disadvantaged groups have under current law, and these groups are already entitled to a free credit report from the national agencies. We should not be restricting access to credit reports for the disadvantaged, while at the same time, giving the rest of the Nation's consumers even more access to their credit information. This amendment will restore the additional access to credit information that these disadvantaged groups currently enjoy, and this amendment should have been part of Fair Credit Transaction Act from day one.

Again, one of the primary intentions of this legislation was to increase access to information for all Americans, and by supporting the Frank amendment, we will be doing just that. I urge Members to vote yes on the Frank amendment.

Mr. BAKER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, let me just say, having participated obviously in the markup and listening to the debate on the floor, I think all Members want to preserve the protected class. I do not think that is really an issue. Also, I think there is some concern that very small agencies ought to have some exemption from the free credit report.

I would indicate to the gentleman from Massachusetts (Mr. FRANK) my efforts to try to solve that problem. I think it is going to be impossible at this point in the process, but going forward, particularly in conference, I have every reason to think that we can come to a good conclusion. We all, I think, recognize that the protected class should continue to have access to free credit reports, as they always have had, as the gentlewoman from Oregon (Ms. HOOLEY) so carefully pointed out.

The real issue is the exemptions of the small agencies that represent approximately 10 percent of those credit reports. I do not think at the end of the day the position of the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Louisiana (Mr. BAKER) are all that different, and I would simply say that I would pledge my efforts towards reaching a good conclusion towards both gentlemen's aims.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I guess I must look pretty stupid to be told that people are going to work with me at the end of the bill.

This process has been going on since we finished the markup. My staff was negotiating with the staff of the majority. We offered all kinds of things. We had the manager's amendment opportunity. This amendment was filed last night. It was subject to secondary degree amendment. It could have been changed.

The gentleman from Ohio (Mr. OXLEY) said there is no real difference between my position and the position of the gentleman from Louisiana. Let me correct the gentleman, there is no difference between my position and the position the gentleman from Louisiana explained when the amendment was offered; but there is a big difference between my position and what the law says if we pass this bill this way.

We talk about the protected classes, people who have been the victims of fraud, people who are unemployed, if you pass this bill and defeat this amendment, they will have less rights thanks to your work than they have today. The amendment of the gentleman from Louisiana (Mr. BAKER), he said through inadvertence, took away their rights. Whatever they use to take away their rights, whether it was inadvertence, advertence, or anything else, they have lost their rights.

Now after saying no to a negotiation before, no to the manager's amendment, and no to an amendment here, now the other side says we will see you in conference. Let me make a commitment to the gentleman. If you want to

use your majority to defeat this amendment, I probably cannot stop you; but if this is not substantially repaired in conference, this bipartisan consensus is coming to an end.

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

Let me return to the basis of the current law and what the effect of the amendment would be if adopted. Today, any person who is the subject of an adverse action, you get turned down, you have an absolute right to a free credit report regardless of your economic status.

If you are a consumer who suspects fraudulent conduct regardless of your economic status, you get a free credit report. If you are unemployed, you get a free credit report. If you are subject to public welfare, you get a free credit report. The amendment adopted I proposed in committee does not, in any way, limit or affect those rights that exist under current law. The bill as proposed without the amendment I offered would have established one more level for a free credit report.

I was and am willing, as is the current law with regard to these categories, to say that with regard to the one additional credit report, that the protected classes may have access to that information without charge. But it is not a correct view of the effect of the Baker amendment as adopted to suggest that it rolls back current protections and authorities of those desiring to get a free credit report. It would with regard to the new right being adopted by passage of the Act. That is the state of affairs if we defeat the Frank amendment, which I hope the House will engage in; and again, renew the pledge to the gentleman, despite his difficulties with the manner under which this has proceeded, if we are fortunate enough to be on such a conference, to work with the gentleman toward appropriate resolution, and would hope the House would reject the Frank amendment.

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

The CHAIRMAN pro tempore (Mr. CULBERSON). The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

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

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

AMENDMENT NO. 9 OFFERED BY MRS. TAUSCHER

Mrs. TAUSCHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. TAUSCHER:

Page 69, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 510. REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.

Section 615 of the Fair Credit Reporting Act (15 U.S.C. 1681m) is amended by inserting after subsection (e) (as added by section 403 of this Act) the following new subsection:

''(f) REQUESTS BY CONSUMERS FOR REASONABLE PROCEDURES FOR ESTABLISHING NEW CREDIT.—

''(1) IN GENERAL.—Any consumer may submit a request to a consumer reporting agency that any person who uses a consumer report of such consumer to establish a new credit plan in the name of the consumer utilize reasonable policies and procedures described in paragraph (4).

''(2) PLACEMENT IN FILE.—Any consumer reporting agency that receives a request from a consumer shall include the request in the file of the consumer.

''(3) NOTICE TO USERS.—No person who obtains any information from a file of any consumer from a consumer reporting agency that includes a request from the consumer under this subsection may establish a new credit plan in the name of the consumer for a person other than the consumer without utilizing reasonable policies and procedures described in paragraph (4).

''(4) REASONABLE POLICIES AND PROCEDURES.—The notice included by the consumer reporting agency pursuant to the request of the consumer shall state that the consumer does not authorize establishing any new credit plan in the name of the consumer, unless the user utilizes reasonable policies and procedures to form a reasonable belief that the user knows the identity of the person for whom such new plan is established, which may include obtaining authorization or preauthorization of the consumer at a telephone number designated by the consumer or by such other reasonable means agreed to.''.

The CHAIRMAN pro tempore. Pursuant to the order of Committee of today, the gentlewoman from California (Mrs. TAUSCHER) and a Member opposed to the amendment each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Mrs. TAUSCHER).

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

Mr. Chairman, I rise today to ask my colleagues to support a simple amendment. Currently only consumers who can prove that they already have been victims of identity theft can ask the credit industry to confirm the identity of a person before issuing new credit accounts under the consumer's name. My amendment would simply allow any consumer the option to require the credit industry to use the reasonable policies and procedures identification standards established in the fraud alert provision. This amendment would give all consumers, students, military, the elderly and families, a meaningful way to protect their own personal credit records.

Proponents of this bill claim that the fraud alert provision creates powerful consumer protection tools to prevent identity thieves from opening accounts in their names. They fail to mention that the tools are available only after one becomes a victim. Talk about closing the barn door after the horse is out.

□ 1915

The credit industry argues that the public needs education to learn how to protect their data. While there are some precautions individuals can take, individual consumers have little or no means to protect themselves from the fastest-growing type of identification theft, theft from poorly protected databases. Since 1990, 33 million Americans, or one in six adults, have been victims of identity theft. This year businesses will lose $4.2 billion to this crime, losses that will ultimately be passed on to other customers. Earlier this year, the major credit card companies confirmed that a hacker broke into their systems and accessed 8 million credit card records. My amendment would provide all consumers an option to proactively protect their personal information against fraudulent use by identity thieves, organized crime and terrorist organizations.

Mr. Chairman, I would like to ask the distinguished ranking member from Massachusetts to work with me and the members of the committee during conference to implement the spirit of my amendment in the final report.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Mrs. TAUSCHER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for her spirit of cooperation. I think she is very much right on the substance. We did have to try to work out a balance out of committee. Some of us, as you recently saw, were more willing to stick to our commitments than others; but I would say to the gentlewoman, I think that in substance she has a very good idea and, yes, I would welcome the chance to try to work with her in conference assuming that there is something conferencable about this, as there may well be.

Mrs. TAUSCHER. I thank the gentleman.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. CULBERSON). Is there objection to the request of the gentlewoman from California?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 4 offered by the gentleman from Vermont (Mr. SANDERS), amendment No. 1 offered by the gentleman from Pennsylvania (Mr. KANJORSKI), amendment No. 6 offered by the gentleman from Massachusetts (Mr. FRANK), and amendment No. 12 offered by the gentleman from Ohio (Mr. NEY).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes in this series will be conducted as 5-minute votes.

AMENDMENT NO. 4 OFFERED BY MR. SANDERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 272, answered ''present'' 1, not voting 19, as follows:

[Roll No. 495]

AYES—142

Abercrombie
Ackerman
Aderholt
Bachus
Baldwin
Ballance
Barton (TX)
Becerra
Bereuter
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Carson (IN)
Clay
Conyers
Cooper
Costello
Cubin
Cummings
Davis (AL)
Davis (CA)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frost
Gonzalez
Green (TX)
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hoeffel
Honda
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kleczka
Kucinich
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lynch
Maloney
Matsui
McCarthy (MO)
McGovern
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mollohan
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Rahall
Reyes
Rodriguez
Rogers (AL)
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sanchez, Linda T.
Sanders
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Solis
Stark
Strickland
Taylor (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Wamp
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Whitfield
Wu

NOES—272

Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clyburn
Coble
Cole
Collins
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cunningham
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Dooley (CA)
Doolittle
Dreier
Dunn
Ehlers
Emanuel
Engel
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
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
Hefley
Hensarling
Herger
Hill
Hinojosa
Hobson
Holden
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Larsen (WA)
Latham
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Majette
Manzullo
Marshall
Matheson
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Murphy
Murtha
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Ose
Oxley
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Sandlin
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Velazquez
Vitter
Walden (OR)
Walsh
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—19

Burton (IN)
Davis (IL)
Emerson
Gephardt
Hayworth
Hoekstra
Holt
Janklow
Linder
Lipinski
Markey
McDermott
McKeon
Pelosi
Pence
Rangel
Thompson (MS)
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. CULBERSON) (during the vote). Members are advised they have 2 minutes within which to record their vote.

□ 1937

Messrs. CARDOZA, BARTLETT of Maryland, SANDLIN, CLYBURN, MICHAUD, ENGEL and INSLEE changed their vote from ''aye'' to ''no.''

Mr. ADERHOLT and Mr. BECERRA changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HOLT. Mr. Chairman, I was unavoidably detained and failed to vote on rollcall No. 495 (the Sanders amendment to the Fair and Accurate Credit Transactions Act). Had I been present I would have voted ''aye.''

AMENDMENT NO. 1 OFFERED BY MR. KANJORSKI

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. KANJORSKI) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 112, noes 310, answered ''present'' 1, not voting 11, as follows:

[Roll No. 496]

AYES—112

Abercrombie
Ackerman
Baca
Baldwin
Barton (TX)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Brady (PA)
Capps
Capuano
Cardin
Conyers
Cummings
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Emanuel
Eshoo
Etheridge
Farr
Fattah
Filner
Flake
Frank (MA)
Grijalva
Harman
Hastings (FL)
Hefley
Hinojosa
Hoeffel
Holden
Holt
Honda
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
Lampson
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lofgren
Lowey
Lynch
Majette
Maloney
Markey
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Millender-McDonald
Miller, George
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Price (NC)
Radanovich
Rahall
Rodriguez
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Sherman
Slaughter
Solis
Stark
Stupak
Taylor (MS)
Thompson (CA)
Tierney
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner

NOES—310

Aderholt
Akin
Alexander
Allen
Andrews
Bachus
Baird
Baker
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bell
Bereuter
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)

Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
DeMint
Deutsch
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Dooley (CA)
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Engel
English
Evans
Everett
Feeney
Ferguson
Fletcher
Foley
Forbes
Ford
Fossella
Franks (AZ)
Frelinghuysen
Frost
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Goss
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hill
Hinchey
Hobson
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum
McCotter
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nethercutt
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Ose
Otter
Oxley
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Loretta
Sandlin
Saxton
Schiff
Schrock
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner (OH)
Turner (TX)
Upton
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—11

Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow
Lipinski
Pelosi
Pence
Rangel
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

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

□ 1944

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN pro tempore (Mr. CULBERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 235, noes 186, answered ''present'' 1, not voting 12, as follows:

[Roll No. 497]

AYES—235

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

NOES—186

Aderholt
Akin
Bachus
Baker
Ballenger
Barrett (SC)
Bartlett (MD)
Bass
Beauprez
Bereuter
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burns
Burr
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Cole
Collins
Crane
Crenshaw
Cubin
Cunningham
Davis, Jo Ann
Deal (GA)
DeLay
DeMint
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Duncan
Dunn
Ehlers
English
Everett
Feeney
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gillmor
Gingrey
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hostettler
Houghton
Hulshof
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kline
Knollenberg
Kolbe
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
McCotter
McCrery
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
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shays
Sherwood
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Sullivan
Tancredo
Tauzin
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Turner (OH)
Vitter
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—12

Cox	Hoekstra	Pence
Davis (IL)	Janklow	Rangel
Emerson	Lipinski	Udall (CO)
Gephardt	Pelosi	Woolsey

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1953

Messrs. DREIER, PETRI, TERRY, BURTON of Indiana, KIRK, SHIMKUS, LoBIONDO, and Mrs. BONO changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. NEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. NEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 233, noes 189, answered ''present'' 1, not voting 11, as follows:

[Roll No. 498]

AYES—233

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

NOES—189

Ackerman	Goodlatte	Meeks (NY)
Alexander	Green (TX)	Menendez
Andrews	Grijalva	Millender-McDonald
Baca	Gutierrez	Miller (FL)
Baird	Hall	Miller (NC)
Baldwin	Hastings (FL)	Miller, George
Ballance	Hefley	Moore
Barton (TX)	Hill	Murtha
Becerra	Hinchey	Musgrave
Bell	Hinojosa	Myrick
Berkley	Hoeffel	Nadler
Berman	Holt	Napolitano
Berry	Honda	Neal (MA)
Bishop (GA)	Hooley (OR)	Norwood
Bishop (NY)	Hoyer	Oberstar
Blumenauer	Inslee	Obey
Boyd	Israel	Olver
Brady (PA)	Jackson (IL)	Ortiz
Brown (OH)	Jackson-Lee (TX)	Otter
Brown, Corrine	Jefferson	Owens
Camp	John	Pallone
Capps	Johnson, E. B.	Pascrell
Capuano	Jones (OH)	Pastor
Cardin	Kanjorski	Paul
Cardoza	Kaptur	Payne
Carson (IN)	Kennedy (RI)	Peterson (MN)
Carson (OK)	Kildee	Price (NC)
Clay	Kilpatrick	Reyes
Clyburn	Kind	Rodriguez
Conyers	Kingston	Ross
Costello	Kleczka	Rothman
Crowley	Kucinich	Roybal-Allard
Cummings	Lampson	Rush
Davis (CA)	Langevin	Ryan (OH)
Davis (FL)	Lantos	Sabo
DeFazio	Larsen (WA)	Sanchez, Linda T.
DeGette	Larson (CT)	Sanchez, Loretta
Delahunt	LaTourette	Sanders
DeLauro	Lee	Schakowsky
Deutsch	Levin	Schiff
Dingell	Lewis (GA)	Scott (VA)
Doggett	Lofgren	Serrano
Dooley (CA)	Lowey	Sherman
Doyle	Lynch	Skelton
Duncan	Majette	Slaughter
Emanuel	Maloney	Smith (WA)
Engel	Markey	Snyder
Eshoo	Matheson	Solis
Evans	Matsui	Spratt
Farr	McCarthy (MO)	Stark
Fattah	McCarthy (NY)	Stupak
Filner	McCollum	Tancredo
Flake	McDermott	Tauscher
Frank (MA)	McGovern	Thompson (CA)
Franks (AZ)	McIntyre	Thompson (MS)
Frelinghuysen	McNulty	Tierney
Frost	Meehan	Towns
Gonzalez	Meek (FL)	
Goode		
Turner (TX)	Wamp	Weiner
Udall (NM)	Waters	Weldon (FL)
Van Hollen	Watson	Wexler
Velazquez	Watt	Wu
Visclosky	Waxman	Wynn

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—11

Davis (IL)	Janklow	Rangel
Emerson	Lipinski	Udall (CO)
Gephardt	Pelosi	Woolsey
Hoekstra	Pence	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. CULBERSON) (during the vote). Members are advised there are 2 minutes in which to record their votes.

□ 2001

Mr. ROHRABACHER changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there any other amendments?

If not, 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. HASTINGS of Washington) having assumed the chair, Mr. CULBERSON, 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. 2622) to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information, and for other purposes, pursuant to House Resolution 360, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

Mr. SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on 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.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 30,

answered ''present'' 1, not voting 11, as follows:

[Roll No. 499]

YEAS—392

Abercrombie
Ackerman
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Ballance
Ballenger
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Becerra
Bell
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burns
Burr
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Carter
Case
Castle
Chabot
Chocola
Clay
Clyburn
Coble
Cole
Collins
Cooper
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
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
Engel
English
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fletcher
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
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hill
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley (OR)
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Kleczka
Kline
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Majette
Maloney
Manzullo
Marshall
Matheson
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
Mollohan
Moore
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
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
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sandlin
Saxton
Schrock
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner (OH)
Turner (TX)
Udall (NM)
Upton
Van Hollen
Velazquez
Visclosky
Vitter
Walden (OR)
Walsh
Wamp
Watt
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—30

Berman
Conyers
Davis (CA)
DeFazio
Delahunt
Eshoo
Farr
Filner
Flake
Harman
Honda
Jackson (IL)
Kucinich
Lee
Lofgren
Markey
Matsui
Millender-McDonald
Miller, George
Nadler
Paul
Sanders
Schakowsky
Schiff
Stark
Tauscher
Thompson (CA)
Waters
Watson
Waxman

ANSWERED ''PRESENT''—1

Ruppersberger

NOT VOTING—11

Aderholt
Davis (IL)
Emerson
Gephardt
Hoekstra
Janklow
Lipinski
Pence
Rangel
Udall (CO)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 2019

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 2622, FAIR AND ACCURATE CREDIT TRANSACTIONS ACT OF 2003

Mr. LATOURETTE. Mr. Speaker, on a gratifying endorsement of my oratorical skills, the Chairman of the full committee has asked that I ask unanimous consent that in the engrossment of the bill, H.R. 2622, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

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

There was no objection.

PERSONAL EXPLANATION

Mr. OSE. Mr. Speaker, on September 4, I recorded a ''yes'' vote on rollcall vote No. 463. My vote should have been ''no.''

PERSONAL EXPLANATION

Mr. WAMP. Mr. Speaker, on September 4, I recorded a ''yes'' vote on rollcall vote No. 463 ordered on the previous question for H. Res. 351. My vote should have been ''no.''

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

Mr. WAMP. 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 Tennessee?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2004

Mr. EDWARDS. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. EDWARDS 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 agree to the provisions contained in sections 606 and 619 of the Senate amendment (relating to the rates of pay for the family separation allowance and imminent danger pay).

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XX, the gentleman from Texas (Mr. EDWARDS) and a Member of the opposing party each will control 30 minutes.

Mr. MCHUGH. Mr. Speaker, I rise to control the time in opposition.

The SPEAKER pro tempore. The gentleman from New York (Mr. MCHUGH) will control the time in opposition.

The Chair recognizes the gentleman from Texas (Mr. EDWARDS).

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

Mr. Speaker, my motion would instruct the conferees working on the Defense authorization bill to recede to the Senate bill on section 606 and 619. Specifically, Section 606 would make permanent the increase of military separation pay from $100 per month to $250 a month. Section 619 would make permanent the increase to hostile fire and imminent danger special pay from $150 a month to $225 a month.

Mr. Speaker, what we are really talking about here is that in the past year, Congress voted to show respect to our

service men and women making tremendous sacrifices fighting the global war on terrorism, service men and women, who are in all parts of the globe from South America to Europe to Asia to the Middle East, to virtually every section of the globe. What we are saying is that when they leave their family for 6 months or 12 months and when they are put into a hostile situation, a country ought to thank them as a serviceman or woman and we ought to thank their family not just with our words of rhetoric, but with our deeds here in the House, and this is why we gave in effect a $225 increase to those service men and women under the threat of hostile action, serving also away from their families.

Now $225 a month may not mean a lot to some Americans, but to our hardworking, dedicated, patriotic service men and women, it is oftentimes the difference between paying their bills that month or not while their loved ones are split because of service to country.

What the House version of this bill would do is not provide certainty to these service men and women serving in Nations such as Liberia today, serving in Kosovo and Bosnia, that their income each month will not be cut. The Senate version actually would provide certainty and say to them we respect what they are doing, we are not going to cut their pay. I think it would be tragic that at a time when our service men and women and their families are making incredible sacrifices on behalf of our country for us to leave any uncertainty that hundreds of thousands or them, or tens of thousands of them could actually have a pay cut during a time of war, during our fight against global terrorism.

So what this motion to instruct is all about is respect to our service men and women about certainty so that they do not have to worry, while they are worrying about the very lives of their loves ones in combat situations and hostile situations, they do not have to worry also about their monthly income being cut by the same government that is thanking them daily in speeches here on the floor of the House.

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

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

Let me say, I think it is fair to state from the outset that all of us in this distinguished body, the House of Representatives, are very strongly committed to ensuring an adequate, fair and really just level of compensation for those service members that my friend, and he is my friend and my colleague, from Texas, has so adequately and so appropriately mentioned, as they are bearing the leadership, as they are literally putting their lives in harm's way.

Just yesterday, I had the very sad but high honor of attending a funeral for a 24-year-old specialist from my district, from the 10th Mountain Division who was killed in Afghanistan, and I think that any suggestion that this House would ever support any cut in diminution to the pay and to the support that we have been giving these troops would be a very, very wrongheaded suggestion. I do not believe any of us support that, and I know I certainly do not, and I commend the gentleman from Texas for bringing this forward.

I have been to Iraq. I have seen the conditions firsthand. I have been to Uzbekistan. I have been to Afghanistan. I know what these young men and these young women and these brave men and women are going through, and certainly they are serving proudly and we must not, we should not and I feel very confidently that we will not allow these troops to suffer a loss of income and the history of how we have implemented these increases to the supplemental pay is the imminent danger pay and to the family separation pay is well-known, well-stated, and we do need to take action in the bill referred to in the gentleman's motion to instruct to ensure that there is no diminution of those pays and to that support.

Having said that, there is a difference of approach. There is a difference as to how we focus this. The reality is, and I am stating this just for the record, Mr. Speaker, rather than to express any opposition to my friend's motion, is that under the Senate's proposal, we are not just dealing, for example, on family separation pay, with those who are in places like Bosnia and Kosovo, Afghanistan, the Philippines, Korea, Iraq. In fact, under the Senate's approach, if someone from my State of New York were deployed to one of the training centers for 30 days or more, they, too, would receive the separation pay, and it is the Department's position, given the difference in the cost of how the approach that they would prefer and how the approach the Senate prefers would be significant, about I believe $280 million, that that they wish to target it more precisely.

I am persuaded by what the gentleman says and I am not going to ask a single Member of this House on either side of the aisle to oppose this motion. I, in fact, would encourage them to support it, if for no other reason than to significantly demonstrate the agreement that we all hold amongst ourselves that our brave men and women in combat and those facing these hardships should not suffer any diminution, but just for the House's knowledge, the Department has perhaps a position that none of us agree with but a few or none or all, but a position that does have some merit in these very difficult financial times when they want to target these.

But I do want to say that as someone who has had, for the past two terms, the honor of serving as the chairman of first the Subcommittee on Military Personnel, and now the Subcommittee on Total Force, I will not support, and I believe I can speak for the gentleman from California (Mr. HUNTER) and all of the leadership of both the committee and the House, anything, anything that cuts by one cent the pay to our brave men and women who are serving in very dangerous places like Iraq and Afghanistan.

So in the spirit of what the gentleman is trying to accomplish, I would urge my colleagues to support this motion, to vote for it and certainly to join us as we go forward in trying to ensure that the brave men and women who are serving us are fairly and adequately compensated.

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

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Missouri (Mr. SKELTON), who is the ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas for yielding me the time, and I rise in support of the motion to instruct the conferees, and I thank the gentleman from Texas (Mr. EDWARDS) for this motion to instruct.

This motion will direct the House conferees on the National Defense Authorization Act for next year to accept the Senate Defense authorization provisions that provide for a permanent increase in imminent danger and hostile fire special pay, as well as family separation allowance.

□ 2030

Under the Senate bill, section 606 would make permanent a $75 increase in the family separation allowance, and section 619 would make permanent a $125 increase in imminent danger and hostile fire special pay. By accepting the Senate provisions, servicemembers and their families would continue to receive increases that were originally included in the first Iraq war supplemental, but which will terminate on September 30 of this year.

The Department of Defense originally expressed concern about the cost to continue these special pays and allowances. However, recent public statements by officials within the Department indicate that the administration has reversed its position and now supports continuation of these important benefits, especially as American forces continue to face hostilities around the world, particularly in Iraq and Afghanistan.

Our troops put their lives on the line every day. They do this for our country, particularly in Iraq, where guerilla warfare has become a daily occurrence. As of this morning, 179 servicemembers have given their lives in combat. Another 1,186 have been wounded in action. Additionally, another 110 have been killed, and 313 wounded in nonhostile action while deployed to that region. It would be fundamentally wrong, wrong to reduce imminent danger and hostile fire pay for these brave men and women.

Military families back home have recently been informed that longer deployments for our men and women in uniform will become the standard for the foreseeable future. The increase in family separation allowance authorized in the Senate bill is the least we can do to recognize the sacrifices of these servicemembers as well as their families. Almost all families face increased household costs while their servicemember is deployed. Mailing letters, packages for morale, making long-distance phone calls are just a few examples of the additional expenses that families incur while they were separated from a military member. Increasing imminent danger and increasing the hostile fire pay as well as the family separation allowance permanently is the right and honorable thing to do.

Mr. Speaker, I strongly urge my colleagues to join me in support of this motion of the gentleman from Texas (Mr. EDWARDS) to instruct the House conferees.

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

There are no Members in this House in whom I hold higher regard on issues of concern of military men and women and their families than the gentleman who just spoke, the distinguished ranking member. Certainly nothing he said here this evening would in any way change my attitude and my perspective.

But I do think, again for the record, and in urging my colleagues still to vote for this motion, that another concern that the administration and the Department have expressed, and that I think at least merits our thoughts as we go forward, is that the Senate bill, as it is currently constructed and construed, actually treats two soldiers, to use one example, who are doing the exact same job, perhaps on the exact same patrol, whether it be in Sherkat in the mountains of Afghanistan, or be it on the streets of al Falusha, very, very differently. In the Senate bill, one member of that patrol would receive $75 added pay, the other would receive $250; and they are both exposed to the same danger. They are both exposed to the potential of the same fate.

So I think we have got to remember that there are legitimate differences of opinion here. However, the objective that we all have and we all, I think, need to pursue is that of paying and compensating these brave men and women to the highest extent possible.

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

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished senior member of the House Committee on Armed Services.

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

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me this time. I greatly respect the chairman of the Subcommittee on Military Personnel, and I am grateful to see he has decided that he should support this resolution. I think it is timely, I think it is in order, and while the gentleman says that the pay level is fair and adequate, I would really argue that even with the increases, for the burdens these soldiers, sailors, airmen and Marines bear, in hostile circumstances, this pay increment is really minimal.

Last year, when we did the Iraqi supplemental, providing $79 billion for the war in Iraq and more for Afghanistan in the war against terror, $63 billion was allocated to Iraq. And, naturally, we said with soldiers about to go in harm's way, surely we should increase the minimal amount that is being paid to them right now, which was $100. That is all, $100 a month for family separation pay, and $150 for imminent danger pay. We increased those to $250 for family separation pay and $225 for imminent danger pay, but only for 1 year. Unless we act in the defense authorization bill to make this permanent law, as provided in the Senate authorization mark, then this will expire on September 30. And that would be a terrible calamity.

Nevertheless, the Pentagon this summer issued a reclaimer to the committees in conference indicating that they thought that these two increments were too costly to sustain and recommended that they either be dropped or reduced. They met with a firestorm of protest, including a published statement from me and the ranking member on our committee, that I thought it would be outrageous at this point in time to do it. So tonight we can seal the decision and make it permanent law that these levels of incremental pay will be provided to soldiers, sailors, airmen, and Marines who go in harm's way and are separated from their families. They get all the $475.

The gentleman was saying he was in Iraq, and we all know when we go out in the field and we see these soldiers and sailors and airmen, we realize they do not work 8-hour days. They work 18-hour days, continually. And they never know whether danger might befall. The least we can do to help them is pay the way, particularly in the circumstances they now find themselves, doing duty they were not trained for. And a hard and bitter duty it is, in an inhospitable environment. The least we can do is to provide them this pay settlement.

Let me make one more argument, though, if this were not enough, and that is we can either pay now or pay later. Because if we do not provide these increments and somehow or another help our deployed troops bear the burdens that we have imposed upon them, then we are going to pay for it in terms of recruitment and retention just over the horizon. We are going to be paying big reenlistment bonuses. We will be losing E6 sergeants, with the kind of training we need for years to come. We are going to be risking real damage, long-term damage, particularly to our ground forces.

So it is only smart, not just fair, not just good policy, it is just smart personnel policy to continue these payments at the level that is established now in law and to make it permanent law.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for his comments.

Very briefly, Mr. Speaker, so everyone understands, the House bill makes permanent the increases that the gentleman just mentioned for imminent danger pay from $150 to $225 and family separation pay from $100 to $250 a month. Not a single soldier, airmen, sailor, Marine, or even Coast Guard, if they happened to be deployed to that region, would ever lose a cent if they were assigned to Saudi, Kuwait, Iraq, Afghanistan under the House bill either.

There are some differences on the motion with respect to family separation pay and the application of imminent danger pay that I previously mentioned; but, again, none of us want to see those in direct harm's way lose that money. And I am very confident that under either bill that will not happen. I am very confident that under whatever agreement that comes out of this that that will not happen either.

If we do not have an agreement by October 1, I feel absolutely certain we will either move a separate piece of legislation or do the conference committee agreement retroactively. So we are all on the same page there.

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

Mr. EDWARDS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State (Mr. LARSEN), who is a distinguished member of the House Committee on Armed Services.

Mr. LARSEN of Washington. Mr. Speaker, I want to thank the gentleman from Texas (Mr. Edward) for bringing this motion to instruct to the floor today.

Today, I met with Corporal Jeremiah Olsen, a soldier from Coupeville, Washington, which is in my district. Corporal Olsen will be awarded the Silver Star medal by the President for his heroic actions during Operation Iraqi Freedom.

Corporate Olsen and his fellow servicemembers have fought bravely, and they have represented our country honorably in Operation Iraqi Freedom, Operation Enduring Freedom, and around the world on our behalf. They deserve our respect and our thanks. For this reason, I think it is important that we pass an extension of the pay increase that we authorized earlier this year.

In April, Congress provided a temporary increase in imminent danger pay and the family separation allowance that will both expire at the end of this month. In addition, we authorized a monthly increase for family separation allowance that helps military families pay rent, pay for child care, or

pay for other expenses while their loved ones are away. As a member of the Committee on Armed Services and as a representative of thousands of service men and women, it is my view that we need to do everything we can for our troops and their families.

The Senate-passed defense authorization bill provides an increase for all of our troops in imminent danger, increases the family separation allowance provisions, and makes these increases permanent. The House bill, in my opinion, does not go far enough. The motion to instruct conferees to accept the Senate provision is an important step forward toward providing our troops the compensations they deserve, and it provides it to all of our Armed Forces.

In my view, our women and men in the military are not paid enough as it is. Now that we are asking them to risk their lives away from their families and asking their families to bear the burden while they are away, we should not cut their pay off. Corporate Olsen and all the other service men and women deserve more than that.

So I urge my colleagues to pass this motion to instruct conferees and make it clear that this Congress supports our women and men in the Armed Forces and thanks them for their service.

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

Mr. EDWARDS. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), who represents the very important installation at Fort Bragg and has done so so ably.

Mr. ETHERIDGE. Mr. Speaker, I rise this evening in strong support of the Edwards motion to instruct conferees on the fiscal year 2004 Defense Authorization Act.

Specifically, I support the Senate provision on making the increase in imminent danger pay and family separation allowance permanent for all our armed service members and their families and applying the increase to all those in imminent danger no matter where they are serving. And let me tell my colleagues why.

In April, Congress passed the Emergency Wartime Supplemental Appropriations bill to fund military operations in Iraq, Afghanistan and elsewhere. I voted for that bill because I strongly support our men and women in the armed services.

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This bill provided temporary increases in imminent danger pay and family separation allowances, but they are due to expire on September 30, 2003, less than 3 weeks from now.

Specifically, the bill we passed in April temporarily increased the imminent danger/hostile fire pay from $150 to $225 a month. It also temporarily increased the family separation allowance, which helps military families pay rent, child care and other expenses while the soldier is away from $100 to $250 a month.

I represent one of the largest military bases in this country, and when the call comes from the White House, it is the 9/11 post in this country. Both the House and Senate have passed defense authorization bills that deal with those expiring provisions, but the Senate-passed bill is superior to the House version in two key ways. First, the Senate provision makes permanent the increase in imminent danger and hostile fire pay and the family separation allowance. The Senate bill also provides increases for all of our armed services in imminent danger, whereas the House bill only covers those serving in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. That provisions leaves our soldiers in dangerous places, and leaves them out, young men and women serving in Liberia, Kosovo and elsewhere.

When our soldiers are getting shot at for the sole reason they are wearing our Nation's uniform, it is indefensible to shortchange our soldiers serving in areas that may not be the political focus of this Congress or the administration.

As a congressman who represents Fort Bragg, Pope Air Force Base and the special operations soldiers that are called on daily to serve around the world, and many of the guard and reserve units who are now on duty, I strongly support the permanent increase in imminent danger and hostile fire pay and family allowances for our soldiers and their families. Our military personnel and their families right now are under enormous strain. They are stretched very thin. Our servicemen are being subjected to longer deployments and more frequent deployments than ever before.

Just 2 days ago it was announced that the deployment of reservists and National Guard in the combat theater have been extended from 6 months to 1 year. About half of our active duty Army is currently deployed abroad, up from 20 percent just 2 years ago.

Let me say I supported Operation Iraqi Freedom. I voted to authorize the President to conduct the operation and rid the world of Saddam Hussein, but now our servicemen are paying the price. We have now lost more soldiers lives since the President announced the end of the combat operation than suffered in combat. Our soldiers are serving in the war zone. They cannot speak for themselves on this vital issue. They are counting on their elected representatives in Congress to stand up for them. I intend to do so, and I urge my colleagues to join me in voting for the Edwards motion.

Mr. Speaker, I rise in strong support of the Edwards motion to instruct conferees on the FY 2004 Department of Defense Authorization Act. Specifically, I support the Senate provisions on making the increase in imminent danger pay and family separation allowance permanent for our armed services and their families and applying the increase to all those in imminent danger, no matter where they are serving.

In April, Congress passed the Emergency Wartime Supplemental Appropriations bill to fund military operations in Iraq, Afghanistan and elsewhere. I voted for that bill because I strongly support our men and women in the armed services. This bill provided temporary increases in imminent danger pay and family separation allowances, but they are due to expire on September 30, less than 3 weeks from now.

Specifically, the bill we passed in April temporarily increased the imminent danger/hostile fire pay from $150 to $225 per month. It also temporarily increased the family separation allowance, which helps military families pay rent, child care and other expenses while soldiers are away, from $100 to $250 per month.

Both the House and Senate have passed defense authorization bills that deal with these expiring provisions. But the Senate-passed bill is superior to the House version in two key ways. First, the Senate provisions make permanent the increases in imminent danger and hostile fire pay and the family separation allowance. The Senate bill also provides increases for all of our armed forces in imminent danger, whereas the House bill only covers those serving in Operation Iraqi Freedom and Operation Enduring Freedom in Afghanistan. That limitation leaves out our soldiers in dangerous places like Liberia, Kosovo and elsewhere.

When our soldiers are getting shot at for the sole reason that they are wearing our Nation's uniform, it is indefensible to shortchange soldiers serving in areas that may not be the political focus of the administration or the Congress.

As the Congressman for Fort Bragg, Pope Air Force Base and many guard and reserve units, I strongly support a permanent increase in imminent danger and hostile fire pay and family allowances for our soldiers and their families. Our military personnel and their families right now are under enormous strain. They are stretched ordinarily thin. Our service members are being subjected to longer deployments and more frequent deployments than ever before. Just 2 days ago, it was announced that the deployment of Reservists and National Guard in the combat theater has been extended from 6 months to 1 year. About half of the active-duty Army is currently deployed abroad—up from 20 percent just 2 years ago.

Let me say that I support Operation Iraqi Freedom, and I voted to authorize the President to conduct the operation to rid the world of Saddam Hussein's evil rule. I am tremendously proud of our men and women in uniform who have demonstrated the American way of dealing with tyrants who terrorize their own reigon and threaten the peace and stability of the larger world. Saddam Hussein got what he deserved. But now our service members are paying the price. We have now lost more soldiers' lives since the President announced the end of combat than we suffered in that combat. Our soldiers serving in the war zone cannot speak for themselves on this vital issue. They are counting on their elected Representatives in Congress to stand up for them. I intend to do so, and I urge all my colleagues to join me in voting for the Edwards motion.

Mr. EDWARDS. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, first of all, I want to thank my special friend and the gentleman from New York (Mr. MCHUGH),

the fellow co-chair of the House Army Caucus. The gentleman has been a real leader on military issues here in Congress. I want to thank the gentleman for asking his fellow Republican colleagues not to oppose this motion to instruct because as late as 2 hours ago, I heard that the House Republican leadership was actually going to oppose our effort to make it absolutely certain and clear we are not going to reduce family separation pay or imminent danger pay for servicemen and -women serving in all parts of the globe. I appreciate the gentleman not asking his colleagues to oppose this motion.

I understand and I respect as he said that there are differences of approaches. What I would like to make clear is the approach that we are trying to take in this motion to instruct. There are really four problems I would like to point out with the House language relative to the Senate language. First of all, in the House language, there is no permanence for the increased $225 that a service member and his or her family can receive today in serving in very dangerous parts of the world. That pay could go away if we do not have the Senate language. They deserve clarity. They deserve certainty.

Secondly, under the House language, for a military soldier in Kosovo or Bosnia today, his family gets $250 a month in family separation pay. That will drop to $100 a month on October 1 of this year, just in a few days. People serving in areas that because of the terrorist activities around the world, because of heightened tension in countries such as Korea, Kosovo, and Bosnia, could actually have their military pay cut by the same government that is saluting them daily in floor speeches. I think that is wrong. I think that is a problem, a serious problem with the House language, and that is the second reason why I am asking my colleagues to join me in support of this motion to instruct.

The third problem I have with the House language and approach to this problem is that soldiers and troops receiving $225 a month in imminent danger pay right now in countries such as Liberia, Bosnia and Kosovo could actually have their pay cut under the House language. I do not know how many of our colleagues have visited Liberia and Bosnia and Kosovo, but I think most Members would agree, as would the Department of Defense, that is a dangerous place to be right now and we should not have them have their imminent danger pay cut by $75 a month while they are serving in those far reaches of the globe today, far away from their families.

The fourth point I would make is that I think it is better for the Department of Defense to continue deciding which countries should be designated as imminent danger or hostile fire countries. I do not like the idea of Congress making that decision in an armed services bill. I do not think we are qualified to do that.

What my motion to instruct is really about is about two things: It is about certainty, certainty to our military families that they are not going to have their pay cut by as much as $225 in the next several weeks. And it is about respect. It is about respecting the incredible sacrifices, the risk of limb and life that tens of thousands of our service members from all across America are facing today.

We should show that respect not just in our speeches, but in a vote on this motion to instruct.

I do want to clarify one point, and I want to be sure I am clear on this with my colleague from New York. He talked about, under the Senate language, two soldiers on patrol in the same place, one soldier could get more money than the other.

Unless I misunderstand the argument, the reason for that, and I want to be clear, one soldier is married and one soldier is not married, and this country pays family separation pay to married troops because they have families back home that have to pay extra perhaps baby-sitting costs, they have to pay extra telephone costs to their spouses, they have perhaps baby-sitting costs that could be very substantial, and certainly there is a reason why we provide family separation pay to troops that are married and have families whereas we do not provide family separation pay for troops that do not have spouses back home, children back home.

I think that is a logical consequence, and I think it is important for our servicemen and -women, perhaps they are watching this debate, to not be confused by that argument.

But again the key point is if we adopt the House language as presently written, we could have tens of thousands of American servicemen and -women and their families losing as much as $225 a month in pay in the next several weeks. Under the Senate language, we send a clear message, a message they deserve to hear, that that is not going to happen.

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

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

Mr. Speaker, again let me commend the gentleman for his concern. It is a concern that I have had an opportunity to work with and admire and benefit from during all of my years in Congress and certainly in our shared chairs of the Army caucus. The gentleman is doing good and important work here.

For the record, I have been to Bosnia and Kosovo three times each, and things have gotten demonstrably better, but I do not think anybody would argue that is pleasant duty.

I do think it is important to have the administration and the Department's position on the record here, and the gentleman gave an explanation of the reason and the construct behind the differentials were for a man on patrol, a single man would receive $75 in patrol to Crete or whatever, and the person next to him would receive $250, and it is by definition of the family, but the Department is making the argument that is, given the circumstances, too great a discrepancy and that under some of the constructs and legal definitions of what constitutes a family that if you are, for example, a single parent, noncustodial parent, nevertheless you have certain responsibilities and out of fairness, you do not get family separation pay.

If you have a single soldier who is a substantial supporter of his elderly parents or her elderly parents, that does not meet the IRS definition technically of 50 percent support, you do not get family separation pay. So this is not just in my opinion, Mr. Speaker, an accounting measure by the Department to try to evade and avoid responsibility and equity in treating their soldiers, sailors, airmen, marines and Coast Guardsmen differently or unfairly, but rather recognizing that definitions may not be as perfect as they should be.

They want to make some changes in other pays that go equally to both categories of families as well as single to make sure that they all receive more. We can disagree with that. The House bill did not develop, it did not embody that position, but I do not think it is accurate or entirely fair, and I am not suggesting that the gentleman from Texas (Mr. EDWARDS) did this, I do not think that their thoughts are really on point to suggest that the Department is being uncaring because I do not think that is their intent.

Their intent is to more precisely target where the merit exists and to try to not what they feel, whether we agree or not is irrelevant, but what they feel is a discriminatory approach.

Again, for the purposes of this House, for the purposes of the defense authorization bill, I think the gentleman from Texas (Mr. EDWARDS) makes some excellent points, and obviously those who spoke in support of him underscore those points. As the chairman of the subcommittee with the most direct responsibility, I do not disagree with one sentence, one paragraph, one period in any of those sentences, or certainly the motivation of the gentleman's instruction.

In closing, I would urge my colleagues, as I have before, to join in support of the gentleman's motion.

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

N O T I C E

Incomplete record of House proceedings. Except for concluding business which follows, today's House proceedings will be continued in the next issue of the Record.

ADJOURNMENT

Mr. GUTKNECHT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, September 11, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4148. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Veterinary Services User Fees; Fees for Endorsing Export Certificates for Ruminants [Docket No. 02-040-2] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4149. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Witchweed; Regulated Areas [Docket No. 02-042-2] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4150. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Mexican Fruit Fly; Removal of Regulated Area [Docket No. 02-121-3] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4151. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Exotic Newcastle Disease; Removal of Areas From Quarantine [Docket no. 02-117-9] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4152. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Introductions of Plants Genetically Engineered to Produce Industrial Compounds [Docket No. 03-038-1] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4153. A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule—Swine Packer Marketing Contracts; Contract Library [PSA-2000-01-b] (RIN: 0580-AA71) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4154. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Flumioxazin; Pesticide Tolerance for Emergency Exemptions [OPP-2003-0253; FRL-7319-4] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4155. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerances for Emergency Exemptions [OPP-2003-0254; FRL-7320-2] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4156. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael P. Delong, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4157. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE Program; Waiver of Certain TRICARE Deductibles; Clarification of TRICARE Prime Enrollment Period; Enrollment in TRICARE Prime Remote for Active Duty Family Members (RIN: 0720-AA72) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4158. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Changes Included in the National Defense Authorization Act for Fiscal Year 2003 (NDAA-03) (RIN: 0720-AA85) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4159. A letter from the Alternate OSD Federal Register Liaison Officer, Department of Defense, transmitting the Department's final rule—TRICARE; Elimination of Nonavailability Statement and Referral Authorization Requirements and Elimination of Specialized Treatment Services Program (RIN: 0720-AA79) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4160. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Credit by Brokers and Dealers; List of Foreign Margin Stocks [Regulation T] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4161. A letter from the Senior Paralegal (Regulations), Department of the Treasury, transmitting the Department's final rule—Removal, Suspension, and Debarment of Accountants From Performing Audit Services; Office of the Comptroller of the Currency [Docket No. 03-19] (RIN: 1557-AC10); Board of Governors of the Federal Reserve System [Docket No. R-1139]; Federal Deposit Insurance Corporation (RIN: 3064-AC57); Office of Thrift Supervision [No. 2003-33] (RIN: 1550-AB53) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4162. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Singapore pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4163. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Ethiopia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4164. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

4165. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received July 7, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4166. A letter from the Director, Office of Standards, Regulations, Department of Labor, transmitting the Department's final rule—Seat Belts for Off-Road Work Machines and Wheeled Agriculture Tractors at Matal and Nonmetal Mines (RIN: 1219-AA98(Phase 6)) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4167. A letter from the Director, Office of Standards, Regyulations, Department of Labor, transmitting the Department's final rule—Standards for Sanitary Toilets in Coal Mines (RIN: 1219-AA98 (Phase 9)) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4168. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Financial Assistance Regulations (RIN: 1991-AB57) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4169. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Value Engineering (AL 2003-04) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4170. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Oklahoma: Incorporation by Reference of Approved State Hazardous Waste Management Program [FRL-7479-3] received August 13, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4171. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the Follansbee PM10 Nonattainment Area to Attainment and Approval of the Associated Maintenance Plan [WV061-6031a; FRL-7549-1] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4172. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Section 112(l) Authority for Hazardous Air Pollutants; Equivalency by Permit Provisions; National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry; State of North Carolina [NC-112L-2003-1-FRL-7549-6] received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4173. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule ational Emission Standards for Hazardous

Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products [OAR-2003-0116; FRL-7549-7] (RIN: 2060-AG56) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4174. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Site Remediation [OAR 2002-0021; FRL-7549-3] (RIN: 2060-AH12) received August 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4175. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines [OAR-2002-0060; FRL-7754-2] (RIN: 2060-AG67) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4176. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing [Docket No. OAR 2003-0178; FRL-7554-3] (RIN: 2060-AK59) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4177. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Chlorine and Hydrochloric Acid Emissions from Chlorine Production [OAR-2002-0016; FRL-7554-6] (RIN: 2060-AK38) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4178. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants [OAR-2002-0017; FRL-7551-5] (RIN: 2060-AE85) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4179. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Emergency Planning and Community Right-to-Know Act; Extremely Hazardous Substances List; Modification of Threshold Planning Quantity for Isophorone Diisocyanate [FRL-7554-9] (RIN: 2050-AE43) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4180. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries [OAR-2002-0034; FRL-7554-5] (RIN: 2060-AE43) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4181. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Plastic Parts and Products [OAR-2002-0074; FRL-7554-4] (RIN: 2060-AG57) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4182. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Phaseout of Chlorobromomethane Production and Consumption [FRL-7553-3] (RIN: 2060-AJ27) received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4183. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Nevada State Implementation Plan, Clark County Air Quality Management Board [NV 045-0070a; FRL-7547-9] received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4184. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Rule Concerning Disclosures Regarding Engergy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule'')—received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4185. 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 Colombia (Transmittal No. DTC 085-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4186. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Mexico (Transmittal No. DTC 086-03), pursuant to 22 U.S.C. 2776(c) and 22 U.S.C. 2776(d); to the Committee on International Relations.

4187. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed manufacturing license for the manufacture of a significant military equipment abroad and the export of defense articles or defense services under a contract to Japan (Transmittal No. DDTC 087-03), pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

4188. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under a contract to Algeria and the United Kingdom (Transmittal No. DTC 078-03), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

4189. A communication from the President of the United States, transmitting a report, covering three years, on the activities of the United States Government departments and agencies relating to the prevention of nuclear proliferation between January 1, 2000 and December 31, 2002, pursuant to 22 U.S.C. 3281; to the Committee on International Relations.

4190. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of naval vessels to certain foreign countries; to the Committee on International Relations.

4191. A letter from the Cheif Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations; Reporting and Procedures Regulations; Cuban Assets Control Regulations: Publication of Revised Civil Penalties Hearing Regulations—received September 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4192. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting ''Report on Adherence to and Compliance with Arms Control and Nonproliferation Agreements and Commitments,'' pursuant to 22 U.S.C. 2579; to the Committee on International Relations.

4193. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of export of Items to Iraq in the National interest of the United States pursuant to section 1504 of the Emergency Wartime Supplemental Appropriation Act, 2003 (Transmittal No. DTC 02IZ-03); to the Committee on International Relations.

4194. A letter from the Senior Attorney, Department of the Treasury, transmitting the Department's final rule—Federal Government Participation in the Automated Clearing House (RIN: 1510-AA93) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4195. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Virginia Regulatory Program [VA-120-FOR] received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4196. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Floudner in the Western Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 081503A] received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4197. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Collection of Claims Owed the United States (RIN: 1901-AA98) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4198. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act— received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4199. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Railroad Consolidation Procedures--Exemption for Temporary Trackage Rights [STB Ex Parte No. 282 (Sub-No. 20)] received June 30, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4200. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; The Spine (RIN: 2900-AJ60) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4201. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2003-67) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4202. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Compensatory Stock Options Under Section 482 [TD 9088] (RIN: 1545-BA57) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4203. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Exclusions From Gross Income of Foreign Corporations [TD9087] (RIN: 1545-BA07) received September 2, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4204. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Accounts received Under Accident and Health Plans (Rev. Rul. 2003-102) received September 5, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4205. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Limitation on Use of the Nonaccrual-Experience Method of Accounting Under Section 448(d)(5) [TD 9090] (RIN: 1545-BC31) received September 5, 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. POMBO: Committee on Resources. Supplemental report on H.R. 1038. A bill to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest Service lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, and for other purposes (Rept. 108–218, Pt. 2).

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. TOM DAVIS of Virginia (for himself, Mr. HOYER, and Mr. WELDON of Pennsylvania):

H.R. 3054. A bill to amend the Policemen and Firemen's Retirement and Disability Act to permit military service previously performed by members and former members of the Metropolitan Police Department of the District of Columbia, the Fire Department of the District of Columbia, the United States Park Police, and the United States Secret Service Uniformed Division to count as creditable service for purposes of calculating retirement annuities payable to such members upon payment of a contribution by such members, and for other purposes; to the Committee on Government Reform.

By Mr. SMITH of Michigan (for himself, Mr. KOLBE, Mr. STENHOLM, Mr. TOOMEY, Mr. SHADEGG, and Mr. FLAKE):

H.R. 3055. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide prospectively for personalized retirement security through personal retirement savings accounts to allow for more control by individuals over their Social Security retirement income, to amend such title and the Balanced Budget and Emergency Deficit Control Act of 1985 to protect Social Security surpluses, and to provide other reforms relating to benefits under such title II; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 3056. A bill to clarify the boundaries of the John H. Chafee Coast Barrier Resources System Cedar Keys Unit P25 on Otherwise Protected Area P25P; to the Committee on Resources.

By Mr. LAMPSON (for himself, Ms. JACKSON-LEE of Texas, Mr. BELL, Mr. HONDA, Mr. GREEN of Texas, Mr. ORTIZ, Mr. EVANS, Ms. LINDA T. SANCHEZ of California, Mr. PASCRELL, Mr. HALL, Mr. REYES, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. EDWARDS, Mr. COSTELLO, Mr. LIPINSKI, Mr. GORDON, Mr. UDALL of Colorado, Mr. LARSON of Connecticut, Mr. MILLER of North Carolina, Mr. FROST, Mr. SANDLIN, Mr. TURNER of Texas, Mr. WU, Mr. KUCINICH, Ms. ESHOO, and Ms. MCCARTHY of Missouri):

H.R. 3057. A bill to restore a vision for the United States human space flight program by instituting a series of incremental goals that will facilitate the scientific exploration of the solar system and aid in the search for life elsewhere in the universe, and for other purposes; to the Committee on Science.

By Mr. ENGLISH (for himself, Mr. BALLENGER, Mr. GREEN of Wisconsin, Mr. REYNOLDS, Mr. SENSENBRENNER, Mr. HUNTER, Mrs. MYRICK, Mr. BURR, Mr. COBLE, Mr. GILLMOR, Mr. SOUDER, Mr. TAYLOR of North Carolina, Mr. GREENWOOD, Mr. HAYES, Mr. HOEKSTRA, Mr. COLLINS, Mr. ROHRABACHER, Mr. EVERETT, Mr. PLATTS, Mr. GALLEGLY, Mr. GOODE, Mr. PETERSON of Pennsylvania, Mr. DUNCAN, Mr. MURPHY, Mr. WILSON of South Carolina, Mr. OTTER, Mr. JONES of North Carolina, Mr. UPTON, Mr. BROWN of South Carolina, Mr. SHUSTER, Mr. BARRETT of South Carolina, Mr. LEWIS of Kentucky, Mr. WALSH, Mr. NORWOOD, Mr. SHAW, Mr. TERRY, and Mr. BISHOP of Utah):

H.R. 3058. A bill to require the Secretary of the Treasury to analyze and report on the exchange rate policies of the People's Republic of China, and to require that additional tariffs be imposed on products of that country on the basis of the rate of manipulation by that country of the rate of exchange between the currency of that country and the United States dollar; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3059. A bill to designate the facility of the United States Postal Service located at 304 West Michigan Street in Stuttgart, Arkansas, as the ''Lloyd L. Burke Post Office''; to the Committee on Government Reform.

By Mr. SMITH of Michigan (for himself, Mr. HALL, Mr. HEFLEY, and Mrs. MYRICK):

H.R. 3060. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Ways and Means, and in addition to the Committee on Rules, 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 Ms. CORRINE BROWN of Florida (for herself, Mr. ACEVEDO-VILA, and Ms. BERKLEY):

H.R. 3061. A bill to authorize major medical facility projects for the Department of Veterans Affairs in connection with the Capital Asset Realignment for Enhanced Services initiative and to satisfy Department of Veterans Affairs requirements on natural disasters, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CANNON:

H.R. 3062. A bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. WAXMAN, Mr. SERRANO, Mr. TOWNS, Mr. GRIJALVA, Mrs. CHRISTENSEN, and Mr. ACEVEDO-VILA):

H.R. 3063. A bill to authorize the Secretary of Health and Human Services, the Secretary of Education, and the Attorney General to make 10 grants to demonstration facilities to implement evidence-based preventive-screening tools to detect mental illness and suicidal tendencies in school-age youth at selected facilities; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 3064. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. FALEOMAVAEGA:

H.R. 3065. A bill to authorize the extension of the supplemental security income program to American Samoa; to the Committee on Ways and Means.

By Mr. GARRETT of New Jersey (for himself, Mr. ANDREWS, Mrs. KELLY, Mr. MURPHY, Mr. BEREUTER, Mr. BOYD, Mr. RAMSTAD, Mr. MOORE, Mr. CARTER, Mr. MCCOTTER, Mr. FEENEY, Ms. GINNY BROWN-WAITE of Florida, Mr. HENSARLING, and Ms. HART):

H.R. 3066. A bill to amend the Fair Debt Collection Practices Act to make certain technical corrections, and for other purposes; to the Committee on Financial Services.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 3067. A bill to provide mortgage payment assistance for certain employees who are separated from employment; to the Committee on Education and the Workforce.

By Ms. HARRIS (for herself, Mr. CRENSHAW, Mr. MILLER of Florida, Mr. KELLER, Mr. WELDON of Florida, Mr. HASTINGS of Florida, Mr. FEENEY, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. BOYD, Mr. GOSS, Mr. PUTNAM, Mr. FOLEY, Mr. WEXLER, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. DAVIS of Florida, Mr. MEEK of Florida, Mr. MICA, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. DEUTSCH, and Mr. SHAW):

H.R. 3068. A bill to designate the facility of the United States Postal Service located at 2055 Siesta Drive in Sarasota, Florida, as the ''Brigadier General (AUS-Ret.) John H. McLain Post Office''; to the Committee on Government Reform.

By Mr. HUNTER (for himself, Mr. SMITH of New Jersey, Mr. PITTS, Mr. STEARNS, Mr. CRANE, Mrs. JO ANN DAVIS of Virginia, Mr. AKIN, Mr. LEWIS of Kentucky, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. GARRETT of New Jersey, and Mr. RYUN of Kansas):

H.R. 3069. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; to the Committee on the Judiciary.

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

H.R. 3070. A bill to authorize appropriations for the Coastal Heritage Trail Route in New Jersey, and for other purposes; to the Committee on Resources.

By Mr. PAUL:

H.R. 3071. A bill to prohibit the provision of Federal funds to the housing-related government-sponsored enterprises and to remove certain competitive advantages granted under law to such enterprises; to the Committee on Financial Services.

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

H.R. 3072. A bill to prohibit the Overseas Private Investment Corporation from providing insurance or financing to countries that subsidize their steel industries and for projects producing goods subject to anti-dumping duties, to require the United States to oppose the provision by the International Monetary Fund of assistance to countries which subsidize their steel industries, and to ban assistance by the Export-Import Bank of the United States to countries that subsidize their steel industries; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. GUTKNECHT, Mr. KLINE, Ms. MCCOLLUM, Mr. SABO, Mr. KENNEDY of Minnesota, Mr. PETERSON of Minnesota, and Mr. OBERSTAR):

H.R. 3073. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 3074. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the site of the Battle of Camden in South Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. BROWN of Ohio (for himself, Mr. QUINN, Mr. WAXMAN, Mr. PETERSON of Minnesota, Ms. SOLIS, Mr. LATOURETTE, and Mr. GEORGE MILLER of California):

H. Con. Res. 276. Concurrent resolution providing that any agreement relating to trade and investment that is negotiated by the executive branch with other countries must comply with certain minimum standards; to the Committee on Ways and Means.

By Mr. BURGESS:

H. Con. Res. 277. Concurrent resolution expressing the sense of the House of Representatives that Congress should devote resources to researching treatment options for women with ovarian cancer and support community groups that promote awareness about the disease and encourage early diagnosis; to the Committee on Energy and Commerce.

By Mr. BURTON of Indiana (for himself, Mr. VISCLOSKY, Mr. BUYER, Mr. HOSTETTLER, Mr. SOUDER, Ms. CARSON of Indiana, Mr. HILL, Mr. PENCE, and Mr. CHOCOLA):

H. Res. 365. A resolution extending the thoughts and prayers of the House of Representatives to Governor Frank O'Bannon of Indiana, his wife Judy, and his family and friends, and expressing hope for a full recovery from the stroke he suffered on September 8, 2003; to the Committee on Government Reform.

By Ms. KAPTUR (for herself, Mr. RYAN of Ohio, and Mr. EVANS):

H. Res. 366. A resolution urging the President to establish an Iraq service medal to recognize service by members of the Armed Forces in Operation Iraqi Freedom; to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Mr. MCCOTTER.

H.R. 31: Mr. SMITH of Washington.

H.R. 338: Mr. STUPAK.

H.R. 369: Mr. GRIJALVA and Mr. TIBERI.

H.R. 463: Ms. HART and Mr. BOEHLERT.

H.R. 476: Mr. STUPAK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MCCOTTER.

H.R. 571: Mr. DUNCAN, Mr. MILLER of North Carolina, and Mr. CRAMER.

H.R. 583: Mr. GUTIERREZ.

H.R. 673: Mr. BEAUPREZ.

H.R. 678: Mr. BALLANCE and Mr. ALEXANDER.

H.R. 687: Mr. LAHOOD, Mr. PETERSON of Pennsylvania, Mr. NEUGEBAUER, and Mr. WHITFIELD.

H.R. 709: Mr. NUSSLE.

H.R. 745: Mr. BACA and Mr. CAPUANO.

H.R. 775: Mr. CARTER and Mrs. BLACKBURN.

H.R. 798: Mr. ACKERMAN, Mr. SPRATT, Mr. SOUDER, Mr. WU, Ms. SLAUGHTER, and Mr. BROWN of Ohio.

H.R. 814: Mrs. MILLER of Michigan and Mr. LAHOOD.

H.R. 857: Mr. MCNULTY and Ms. SLAUGHTER.

H.R. 870: Mr. MCCOTTER.

H.R. 871: Mr. CARSON of Oklahoma.

H.R. 898: Mr. ENGLISH.

H.R. 911: Mr. WOLF, Mr. DEFAZIO, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. STRICKLAND, Mr. DAVIS of Alabama, Mr. FILNER, Mr. BISHOP of New York, Ms. LEE, Mr. TANNER, Mr. BERRY, Mr. SWEENEY, Mr. ROTHMAN, Mr. LAMPSON, Mr. EDWARDS, Mr. MICHAUD, Mr. WICKER, Mr. WALSH, Mrs. CHRISTENSEN, Ms. SLAUGHTER, Mr. LEWIS of Kentucky, Mr. DREIER, Mr. MEEK of Florida, Mr. RYAN of Wisconsin, Mr. TOOMEY, Mr. OSBORNE, Mr. CARTER, Mr. PLATTS, Mr. ROHRABACHER, Mr. CAMP, Mr. CRENSHAW, Mr. BROWN of South Carolina, Mr. DICKS, Mr. KUCINICH, Mr. JOHN, Mr. WALDEN of Oregon, Mr. SHIMKUS, Mr. UDALL of New Mexico, Mr. GINGREY, Mr. PUTNAM, Mr. KING of New York, Mr. NEAL of Massachusetts, Mr. ABERCROMBIE, Mr. ALEXANDER, Ms. HOOLEY of Oregon, Mr. GREEN of Texas, Mr. TIERNEY, Mr. DELAHUNT, Mr. HOLT, Mr. KINGSTON, Mr. STUPAK, Mr. ISRAEL, Mr. BERMAN, Mr. ENGEL, Mr. CARSON of Oklahoma, Mrs. KELLY, Mr. HAYWORTH, Mr. BACHUS, Ms. ESHOO, Mr. MEEKS of New York, Mr. TOWNS, Mr. REHBERG, Mr. BURGESS, Ms. MILLENDER-MCDONALD, Mr. MCGOVERN, Mr. RAMSTAD, Mr. SMITH of Texas, Mr. BALLENGER, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. ETHERIDGE, Mrs. BIGGERT, Mr. MCNULTY, Mr. CROWLEY, Mr. PICKERING, Mr. CALVERT, Mr. TAYLOR of Mississippi, Mr. DOGGETT, Ms. HART, Mr. KILDEE, Mrs. CAPPS, Ms. LOFGREN, Mr. SABO, Mr. DOOLEY of California, Mr. BURTON of Indiana, Mr. PAYNE, Mr. SERRANO, Mr. WATT, Mr. SAM JOHNSON of Texas, Mr. PRICE of North Carolina, Ms. WATSON, Mr. AKIN, Mr. OBEY, Mr. CUMMINGS, Mrs. BONO, Mr. SHERMAN, Mr. KENNEDY of Minnesota, Mr. MARSHALL, Mr. OWENS, Ms. BERKLEY, Mr. CARDIN, Ms. MCCARTHY of Missouri, Mr. WYNN, Mr. CASE, Mr. BALLANCE, Ms. LINDA T. SANCHEZ of California, Mr. HINCHEY, Mr. MILLER of North Carolina, Mr. WEXLER, Mr. HONDA, Ms. GINNY BROWN-WAITE of Florida, Mr. GRIJALVA, Mr. BECERRA, Mr. GUTIERREZ, Ms. KAPTUR, and Mr. DINGELL.

H.R. 918: Mr. CUNNINGHAM, Mrs. MYRICK, Mr. TIBERI, Mr. SMITH of Washington, Mr. COX, Mr. WICKER, Mr. CASTLE, Mr. LATOURETTE, Ms. HOOLEY of Oregon, Mrs. EMERSON, Mr. KIRK, Mr. KLECZKA, Mr. SHIMKUS, Mr. WELLER, and Mr. SIMMONS.

H.R. 970: Mr. INSLEE and Ms. SOLIS.

H.R. 978: Mrs. MALONEY.

H.R. 1043: Mr. STUPAK.

H.R. 1046: Mr. KIND.

H.R. 1083: Mr. HOLT.

H.R. 1105: Mr. MILLER of North Carolina.

H.R. 1173: Mr. DUNCAN.

H.R. 1179: Mr. TIBERI.

H.R. 1244: Mr. STRICKLAND.

H.R. 1250: Mr. SENSENBRENNER.

H.R. 1258: Ms. ESHOO.

H.R. 1295: Mr. PASTOR, Ms. DELAURO, Mr. INSLEE, Mr. GILLMOR, Mr. BLUMENAUER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KIND, Ms. CARSON of Indiana, Mr. RODRIGUEZ, Ms. HART, and Mr. BISHOP of Georgia.

H.R. 1305: Mr. JOHN, Mr. DEAL of Georgia, and Mr. HUNTER.

H.R. 1336: Ms. HARRIS, Mr. GONZALEZ, Mr. THOMPSON of California, Mr. LAMPSON, Mr. ETHERIDGE, Mrs. WILSON of New Mexico, Mr. BOOZMAN, Mr. ORTIZ, Mrs. JONES of Ohio, Mr. TIBERI, Mr. REYES, Ms. LINDA T. SANCHEZ of California, Mr. LATOURETTE, Mr. PASCRELL, Mr. CLYBURN, Mr. RENZI, Mr. CARTER, and Mr. EDWARDS.

H.R. 1342: Mr. SNYDER.

H.R. 1359: Mr. MCCOTTER, Mr. MCNULTY, and Ms. BERKLEY.

H.R. 1372: Mr. UDALL of New Mexico and Mr. TANCREDO.

H.R. 1397: Mr. PETRI.

H.R. 1477: Mr. UDALL of New Mexico.

H.R. 1508: Mr. HINCHEY.

H.R. 1513: Mr. PENCE, Mr. TURNER of Texas, Mr. MORAN of Kansas, Mr. WICKER, Mrs. CAPITO, Mr. GRAVES, Mr. SHUSTER, Mr. NEAL of Massachusetts, Mr. SCHROCK, and Mr. HAYES.

H.R. 1519: Mr. GRIJALVA.

H.R. 1523: Mr. HAYWORTH, Mr. MCINNIS, Mr. SKELTON, Mr. WELDON of Pennsylvania, and Mr. MOORE.

H.R. 1532: Ms. SCHAKOWSKY and Mr. BASS.

H.R. 1538: Mr. ISRAEL.

H.R. 1566: Mr. JONES of North Carolina.

H.R. 1612: Mr. STEARNS.

H.R. 1657: Mr. STARK.

H.R. 1676: Mrs. TAUSCHER.

H.R. 1684: Mr. BECERRA, Mr. KIND, Mr. CASTLE, Mr. PASCRELL, and Mr. FATTAH.

H.R. 1690: Ms. BORDALLO and Mr. GEORGE MILLER of California.

H.R. 1692: Mrs. MCCARTHY of New York and Mr. WALSH.

H.R. 1700: Ms. BALDWIN, Mr. ALLEN, Mr. DAVIS of Illinois, and Mrs. BIGGERT.

H.R. 1710: Mr. MANZULLO.

H.R. 1738: Mr. WEINER, Mrs. LOWEY, Mr. PETERSON of Minnesota, Mr. CLAY, and Mr. BRADY of Pennsylvania.

H.R. 1742: Mr. ORTIZ.

H.R. 1749: Mr. FOLEY.

H.R. 1769: Ms. MCCARTHY of Missouri and Ms. SLAUGHTER.

H.R. 1779: Mr. HOSTETTLER.

H.R. 1783: Mr. ISAKSON.

H.R. 1811: Ms. HOOLEY of Oregon, Mr. ALLEN, and Mr. LEACH.

H.R. 1819: Mr. MCDERMOTT.

H.R. 1828: Ms. PELOSI, Mr. BISHOP of Utah, Mr. STARK, and Mr. JACKSON of Illinois.

H.R. 1833: Mrs. MILLER of Michigan and Mr. FOLEY.

H.R. 1873: Mr. STUPAK and Mr. SOUDER.

H.R. 1886: Mr. PRICE of North Carolina.

H.R. 1889: Mr. STARK, Mrs. NAPOLITANO, and Mr. ALEXANDER.

H.R. 1900: Mr. BAIRD, Mr. DOYLE, Mr. GORDON, Mr. LATHAM, Ms. ESHOO, Mr. ISSA, Mr. JEFFERSON, Mr. BERMAN, Mr. BISHOP of Georgia, Mr. TOM DAVIS of Virginia, Mr. SERRANO, Mrs. BONO, Mr. RODRIGUEZ, Mr. HERGER, Mr. SHERMAN, Mr. DREIER, Mr. WICKER, Mr. MCGOVERN, Mr. DELAHUNT, Mr. TIERNEY, Mr. SANDLIN, and Ms. VELAZQUEZ.

H.R. 1902: Mr. HOLT and Mr. OLVER.

H.R. 1956: Mrs. LOWEY and Mr. TERRY.

H.R. 1961: Mr. LIPINSKI.

H.R. 2038: Mr. KLECZKA.

H.R. 2045: Mr. RAHALL, Mr. COLLINS, and Mr. KINGSTON.

H.R. 2068: Mr. PRICE of North Carolina, Mr. UDALL of New Mexico, and Mr. GONZALEZ.
H.R. 2069: Mr. PRICE of North Carolina, Mr. UDALL of New Mexico, and Mr. GONZALEZ.
H.R. 2157: Mr. HONDA, Mr. DOGGETT, Mr. LEWIS of Georgia, and Mr. CARDIN.
H.R. 2208: Mr. WELDON of Florida and Mr. HAYWORTH.
H.R. 2213: Mr. GRIJALVA.
H.R. 2269: Mr. BARRETT of South Carolina.
H.R. 2277: Mr. STUPAK.
H.R. 2296: Mr. BURNS, Mrs. MUSGRAVE, Mr. BARTON of Texas, and Mrs. LOWEY.
H.R. 2346: Mr. GARRETT of New Jersey.
H.R. 2347: Mr. ADERHOLT, Mr. WELDON of Florida, Mr. HOSTETTLER, and Mr. SULLIVAN.
H.R. 2365: Mr. GREEN of Texas, Mr. BALLENGER, and Mr. LIPINSKI.
H.R. 2404: Mr. SHAYS.
H.R. 2437: Mr. DEUTSCH and Mr. GUTIERREZ.
H.R. 2440: Ms. BALDWIN.
H.R. 2456: Mr. KIRK.
H.R. 2490: Ms. BERKLEY, Mr. ROTHMAN, Ms. MILLENDER-MCDONALD, and Ms. CORRINE BROWN of Florida.
H.R. 2521: Mr. PLATTS.
H.R. 2527: Mr. PRICE of North Carolina and Mr. HOEFFEL
H.R. 2601: Mr. MCDERMOTT and Mr. JANKLOW.
H.R. 2614: Ms. MILLENDER-MCDONALD and Mr. MORAN of Virginia.
H.R. 2633: Mr. BAIRD.
H.R. 2634: Mr. TANNER.
H.R. 2635: Mr. HAYWORTH, Mr. REHBERG, Mr. PITTS, Mr. WICKER, Mr. COX, Mr. ISAKSON, Mr. NUNES, Mr. SOUDER, Mr. GARY G. MILLER of California, and Mr. GREEN of Wisconsin.
H.R. 2665: Mr. STUPAK and Mr. LIPINSKI.
H.R. 2699: Mr. BEREUTER, Mr. OXLEY, Mr. DEMINT, Mr. HALL, Mr. SCOTT of Georgia, Mr. HERGER, Mr. SHADEGG, and Mr. MEEKS of New York.
H.R. 2708: Mr. LIPINSKI.
H.R. 2711: Mr. UDALL of New Mexico and Mr. MICHAUD.
H.R. 2719: Mr. JENKINS and Mrs. JO ANN DAVIS of Virginia.
H.R. 2720: Ms. CARSON of Indiana, Mr. KIND, Mr. MCHUGH, Mr. SHIMKUS, Mr. BISHOP of New York, Ms. NORTON, Mr. MCINTYRE, and Mr. GRIJALVA.
H.R. 2727: Mr. PLATTS.
H.R. 2732: Mr. MCCOTTER, Mr. BURGESS, Mr. LATHAM, Mr. GINGREY, Mr. TANCREDO, and Mr. ROHRABACHER.
H.R. 2733: Mr. HALL.
H.R. 2743: Mr. AKIN.
H.R. 2752: Ms. BERKLEY.
H.R. 2824: Ms. HART and Mr. PLATTS.
H.R. 2835: Mr. BEAUPREZ.
H.R. 2840: Ms. SCHAKOWSKY and Mr. VAN HOLLEN.
H.R. 2843: Mr. SOUDER.
H.R. 2844: Mr. CONYERS.
H.R. 2849: Mr. TANCREDO.
H.R. 2851: Mr. FEENEY.
H.R. 2853: Mr. FROST.
H.R. 2880: Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. COOPER, Mr. HINCHEY, Mr. FROST, Mr. PAYNE, and Ms. BERKLEY.
H.R. 2885: Mr. FORBES.
H.R. 2890: Mr. MARSHALL.
H.R. 2898: Mr. PETERSON of Minnesota, Ms. MCCARTHY of Missouri, Mr. RUSH, and Mrs. CUBIN.
H.R. 2914: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2929: Mrs. CUBIN.
H.R. 2932: Mr. PALLONE.
H.R. 2952: Mr. GRIJALVA.
H.R. 2956: Mr. WILSON of South Carolina, Ms. JACKSON-LEE of Texas, Mr. CASE, Ms. DELAURO, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Mr. FROST, and Ms. SOLIS.
H.R. 2971: Ms. MCCOLLUM.
H.R. 2998: Mr. MURTHA, Mr. DEUTSCH, Ms. GRANGER, Ms. PELOSI, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. HOSTETTLER, Mr. COSTELLO, Mr. SANDLIN, Mrs. BLACKBURN, Mr. OWENS, Mr. TURNER of Ohio, Ms. LEE, Mr. TANNER, Mr. BEAUPREZ, Mr. WELDON of Pennsylvania, Mr. WICKER, Mr. PETERSON of Pennsylvania, Mr. BONILLA, Mr. BURGESS, Mr. MARSHALL, Mr. MILLER of Florida, Mr. BRADLEY of New Hampshire, Mr. AKIN, Mr. WILSON of South Carolina, Mr. SIMPSON, Mr. WALSH, Mr. FRELINGHUYSEN, Mr. DICKS, Mr. HOBSON, Ms. ROS-LEHTINEN, Mr. SHAW, Mr. ADERHOLT, Ms. PRYCE of Ohio, Mr. WAMP, Ms. KAPTUR, Ms. MILLENDER-MCDONALD, Mr. SCOTT of Georgia, Mr. SHERWOOD, Mr. LEWIS of California, Ms. KILPATRICK, Mr. BERMAN, Mr. SWEENEY, Mr. STEARNS, Mr. HASTINGS of Washington, Mr. OBEY, Mr. CROWLEY, and Mr. MORAN of Virginia.
H.R. 3004: Mr. COOPER.
H.R. 3011: Mr. BECERRA, Mr. LANTOS, Mr. GALLEGLY, Mr. BACA, Mr. MILLER of Florida, Mr. GRIJALVA, Mr. WAXMAN, Mr. OSE, and Mr. MCNULTY.
H.R. 3023: Ms. KAPTUR, Mr. LIPINSKI, Mr. RYAN of Ohio, and Mr. PALLONE.
H.R. 3027: Mr. TOWNS and Mrs. JONES of Ohio.
H.R. 3043: Mr. CARDOZA.
H.J. Res. 56: Mr. KINGSTON and Mr. BOOZMAN.
H.J. Res. 62: Mr. SHUSTER.
H. Con. Res. 94: Mr. BOSWELL, Mr. WHITFIELD, Mr. RAMSTAD, Mr. MORAN of Kansas, Mrs. JOHNSON of Connecticut, Mr. MICHAUD, Mr. BOUCHER, Mr. ROSS, Mr. INSLEE, Ms. BERKLEY, Mr. TERRY, Mr. LAHOOD, and Mr. LEACH.
H. Con. Res. 98: Mr. ORTIZ.
H. Con. Res. 126: Ms. HART.
H. Con. Res. 173: Mr. ROTHMAN.
H. Con. Res. 183: Mr. RAHALL and Mr. SOUDER.
H. Con. Res. 194: Ms. DELAURO, Mr. WEINER, Mr. SERRANO, and Mr. BISHOP of Georgia.
H. Con. Res. 196: Ms. MILLENDER-MCDONALD.
H. Con. Res. 254: Mr. LANGEVIN.
H. Res. 157: Mr. MCGOVERN, Mr. HINCHEY, Mr. RYAN of Ohio, Mr. ISRAEL, Mr. GRIJALVA, Ms. CARSON of Indiana, Mr. AKIN, Mr. DEFAZIO, Ms. JACKSON-LEE of Texas, Mr. PAYNE, Ms. LEE, and Mr. MCNULTY.
H. Res. 233: Mr. PAYNE.
H. Res. 261: Mr. MEEKS of New York and Ms. SLAUGHTER.
H. Res. 285: Mr. HASTINGS of Florida, Mr. ROGERS of Kentucky, Mr. HAYWORTH, and Mr. PLATTS.
H. Res. 302: Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. BILIRAKIS, Mr. GRIJALVA, Mr. DOGGETT, Mr. EVANS, and Mrs. MALONEY.
H. Res. 313: Mr. KING of New York.
H. Res. 315: Mrs. MALONEY.
H. Res. 355: Mr. GALLEGLY, Mr. LIPINSKI, and Mr. BELL.
H. Res. 359: Mr. COX.

DELECTIONS 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. WAMP.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

[Omitted from the Record of September 9, 2003]

H.R. 2622

OFFERED BY: MS. LEE

AMENDMENT NO. 15: Page 7, after line 24, insert the following new section:

SEC. 102. FINANCIAL PRIVACY EXCEPTIONS.

Section 624 of the Fair Credit Reporting Act (15 U.S.C. 1681t) is amended by adding at the end the following new subsection:

''(e) FINANCIAL PRIVACY EXCEPTIONS.—Subsections (b) and (c) shall not apply to the California Financial Information Privacy Act (division 1.2 of the California Financial Code, as in effect after June 30, 2004) or the law of any other State that is similar to the California Financial Information Privacy Act.''.

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

Vol. 149 WASHINGTON, WEDNESDAY, SEPTEMBER 10, 2003 No. 124

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord of the storm and the calm, the troubled sea and the quiet brook, may we not only state our prayers with our lips, but may we pray to You with our hearts. Keep us from being so preoccupied with difficulties that we fail to see all the opportunities around us. Guide our Senators today. May they listen to the quiet direction of Your spirit. Consecrate their speech to Your service. Give them a deep faith and a firm trust in You. Bless today those in our Senate family who are feeling the pains of grief. Remind us that You will take care of our tomorrows. We pray this in Your strong name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 9:45 the Senate will begin a sequence of stacked votes in relation to six pending amendments to the Labor-HHS appropriations bill. Following these votes this morning, the two managers will continue to work through the remaining amendments to the bill.

As we stated yesterday, it is our intention to complete this bill prior to the close of business today. And given our progress last night—and I do thank everyone for participating and working together as we got on a track that will allow us to complete this bill today, but given that progress, I am hopeful we will be able to finish the bill at a reasonable time today.

With the understanding we do complete that bill, we will not have votes on Thursday or on Friday. We, of course, will be in session both of those days. Tomorrow, September 11, there will be a number of events throughout the day that Members will be participating in, and we will try to adjust the schedule accordingly.

We will have business Thursday and Friday. I plan on bringing up one of the appropriations bills after discussion with the President pro tempore, the chairman of the Appropriations Committee, about what is the most appropriate bill. We will be making that announcement a little bit later today.

I will have more to say on events for tomorrow as well as Friday's schedule following completion of the Labor-HHS bill.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2004

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2660, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2660) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

Pending:

Specter amendment No. 1542, in the nature of a substitute.

Akaka amendment No. 1544 (to amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Mikulski amendment No. 1552 (to amendment No. 1542), to increase funding for programs under the Nurse Reinvestment Act and other nursing workforce development programs.

Kohl amendment No. 1558 (to amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans.

Dodd amendment No. 1572 (to amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

DeWine amendment No. 1561 (to amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

DeWine amendment No. 1560 (to amendment No. 1542), to provide funds to support poison control centers.

DeWine amendment No. 1578 (to amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program.

Harkin amendment No. 1580 (to amendment No. 1542), to protect the rights of employees to receive overtime compensation.

Schumer amendment No. 1598 (to amendment No. 1542), to provide additional funding for programs under the Ryan White Care Act.

Reed amendment No. 1595 (to amendment No. 1542), to provide funding for home energy assistance needs under the Low-Income Home Energy Assistance Act of 1981.

Reed amendment No. 1592 (to amendment No. 1542), to increase funding for immunization services.

Reed amendment No. 1596 (to amendment No. 1542), to increase funding for certain literacy, library, and museum programs.

Corzine amendment No. 1602 (to amendment No. 1542), to restore cuts in student aid.

Reid amendment No. 1603 (to amendment No. 1542), to increase funding for certain education and related programs.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we are set to proceed with a series of stacked votes at 9:45 a.m. There are a fair number of amendments which have yet to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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be offered. The distinguished ranking member and I are prepared to work through those amendments expeditiously. It may be possible to accommodate some of the Members in their requests.

The majority leader has again announced that upon completion of this bill there will be no votes on Thursday or Friday, although the Senate will be in session. When that word travels throughout the membership, there is more incentive to complete this bill at an early time. Yesterday we did have a productive day, starting at 5:15 p.m. We had four rollcall votes. We debated six amendments on into the evening.

As I survey the sheet, if we have cooperation on all sides, it is possible to move through this bill in an expeditious way and perhaps finish this bill today sooner rather than later.

I thank the Chair, and I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand we are going to start the vote at 9:45 a.m.

The PRESIDENT pro tempore. The Senator is correct.

Mr. HARKIN. Mr. President, first, I thank the leadership on the other side. I thank my colleague and the chairman of the appropriations subcommittee, Senator SPECTER, for working out this arrangement. It is one that reasonable minds and reasonable cool heads have agreed now we are going to proceed ahead on a series of votes this morning.

I know there are some other amendments today. I see no reason why we can't wrap up this bill this evening sometime, hopefully at a decent hour anyway. I know there are a lot of other important amendments. I wish to take a little bit of time to speak about the first amendment that we will be voting on at 9:45.

Mr. GREGG. Mr. President, will the Senator yield for a question?

Mr. HARKIN. Without losing my right to the floor.

Mr. GREGG. Are we going to divide the time between proponents and opponents of the amendment between now and 9:45? I understand there is no time agreement. I would like to have 2 minutes in opposition to the amendment.

Mr. HARKIN. I inquire of the Chair.

The PRESIDENT pro tempore. There is no previous order concerning division of time. The time set for the vote is 9:45.

Mr. HARKIN. But there is no time set for dividing the time.

The PRESIDENT pro tempore. There is no agreement on dividing the time.

Mr. SPECTER. Mr. President, I ask unanimous consent that the intervening time be equally divided between both sides—whatever time there is—to make a presentation.

The PRESIDENT pro tempore. There are 6 minutes remaining.

Mr. HARKIN. That sounds fair.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Iowa.

AMENDMENT 1580

Mr. HARKIN. Thank you, Mr. President. The first vote will be on overtime. I think it has been thoroughly debated. I think Senators know what we are voting on in this amendment. I wish to make a few comments to bring us up to the point of voting on this amendment.

Again, I do not see this in any way as any kind of a partisan vote. It should not be. This affects workers no matter whether they are Republicans, Democrats, Independents, or whatever. It does not make any difference. This crosses all party lines.

What has happened, through the Department of Labor, is they came out with these proposed changes in overtime rules and regulations. No hearings were held, and now they say they do not have to have hearings. The law does not mandate that they have to have hearings, but one would think on a major issue such as this they would have gone out to the public and they would have worked with Congress to reach some reasonable agreement on modifying and updating Fair Labor Standards Act regulations. But, no, they came out with these changes in a very heavyhanded manner.

If one reads the proposed rules and regulations, they really do wipe away the overtime pay protections for I don't know—the figures are all over—8 million, 10 million, 6 million. I don't know what the proper number is, but I can tell you it wipes out overtime pay protection for millions of Americans who have it right now.

My amendment basically says no money can be expended to further promulgate, publish, or enact these rules and regulations.

That does not mean the Department of Labor cannot come back at some point and say we need to modify these. Maybe we need to throw out some old terms.

As I pointed out, the Fair Labor Standards Act has been modified a dozen times since 1938, but it has always been done sort of in consultation with Congress, in an open fashion. That is the way it ought to be done again, especially with something so sensitive as overtime pay.

So this is our vote in which we can basically say no, we are not going to move ahead with these; we are going to go back to the drawing board. If they want to come up to the Congress, to the appropriate authorizing committees in the House and the Senate, and try to work something out, that is fine and we can do that.

In closing, last week the Senate unanimously passed this resolution by Senator HATCH, expressing the sense of the Senate that October would be National Work and Family Month. The resolution expressed the sense of the Senate that reducing the conflict between work and family life should be a national priority. We passed this last Friday unanimously. Are we today going to vote to say we do not care about what we said; what we are going to do is allow these rules and regulations to go into effect which will take away the overtime pay protection for millions of Americans?

Let's back up what we said last Friday with our votes this morning.

I yield the floor and reserve the remainder of my time.

The PRESIDENT pro tempore. The Senator has consumed his time.

Mr. LEVIN. Mr. President, I come to the floor today to speak in support of the Harkin amendment regarding the Bush administration's proposal to make regulatory changes to the Fair Labor Standards Act, FLSA, of 1938. The Bush administration's assault on middle-income white- and blue-collar workers continues with this latest proposal by the Department of Labor, DOL. Under current law, the FLSA requires employers to pay time and a half for overtime work except for some narrow exemptions. Introduced this Spring with little public notice, the DOL has proposed regulations that would disqualify potentially millions of workers from the overtime protections afforded them under the FLSA. Regulations proposed by the DOL on March 31 of this year would make it easier for employers to reclassify their workers as ''executive,'' ''administrative'' or ''professional'' employees who are not entitled to the overtime protections of the FLSA. According to the Economic Policy Institute, more than 8 million workers could be negatively affected by the Bush administration regulatory changes. This is a frontal assault on the 40-hour work week.

The Harkin amendment would prevent the DOL from issuing any regulation that disqualifies currently covered workers from the overtime protections of the FLSA. The amendment would not prevent DOL from making changes to overtime regulations that would benefit low-income workers. There is simply no justification for stripping any workers of their overtime rights and thus their statutory right to time and a half. And the workers who would still be protected by the FLSA would also receive a pay cut because employers would naturally shift overtime assignments to the millions of workers no longer entitled to overtime pay. In 2000, overtime pay accounted for about 25 percent of the income of workers who worked overtime or about $161 a week. The President's much-touted tax cut would give workers earning less than $62,500 a tax cut of a $1.68 per week. This administration's overtime proposal is just not worker or family friendly. It will result in workers working more hours without overtime pay, undermining the 40-hour work week. The DOL proposed regulations would deny overtime protections not only to white-collar office workers, but also to many manual and other union workers. Union workers would be forced to negotiate for overtime protections that are now guaranteed by the FLSA. The overtime exceptions would affect all

workers earning more than $65,000 as well as workers with certain specialized training such as policemen, firefighters, paramedics, EMTs, as well as other white-collar professionals such as secretaries, bookkeepers, and paralegals.

Every facet of American industry will be affected by the proposed DOL regulations. For example, assembly line and production workers at auto manufacturing plants could lose overtime protection if they ''employ a high-level of skill or training.'' Furthermore, factory workers making up to $65,000 could lose overtime protection if they perform some nonmanual office work and have at least one job duty that can be characterized as ''executive,'' ''administrative'' or ''professional.'' Nonmanual office work seems to be a broad term that could encompass many fairly routine workplace activities. Even a worker who at the end of the day is required to document his or her workplace activities might be swept in to the administrative exemption. Surely this was not the intent of the FLSA.

At a time when we are asking more and more of our Nation's first responders, the administration wants to eliminate their overtime pay. A good example are the police officers responsible for the security of the Capitol Complex. Many of these officers have consistently worked in excess of 40 hours ever since September 11, 2001. Many of these officers have spent long periods of time away from their family and friends with their only consolation being overtime pay. How can President Bush and Secretary Chao possibly tell law enforcement officers across this Nation that they no longer deserve to be paid overtime for their work?

Mr. President, we must do what is equitable for American workers. Millions of workers depend on overtime pay to make ends meet. If the administration really wants to help low-income workers, they will support an increase in the Federal minimum wage to $6.65 an hour which would benefit far more than the 1.3 million low-income workers which DOL estimates will benefit from proposed changes. A vote for the Harkin amendment is a vote for working families across America. I hope it will receive a resounding ''yes'' vote.

Mr. LAUTENBERG. Mr. President, I rise in support of the Harkin amendment to the Labor, Health and Human Services, and Education appropriations bill for fiscal year 2004.

I proudly support this amendment because it would prevent the administration from implementing any regulation that would take away the overtime pay rights of American workers.

The Bush administration's hostility to this Nation's hard-working men and women is shocking and frankly disappointing.

We all know this administration's performance on job growth: since President Bush assumed office, he has pushed for three separate tax cuts for the wealthy, yet he has not created a single net job.

Rather, the policies of President Bush have produced a loss of 3.1 million private sector jobs. The number of unemployed Americans has risen from 6 million to over 9 million. Just last month, the Nation's payroll lost 93,000 jobs.

Instead of working to put Americans back to work, the administration has decided to ''modernize'' workplace regulations by eliminating overtime pay for million of workers.

The Economic Policy Institute concludes that more than 8 million workers would lose overtime protection. Even the conservative Employment Policy Foundation estimates that 1.16 million workers would lose their overtime pay.

The administration, however, claims that only 644,000 workers would be negatively affected by its proposal.

Regardless of the losses estimated, the proposed regulation would disqualify more workers from overtime protection, and there is simply no justification for stripping any workers of their overtime rights.

Just yesterday, nursing home workers from my home state came to my office and told me that they get paid between $7 and $10 per hour and that they rely on overtime pay as an essential supplemental to their low hourly pay.

The administration opposes an increase in the minimum wage which would help millions of American workers, but it supports a proposal that would decrease the take-home pay of millions of American workers.

Once again this administration has misguided priorities. We should be doing all we can to improve the working conditions and the quality of life of the American worker, not make it worse.

The 40-hour workweek was created in the Fair Labor Standard Act in 1938. We enacted this legislation because workers were being abused and not properly compensated.

The FLSA became the bedrock of worker- and family-friendly legislation because we recognized that after 40-hours of work, 8-hours a day for 5 days, an employee should be paid time and a half for work performed beyond 40 hours.

Today, the workers protected by the 40-hour workweek requirement are the Nation's first responders and first-preventers like police officer, nurses, and firefighters. Other protected workers include the millions of administrative, technical, manufacturing, and restaurant workers who are struggling to make ends meet.

We should protect the American workers. And, I urge my colleagues to support the Harkin amendment.

Mr. SARBANES. Mr. President, I strongly support the Harkin amendment to preserve overtime pay protections for millions of hard-working Americans. The American work ethic, along with great skill and ingenuity, has made the United States an economic world power. Americans already log more hours on the job than workers in most other developed countries around the world and I believe that those who have long driven the American economy should be fairly compensated for their work. However, the Bush administration has proposed new regulations that would amend the Fair Labor Standards Act of 1938 and undermine current law governing overtime pay.

The proposed Department of Labor regulations would raise the salary level under which workers are eligible for overtime pay from $8,060 per year to $22,100 per year. Raising this income threshold is an inadequate adjustment, but it is a step in the right direction. Due to the rising expenses facing working families, I recognize the need to make more low-income workers eligible for overtime pay. The pending amendment does not preclude the Department of Labor from issuing rules that make such changes. Instead, it simply prohibits the Department of Labor from taking away overtime protections for those who are currently eligible under the Fair Labor Standards Act.

Under the Department of Labor's proposal virtually all employees who earn $65,000 or more per year would be denied overtime pay protection currently afforded under the Fair Labor Standards Act. Additionally, it would allow employers to reassign middle-income workers, earning between $22,100 and $65,000, to managerial roles, thereby depriving them of overtime pay rights. The Harkin amendment would block this reclassification.

Our economy is facing serious difficulties. What we need is responsible economic policy that puts our economy back on track. Instead, this administration has proposed massive tax cuts to benefit the wealthiest among us, presided over the largest job loss in our Nation's history, erased a large Federal surplus that it inherited, and created a large and growing Federal deficit. Now the administration proposes to amend a law that has protected American workers for over 60 years by taking away the overtime pay that many working families depend upon to make ends meet.

The Department of Labor claims its proposal is necessary to ''clarify'' and ''update'' overtime rules for the 21st century economy. However, consider some examples of the occupations currently eligible for overtime pay that may be in jeopardy should the Department of Labor go forward with this proposal: firefighters, law enforcement officers, social caseworkers, medical assistants, and nurses. These workers are performing vital functions in our society and should be compensated for the long hours they put in to do their jobs.

The American people have spoken on this issue. The Department of Labor has been flooded by public comments

that run overwhelmingly against the implementation of its proposal. The American people are right. The number of individuals eligible for overtime should be increased, not decreased. A responsible economic plan would put more disposable income into the hands of working Americans, not take it away.

I find the Department of Labor's proposal unwise and unfair, but very much in keeping with this administration's failed economic policies that seek to leave no millionaire behind while increasing the financial burden on average Americans. Therefore, I urge my colleagues to support the Harkin amendment.

Mr. BINGAMAN. Mr. President, I rise today in support of the Harkin amendment related to proposed administration changes to overtime regulations, and I am pleased to be a co-sponsor.

The Fair Labor Standards Act of 1938 established that—with only a few specific exceptions—American workers were entitled to overtime pay, meaning time and a half wages, for every hour worked beyond the accepted 40-hour work week. The Fair Labor Standards Act was not passed out of context. The legislation derived from the labor abuses that occurred in the early 1900s. Furthermore, it was signed into law because political and labor leaders at that time agreed that workers should not be pushed beyond their breaking point. By making every hour beyond 40 more expensive, the legislation discouraged employers from assigning longer hours and rewarded employees for sacrificing their personal or family time for their company. Workers could still work longer hours if they chose to do so, or if they needed additional income—many do so today—but they could not be required to do so by their employers, and they could not be required to do so at the same wage level they earned during their 40-hour work week.

I think this was a perfectly reasonable bargain to have made then, and I think it is a perfectly reasonable bargain now. It is a form of social contract—one of many made at the time that have extended to the present because they make good rational sense. And I am strongly of the view that it should not be broken at this time.

The Bush administration has recently proposed substantial regulatory changes that dramatically alter this social contract, and the underlying principles that form its foundation. Under the guise of ''flexibility'' for employees, it has decided to change the categories that will classify a worker as eligible for overtime, and in doing so, will vastly increase the number of employees that are exempt from overtime pay. The Department of Labor has estimated that the proposed changes will affect only 644,000 workers. But the Economic Policy Institute has concluded that the numbers are significantly miscalculated and the correct figure is closer to 8 million. This includes everyone from police officers, no firefighters, to registered nurses, to medical technicians, to floor supervisors in service industries, to paralegals, to journalists—any number of individuals that currently earn more than $22,100 per year.

Worse, many of these individuals are currently in professions that are essential to national security or difficult to fill. In my State of New Mexico, for example, the proposed regulations would have very profound effects. According to an analysis undertaken by the New Mexico Department of Labor, over 37,000 workers will lost overtime benefits as a result of the proposed rule change. Many of these workers are in professions that we need in the State and we may lost if salaries are decreased—specialty fields like teachers, physical therapists, health care technicians, first responders, and so on. For the life of me I don't see why the Bush administration would be providing disincentives for people to work in fields where we need them the most. Why are we telling teachers, or nurses, or firefighters that we don't value the extra time you put in on the job? In my State these folks are frequently living on a shoestring as it is. How can the Bush administration justify a policy that takes money away from them?

I have three specific problems with the proposed overtime regulations. First, as I have mentioned previously, it pulls back from the social contract made with American workers in the past. I don't understand what has changed over the last few years to require that overtime rules be altered, and I don't believe it is time to alter an agreement that at its core is designed to allow Americans to be rewarded for hard work and spend more time with their families.

Second, I think it's the wrong time for change. We have now some of the worst economic conditions that we have seen in years in this country. Levels of unemployment continue to climb, so much so that many workers have simply given up looking for work. Why are we telling those who have work at this time that they should get less for what they do? Why are we telling these folks they have to take a pay cut? Why are we taking money out of the pockets of these folks, money that these days go to make ends meet, but can also go for mortgages, education, and savings accounts?

Third, given the current record of the Bush administration on key labor issues—be it outsourcing, minimum wage, FMLA, workplace protections, or anything else—I am not convinced that it is time to give it ''flexibility'' to apply regulations of any type that will affect American workers. From what I have seen so far, I think the administration has taken a very clear stance against the low- and middle-income workers that form the very heart and soul of this country, and I think it is time that we push back on these policies.

I think it is essential that we send an unequivocal message to the Bush administration that we will not allow changes on the overtime regulations to occur. I believe it is bad policy that will hurt working Americans at a time when they need our support.

Mr. HATCH. Mr. President, I rise today to encourage my Senate colleagues to support the Department of Labor's proposed changes to our nation's overtime regulations. The amendment being offered by my friend Senator HARKIN to the 2004 Labor, Health and Human Services, and Education appropriations bill would prohibit spending to implement the Department of Labor's proposed regulations and, thereby, cripple the Department in making these important changes. This is not a wise course of action and I wish to voice my support today for the Department's proposed regulations changes.

Before discussing the proposed regulations, I would like to take a moment to address current overtime rules. As you may know, there have been very few changes to the Fair Labor Standards Act's, FLSA, overtime provisions since the early 1970s.

Under these outdated rules, most workers are only guaranteed time-and-a-half overtime pay if they earn less than $155 per week. If they earn more than $155 per week, then employers have to use a number of complicated and confusing tests to decide if a particular worker's job is ''executive, administrative, or professional,'' and must also use complicated tests to determine if the worker's pay qualifies as a ''salary'' rather than an hourly wage.

Thus, if a job pays over $155 per week—$170 per week for ''professionals''—and the job is executive, administrative or professional, and the worker's pay fits the official definition of a ''salary,'' then that particular worker is not eligible for overtime. You can imagine the complexity and confusion that businesses have to deal with when they try to determine which workers have to be paid overtime and which do not.

The current rules mean that a restaurant manager or a factory shift supervisor who is paid a salary of $300 per week would be ineligible for overtime, since these kinds of work are generally considered executive or administrative.

I want to discuss the proposed rules in some detail, as I believe there is a great deal of misunderstanding about what they would do and why they are necessary. The Department of Labor's proposed regulations would raise the $155 per week test to $425 per week. That means that, as a general rule, anyone earning less than $425 per week would automatically be guaranteed to be eligible for overtime pay, regardless of what kind of work they do.

Therefore, the Department of Labor's proposed rules will guarantee overtime pay to both the restaurant manager and the shift supervisor I mentioned above. The proposed regulations will be

a boon to lower-income salaried workers. The Department of Labor estimates that its proposed rules will make 1.2 million more lower-income workers eligible for overtime pay. They also estimate that 20 percent of salaried employees earn $425 per week or less, roughly $21,000 per year.

The rules will also modernize the definition of ''executive, administrative, or professional'' work to reflect better the realities of today's workforce and to reduce the incomprehensible regulatory definitions that businesses have had to interpret for the last 20 years. That means that workers who earn more than $425 per week will find it easier to determine whether or not they qualify for overtime pay, and it will reduce the number of lawsuits over the ''gray areas'' in current overtime regulations.

Further, the Department of Labor also proposes to allow salaried employees' pay to be docked for full-day absences taken for disciplinary reasons, such as sexual harassment or workplace violence. Currently, only hourly workers' wages are subject to such discipline-related pay deductions.

And finally, the proposed rules state that workers who earn more than $65,000 per year will be ineligible for overtime pay if their job has at least some duties that are ''executive, administrative, or professional.'' Therefore, employers who have these kinds of highly compensated workers will find it easier to make them ineligible for overtime. The Department of Labor chose the $65,000 threshold because roughly 20 percent of salaried workers earn $65,000 or more per year. The Department chose to focus its energies on strengthening access to overtime for the most vulnerable workers, a group that is unlikely to include many workers whose salaries are in the top 20 percent.

I believe that the current overtime regulations are confusing and outdated. They have created a maze of uncertainty for business owners, who can be fined up to 3 years of back wages if they misinterpret the overtime eligibility rules. The Department of Labor's proposed rules will make over a million more lower-income workers eligible for overtime while also creating clearer overtime eligibility rules for all businesses to follow. The Department of Labor's rules would guarantee overtime pay to the bottom 20 percent of salaried workers—some of the most economically vulnerable people in our society—while at the same time giving employers more freedom over how they compensate the top 20 percent of salaried workers.

These rules are part of this administration's broader agenda for long-lasting, long-term wage growth. These clearer, simpler regulations will increase the efficiency and productivity of American businesses. And since higher productivity is the key to higher wages, I expect these regulations to help increase the typical American's standard of living.

I have received numerous letters from individuals and industry who support these regulatory efforts by the Department of Labor. I believe the Department has done an excellent job of researching the overtime issue and preparing regulations that meet the needs of American workers. I encourage all of my Senate colleagues to support these regulations and vote against any amendments that would weaken or impede these much-needed overtime regulation updates.

Mrs. CLINTON. Mr. President, I rise in strong support of the Harkin amendment, which would prevent the Department of Labor from implementing its regulation that would deny overtime pay to 8 million Americans, including 450,000 New Yorkers. I am proud to be a co-sponsor of this amendment and hope that my colleagues will join me in supporting it with their vote this afternoon.

Many of us celebrated Labor Day with picnics, parades, and fanfare, but for too many American workers, there was not much to celebrate at all. Close to 10 million Americans are about to lose overtime protection because this administration has decided to do the bidding of its corporate donors instead of protecting the rights of overworked and underpaid Americans.

The regulation being proposed by the Department of Labor unilaterally removes entire classes of workers from overtime eligibility. Paralegals, engineers, social workers—today rely on overtime. Tomorrow these individuals will be forced to work longer hours for less pay.

An let's not forget our police officers, firefighters, and nurses—individuals who regularly work overtime because they are on the front lines of our homeland defense. Does anyone imagine that these dedicated individuals will stop working overtime after this regulation goes into effect?

I can assure you that the New Yorkers who tell me how this will affect them do not think so. They know that when duty calls, they will respond. They simply will not be compensated for their effort.

A nurse from Lancaster, NY, wrote to me recently to say, ''I assure you that as a Health Care Professional I work many exhausting though rewarding hours in my position. However, I feel strongly that being forced to work overtime without appropriate compensation is an insult. As a dedicated health professional, I find it impossible to leave my patients untended.''

If the administration wants to help working families as they say they do they can fight to expand access to overtime, to raise the minimum wage, and to ensure that every working American can take a sick day to recover from the common cold without fearing for their jobs.

Instead, this regulation would make unpaid overtime a household word and make it easier for bad-faith employers to coerce other workers into accepting time off instead of overtime pay.

I do not think the administration is unaware of the impact of what they are proposing. If they were, they would not have proposed this overhaul of the Fair Labor Standards Act under the cloak of secrecy, without a single Congressional hearing, without a single public hearing.

As many of my colleagues know, when the Clinton administration tried to issue ergonomics regulations, Republicans in Congress attacked the Labor Department for ''rushing to judgment'' because it held ''only'' 27 days of public hearings. Twenty-seven days.

And from this administration, not even one.

Those who support the administration's regulation argue that Democrats are overstating our case. They claim that the proposed regulation will not have anywhere near the impact that independent experts say it will.

But for the sake of argument, let's assume the Department of Labor's impact analysis is absolutely accurate. The administration's own analysis reveals that 644,000 workers will lose overtime pay. But that is only the number of workers currently earning overtime pay who will lose eligibility. For each worker earning overtime pay, there are another four or five who are protected by the overtime provisions of the Fair Labor Standards Act but do not currently work more than 40 hours a week. All of them—between 3.2 million and 3.8 million by the Department of Labor's own estimates—will lose their overtime protection under the proposed rule. Their employers will require many of them to work longer hours because they will have no incentive not to. It won't cost them a dime, but it will cost our firefighters, our police officers, our nurses, and so many others in time away from their families and money out of their pocket.

The Department of Labor's analysis goes on to state that the changes in the education test alone will result in 44 percent of the ''learned professionals'' losing their right to overtime pay. That is 44 percent of those working in the fields of chemistry, biology, nursing, engineering, accounting, and more. That is 440,000 cooks who would lose their right to overtime pay.

That analysis assumes, and I quote, ''that six years of work experience might be considered equivalent to a bachelor's degree''—even without a day of higher education. But this assumption is not grounded in the rule. In fact, the Department of Labor's rule requires no minimum education standard. If employers decide that their employees have the same skills as employees with college degrees, employers may exempt those employees from overtime.

So a cook from Buffalo who has never attended a day of college can be deemed an exempt professional and denied overtime.

The administration is taking away the bread and butter earnings American families count on, and leaving them with crumbs.

Republicans in my State have crossed party lines to block this regulation—and I applaud them for doing so. They know how many New Yorkers rely on overtime pay—not as a luxury, as a necessity.

I recently received a note from John, New York City police officer, who wrote to me to say ''police officers like myself are forced to do overtime whether we like or not because we need the money to stay ahead of our bills.'' John is not alone. Overtime compensation accounts for 25 percent of the total compensation of all workers who receive overtime pay.

This issue is not trivial. At its very core, this issue is about our American values of work and family. Workers stripped of their overtime protection would end up working longer hours for less pay. That translates into less time with their children, less time with their parents, their spouses, less time to volunteer and contribute to the fabric of our community. More work hours, for less pay, and less family time—that is not the American way.

I urge my colleagues to vote in favor of the Harkin amendment.

Mrs. FEINSTEIN. Mr. President, today the Senate will be voting on an amendment that is of vital importance to the working people of California and indeed the Nation.

Earlier this year the White House proposed redefining the job descriptions of millions of workers and thus eliminate their right to overtime pay. Left alone, these rules will go into effect early next year.

The Bush administration's proposal could wipe out overtime pay protections and increase work hours for at least 8 million workers. Losing overtime pay protections would also result in huge pay cuts for many workers.

For more than 65 years we have maintained an appropriate balance between family life and work life by forcing employers to pay certain workers time and a half when those workers were required to work more than 40 hours in a single week.

Thanks to Franklin Delano Roosevelt, this requirement has protected the 40-hour workweek which has been a trademark of our economy for more than six decades. And, as a result, our Nation's workers now have greater dignity, better health, and a more appropriate balance between work and family.

This is an issue of fairness. Our workers are more productive than ever and yet the Bush administration believes it is necessary to penalize those very individuals who have literally built this Nation.

The men and women who will be most hurt by the President's decision will be the hourly workers who maintain our streets, ring up our groceries, and respond to our calls to 911. Those hurt most will be disproportionately women and minority. They will be mostly middle and lower income. They will be struggling to make ends meet and they will be worrying about paying the mortgage. They are, in fact, our neighbors and friends.

Given the high unemployment rate and economic uncertainty that is still smoldering in our economy, this is not the time to be making it harder for our hardest workers. Rather, it is a time when we should be helping all workers achieve fairness in the workplace.

Fairness in the workplace is good for business. It is well known that by requiring companies to respect the 40-hour workweek, we encourage businesses to hire additional workers. With unemployment above 6 percent, we should continue to encourage companies to maximize employment while respecting the workforce they have.

I support Senator HARKIN's amendment to stop the Department of Labor from issuing any regulation that disqualifies workers from the overtime protections of the Fair Labor Standards Act.

I think the amendment is fair and just.

Ms. MIKULSKI. I oppose President Bush's plan to deny overtime pay to millions of workers. I am proud to cosponsor Senator HARKIN's amendment to protect overtime pay for 8 million American workers. Millions of Americans depend on overtime pay to make ends meet and pay their housing, food, and health care bills. Yet the Bush administration wants to strip overtime protections for these hard-working men and women. I thought in this country, the best social program was a job. I thought in this country, we reward those who practice self-help.

Eight million workers would lose overtime protection under the new Bush proposal. Who are these workers? They are nurses, firefighters, policemen, secretaries, and social workers. These men and women work hard to serve our communities. They protect us, and they help us when we are in need. They deserve extra pay for their extra efforts.

If we do not stop the Bush proposal, workers will have to work long hours for less money because they will no longer be eligible for overtime pay. They might have to find a second job, because they will not be able to count on overtime pay to make ends meet. They will spend less time with their families but they will not get compensated. I think that is outrageous.

America is facing a crisis in nursing. In Maryland hospitals, 12.6 percent of nursing jobs are vacant. They desperately need over 2,000 nurses. Nationwide, we will need about 2.8 million registered nurses by the year 2020, but only about 2 million will be available. Nurses work an average of 8.5 weeks of overtime each year, and 87 percent of Maryland nurses work overtime just to make up for the shortage. If the Bush proposal becomes law, nurses will have to work these same hours for no extra pay. Hospitals will have to get by without enough nurses to take care of patients. Lack of overtime pay will discourage young nurses from entering the profession and experienced nurses from staying. I worked hard to pass legislation to help eliminate the nursing shortage. Changing the overtime rules would be a huge step backwards.

The Bush plan would also deny overtime pay for our first responders: our firefighters, policemen, and EMTs. Maryland has about 2,000 professional firefighters and 7,500 police. These men and women put their lives on the line to keep us safe no matter what time it is or how many hours they have worked already. When the Pentagon was on fire, the firefighters in my own State of Maryland dashed across the Potomac to help. They were there night and day. We say a grateful Nation never forgets. We give our heros parades, but now some want to take away overtime and make them work for free to protect the homeland. What a thing to say to first responders and their families.

Every time a firefighter or police officer leaves their home, they do not know when they will be home. They do not even know if they will be home, and now the Bush administration is asking them to donate their overtime. That is no way to show our appreciation. We need to protect the protectors so that they can protect us. That means protecting their overtime pay.

Nurses and first responders are just a few examples. The Bush proposal would deny overtime pay for workers in many industries. It would take money out of the pockets of hard working Americans and their families unless we do something to stop it. I urge my colleagues to vote to uphold overtime pay by voting for the Harkin amendment.

Mr. DOMENICI. Mr. President, I rise today in opposition to the amendment offered by my colleague, Senator HARKIN. The Harkin amendment would prohibit the Department of Labor from pursuing a proposed rule to modernize the Fair Labor Standards Act overtime regulations.

In 1938, Congress passed the Fair Labor Standards Act to protect the lowest paid of our nations working population. The Fair Labor Standards Act guarantees overtime pay for all employees who work over 40 hours in one week, except for those employed in certain ''white collar'' jobs. Unfortunately, the current regulations have not been revised since the 1950s and employers face serious challenges in trying to interpret this law and classify modern jobs into categories created in a different era. Consequently, what should be a simple test, has become a very complex one with little certainty.

Thankfully, this past March, the Department of Labor proposed changes that would update the regulations to reflect the realities of our 21st century workplace. The purpose of these new

regulations is not, as many claim, to take away overtime pay from hard-working Americans; nobody wants that to occur. The purpose of these new regulations is to bring up to date overtime regulations so that employers will be better able to understand their obligations and comply with the law, and the Department of Labor will be better equipped to more vigorously enforce the law.

If adopted, the Department of Labor proposal will guarantee overtime pay for any employee making less than $22,100 per year ($425 per week) regardless of the person's job duties. Current regulations only provide guaranteed overtime for those making less than $8,060 per year ($155 per week). This is almost a 175 percent increase and will mean that an additional 1.3 million employees nationwide will be guaranteed overtime pay under the proposed changes. In my home state of New Mexico, the Department of Labor estimates that enactment of this proposal would automatically guarantee overtime pay for 10,000 additional workers, and that these workers would receive $3,878,398 every year in additional overtime pay.

The proposed regulations will not deny overtime pay to any workers based on salary alone; in fact, they will make it easier to determine which employees meet specific tests and thus qualify for ''exempt'' status. These exempt employees will continue to qualify for overtime pay.

The proposed regulations will not affect employees paid pursuant to the terms of collective bargaining agreements, thus unionized employees will continue to have the right to bargain for overtime pay, regardless of salary or job duties.

The proposed regulations will not affect the right to overtime for non-white-collar workers such as police officers, firefighters or other first responders. This fact has been acknowledged in a recent press release from the Fraternal Order of Police.

Modernization and reform of the Fair Labor Standards Act regulations has been on the Labor Department's regulatory agenda since the 1970s, and both Republican and Democratic administrations have recognized that the existing regulations simply do not comport with the realities of the modern workplace. I therefore encourage my colleagues to vote against this amendment, and support the modernization of the Fair Labor Standards Act.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, let us remember what is happening. Basically, the Congress is trying to step into the middle of a regulatory process, which is ongoing and has not reached a conclusion, and short circuit it. Eighty thousand comments have been received relative to these regulations. They have not been promulgated in final form. In fact, I know the Department is aggressively reviewing those comments, and I expect substantive changes in significant parts of the regulatory proposal as it has been put forth. So it is premature to step in at this time. It is not ripe. The matter is not before us at this time.

If the regulations come down in a format that is unacceptable, we as a Congress have the right to step forward and revoke those regulations, as is occurring right now relative to the FCC rule that was promulgated by that regulatory agency.

So we are stepping forward at the wrong time in the wrong place and we are short circuiting the regulatory process in doing it in this manner.

Secondly, what we have heard for the last few days and what we have heard nationally from some of the promotional groups that advocate on the other side of this issue is misrepresentation on the number of people involved. They have been saying 8 million people will be affected in a negative way.

That number is absolutely bogus. Of that number, 1.5 million are part-time workers who will not be affected at all; 3.8 million of that number are already exempt, so they will not be affected; 1.1 million will be exempt under the proposal as it is being proposed, so they will not be affected; and 800,000 are manual workers who will not be affected in the first place. So 7.2 million of that alleged 8 million people are off the table and are not going to be impacted. So what we are talking about is 800,000 who may be affected by this regulation in a negative way.

On the other side of the coin, let's recall that this regulation raises the number at which people get and are guaranteed overtime. Today in the workplace, if one makes $8,000, they get overtime. That is not much money. Under this regulation, if one makes $21,000, they are guaranteed overtime, no matter what their job description is. That means it is going to empower 1.3 million people—this is a hard number—1.3 million people who do not have it today will be getting overtime under this regulation.

So there is a net win for America's workers. At least 500,000 American workers are going to come out winners in relationship to American workers who may be impacted by this regulation, and that 800,000 number of people who might be impacted may not be impacted at all because they may be union individuals and as a result their union contracts may be negotiated over the overtime issue.

The fact is that we should allow this regulation, this process, to go forward, allow these 1.3 million people who are going to be enfranchised with the right to receive overtime to receive that overtime, and not short circuit the process and leave these 1.3 million people who would get overtime without the ability to receive this new opportunity.

This is a proposed regulation. For the Congress to step forward at this time is wrong.

The PRESIDENT pro tempore. All time has expired.

Mr. HARKIN. I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1580.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL, I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 334 Leg.]

Akaka	Dorgan	Lieberman
Baucus	Durbin	Lincoln
Bayh	Edwards	Mikulski
Biden	Feingold	Murkowski
Bingaman	Feinstein	Murray
Boxer	Graham (FL)	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Campbell	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Chafee	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Conrad	Kohl	Snowe
Corzine	Landrieu	Specter
Daschle	Lautenberg	Stabenow
Dayton	Leahy	Stevens
Dodd	Levin	Wyden

NAYS—45

	DeWine	Lugar
Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Miller
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Chambliss	Gregg	Sununu
Cochran	Hagel	Talent
Coleman	Hatch	Thomas
Collins	Hutchison	Voinovich
Cornyn	Inhofe	Warner
Craig	Kyl	
Crapo	Lott	

NOT VOTING—1

Smith

The amendment (No. 1580) was agreed to.

Mr. SPECTER. I move to reconsider the vote.

Mr. HARKIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HARKIN. I ask unanimous consent to add the following as cosponsors of the amendment just voted on: Senators LANDRIEU, ROCKEFELLER, LEVIN, BINGAMAN, CANTWELL, and BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1598

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on the Schumer amendment.

Mr. SCHUMER. Mr. President, this is a very simple amendment. It adds $400 million to the Ryan White fund to deal with the problem of AIDS. AIDS is spreading throughout our country. Many rural States that have not experienced AIDS in the past are experiencing large increases. This money

goes to reducing AIDS, the ADAP funding, to the early detection centers, to the centers that develop prevention. If ever there was a ''stitch in time saves nine'' amendment, this is it.

This has broad bipartisan support in the Senate. I hope we will fund it. This is not an ideological issue. No one disputes whether Government should do this. It is not a question of whether the money is needed. We all agree it is needed. I hope we can step to the plate and support this modest increase so that Ryan White is appropriated at the level that is needed.

Mr. NELSON of Florida. Mr. President, I rise to state my support for Senator SCHUMER's amendment to increase funding for the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act.

The Ryan White CARE Act is the largest single source of Federal funding dedicated to the care and treatment of people living with HIV/AIDS in our Nation. This exceptional program provides funding for primary health care and support services for people with HIV/AIDS who lack health insurance and the financial resources to pay for their care. Each year, CARE Act programs nationwide reach over half a million individuals with or at risk for HIV.

The Centers for Disease Control and Prevention (CDC) estimate that 850,000 to 950,000 people are living with HIV and/or AIDS in the U.S., and of those people approximately one-third are not accessing proper care and treatment. CARE Act programs are essential to extending care to all those living with HIV/AIDS.

Recent reports indicate that the number of patients with HIV/AIDS is increasing faster than the Federal funding. In my own State of Florida that has meant that patients in need have had to delay getting care. The number of people on the waiting lists has never been so widespread or long-lasting.

According to a recent article in the Sun Sentinel, AIDS Project Florida, Broward County's largest agency serving these individuals, exhausted its July funds for medical care before the end of the month and had to put newly diagnosed HIV patients on a waiting list to see a doctor.

The same article tells us the situation is in Palm Beach County is no better. The Comprehensive AIDS Program of Palm Beach County has had up to three-dozen HIV patients waiting to see counselors at each of three offices because of a rush of new clients—including some from Broward.

Ryan White CARE Act programs grant vital resources to communities affected by this epidemic. This program's comprehensive scope not only addresses a patient's health care needs, but also food supplies, alternative medicine options, as well as transportation. We cannot expect our communities to meet this growing need without increased funds.

I urge my colleagues to join me in supporting Senator SCHUMER's efforts to increase funding to this critical program.

Mr. SPECTER. Mr. President, I agree with the Senator from New York about the importance of funding to fight HIV/AIDS, but we are funding more than $2 billion for the Ryan White program. We have in the Senate bill on AIDS some $14 billion-plus. We have on other Departments funding some $4 million.

There has been a certification from the Director of HIV/AIDS that this $2 billion is all that can be appropriately used. We raised a point of order last night. I very much would like to have a larger appropriation for this subcommittee to have more money on education and health care and more money for HIV/AIDS, but we are constrained by the budget resolution and by our allocation.

Therefore, I reluctantly oppose the amendment and have raised the point of order. The waiver has been asked for. We are now ready to vote.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budge Act. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 53, as follows:

[Rollcall Vote No. 335 Leg.]

YEAS—44

Akaka	Durbin	Levin
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham (FL)	Murray
Bingaman	Harkin	Nelson (FL)
Boxer	Hollings	Nelson (NE)
Breaux	Inouye	Pryor
Byrd	Jeffords	Reed
Cantwell	Johnson	Reid
Clinton	Kennedy	Rockefeller
Corzine	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dayton	Landrieu	Stabenow
DeWine	Lautenberg	Wyden
Dodd	Leahy	

NAYS—53

Alexander	Crapo	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Bennett	Dorgan	Murkowski
Bond	Ensign	Nickles
Brownback	Enzi	Roberts
Bunning	Fitzgerald	Santorum
Burns	Frist	Sessions
Campbell	Graham (SC)	Shelby
Carper	Grassley	Snowe
Chafee	Gregg	Specter
Chambliss	Hagel	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Collins	Inhofe	Thomas
Conrad	Kyl	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	

NOT VOTING—3

Edwards	Lieberman	Smith

The PRESIDING OFFICER. On this vote the yeas are 44, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1595

The PRESIDING OFFICER. Under the previous order, there will be 4 minutes evenly divided for a motion to waive the Budget Act with respect to the Reed amendment No. 1595. Who yields time?

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent to add Senators CANTWELL, MURRAY, and DODD as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I join Senator COLLINS in urging the adoption of an amendment that would add $300 million to the LIHEAP contingency fund. This fund will be available in cases of severe weather or severe economic circumstances during this heating season and next year's cooling season. We already know that residential natural gas prices are scheduled to rise at least 15 percent. We also understand poor economic times may force more people into requirements to need this program. This is a vital program. This contingency fund would be necessary so that States could meet the needs of heating for seniors, for a whole range of people who need heat and need cooling in the summertime in a hot climate. I urge all my colleagues to support the amendment. The underlying bill does have $2 billion for the basic grant program, but without this contingency funding, we will not have the flexibility to respond to spikes in heating costs or in economic downturns in different parts of the country.

I yield my remaining time to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I join my colleague from Rhode Island in urging support for this amendment which would provide additional emergency funding for the Low Income Home Heating Assistance Program. When we experience huge spikes in the increase of home heating oil and natural gas, it imposes an incredible hardship on our low-income families and on our elderly who are living on limited incomes. We are taking a prudent action by setting aside $300 million in emergency funding in case this winter we experience the kinds of price disruptions that create such hardships for our constituents. I urge my colleagues to support the amendment.

Mr. VOINOVICH. Mr. President, I rise today as a cosponsor of the Collins-Reed Low-Income Home Energy Assistance Program, LIHEAP, amendment. This amendment will provide an additional $300 million for LIHEAP.

Additional funding at this time is critical because of the crisis the United States is facing with natural gas prices. Natural gas, pinched by low inventories and a dearth of new drilling activity, has been hovering in the United States at about $6 per million British thermal units, MMBtu. This amount is roughly twice the historical norm. In fact, we set records for natural gas prices this past spring and summer. And there is no end in sight. Recently, Federal Reserve Chairman Alan Greenspan stated that little prospect is seen for natural gas prices to fall much in coming months.

These historic highs in natural gas prices should be a harbinger for the winter. In fact, if we look to this past winter in anticipation of what this nation should expect in terms of natural gas prices, the outlook is grim. In fact, the utility company that provides my heating in Cleveland has already acknowledged the fact that I can expect my home heating costs to at least double this winter. In February of this year, natural gas spot prices reached an historic high of over $18 per MMBtu. To compare, the spot price in 2002 was $2.40 per MMBtu during the same time period. That is a 650 percent increase over the previous year.

Why are rising natural gas prices important for LIHEAP?

In Ohio, of the 235,000 households that receive assistance through LIHEAP, 70 percent of them—or 162,500 households are heated by natural gas. That means that 70 percent of LIHEAP recipients in Ohio will be adversely affected by the rising cost of natural gas.

And who are LIHEAP recipients? In Ohio: two-thirds of the households that receive LIHEAP assistance—160,000 households—are below 100 percent of the Federal poverty level; one-third are seniors; one-third are disabled; and three-fourths of the households have children under five years of age. LIHEAP provides crucial assistance to the least of our brethren to help survive the most extreme weather conditions.

In Ohio, there is no doubt that home heating costs are going to rise dramatically. The doubling of natural gas prices will not allow current resources to provide adequate assistance for low-income seniors and families. This is going to force folks on low- and fixed-incomes to choose between heating their homes and paying for other necessities such as food or medicine.

This is the environment laid before the Senate: the Nation is facing some of the highest natural gas prices in history with no end in sight; a soft economy has left an increased number of households in need of assistance; and winter is quickly approaching.

So where does that leave us?

States, which receive LIHEAP funding from the Federal Government, will not be able to adequately plan for the acute need that will certainly occur. The National Energy Assistance Directors' Association—the folks that run LIHEAP in the States—indicated, in a letter dated September 4, 2003, that providing additional funds through the regular FY2004 appropriations process is necessary to plan and manage for the upcoming winter. If States cannot plan, then this in turn leaves social service agencies, like the Council for Economic Opportunity of Greater Cleveland and Catholic Charities, unable to provide assistance at the local level. The bottom line is that low-income households will be in dire straits when winter rears its head. Inevitably, if we do not appropriate additional funding now, LIHEAP funds will be depleted and a growing murmur will turn into a cry for additional LIHEAP funds—then to be declared ''emergency funding.''

I believe all my colleagues here realize that, at some point, we will have to increase LIHEAP funding. The question is whether we will do so now through the regular FY2004 appropriations process, or through the FY2004 supplemental.

The responsible action to take would be to increase LIHEAP funding now. Besides being morally responsible, increasing funding now is fiscally responsible. Natural gas prices will continue to rise as demand will increase as colder temperature set in. It would be fiscally irresponsible for the U.S. Senate not to appropriate additional funds that would better help states and social service providers plan assistance for low-income households. And while there is no doubt that the U.S. Senate should appropriate additional funds for LIHEAP now, I would be remiss if I did not take time and reflect on why there is the need to do so.

This natural gas crisis is the result of environmental policies that have driven up the use of natural gas in electricity generation significantly while domestic supplies of natural gas have fallen. The result is predictable, tighter supplies of natural gas, higher energy prices and a financial strain on low-income households and a drain on our economy. Not only will natural gas prices adversely affect the least of our brethren, these exorbitant prices will also affect our economy. The agricultural community, the steel and metal industries, the chemical and polymer industries and the manufacturing community all rely on natural gas and have seen their energy costs skyrocket. Ohio companies are closing plants, laying off workers and moving their production overseas due to these high energy prices. I recently met with a group of manufacturers from Cleveland and was shocked when two of them told me that they will be forced to move their operations overseas unless something is done to give them some relief.

In order to deal with this natural gas crisis, we must enact legislation that will increase domestic supplies of natural gas and ensure that utilities will not be forced to fuel switch from coal to natural gas for electricity generation.

I want to commend Majority Leader FRIST and Chairman DOMENICI for trying to pass a comprehensive energy bill that will increase domestic supplies of natural gas, and I am currently working with Chairman INHOFE to move President Bush's Clear Skies Initiative out of committee to ensure that utilities will not be forced to rely solely on natural gas. These two important pieces of legislation clearly show that there is a fundamental disconnect happening here in Washington. Republicans are trying to enact legislation that will address our natural gas crisis, keep energy and home heating costs low and protect American jobs. Democrats on the other hand are moving in exactly the opposite direction.

Democrats are pushing legislation that will establish a Nationwide cap on carbon emissions and their passage would force they utility sector, that is now coal to generate over half of our Nation's electricity, in my State of Ohio it is 85 percent, to rely solely on natural gas for generation. Carbon-cap language that has been sponsored by Senators JEFFORDS, LIEBERMAN, and CARPER, if enacted, will force our utilities to fuel switch to natural gas, will significantly raise energy prices and will cause thousands of jobs to be lost, particularly in manufacturing States like Ohio.

Let me be clear, carbon-caps mean fuel switching. And fuel switching means moving jobs and production overseas where there are less stringent environmental programs and will actually increase global levels of pollution and higher burdens on our poor and elderly.

The question we face is whether we should enact comprehensive and balanced energy legislation and Clear Skies, which will help solve our natural gas crisis, or rush into a short-sighted policy that will cap carbon, shut down our economy, cost thousands of American jobs and move manufacturing overseas?

The answer is clear. We need to pass the energy bill and Clear Skies. And we need to move away from harshly ideological positions that advance nothing other than the agenda of national environmental groups who have made a carbon cap a political litmus test. There is an energy crisis in America. Increasing LIHEAP funding is only a temporary measure to help low-income households get by. If we do not enact a comprehensive energy bill that balances our Nation's environmental and consumption needs, we will be dooming not only low-income households, but our economy as well.

I ask unanimous consent to print the letter I referenced in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ENERGY ASSISTANCE DIRECTORS' ASSOCIATION,
Washington, DC, September 4, 2003.

Hon. GEORGE V. VOINOVICH,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR VOINOVICH: On behalf of the National Energy Assistance Directors' Association, representing the state directors of the Low-Income Home Energy Assistance Program (LIHEAP), I am writing to urge you to consider providing $3.4 billion for LIHEAP for FY 2004. The increase in funds is necessary in light of the continuing high prices for natural gas and high unemployment rates.

Without the additional funding, states will not be able to adjust benefit levels to account for rising natural gas prices. The continuing tightness in natural gas supply has placed very strong upward pressure on price that will keep prices high and volatile into the winter heating season. The Wall Street Journal cites that natural gas prices have risen nearly 3 times the past decade's average. Federal Reserve Chairman Alan Greenspan has also warned that continued high natural gas prices are a serious problem that could jeopardize the economy.

Additional funding would allow the states to provide benefits to families who are unemployed as a result of the continuing weakness in the national economy. Current program funding levels are not sufficient to allow states to provide adequate services to these families or support active outreach programs. According to the U.S. Department of Labor, there were more than two million Americans unemployed for more than 26 weeks—up from 692,000 in 2001.

By providing these funds now, the states will be able to quickly get the funds in place and to the working, disabled and elderly families households that need them. Please feel free to contact me if I can provide you with any additional information.

Sincerely,

MARK WOLFE,
Executive Director.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe low-income home energy assistance is a vital program. I have fought for it during my entire tenure in the Senate. Pennsylvania has a problem similar to Maine and Rhode Island. We have in this budget $2 billion for LIHEAP. Last year there was $1.7 billion in the regular account and $300 million in the contingency fund. This year we improved it. We put all the money into the regular account so you won't have to go to contingency to have the extra $300 million spent if certain conditions arise. Had we left the account as it was last year, perhaps this amendment would have been obviated or perhaps whatever amount of money we would have put in there would have been an increase. That is a constant occurrence in the management of this bill.

I must tell you that it gets a little tiresome reading the newspaper accounts in the Philadelphia Inquirer and other Pennsylvania papers about how Senator SPECTER is voting against increases on important discretionary programs. The fact is, we have funded this program more generously than last year. Although the total figure is the same, $2 billion, we now have it all in the regular account so you don't have to go to contingency in order to access the $300 million. I would like to have a larger account for this bill to have more money for education, more money for health, and more money for LIHEAP. I know the choice for many people, especially senior citizens, is heat or eat. But we have a budget resolution that this Senator-manager has to stay within the limits. Therefore, I reluctantly have raised the point of order.

Mr. REED. Is there any remaining time on my side?

The PRESIDING OFFICER. Five seconds.

Mr. REED. Mr. President, this amendment is fully offset. And even with the $2 billion, not all qualified individuals will receive the funds.

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to the Reed amendment No. 1595. 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 Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—49

Akaka	Dorgan	McCain
Baucus	Durbin	Mikulski
Bayh	Feingold	Murray
Biden	Feinstein	Nelson (FL)
Bingaman	Harkin	Nelson (NE)
Boxer	Hollings	Pryor
Breaux	Inouye	Reed
Byrd	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Coleman	Kohl	Schumer
Collins	Landrieu	Snowe
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Voinovich
Dayton	Levin	Wyden
DeWine	Lincoln	
Dodd	Lugar	

NAYS—46

Alexander	Crapo	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Specter
Carper	Gregg	Stevens
Chafee	Hagel	Sununu
Chambliss	Hatch	Talent
Cochran	Hutchison	Thomas
Conrad	Inhofe	Warner
Cornyn	Kyl	
Craig	Lott	

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1592

The PRESIDING OFFICER. There will now be 2 minutes equally divided on a motion to waive the Budget Act with respect to amendment No. 1592 offered by Senator REED of Rhode Island.

The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors: Senators LAUTENBERG, KERRY, CLINTON, and KENNEDY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

Mr. President, this amendment would add $50 million for the CDC immunization program under section 317 of the Public Health Service Act. My amendment is offset by using the same mechanism that the chairman and ranking member utilized on $2.2 billion of the underlying bill.

Immunization of children is one of the great hallmarks of our public health system of the United States. It has had remarkable success. Diseases such as polio that were terrifying America when I was a child have been eradicated. We have to keep up this effort. This $50 million will add to that effort to be sure we do not lose ground and that we continue to immunize all our children. It is fully offset, and I urge my colleagues to support the amendment.

Mr. BYRD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, will the Senator add my name as a cosponsor?

Mr. REED. Mr. President, I ask unanimous consent that Senator BYRD be added as a cosponsor, and also Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I concur that the immunization program—vaccines—is vitally important, but I have to point out that we already have in this bill almost $3 billion directed toward vaccines. We have the vaccines for children under the one account in the Centers for Disease Control, which currently has $1.145 billion. I suppose if we added $50 million more to that sum, the Senator from Rhode Island would still be asking for more money.

It seems no matter how much money we allocate to vaccines, more is always needed—and I believe they are vitally important. Just this past weekend, I visited the Centers for Disease Control to be sure they had adequate capital resources and buildings to construct these vaccines. No matter how much money we put in, there is always some additional sum which is asked for.

I think the total of $3 billion—and right on top of the issue of the Senator from Rhode Island, we have $1.145 billion—that is as good as we can do with

the limitations of the budget resolution in the allocation of this subcommittee.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to the motion. 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 Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 49, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—47

Akaka	Dayton	Leahy
Baucus	Dodd	Levin
Bayh	Dorgan	Lincoln
Biden	Durbin	Mikulski
Bingaman	Feingold	Murray
Boxer	Feinstein	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Bunning	Hollings	Pryor
Byrd	Inouye	Reed
Campbell	Jeffords	Reid
Cantwell	Johnson	Rockefeller
Carper	Kennedy	Sarbanes
Clinton	Kerry	Schumer
Conrad	Kohl	Stabenow
Corzine	Landrieu	Wyden
Daschle	Lautenberg	

NAYS—49

Alexander	Domenici	Miller
Allard	Ensign	Murkowski
Allen	Enzi	Nickles
Bennett	Fitzgerald	Roberts
Bond	Frist	Santorum
Brownback	Graham (SC)	Sessions
Burns	Grassley	Shelby
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeWine	McCain	
Dole	McConnell	

NOT VOTING—4

Edwards	Lieberman
Graham (FL)	Smith

The PRESIDING OFFICER. On this vote, the yeas are 47, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1572, AS MODIFIED

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I send a modification of an amendment of mine to the desk. I believe I have a right to do that.

The PRESIDING OFFICER. Is there objection to the modification? The amendment is modified without objection.

The amendment (No. 1572), as modified, is as follows:

On page 76, between lines 10 and 11, insert the following:

SEC.____. In addition to any amounts otherwise appropriated under this Act for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), there are appropriated an additional $1,200,000,000 for such grants:

CUSTOMS USER FEES.—Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by striking ''September 30, 2003'' and inserting ''September 30, 2004''.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, there are 2 minutes equally divided for the vote on the motion to waive the budget resolution.

The Senate will please come to order. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, on the modification, I do not anticipate a problem, but I would like to have a chance to look at it. May I call for the regular order? I can examine it when we vote next. The regular order is to hear from the Senator from Rhode Island for a brief period of time before we vote.

AMENDMENT NO. 1596

The PRESIDING OFFICER. That is the regular order. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask that Senator DASCHLE and Senator STABENOW be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, this amendment would add funding for our libraries and museums. We all understand in every part of this country the vital role that libraries and museums play in education and culture and in community spirit.

Many times President Bush is criticized by Members of Congress for not living up to his expectations in terms of funding. But here is an example where I am proposing to increase funding to the levels President Bush requested in his fiscal year 2004 budget proposal to the Senate.

For the Improving Literacy Through School Libraries program my amendment would add $15.081 million to bring it up to the total of $27.5 million that President Bush requested. For the Library Services and Technology Act I request an additional $24.1 million to bring it up to $171.48 million, the Bush total plus an additional $1.8 million needed to double the minimum state allotment. For the Museum Services Act I ask for $5.18 million to bring it up to the total suggested by the President.

I believe we should support the President on this one and agree to this amendment. It is fully offset.

Mr. SARBANES. Mr. President, I strongly support the Reed amendment to increase funding for libraries and museums in the fiscal year 2004 Labor/HHS/Education appropriations bill. This amendment would bring funding for library and museum programs in line with the President's fiscal year 2004 budget requests, adding a total of $44.36 million in funding.

I do not believe the value of libraries and museums can be understated. State and local school districts are struggling with funding cuts at the same time that they work to improve achievement and accountability as required by the No Child Left Behind Act. Libraries play a critical role in providing students and teachers the resources they need to develop academically and professionally, which will greatly help them meet the mandates of this legislation. Museums have the potential to expand all of our lives and these cultural experiences are even more important during economic down turns as they offer a free or relatively affordable option to young people and families seeking a diversion. An educational and culturally gratifying outing is an ideal way to combine entertainment and enrichment. It is a most appropriate time to provide adequate funding for our Nation's libraries and museums.

This important amendment would increase funding for the Library Services and Technology Act, LSTA, by $24.1 million to bring the new total to $171.48 million. This increase in funding for LSTA would reach the President's funding request of $169.6 million for library state grants and library services to Native Americans, and provide the additional $1.6 million needed to double the minimum state allotment as included in both the Senate and House versions of the Museum and Library Services Act of 2003. It would increase funding for the No Child Left Behind Act-authorized Improving Literacy Through School Libraries program by $15.081 million to reach the President's fiscal year 2004 requested level of $27.5 million. This year, at the current funding level of $12.4 million, the Department of Education has estimated it will only be able to fund about 70 of the over 800 applications it received from needy school districts across the nation. Finally, the amendment would increase funding for the Museum Services Act by $5.182 million to reach the President's fiscal year 2004 funding request of $30.28 million.

The success of our young people, especially those in low-income neighborhoods, is dependent upon Congress providing the resources required to educate them and enrich their lives. Throughout my career in public service, I have worked closely with members of the Maryland Library Association, colleges and universities, and others involved in the library community throughout my State to strengthen libraries and arts programs. I commend Senator REED's consistent efforts to achieve this goal by providing additional funding for our Nation's libraries and museums. I urge my colleagues to vote for this amendment so that we can enable libraries and museums to provide the unique and vital services available to all Americans.

The PRESIDING OFFICER. The time of the Senator has expired. The Senate will please come to order. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the allocations for the Institute of Museum and Library Services is obviously very important. We already have a very substantial allocation, as specified in the principal arguments last night. Here again, much as I would like to increase the funding on this important line—and as I noted as a personal matter, my sister, Shirley Specter Kety, is a professional librarian. I am going to have a little problem at home over this because she is watching the C–SPAN proceedings. But we have made as large an allocation as we can under the Budget Act and the allocation for this subcommittee.

We already have $243 million in this account. Again, I wish we could do more, but that is the best we can do. That is why I have raised the point of order.

The PRESIDING OFFICER. The question is on agreeing to the motion. 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 Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 49, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—47

Akaka	Dodd	Levin
Baucus	Dorgan	Lincoln
Bayh	Durbin	Mikulski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Snowe
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	

NAYS—49

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Murkowski
Bennett	Enzi	Nickles
Bond	Fitzgerald	Roberts
Brownback	Frist	Santorum
Bunning	Graham (SC)	Sessions
Burns	Grassley	Shelby
Campbell	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Cornyn	Kyl	Voinovich
Craig	Lott	Warner
Crapo	Lugar	
DeWine	McCain	

NOT VOTING—4

Edwards	Lieberman
Graham (FL)	Smith

The PRESIDING OFFICER. On this question, the yeas are 47, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

AMENDMENT NO. 1602

The PRESIDING OFFICER. There will be 2 minutes equally divided prior to the vote with respect to the amendment of the Senator from New Jersey.

Mr. CORZINE. Mr. President, my amendment is pretty simple. It restores cuts to student aid by prohibiting the use of funds for implementation of new regulations put out by the Department of Education reducing the amount of Federal student aid that individuals will receive. This is Federal aid, for Pell grants and subsidized loans.

The Department of Education estimates these reductions in State and local tax allowances in computing the expected family contribution formula will eliminate Pell grants for 84,000 students across the country; 49 out of the 50 States are impacted. It will cost $270 million in Pell grants. The ripple effect, using the same formula throughout all State grants and private grants, could reach into the billions of dollars. And I think all of you know, across the country colleges are raising their tuitions. State and local taxes are going up.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORZINE. Mr. President, I urge my colleagues to vote for this fully offset amendment.

Mr. CORZINE. Mr. President, I would like to make a few additional comments beyond what I said last night about my student aid amendment, No. 1602. In particular, I want to describe my intent as to how the amendment would work.

The amendment says that the Department of Education cannot use any funds to implement the May 30, 2003 updates to the State and local tax allowances, to the extent that they would reduce aid for any student.

In effect, what the amendment means is that the Department must republish its State and local tax allowance tables, and use the prior allowances in all cases in which the prior allowances were higher, which is the case for the vast majority of States and types of students. There were a few cases where the Department got it right. That is, they increased the State and local tax allowances for independent students in a handful of States. And I don't want the amendment to hurt those students.

That is why the amendment qualifies the prohibition on implementation or enforcement of the May 30 updates by adding that the prohibition applies "to the extent that such implementation or enforcement of the updates will reduce the amount of Federal student financial assistance for which a student is eligible."

I want to clarify that it is the Department's responsibility to make sure this qualifier works by publishing new tables as I just described. It is not intended that college aid administrators would have to figure out which students would be hurt by the May 30 updates on a student-by-student, case-by-case basis at the college level. That would be an unnecessary, unwieldy and burdensome approach, and is not my intent.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the amendment offered by the Senator from New Jersey is a very complicated amendment which ought not to be handled on an appropriations bill in an amendment to limit funding. It ought to be submitted to the authorizing committee so the Secretary of Education could be heard on this calculation as to scholarship benefits and so the Secretary of the Treasury could be heard.

The Senator from New Jersey talked last night about a swing of billions of dollars. This is affecting the flow of money for the National Institutes of Health, which ought not to be affected. The very document which he has cited, the Congressional Research Service study, says this issue remains "largely undetermined" "without substantial and complex modeling."

This is an amendment which ought not to be considered at this time. I hope we will not have the traditional party-line vote, which we see all the time invariably here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Anybody who takes a look at this amendment would say, fairly stated, it is too complicated to be discussed in 2 minutes after an argument last night. It ought to go before the authorizing committee.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SPECTER. Then I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Jersey. 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 Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) 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 yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—51

Akaka	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Miller
Biden	Feingold	Murkowski
Bingaman	Feinstein	Murray
Boxer	Hagel	Nelson (FL)
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Pryor
Cantwell	Inouye	Reed
Carper	Jeffords	Reid
Chafee	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Collins	Kohl	Schumer
Conrad	Landrieu	Snowe
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Voinovich
Dayton	Levin	Wyden

NAYS—44

Alexander	DeWine	Lugar
Allard	Dole	McCain
Allen	Domenici	McConnell
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Specter
Chambliss	Gregg	Stevens
Cochran	Hatch	Sununu
Coleman	Hutchison	Talent
Cornyn	Inhofe	Thomas
Craig	Kyl	Warner
Crapo	Lott	

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The amendment (No. 1602) was agreed to.

Mr. HARKIN. Madam President, I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Ms. MURKOWSKI. Mr. President, on rollcall vote No. 339 I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be permitted to change my vote since it will not change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, I ask unanimous consent that the next amendments to be offered and debated be the following: Boxer, afterschool, 30 minutes; Landrieu, 20 minutes; Durbin, No Child Left Behind, 40 minutes; Durbin, teacher quality, 10 minutes equally divided. I further ask consent that there be no second degrees in order to the amendments prior to votes in relationship to the amendments, and, further, that the votes occur in relationship to the amendments in sequence beginning at a time determined by the majority leader after consultation with the Democratic leader.

Mr. REID. Madam President, I ask the Senator from New Hampshire to modify his request to allow the Senator from Connecticut, Mr. DODD, to speak for up to 15 minutes on the amendment that is now pending, the IDEA amendment, and the Senator from Connecticut can take whatever time he wishes, not to exceed 15 minutes, in opposition to that, after which time there would be a voice vote.

Mr. GREGG. I have no objection, except that I will not be speaking in opposition. I wish time to speak on the amendment, though.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, if I could have the attention of the Senate, we hope to be able to complete debate on these amendments by around 2 o'clock, if the leaders wish to schedule the vote around that time, to begin the series of votes, prior to the 3:15 matter.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

AMENDMENT NO. 1572, AS MODIFIED

Mr. DODD. Madam President, I call up amendment No. 1572.

The PRESIDING OFFICER. The amendment is now pending.

Mr. DODD. Madam President, I ask unanimous consent that in addition to the listed cosponsors, Senator JOHN WARNER be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I will now turn to my colleague from Arkansas, Senator PRYOR, for up to 5 minutes for him to discuss the subject of the professional education amendment that is before us.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I rise today in support of Mr. DODD's amendment, as well as Mr. JEFFORDS' and Mr. HAGEL's. I know Senator DAYTON, my seatmate here, has been a strong advocate of IDEA funding and fully funding IDEA, and I want to mention Senator DAYTON because he is such a great advocate on this issue.

There is no commitment we can make, no investment we can make, no service we can perform that is more important to the domestic well-being of this country than to educate our children. It truly is an investment in the future.

I quote a statement from Brown v. Board of Education of Topeka, KS, in 1954:

> When I say in these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity for an education, such an opportunity is a right which must be made available on equal terms.

That is what IDEA is all about—providing a quality, equal education to our children who are disabled.

This proposal by Senator DODD will increase the funding for IDEA—unfortunately, not up to the 40 percent threshold the Federal Government committed to several years ago but, nonetheless, a sizable increase in IDEA funding. I am very supportive of Senator DODD and his efforts.

I also believe that for 27 years, we have found excuse after excuse to break our promise when it comes to IDEA. If it is not one thing it is another. There is always some reason. There is always some explanation. There is always a promise to do better next year. Senator DODD's leadership and this great amendment he is offering is getting us closer to fulfilling our commitment and our promise this year in this bill.

In 2003, we appropriated only 17.6 percent of the funding for IDEA. We promised to fund 40 percent. We have never come close. In my State of Arkansas, we have 58,000 disabled children who will benefit from Senator DODD's amendment.

Again, I thank him for his leadership and for his courage in standing up on this issue. It is very critical for this country that we educate our disabled children.

The last point I wish to make before I turn the floor back over to my colleague from Connecticut is that when I was attorney general of my State, many of the cases dealt with IDEA. Not in all cases, but in many instances, the fundamental problem and the reason the State was being sued was because we were not providing enough money and resources to educate our handicapped children. Today, we are taking a step in the right direction to do that.

I thank the Chair, and I yield back the remainder of my time to my colleague from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I thank my colleague from Arkansas for his eloquent comments and his support in this effort. He brings a special knowledge and awareness to this issue, as we heard, as a result of his experience as attorney general in Arkansas.

Like his colleagues, attorneys general around the country have grappled with this issue. As he points out, almost 30 years ago, when I first arrived as a new Member of Congress with my colleague from Vermont—President Gerald Ford initiated the idea of the Education of All Children Act—which included, of course, special education. He did this to see to it that far more than 20 percent of special needs children receiving services at the time would have an opportunity to receive an education. Less than 20 percent of special needs children were being educated 30 years ago.

As a result of the efforts of people such as Senator PRYOR as attorney general in his State, and now as a Member of this body, and others over the years, we have increased the funding for special education, and almost 6 million children across the country today who are special needs children are getting help. Several hundred thousand infants are getting help, and several hundred thousand preschoolers are getting help, giving them a chance to maximize their potential.

Just this past Monday, I was at the Buttonball School in Glastonbury, CT.

I wish all of my colleagues could have been there with me to see what this remarkable school is doing. They have consolidated the special education children and the services that they need and mainstream them each day in their respective classes so they have an opportunity to learn to the maximum extent possible. The affection and the dedication of the teachers and assistants who work one on one, in many cases, to see to it that these children have an opportunity to grow and prosper is marvelous to see. I know it goes on in every State.

As I have said before, almost 30 years ago, we committed to provide, at the Federal level, 40 percent of special education funding. To date, we have only gotten up to about 17 percent of that funding. As a result of the amendment I am offering today on behalf of myself, Senator JEFFORDS, Senator HAGEL, Senator KERRY, Senator COLLINS, Senator MURRAY, Senator COLEMAN, Senator BINGAMAN, Senator DORGAN, Senator MIKULSKI, Senator PRYOR, from whom we just heard, Senator LAUTENBERG, Senator STABENOW, Senator LEAHY, Senator JOHNSON, Senator CLINTON, and Senator WARNER, we are able to offer a $1.2 billion increase in special education funding bringing us from a little more than 17 percent of total cost to in excess of 21 percent. We are still 19 percent short of where we need to be, but certainly this amendment is a major step in the right direction.

If we increase our grants now with the money that is in the amendment, plus what we are already offering, to the tune of $2.2 billion a year, as we promised, by the way, in the 2004 fiscal year budget resolution, then over the next 7 years, we will meet our 40 percent commitment, and we ought to do so.

My hope is that we do not have to go through this every year; that we will have these numbers included in the budget process.

I am anxious to hear—and I know he is going to address us in a moment—from the Senator from New Hampshire about our ability to hold this in conference. Obviously, we have to deal with the other body. Previously, this body adopted language to increase funding for special education, and the other body rejected it. My hope is that this year will be different. I will be anxious to hear the level of commitment we have to adopt this amendment, have it supported by the House of Representatives and have it supported by the White House. No other issue I can think of engenders as much support as this one does at the local level. I don't care what State you are from, talk to a county supervisor, talk to a mayor, a first select person, a city council member, they will tell you that in the area of education they need help. That is why Senator JEFFORDS has fought so hard over the years, Senator HARKIN, Senator HAGEL—they have been the champions on this issue to try and increase the level of funding for special education to give these kids a chance.

I am delighted to hear my colleagues are going to accept the amendment we have offered for the $1.2 billion increase, in addition to what is in the bill. This is going to make a difference. This is the way this body ought to be operating. We need not have to go through these huge battles each year to bring these amendments up in order to convince people that this is deserving of our collective support.

With the adoption of this amendment, we are going to make a huge difference for an awful lot of people in the country. While there are a lot of other programs I would have liked to have seen in this bill, all of us can take some pride in the fact that we have done a good job on behalf of special needs children, their families, and the communities that wrestle every day to provide the resources to see to it they have an opportunity to achieve.

A special thanks goes to Senator JEFFORDS of Vermont who has been a champion in this area, and Senator HARKIN who has been the leader over many years on special needs children and special education efforts. Senator HAGEL has been tremendously helpful. Senator COLLINS, Senator COLEMAN, as well as other colleagues over the years, have been tremendous champions. Senator MURRAY from the State of Washington has been a tremendous fighter on behalf of these children. Senator MIKULSKI, Senator BINGAMAN, of course, Senator DORGAN, and many others as well, I thank them for their efforts.

We are serving 5.4 million children, 200,000 infants, and 600,000 preschool children.

Madam President, I ask unanimous consent that a list of all 50 States, with the additional amounts of money that will become available to them as a result of this amendment being adopted, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	Dodd/Hagel/Jeffords FY2004 increase of $2.2 billion over FY2003 amount
Alabama	$143,066,000	$158,700,000	$178,923,000
Alaska	26,501,000	29,838,000	33,468,000
Arizona	132,563,000	149,252,000	167,414,000
Arkansas	85,906,000	95,603,000	107,944,000
California	933,124,000	1,046,811,000	1,178,446,000
Colorado	112,272,000	126,407,000	141,789,000
Connecticut	103,861,000	114,227,000	128,051,000
Delaware	24,288,000	27,346,000	30,674,000
District of Columbia	12,212,000	13,750,000	15,423,000
Florida	479,525,000	530,376,000	596,151,000
Georgia	233,043,000	262,383,000	294,312,000
Hawaii	30,632,000	34,489,000	38,686,000
Idaho	41,226,000	46,416,000	52,064,000
Illinois	393,134,000	435,094,000	489,367,000
Indiana	200,791,000	221,789,000	248,948,000
Iowa	96,042,000	105,628,000	118,411,000
Kansas	84,072,000	93,293,000	105,220,000
Kentucky	122,827,000	135,917,000	152,848,000
Louisiana	142,508,000	160,449,000	179,974,000
Maine	43,047,000	47,343,000	53,073,000
Maryland	153,622,000	169,751,000	190,613,000
Massachusetts	223,317,000	245,605,000	275,328,000
Michigan	308,119,000	342,792,000	387,640,000
Minnesota	149,337,000	164,529,000	185,076,000
Mississippi	92,158,000	103,760,000	116,387,000
Missouri	178,701,000	196,536,000	220,321,000
Montana	28,125,000	31,490,000	35,519,000
Nebraska	58,742,000	64,605,000	72,424,000
Nevada	49,853,000	56,129,000	62,959,000
New Hampshire	37,334,000	41,060,000	46,029,000
New Jersey	284,356,000	312,736,000	350,583,000
New Mexico	71,699,000	79,229,000	88,969,000
New York	597,208,000	660,212,000	741,706,000
North Carolina	235,924,000	260,564,000	293,542,000
North Dakota	19,722,000	22,205,000	24,907,000
Ohio	344,364,000	386,101,000	434,899,000
Oklahoma	116,368,000	129,216,000	145,834,000
Oregon	100,991,000	112,110,000	126,494,000
Pennsylvania	336,056,000	374,907,000	424,147,000
Puerto Rico	81,033,000	91,234,000	102,337,000
Rhode Island	34,402,000	37,836,000	42,415,000
South Carolina	137,797,000	153,708,000	172,926,000
South Dakota	23,494,000	26,452,000	29,670,000
Tennessee	181,996,000	201,695,000	227,175,000

State	FY2003 final amount	FY2004 Senate Appropriations Committee amount	Dodd/Hagel/Jeffords FY2004 increase of $2.2 billion over FY2003 amount
Texas	725,934,000	811,593,000	916,785,000
Utah	81,887,000	92,196,000	103,416,000
Vermont	19,016,000	21,410,000	24,015,000
Virginia	214,099,000	236,861,000	266,302,000
Washington	170,259,000	190,579,000	215,021,000
West Virginia	59,745,000	65,708,000	73,660,000
Wisconsin	163,780,000	181,384,000	204,153,000
Wyoming	19,949,000	22,461,000	25,194,000
State subtotals	8,740,029,000	9,721,766,000	10,937,631,000

Mr. DODD. Madam President, the Dodd-Hagel-Jeffords amendment and the money in the bill—$2.2 billion—raises considerably the amount of money that will be available in each of the States as a result of our efforts. I thank them for their efforts, and each Senator ought to know there are going to be a lot more children, families, and communities who are going to get needed help.

My hope is, of course, that we will keep this language in conference. We tried over the years to do that. We now need Members of the other body to stand up and say to their mayors, Governors, county supervisors, and others: You have our support, and we are going to try and do it each and every year between now and the year 2009 to complete the obligation we made some three decades ago.

Madam President, I yield the floor and reserve the remainder of my time. I see my colleague from New Hampshire who may want to address this issue. I don't know if he does. If he does, maybe we can vote on this and move on to other matters.

Mr. GREGG. Madam President, how much time remains?

The PRESIDING OFFICER. The Senator from New Hampshire has 15 minutes.

Mr. GREGG. And the Senator from Connecticut?

The PRESIDING OFFICER. There are 3 minutes 42 seconds remaining for the Senator from Connecticut.

Mr. GREGG. Madam President, I rise to support the amendment offered by the Senator from Connecticut, which I think is a good amendment. Initially, the proposed amendment used advanced funding, which, in my opinion, is inappropriate because it essentially aggravates the deficit and tries to escape the budget discipline of our spending caps. The Senator from Connecticut has modified his amendment to offset it so the dollars being spent will be offset in an appropriate budgetary process way that keeps this amendment within the budgetary caps and the allocations of this committee.

Therefore, I can support it with enthusiasm because it is offset and it is an appropriate amendment. In fact, I would have offered an amendment as an alternative to his had he gone forward with the advanced funding approach which would have accomplished the same goal on funding but would have also accomplished the budgetary discipline that we needed, which is now reflected in the amendment as offered.

I intend to work and be supportive of this amendment in conference, although I do not chair this subcommittee. Obviously, that is Senator SPECTER's role, and hopefully we can be successful in the House in retaining this number. I think it is important, however, to reflect this number in the context of what has been done in the past and how aggressively we have tried to fund special education.

Trying to get special education funding up has been a priority of mine since being in the Senate. When I arrived in the Senate, the Federal Government was paying about 6 percent of the special education costs of the local school districts in New Hampshire. The original agreement under which the special education act was approved, the Federal Government would pay 40 percent of the cost of special education. So the Federal Government was coming nowhere near its obligation. As a result, local communities in New Hampshire, through their local property taxes, were having to pick up the responsibility of the Federal Government relative to special needs children. We ended up with special needs children being pitted against other children in the school system, parents against parents competing for these resources. It was totally unfair to the special needs child and to their parents because they were being reflected as taking a disproportionate share of the local property tax to benefit or to address their educational needs because of the fact that the Federal Government was not fulfilling its obligation.

I have aggressively pursued trying to increase special education funding. As a result of that initiative, when we took back control of the Senate in 1996, Senator LOTT and Senator SPECTER took on this cause. I like to think I encouraged them in that direction, but I think they had that inclination anyway.

Significant progress in the area of increasing special education dollars has been made since then. In fact, we have now gone from the Federal Government paying 6 percent, after this bill, to over 20 percent of the costs of special education. It is on a path, especially with this amendment, toward full funding of special education by the year 2009, which is a commitment that many of us have made and tried to reach.

It is also important to note that this effort was made pretty much unilaterally by the energy and commitment of the Republican Congress at that time. In fact, historically, the Clinton administration did not send us an increase of any significance in special education funding during its first 7 years in office. It was not until the last year in office that the Clinton administration actually sent up an increase in special education funding of any significance, and yet during the last 4 years of the Clinton administration we basically reallocated, within the budget caps that we had at that time, money in the Republican Senate and at that time the Republican House, and we significantly increased the funding every one of those years.

In fact, there was over a billion dollars of increase each year during that period of time. That was in large part due to the strong commitment made by Senator SPECTER, who chaired this appropriations subcommittee during that period. So I think it is important to put in context the effort that has been made in educational funding by President Bush and by the Republican Congress.

Since President Bush has come into office, he has maintained and continued this effort that was started by the Republican Senate in dramatic terms. This chart reflects it in very stark terms. During the 8 years of President Clinton's term, the increase for IDEA was about $400 million in his proposed budgets. During the 3 years President Bush has been in office, his increases in special education funding have been over $3 billion, with the addition of funding this time in this budget.

So every year since he has been in office, President Bush has asked for and made a commitment to significant increases in special education funding—over a billion dollars a year. If we want to put this in some sort of statistical context, the average annual increase for special education funding since President Bush has been has been $1.1 billion. That is a 700-percent higher commitment—almost 770 percent—to special education than occurred during the Clinton administration. So the commitment by this administration has been there. In fact, this administration has increased special education funding in just 3 years by 53 percent. Special education is the single largest-growing function of the Federal Government on a percentage basis. That is a strong, firm commitment to special education.

This is another chart that shows it rather starkly. That commitment has essentially been carried forward as a

result of a commitment made by President Bush and our party to this very critical element of education.

Why are we so committed to special education? Well, there are basically two reasons. One, because special needs children do have the right to receive a quality education and, two, local taxpayers have the right to be able to use their dollars to fund what they think is a priority, not have to use their dollars to fund the Federal responsibility in special education. So we are on a path, an aggressive path, led by the President in his 3 years and by this Congress, toward full funding of special education.

This amendment increases by $1,200,000,000, the $1 billion increase which was already in the bill. That is an appropriate step. It also almost assures that we will be on a path toward full funding and as a result will do significant good in relieving local school districts of the pressure which they are getting to fund special education and the Federal role in special education.

Along with the funding issue, however, we have made a significant commitment to trying to improve the quality and the actual terms of the program. We have reported out of the Health, Education, Labor, and Pensions Committee—which I have the good fortune to chair and on which Senator KENNEDY is the ranking member—a bill which basically reforms the IDEA program, the special education program. It takes out a lot of the input controls, it takes out a lot of the regulatory morass which has been created over the years and refocuses the emphasis of special education on the child, on output, on making sure the special needs child is actually learning what we think is important and appropriate to their skill levels, rather than spending all of our time on consultants, on attorneys, and on highly structured plans which inevitably end up with a lot more time being spent on paperwork than time being spent directly on making sure the child can get ahead in their school system.

This bill which we have reported out of committee also allows the local school district to more effectively deal with the issues which we hear most often have affected their ability to make the special need's child experience in the school system constructive and useful. First, the paperwork which I just mentioned, but also the issue of discipline, where there were different standards of discipline for different children and as a result there were inconsistencies and it was difficult to maintain decorum in the classroom in some instances, we have tried to address that issue.

Hopefully, to some degree, we have also taken out this very litigious atmosphere that has been out there for far too long where actually in some places such as Washington, DC, an entire cottage industry has been created which essentially involves litigating all sorts of miscellaneous technical points such as whether a 10-day time frame has been made versus 11 days, creating very significant costs on the school systems, which basically are drained off to lawsuits instead of going to assisting children.

Significant progress is being made in the area of special education, both on the policy side, where I think we have produced an excellent piece of legislation which I hope will be passed by the full Senate later this year, and also on the funding side. Year after year since this President has taken office, we have dramatically increased the amount of money flowing to special education. This amendment continues that process. It raises the number by $1.2 billion.

I believe as we go through the appropriating process, it should be funded within the budget caps, as this amendment does, but it does so really in a manner which is consistent with the Republican effort and this President's effort over his first 3 years in office. He has year in and year out made the very substantive commitment to special needs children that is appropriate and necessary for taking care of those children and relieving local taxpayers of the burden of paying the Federal share.

I support this amendment. I expect we will take it on a voice vote. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I did not intend to have this become a partisan discussion at all. Going back, as a member of the Budget Committee, I offered I think the first such amendment in the Budget Committee, along with Senator LOTT. We lost on a tie vote back in the Budget Committee in the early 1980s on special education, trying to get the dollars up.

I am very grateful. The only reason we are getting this support now is that obviously we have some key Republicans who are willing to help us on this—Senator HAGEL, principally, who has been a champion on this issue for a number of years. Senator COLLINS, Senator COLEMAN, and Senator WARNER have been very helpful.

Let there be no illusions. We tried to get this. We can argue about offsets and so forth, but the fact is, had I not been able to get some Republican support, this amendment would have gone down. I do not make that case because I think it takes both of us working together here. But the reason we are back at this is that, back in the beginning of 2001, Senator HARKIN, Senator JEFFORDS, and Senator HAGEL offered language to increase dollars for special education—in fact, they ended up getting 100 votes here. The other body, led by the Republican leadership, just wouldn't allow a vote to occur on this issue and the President never had anything to say about it.

If we took the increases in the underlying bill, we would never get near the 40 percent figure at which special education would become fully funded.

The fact is, we have fought this battle especially hard over the last 2 years. We have gotten zero help from the White House and zero help from the leadership in the other body. As a result, we are back again this year making our case again.

I am very grateful for the bipartisan support we have on this. That is the way we get these things done. We are prepared to vote on this, accept a voice vote.

They don't want a rollcall vote. They only want a voice vote. I was born at night, Madam President, but not last night. I know what that usually means—it is so no one has to be on record here. We are just going to have a vote and go along with this. It makes it a little easier for the other body to reject it because we have not had a recorded vote on it.

I accept that because I think if you can get something done, get it done, whether it is by voice vote or recorded vote. If we are going to get this done, let's get it done. Let's hope it stays in conference so the real winners of this will be the children and the families and the communities that need the help—not one party over another but people who desperately need our help and support, children who are, unfortunately, suffering from special education needs who will get some help from their Federal Government.

Most of special education funding comes from local property tax payers. We are just fulfilling an obligation we promised we would meet 30 years ago and we are coming only halfway there as a result of this amendment.

I am grateful, again, for the support we have received. It is unfortunate it has taken us this long. Senator MARK DAYTON of Minnesota offered a full funding amendment, which I supported, that would get us there right away. Obviously, that did not make it. This is a partial step in that direction. But Senator DAYTON deserves a great deal of credit for telling us all how important this issue is and how quickly we ought to meet that obligation.

With that, I yield the remainder of my time. If we are going to have a voice vote on it, let's have that voice vote and move on to other business.

Mr. KERRY. Mr. President, I am a proud cosponsor of the Dodd-Hagel-Jeffords amendment No. 1572 to H.R. 2660. I am also proud of the Individuals with Disabilities Education Act and the 6 million disabled children who this year have the keys to a brighter, more self-sufficient future. But so too am I greatly disappointed in this Congress and the President for breaking a promise for 28 straight years.

In 1975, we made a deal with our State and local school boards. Give our disabled children the education they deserve, we said, and we'll pay 40 percent of the additional cost, no matter what it takes. An expensive commitment? You bet. But without it, our values of fairness and personal initiative are just words on a page.

In the nearly three decades since, tens of millions of Americans have risen through the ranks of special education to become independent, productive citizens. They go to college, get jobs, and pay taxes. Every one of them a shining example of what can happen when people are empowered.

Yet where they have fulfilled their promise, we have broken ours. We carry just 18 percent of this noble burden on our broad shoulders. Our States stagger under the heavy weight of the rest.

We have tried to correct this problem before. In 2001, this body wisely passed a version of No Child Left Behind that was true to its name.

We didn't mean ''no able-bodied child left behind''. We didn't mean ''no disabled child in private school left behind''. We meant that no child—no child—would be denied the tools needed to succeed. That's why we included—by a unanimous vote—full funding for IDEA.

Unfortunately, George Bush and his henchmen in the House of Representatives had other ideas. They decided that our tax dollars were better spent on corporate welfare and massive tax cuts for the wealthiest Americans. This amendment would begin to right that wrong by restoring the $1.2 billion for IDEA cut from the Budget Resolution. Use the Republican forward-funding mechanism to pay for it. Get us back on the road to full funding.

I know most of my colleagues recognize the desperate needs in special education. But this amendment is about so much more than that. It's about a principal made heart-sick by pitting one group of students against another. It's about a mainstream teacher on the short end of that equation who loses her job. It's about a mother and father who just want their child to have a chance.

And right now, it's also about keeping a promise made to our most vulnerable children. We must take a stand. We must pass the Dodd/Hagel/Jeffords amendment on IDEA.

Ms. MIKULSKI. Mr. President, I rise in support of the Dodd-Jeffords amendment. I am proud to support this amendment—the first step to fully funding the Individuals with Disabilities Education Act, IDEA, in 8 years. This bill adds about $1 billion over last year's funding level for IDEA. That may sound like a lot. But at that rate it will take at least 30 years to get to full funding.

I think it is shocking that Congress passed tax breaks for zillionaires while delaying help for those who need it most—the children with special needs and their parents and teachers. This amendment increases IDEA funding by another $1.2 billion, for a total of $2.2 billion, on pace to full funding in 8 years. We must fully fund IDEA to ensure that children with disabilities are receiving the services they need to succeed with their classmates in public schools.

In 1975, Congress promised to pay 40 percent of the cost of special education when it passed the Individuals with Disabilities Education Act. Yet it has never paid more than 17.5 percent. That means local districts must make up the difference, either by cutting from other education programs or by raising taxes. I do not want to force States and local school districts to forage for funds, cut back on teacher training, or delay school repairs because the Federal Government has failed to live up to its commitment to special education. That's why fully funding IDEA is one of my top priorities.

Everywhere I go in Maryland, I hear about IDEA. I hear about it in urban, rural, and suburban communities, from Democrats and Republicans, and from parents and teachers. They tell me that the Federal Government is not living up to its promise, that special education costs about 18 percent of the average school budget, that schools are suffering, and the parents are worried.

Parents today are under a lot of stress, sometimes working two jobs just to make ends meet, trying to find day care for their kids, and elder care for their own parents. The Federal Government should not add to their worries by not living up to its obligations. With the Federal Government not paying its share of special education, these parents have real questions in their minds: Will my child have a good teacher? Will the classes have up-to-date textbooks? Will they be learning what they need to know?

Parents of disabled children face such a tough burden already. School should not be one of the many things they have to worry about, particularly when the laws are already on the books to guarantee their child a public school education. The bottom line is that the Federal Government is shortchanging these parents by not paying its share of special ed costs.

This bill will give local governments the resources they need to improve education for all children. It will free up money in local budgets for hiring more teachers, buying new textbooks and technology, and repairing old school buildings. It will help the teachers who struggle with teaching the toughest students. It will help students with disabilities and their families by providing enough funding for special education programs so parents can have one less thing to worry about, and students get the opportunities they deserve.

Full funding of IDEA is essential. It will give disabled children a chance to succeed in school and in life without shortchanging other vital education programs. It will give parents peace of mind about their children's education. I urge my colleagues to support this amendment.

Mr. PRYOR. Mr. President, I rise today to support the efforts of Mr. DODD, Mr. JEFFORDS, and Mr. HAGEL, to increase funding for the education of disabled children.

I will also note that a few days ago, Senator DAYTON offered an amendment to increase Federal funding for the Individuals With Disabilities Education Act to its full amount of 40 percent of excess cost to local education agencies.

I was proud to support that effort, although it failed, and I want to thank him for his tireless efforts on behalf of those who cannot always help themselves. I was proud to support it if for no other reason than to call attention to what is right and what is fair and to where our priorities should lay.

There is no commitment we can keep, no investment we can make, no service we can perform that is more important to the domestic well-being of this country than educating our children.

By the same token, it doesn't do us any good to educate some while leaving others behind. Instead of providing opportunity for all of our children, we are closing doors. Instead of educating and shaping future productive citizens and leaders, we are, in some cases neglecting those who need our help the most. Those, who if we do not help now, will surely revisit us in the future disguised as another societal problem—ill prepared for life and solely dependent on the Government.

I quote, Mr. President: ''In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, is a right which must be made available to all on equal terms.''

That excerpt comes from the decision of Brown v. Board of Education, 1954.

The amendment offered today by the distinguished Senators from Connecticut, Vermont, and Nebraska remind us of our commitment to those children who need our help the most, those children who have been left out and left behind, those who have been denied this right.

They propose to raise funding for IDEA in the Labor-Health Education appropriations bill by $1.2 billion to the budget authorized increase of $2.2 billion.

This was a budget, incidentally, that we authorized only several short months ago. The IDEA authorization, a bright spot in an otherwise misprioritized budget, was agreed upon by a vast majority of this body. Now we find ourselves taking a step back from that vote, from that commitment. A vote, I am sure many of us trumpeted in our press releases and in trips back home.

I realize that a lot has happened since we debated and voted on a budget resolution. In the coming days, we will be looking at another war supplemental, revenues are down, and deficits are soaring through the roof.

We have many priorities and little money to meet them. These facts are not lost on me. But, I also believe that for 27 years, we have found excuse after excuse to break our promise. If it wasn't one thing it was another. There

was always some reason, always some explanation and always a promise to do better next year. We can start doing better by this Nation's children this year, right here, right now with this vote.

This is a highly necessary step to continue us on the path toward fully funding IDEA, toward fulfilling the promise made by this body 27 years ago. And I say continue because I recognize that we have increased funding in recent years in this body. I recognize that the level of funding we have provided to Part B of IDEA has increased by over 200 percent since 1996. Even so, if you look at where we started with this legislation, funding less than 7 percent of excess cost, we have woefully shortchanged those whom we have sworn to protect. In addition our current funding levels fail to keep pace with escalating special education costs.

To listen to some of our colleagues speak about the ''revolutionary increases'' and massive gains we have made in education funding and special education funding in specific, one might think that we have fulfilled those commitments.

But in the history of this legislation, appropriations have never neared the 40 percent promise we made to our schools back in 1975. In fact, in 2003, appropriations only funded 17.6 percent of the excess cost to States. And this is at a time when we are asking our States to shoulder more burdens than ever before. This year, the Economic Policy Institute estimates that local communities and States will take on approximately $10 billion in unfunded mandate, Federal special education costs.

In my State of Arkansas, there are roughly 58,000 disabled children. With adequate Federal funding to IDEA we can provide these children more teachers, we can provide those teachers better training, we can reduce class size, and we can create more efficiency in diagnostics. We can do all this while alleviating the pressure to States and localities not to mention lessening the tax burden on individual taxpayers.

Some of my colleagues might tell us we cannot afford to fund IDEA at the levels it needs to be funded. I would say we can't afford not to. If this is not a priority for us now, I ask if it will ever be?

It was once said by Hubert H. Humphrey that the moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; and those who are in the shadows of life, the sick, the needy, and the handicapped.

Well, this is a discussion about those in the dawn of their lives and we in this body, we in government have an opportunity to save these children from being cast in the shadows of life.

I am not sure if there is anyone in this body that disagrees to whether or not IDEA works.

Prior to IDEA's passage, nearly half of all children with disabilities were not allowed to enroll in public schools. The remaining half were segregated in inadequate classrooms.

Today, over 6 million children with disabilities receive a free appropriate public education, because of IDEA. Since IDEA was enacted, the number of young disabled adults in college has tripled. The disabled child dropout rate has decreased by more than 50 percent.

These are wonderful results. Imagine the results we could attain, if we funded this legislation to the appropriate levels.

We made a commitment; we should keep it. I think we owe our children that much. They reap the rewards or pay the price for the policies we enact today. They are the ones who cannot defend themselves.

As I prepared to speak on this issue I read the debate that preceded the passage of the 'Education for All Handicapped Children Act,' in 1975. I tried to perhaps shed some light on the intent of Congress in passing this legislation. Immediately I saw the importance members of that distinguished body placed on funding special education.

In fact, Senator Javits from New York, a Republican, said ''Again, I point out, Mr. President, that we have only appropriated $100 million under the present law, part B of the Education of the Handicapped Act, which authorizes $666 million yearly. Mr. President, this shows our lack of the right priorities and our deficiencies.''

Senator Stafford, a Vermont Republican, said ''If enacted into law, this bill will finally begin to bring to all the handicapped children of our Nation what has always been their right—a free appropriate public education.''

A beginning. Both of these distinguished Senators from the other side of the aisle understood where we were, where we had to go, and how we had to get there. They knew that we could do better by our children. And so do Senators DODD, JEFFORDS, HAGEL, and DAYTON.

I appreciate their leadership on this issue, and I wish to join them in making sure that we do better by our children, and I urge my colleagues to do the same.

The PRESIDING OFFICER. The Senator from New Hampshire has 3 minutes remaining.

Mr. GREGG. Madam President, I yield the remainder of my time and I urge the question.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1572), as modified, was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, on behalf of the manager, I ask unanimous consent that the previous agreement be modified so that following the second Durbin amendment, Senator ENSIGN be recognized to offer an amendment regarding afterschool; further, that there be 10 minutes equally divided for debate. I further ask unanimous consent that following the last amendment on the previous list, Senator LANDRIEU be recognized to offer an amendment relative to mosquitos; again with 10 minutes equally divided in the usual form. Finally, I ask unanimous consent that the remaining provisions of the agreement be applicable to the Ensign and Landrieu amendments.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, reserving the right to object, in effect, following the Durbin amendment under the previous order that has been entered, we will have the Ensign amendment and the Landrieu amendment, and then the leader will set a time to vote after they debate those.

The PRESIDING OFFICER. That is correct.

Without objection, it is so ordered.

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.

Mrs. BOXER. Madam President, I will send an amendment to the desk. I ask if I have 15 minutes to present this amendment. Is that accurate?

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 1609 TO AMENDMENT NO. 1542

Mrs. BOXER. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. BOXER], for herself and Mr. LAUTENBERG, proposes an amendment numbered 1609.

Mrs. BOXER. 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 provide additional funding for afterschool programs under the Elementary and Secondary Education Act of 1965)

On page 76, between lines 10 and 11, insert the following:

SEC. . In addition to any amounts otherwise appropriated under this Act for afterschool programs carried out by 21st Century Community Learning Centers under part B of title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7171 et seq.), there are appropriated an additional $250,000,000 for such programs: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $44,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,145,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,533,301,000.

Mrs. BOXER. I ask if my colleague from Nevada would like to take some time now for a consent request.

Mr. REID. No, I would just like to be added as cosponsor of the Senator's amendment.

Mrs. BOXER. I would be proud to add Senator REID as a cosponsor. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Madam President, as we look at the request for $87 billion, most of it for Iraq, I hope we will find it in our hearts to look at the millions of children in our own country who are waiting to get into afterschool programs.

When we passed the No Child Left Behind Act, we made a promise to our children. I want to focus on that promise as it pertains to afterschool programs.

This is a blowup of a little of the act itself.

It is the No Child Left Behind Act of 2001 that President Bush is talking about everywhere he goes in the country but unfortunately is underfunding.

It is very clear. It is in black and white. The No Child Left Behind Act spelled out exactly what was supposed to be spent on afterschool programs for our children. In the year 2002, we were supposed to spend $1.250 billion; in 2003, we were supposed to spend $1.5 billion; and in 2004—the bill we are debating now—we were supposed to spend $1.750 billion.

If this were an exam that our children were giving us, we would fail and fail miserably.

Afterschool is a great program. That is why this afterschool act which is part of the No Child Left Behind Act was supported by both sides of the aisle. It was written by myself and Senator ENSIGN. But I have to say, as the author of this bill, that it saddens me greatly to realize we are breaking our promises to children.

Let me show you how we have broken those promises. It is a sad chapter in our history. I told you that the No Child Left Behind Act calls for $1.7 billion this year. The Bush budget was $600 million. Not only would he not fully fund the No Child Left Behind Act but he cut it from the $1 billion level that is in the current bill before us. I commend my colleagues for at least adding $400 million and getting it up to level funding. The Boxer amendment doesn't even meet the commitment of the No Child Left Behind Act. If it did, I would be adding $750 million. But in an effort to win the votes of my colleagues, I am asking for $2.25 million.

The No Child Left Behind Act says we should be spending $1.75 billion. The Bush budget, with only $600 million, throws thousands of children out of coverage. The Senate bill comes to us with $1 billion, and I am attempting to begin moving this funding to where it would reach what the No Child Left Behind Act has promised. We are breaking a promise to our kids. I want to translate this money into children so that you see how we are not just talking numbers but we are in fact talking about children.

In the Bush budget, if we had not changed the number in the No Child Left Behind Act, 1.6 million fewer children than we promised would have been covered. Under the Senate bill right now, 1.1 million fewer children are covered. Even under my amendment, 800,000 fewer children than we promised would be covered.

To put it another way, the No Child Left Behind Act was supposed to cover 2.5 million children—our present children—after school. Instead, the Bush budget would cover 850,000 kids; the Senate appropriations committee, 1.4 million kids; and the Boxer amendment would cover 1.7 million children.

Even though we are not going to fully cover the 2.5 million children the act promised, at least we are moving up from where we are; 300,000 more children will be covered by the Boxer amendment.

The demand for afterschool care is great. According to the Department of Labor, the parents of more than 28 million school-age children work outside the home. According to the U.S. Census Bureau, as many as 15 million latchkey children go home to an empty house.

Where are our family values? You are a devoted mother, Madam President. You know how important it is for the children to have someone to be there when they come home from school. Yet we are depriving millions of children whose parents can't afford to have a babysitter there, who can't afford to enroll them in some private afterschool program.

What does latchkey kids mean? They have a key, they let themselves in, and they are on their own. The parents can't afford programs for these children.

Mayors surveyed in six cities reported that only one-third of children needing afterschool care were receiving it. And the need for Federal help is growing.

In Minnesota, for example, State budget cuts are forcing schools and community partners to scale back or cut after-school enrichment programs.

This means that in Duluth, the Lincoln Park Youth Collaborative, which unites the Lincoln Park School with such organizations as Lutheran Social Service, the Boys & Girls Club, Duluth Family YMCA and Neighborhood Youth Services, will be dissolved. Additionally the Boys & Girls Club in Duluth is scaling back hours and activities.

Currently, more than 80 percent of the 665 students at Lincoln Park School participate in one or more of these programs. How are people in Duluth reacting? According to the Duluth New Tribune, they are afraid—afraid that youth crime and violence will increase. And the children are devastated, as Tylor, a Lincoln Park seventh grader put it, ''How would they feel if they were kids and we were the ones taking the money and they wouldn't have anything to do?''

We know that when our schools close down, their afterschool programs—which is what is happening now because they are so short of funding. It is very devastating to children. It is very devastating to their families. And the teachers suffer because the kids are just not what they were before. They are not ready for school. They don't have mentors to teach them and to work with them one on one after school. Afterschool care is not a luxury; it is a critical investment in our children's future.

I want to show you a chart that shows juvenile crime. You might say it is a no-brainer. But I think it is worth looking at an FBI chart. What is it showing? Juvenile crime soars to its highest rate between the hours of 3 and 6 p.m. It just goes way up as soon as school ends. We all know this intuitively. But this is a FBI statistic.

What is happening is very clear. According to the National Center for Juvenile Justice, children are more likely to be involved in crime, substance abuse, and teenage pregnancies if they are left on their own after school. We know from studies that these afterschool programs work. They reduce crime. They reduce drug use. They reduce teenage pregnancies.

We have studies done by Quantum Opportunities. We have researchers from Columbia University and the American Health Foundation. They compared five housing facilities without Boys & Girls Clubs to five similar facilities with Boys & Girls Clubs. By the time the study was concluded, housing facilities without the Boys & Girls Clubs had 50 percent more vandalism and they had 37 percent more drug activity.

It is no surprise then that law enforcement supports afterschool programs. In a poll conducted by George Mason University, 86 percent of police chiefs nationwide said that expanding afterschool programs will greatly reduce youth crime and violence.

I will show you a quote from Sheriff Drew Alexander from Summit County, OH—right from the heartland. This is what he said:

> We can pay now for afterschool programs and invest in success. Or we can plan to spend far more later on prisons for our failures, and funerals for their victims.

When I first got into politics and into local government, those of us who wanted to invest in things such as afterschool and early childhood education had arguments with law enforcement. They didn't agree. They said: We will get the criminal after the crime is committed.

They have changed dramatically. They are now on the front lines. They are my best helper in helping to get back-to-school programs, which we have enacted here. They have been my best helper in rounding up votes. I hope they have been successful today. We are going to find out later.

What is also remarkable is that while the administration cut afterschool funding in half, throwing millions of children out of afterschool programs,

another arm of the administration was saying in a paid-for advertisement. This is an amazing paid-for advertisement from our government: ''It's 3 p.m. Do you know where your kids are?''

Times have changed. Keeping kids off drugs means knowing what they're up to. Especially after school. There are ways to do it.

And they talk about various ways to keep your eye on your children. This is remarkable. It comes from the Office of National Drug Control Policy.

While the administration is spending money asking parents where their kids are after school, on the other hand, with their red pencil they are cutting the funding for afterschool. I don't know how this makes any sense. I was fortunate enough to spend the month of August in my home State. I went to a number of afterschool programs, as I have done over the years. As a matter of fact, I have made 23 visits to afterschool programs. I will show some of the pictures of the kids I have seen in these afterschool programs.

Here is a picture from Sacramento Start. These kids are thoroughly involved in work. They are playing a learning game. They are engrossed, instead of being home alone, watching cartoons, or out on the street getting into trouble.

Here is another picture from Sacramento Start. A mentor came in with this huge alligator. All the kids are standing around in amazement. There is not one disinterested look, not one idle face in the room. It is so exciting what can be done and what is happening in California and across this country in afterschool programs.

Here is an afterschool program at Sullivan Middle School in Fairfield, CA. We call this program, which I visited, The Place To Be After 3. These kids are shining. Walk in there and anyone will see they feel proud of who they are and what they are doing. You can see from the smiles on their faces. When you ask them why, and I do every time I go to one of these programs, they say, ''We are safe. Kids ask us to do things after school that are not good and we just say, 'We can't. We are in afterschool programs.''' They come home; they have done their homework; they can have family time. When mom and dad get home—or if it is a single-parent household, they are exhausted. They have to make dinner, make sure the child is bathed and ready for the next morning. The bottom line is the child comes home, the homework is done, and they can then bond with the parent.

It really works.

I will read some of what students have told me. One of L.A.'s best students said:

The most important thing I learned was that anything I set my mind to, I can do.

That is from a fifth grader at Hart Street Elementary School.

Another from Manchester Avenue Elementary School said when asked what he most liked:

There are no strangers to harm us, because the teachers are around.

From a fourth grader at Canoga Park Elementary School:

I know if I'm in trouble, I can turn around and they'll be there for me.

And then a parent of a student:

My daughter has gone from the bottom 30% to the top 25% after joining the LA Best afterschool program.

I ask unanimous consent to have printed in the RECORD other stories of other children.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAURICIO'S STORY, LOS ANGELES, CA

Mauricio was a first grader at Langdon Elementary School in North Hills. He faced the strong possibility that he would be involved with gangs, drugs and violence. Instead he became one of the first participants in LA Best. Through LA Best, he came into contact with police officers and tutors, who gave him an alternative to gang life. He was so affected by the program that he worked at LA Best's Langdon site through high school and still volunteers as he works his way through college. Selected to introduce Mayor Richard Riordan for the Mayor's sixth State of the City address, Mauricio said: ''I would never have imagined as a 6-year old that I would be introducing the mayor . . . I saw a lot of young people doing drugs and crime and dying, but today, I am the first member of my family to attend college.'' Mauricio's plans to be a teacher: ''Young people need someone to look up to and someone to help them—I want to give them what people gave to me.''

JERRY'S STORY, LOS ANGELES, CA

Although only 10 years old, Jerry was acting out in school, hanging out with gang members and disobeying his parents. His parents began to work with LA Best staff to ensure close supervision of Jerry when he was on the playground. Family counseling and increased emphasis on academics were also part of a carefully developed plan for him. Soon Jerry was involved in computer and geometry classes, the Science Club and sports. He turned his negative behavior into a positive and led his team to victory in several tournaments.

KYRUS BIRCKETT'S STORY, PHILADELPHIA, PA

In 4th grade, Kyrus started in an afterschool program in Philadelphia. He was still in the program through high school. Kyrus's mother was a single parent raising three children and was grateful that her kids were somewhere safe in the afternoons before she got home from work. The afterschool program at Kyrus' school allowed him to work at a day care center and to do peer mediation in school. He said: ''The afterschool program has made a huge impact on my life. It's opened doors for me that have helped me learn, helped me contribute to my community and helped me get into the college of my choice . . .''

VICKI'S STORY, MORGANTOWN, WV

Vicki's mom is a stay-at-home mom and a Marine Reservist. After 9/11, her mom was called up to active service, leaving Vicki nowhere to go after school but to an empty house. Vicki's father reports that the afterschool program Vicki attends, Kaleidoscope, has made a big difference in not only her life but in the family's life as well.

Mrs. BOXER. I will wrap up right now by saying, we need to look inside our hearts. We represent American children. They need our help. These programs work. These programs deserve to be fully funded because the President and the Congress passed the No Child Left Behind Act. To freeze these programs for another year makes 3 years in a row.

How can I tell my kids that the kids in Iraq are more important than them? I am going to do my part to help the kids in Iraq; I am doing my part. I will do my part to help the kids in Afghanistan; I am doing my part. But I will not walk away from doing my part for the children in California and the children all across this country. I urge a ''yea'' vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1610 TO AMENDMENT NO. 1542

Ms. LANDRIEU. I believe under the unanimous consent I am in line to offer an amendment and I send an amendment to the desk for its immediate consideration.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1610.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the promoting safe and stable families program)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. (a) PROMOTING SAFE AND STABLE FAMILIES PROGRAM.—In addition to amounts otherwise appropriated under this Act for the promoting safe and stable families program of the Administration on Children and Families, there are appropriated an additional $100,000,000 for the Administration on Children and Families to fund such program.

(b) INDEPENDENT LIVING TRAINING VOUCHERS.—In addition to amounts otherwise appropriated under this Act for independent living training vouchers, there are appropriated an additional $18,000,000 for such vouchers.

(c) OFFSET.—Of the funds appropriated under this Act for the National Institutes of Health, $70,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $6,995,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,683,301,000.

Ms. LANDRIEU. I inquire of the Chair the time allotments for this amendment.

The PRESIDING OFFICER. The Senator has 10 minutes on this amendment.

Ms. LANDRIEU. Let me be very brief before the Senator from California leaves the floor to say I ask her to add me as a cosponsor to the amendment just presented. She made a beautiful presentation, quite compelling about why this Congress should step forward

and live up to the commitments we made in a bipartisan fashion with the President of the United States to create and pass a landmark piece of legislation. That only works if the funding is attached. The Senator from California has been so eloquent, saying because the funding has not been attached, it is questionable whether the whole act will work. I commend the Senator and add my name as a cosponsor to her amendment.

I move on to describe my amendment, which is complementary but not on the same subject. The amendment I send to the desk is equally as important to Louisiana as the amendment presented by Senator BOXER, which would have provided in Louisiana the opportunity for our Governor, who is Republican—I am a Democrat, he is a Republican—and our board of elementary and secondary education, made up of Democrats and Republicans, her amendment would make it possible for the reformers in our State, made up of members of both parties, to give opportunities for children who find themselves in very difficult situations with no place to go, both parents required to be working or choosing to work, and children needing opportunities after school.

This amendment I have sent to the desk funds a similar program that helps stabilize families but in a different way. It actually builds on a bipartisan effort led on this side by the Senator from West Virginia, Mr. ROCKEFELLER, years ago, that recognized a failing in our foster care system.

Let me give a minute of background, although the time is very short. We actually have 570,000 children in foster care in the country; about 6,000 are in foster care in Louisiana. It is very unfortunate that children find themselves in foster care at all. We would, of course, like to have a child welfare system in this Nation where, first of all, every child stays in the family to which they are born. We would love for every child to be wanted and nurtured and loved and every family to be strong enough to be able to nurture those children and bring them up in a family environment, of course, educating them and sending them off as we wish for our children whom we raise and for all the children in America.

Unfortunately, that situation does not exist in every family for a variety of reasons. Sometimes the parents are simply unable. In some awful situations they are unwilling—drugs, alcohol, very dysfunctional family situations sometimes cause children to be removed from those families, placed into foster care, and then the system is supposed to work.

We spend $8 billion a year on that system. And there are serious efforts underway to reform that system.

This Senator is convinced we could serve families better, serve the children better, promote adoption, promote family reunification, prevent child abuse actually for less money if we designed this program differently. And those efforts are in the works.

Recognizing this program needed so much reform and support, and recognizing the difficulty because it is a very complex, huge Federal program that has been developed over the last 30 years in pretty much of a hit-and-miss kind of fashion, Senator ROCKEFELLER came up with a fabulous, excellent, effective bill several years ago called Promoting Safe and Stable Families.

We passed the bill about 7 years ago. The bill basically says we recognize we have this $8 billion Federal program that could work better, and we are going to work on reforming it, but while we are doing that, let's make sure we are doing everything we can to help States and courts prevent children from going into the foster care system—in other words, reducing child abuse; in other words, giving families support at the front end, so that children do not go into foster care, so we do not have almost 600,000 children having to be taken away from their families and moved into a system, sometimes to languish for years.

Then Senator ROCKEFELLER and others—this was a bipartisan effort—said: Let's create a program on the back end so that when these children ''age out''—at that time it was 18; now it is 21—we give them another step so they can become productive adults. Although they have lost their families—many of the parental rights have been terminated—because our system has failed them; they were not adopted—at least let's give them a college education. That is Promoting Safe and Stable Families.

I think the American people, whether they are liberal, conservative, Democrat, or Republican, could most certainly understand the benefit of spending a small portion of money to make sure the $8 billion we are spending is being spent as wisely as possible, to prevent the taxpayers, basically, from picking up the tab for a program that is not working.

The fact of the matter is, this bill, even though the President requested the program to be at a level of $504 million, for which he should be commended—he has been criticized, and a great deal of that criticism, actually, I believe, should be leveled in his direction. But in this case, it is actually the opposite. The President put $504 million in his budget. I commend him for doing that. Yet this underlying bill is shorting that program by over $100 million.

My amendment seeks to fully fund Promoting Safe and Stable Families to the level President Bush requested. Again, that request was made because Democrats and Republicans believe this program is a way, first, to make sure the $8 billion taxpayers are spending right now is spent in the appropriate ways, and making sure we have the flexibility given to our States and local governments to prevent children from coming into foster care. And that is done by supporting community-based programs, time-limited family reunifications, and, in my opinion, most importantly, promoting adoption and the support services that go along with adoption.

Then, at the back end, this money would be given to States. It would be very flexible. States can design their own programs. It is given to the States in a very flexible way to make sure that if the system is failing—and right now it is failing thousands and thousands of our children—when the system takes their parents away, and then when the system fails to provide another family for them, the least this Congress could do, I would argue, for the most vulnerable children in America—some of these children are poor, some of them are not, some of them came from homes of middle-income families—the least we could do, though, for this group of children who have no parents to advocate for them, who have no family to advocate for them, is to fully fund the education component this Congress wisely put in place that gives children an opportunity, when they age out of foster care, to go on and try to build a life, despite the difficulties they have, to stay out of prison, to stay out of mental health hospitals. That is what this amendment does.

In conclusion, this amendment, which adds about $100 million to the underlying bill, would meet the President's request. It would fund the authorization of Promoting Safe and Stable Families. It would attempt to help the 1 million children last year in the United States who were confirmed as victims of abuse and neglect. It would do it in a way without Federal mandates, without Federal regulations, but would give the money to the States and to our cities and to our local communities to design these programs in the way they see fit.

In closing, Mr. President, let me just add some words from children who have actually received the benefit of this program. Let's listen to what they say in their own words about this program.

The first is written by Belinda J. from Juniata College in Pennsylvania. She says:

> There are not enough words to express my gratitude to you for donating money to further my education. When I received the award letter—

which this amendment would fully fund—

> I was speechless and almost started to cry. All those years I worked hard in school because I knew I wanted a career in science. I had a dream and people like you—

speaking to the Members of Congress—

> helped me fulfill that dream. Things still do not come easy to me and I still face the same challenges that I had in foster care, but your belief in me has helped keep me going towards my goal. At this point in my life, I do not know if I am going to be a doctor, a scientist or a forensic investigator, but I do know whom to thank when I become one of these.

This is a young woman who has no parents.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for one additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. The program I am attempting to fully fund meets the President's request. This is unlike some other amendments where the President underfunded it and the committee did the same. We just simply have not found the will to fund the program. This is a program the President put in his budget at a $540 million level, and it is being underfunded.

Mr. President, I ask unanimous consent that statements from other individuals who have benefited from this program be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In the three years that I've been involved with the OFA, they have gradually been able to increase my scholarship to help meet my financial needs, Thanks to Scholarship Sponsors this year I received a $10,000 award which was substantially higher than previous years. Last year I did housekeeping in the morning, went to class in the afternoon, and worked at a restaurant at night just to pay my college expenses. Working two jobs and balancing school was really difficult. This year, the scholarship made a huge difference in my life, I only work 15 hours a week at one job. Because I work fewer hours, I have more time to focus on my studies. With the help of the Orphan Foundation and scholarship sponsors, I'll graduate in the class of 2003.

AMY F.,
Northwestern University, IL.

First off, I am very proud of the recognition to receive the OFA scholarship. I know that many applied and only a select few students received the scholarship. The money was used to pay for books, parking and miscellaneous school expenses. I go to a community college and the books can be more than the tuition.

SAM E.,
Cuesta Community College, CA.

My $3,000 scholarship from OFA literally kept me from packing my bags and going home for a semester. I received the news of the scholarship right before the University was going to force me off of the campus. If it was not for your concern and compassion for orphans, a lot of us would not have the opportunity to go to school and expand their academic and even social horizons. Again, I say thank you for supporting orphans all over the country.

LAVERNE B.,
Howard University, DC.

Today I received a call from the financial aid office telling me to come sign for a scholarship from OFA. I cried. It has been so hard attending college for the past two years, I have been doing 12 credits and working a full time job and struggling to pay my bills too. So many times I have felt like giving up and each year it only gets worse and more expensive. But OFA has given me hope and a reminder that people care. From the bottom of my heart I want to say Thank you.

JENNY B.,
Tennessee Temple University.

It is impossible for me to elaborate on the impact your gift has had in my life. Not only have you invested in my education and future, but most importantly you have invested in me. I can honestly say if it weren't for your financial and emotional support, I would not be here at Gonzaga. By investing in me, you believed in me and that gave me the motivation to continue. There is no greater feeling than to know someone believes in you.

ROBERT G.,
Gonzaga University, WA.

Ms. LANDRIEU. Mr. President, I will ask for a vote on this amendment at the appropriate time. I hope the Congress will find a way to fund this program, which saves us from foolishly spending the $8 billion we are already spending, and to support programs such as this that do so much good for the children in our country.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, there is no doubt about the importance of the program responding to a widespread perception of a crisis in the Nation's child welfare system, that there has been an increased caseload of the foster care system, and the program had no funding at all in 2001. In 2002, the funding was slightly under $70 million. It was a new program that year which is the reason there is zero under the appropriation line for 2001. Starting off as a new program, it was funded at slightly under $70 million, $69.986 million. In this fiscal year of 2003, there was $29 million plus added, bringing the total to $99.350 million. It would be highly desirable if we had the extra funding to accommodate more money, but we are at the maximum level of the allocation this subcommittee has from the budget resolution.

When the Senator from Louisiana asks for $18 million additional for independent living training vouchers, that, again, is a program that I would like to see funded at a higher level. The grave difficulty is that the pleas the Senator from Iowa and I made as managers of the bill on our allocation were not heeded, and we have made the distribution as best we can.

It is with reluctance that I have to oppose the amendment offered by the Senator from Louisiana. That is the essence of the situation.

How much time remains on the amendment on my side?

The PRESIDING OFFICER. Five and a half minutes.

Mr. SPECTER. I am prepared to yield that back, Mr. President, and move to the next amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, would the Senator object to giving me 2 minutes of his time to wrap up?

Mr. SPECTER. I will reclaim my 5 minutes so I may give the Senator from Louisiana 2 minutes. If she is going to speak, I want to reserve the remainder of the 3.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I appreciate the chairman's comments. I know how hard he and the Senator from Iowa have worked to keep this budget within the limits established. As a member of the Appropriations Committee, I am well aware of the process.

It seems as though the Republican leadership has allowed spending for programs using an advance funding mechanism for the priorities they believe are important; yet while saying they think this priority is important, they refuse to accept amendments that basically use the same offset. I want to make clear for the record that the funding for this would come from the exact same provision that the chairman has used for other programs in the health, welfare, and education bill. Yet it seems when it comes to full funding for Leave No Child Behind or full funding for a program the administration says it fully supports, there is all of a sudden no money available.

Again, this has been one of the priorities of this administration. Leave No Child Behind is something this administration speaks about on a daily basis. Yet there are billions of dollars of shortage in funding in that program. That is not just another Federal program. It was a very important historic meeting of the minds on how to reform education and how to give cities—whether it is Washington, DC, or New Orleans or rural areas throughout the country—the resources they need to reform public education. Also, upgrading foster care, promoting adoption, making sure that every child has a family, a loving and stable home because that is the fabric and essence of our society, again, we find that the will is simply not there. That is what I wanted to say in response.

I understand this amendment will not be accepted. I wanted to say that it seeks the same sort of offset that other programs have in the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I respect what the Senator from Louisiana has offered. They are very important programs. We have funded them to the maximum extent that we can, consistent with the allocation which we have under the budget resolution. When the comment is made about offsets, that is an effort on accounting procedures to put money back into fiscal year 2003. But that doesn't address directly the budget resolution or the allocation that this subcommittee has.

We are up to the full expenditure of $137.6 billion.

We are now prepared to turn to the first amendment by the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 1611 TO AMENDMENT NO. 1542

Mr. DURBIN. Mr. President, I thank the chairman for calling on me and allowing this unanimous consent request which gives me an opportunity to present an amendment.

Most of us in the Senate joined President Bush in voting for No Child Left Behind. When the President took office and said he wanted to make a bipartisan commitment to change education in America, many of us took him seriously and did our best to join him and passed legislation which was historic because it established an obligation of local school districts across America to test children to make certain that they were making progress. It also included some penalties for those schools that were not making progress, for fear that children, after a number of years, would fall so far behind they would never have a chance. It really created an incentive in one respect and a penalty in another respect for those school districts where schools found children falling further and further behind.

There were those who said that this focus on testing was excessive. I shared their concerns but believed that it was an important element in bringing our schools to a national standard of excellence. And there were those who said this is expensive. If you have a child who is struggling to keep up with the class, that child needs extra attention and help. Tutoring, a helping hand, that child may need an afterschool program, a summer program, that child may need a personal mentor or teacher to help—all of those things were reasonable, but all of those things were expensive.

The bill also said, we want to make certain the teacher standing in front of the classroom is qualified to teach. If you hold yourself out as a math or science or foreign language teacher, you need to have a background. If you don't, the bill requires that these teachers go back to school, pick up the necessary college credits to indicate that they deserve a certification in that specialty.

So overall, this is a bill which has a good goal and one I supported.

No Child Left Behind was a bargain between the Federal Government and the school districts. We were going to provide resources to the school districts in exchange for reform, tough accountability provisions. And consequences for failure were implemented.

In return, we pledged new investments of Federal money to pay for the needed improvements. The Senate bill we are considering, this appropriations bill, is more than $6 billion short of meeting our end of the bargain under title I. We had a chance the other day when ROBERT BYRD had an amendment saying let's keep our end of the bargain and provide the $6 billion, and it was voted down.

So we have a mandate on school districts across America that is unfunded—unfunded to the tune of $6 billion. I have here a chart, which I will share with you, which Senator BYRD brought to the floor. It shows, State by State, what each State will lose as a result of our failure to fund No Child Left Behind as promised. Let's take one State, for example.

In Nebraska, $24 million will be lost; money that was promised to that State will not be coming for No Child Left Behind, but the mandates and requirements will be coming. There is a $255 million shortfall in my State of illinois. The total is $6 billion.

The Durbin-Schumer amendment that I am offering here prohibits the Department of Education from imposing penalties on schools for failing to meet the requirements of No Child Left Behind if we fail to fund it as promised. Schools should not be penalized for not meeting requirements of this unfunded mandate. This amendment does not repeal or weaken the standards of No Child Left Behind. It does not affect testing or measurement provisions. The tests will continue. So the testing of students will continue. It provides schools with a 1-year respite from corrective action when we fail to live up to our funding commitment for title I. An identical amendment was supported a few weeks ago in the House by 195 members.

When No Child Left Behind was signed into law, we pledged $18.5 billion to the States for this year to help them meet the tough accountability standards. Without the extra funding provided by the Byrd amendment, which was defeated, we are going to miss that target by $6 billion. It means 6 million kids are being left behind by the Senate appropriation—by the failure of the Bush administration and this appropriation bill to keep our word.

In my State of Illinois, we are struggling with problems that many States are facing. School districts across Illinois are laying off thousands of teachers and support staff. Class sizes of 40 students are found in some schools. Salaries are being cut for other school employees. The Chicago public schools closed down two schools for teen parents. Hamilton County closed two elementary schools. The Carpentersville suburban school district cut 140 teaching positions. Elgin Unit School District 46, already operating with 600 fewer teachers because of cuts, will be forced to leave four recently built schools vacant for the entire school year because it cannot afford to staff them. Middle-school students in Gurnie must now pay $145 to play a team sport and $60 to join the band or choir.

In Pennsylvania, the Mill Creek school board cut 30 positions, including teachers, educational assistants, custodians, and athletic staff. Yesterday the Pennsylvania State legislature announced an education initiative funded at $610 million below the Governor's request. This leaves Pennsylvania's 501 school districts with just $53 million—roughly $105,000 per district—to help students meet the mandates of the Federal Government in No Child Left Behind.

The Philadelphia school district has had problems for years attracting qualified teachers. At the end of last week, there were 109 vacancies out of 12,000 teaching positions—up from 67 vacancies last week. This increase in teacher vacancies in Philadelphia is a result of new hires not showing up for class on the day they were due to start.

In Tennessee, Montgomery County schools are laying off 30 bus drivers. Rhea County teachers, administrators, and parents pleaded with the local board of education to rehire two school nurses. A Nashville elementary school principal, frustrated with the condition of 49 aging windows at her school, smashed them herself in an attempt to force the district to replace them.

In Massachusetts, the State is planning to eliminate tutorial assistance to students who fail its MCAS test—which is required for graduation—on the first try. More than 100 districts are charging students a fee for school bus transportation, ranging from $25 to $850.

The list goes on. Of the most recent news reports of what school districts are facing and the reality across America, one that just came across my desk I think is particularly troubling. It comes from Florida. The headline is, ''Law Lets Students Forego Senior Year.'' It says:

> Of all the ways attempted to free up space in Florida's crowded classrooms, this one could be a dream come true for high schoolers in a hurry: a diploma without a senior year.
>
> Supporters of a law granting a high school diploma in just three years said it will help curb crowding in Florida's schools.

This is the reality of the state of funding for education across America.

For us to impose a mandate on school districts in Illinois, Pennsylvania, Nebraska, Tennessee, Massachusetts, and New York and not provide the funding is, frankly, to put additional financial burdens on these school districts, which we are not paying for.

Frankly, I think there is a way to address this in a sensible fashion. If we are not going to provide 95 percent of the money we promised for No Child Left Behind, then we should suspend the penalties that will be imposed on school districts under No Child Left Behind. The testing goes on, and the accountability goes on. But to say to school districts that they have to assume the responsibilities of paying the consequences of our failure to fund No Child Left Behind is fundamentally unfair.

No Child Left Behind provisions that would be suspended under this amendment include mandatory transportation to other schools in the district

for students who wish to transfer—a very expensive undertaking, particularly in large cities such as Philadelphia and Chicago; supplemental tutoring, paid for by the district for students not meeting State proficiency standards. We would like to see that, but we should fund the bill as promised.

My colleagues should remember that Senator DODD came to the floor, and his concern was that No Child Left Behind would not be adequately funded. He offered a bipartisan amendment, which we adopted as a final part of the bill, which promised each and every year the exact amount of money we would appropriate for No Child Left Behind. This year we missed that target by $6 billion.

My amendment would also suspend corrective action which could include one or more of the following: replacing school staff, implementing new curriculum, appointing an outside consultant, or extending the school day or year. Every one of these is a good idea. I voted for them. But why in the world would we impose that corrective action on a school district and not provide them the resources to take care of it, to provide the tutors and outside consultants?

We also would suspend the mandated restructuring or alternative governance, to reopen a school as a charter school, and replacing all or a majority of the school staff.

I am asking my colleagues to listen to the families, the parents, the schoolteachers, and administrators in their home States. You know what you have heard. I have heard it as well. In school districts large and small, they believe in reform. They will accept accountability. But they ask us for the resources to help. At a time when school districts across America are struggling to keep the doors open, struggling to hire the teachers, crowding into classrooms because of State deficits and local property tax problems, how can we in Washington, in our infinite wisdom, decide we are going to impose new standards and costs on these school districts and not pay for them? That is what we are doing.

This is clearly an unfunded mandate. Frankly, I think the Bush administration and this Congress made a promise. Unfortunately, the President has not worked as ferociously for No Child Left Behind funding as he has for other things, such as his tax-cut program. He has not shown the same passion for providing school resources as he has for many other elements of this budget.

Many of the people who now criticize this amendment claim the authorized amounts for title I are not promises; they are just suggestions. In many cases that is true, but it is not true on this bill.

The Dodd amendment puts specific authorization levels into place for each and every year—authorization levels we failed to meet with this bill's appropriation. We have never done that before in education bills. Traditionally, Congress only said we would appropriate such amounts as may be necessary. The Dodd amendment locked in authorization levels. In other words, we put those amounts in for a reason.

Not funding title I at the level we set is breaking our promise to schools and families and children across the country. The difference between what Congress agreed in 2001 it would cost to implement the reforms in No Child Left Behind and what has actually been delivered to schools is widening each year. If this bill passes, we are shortchanging schools across America by $6 billion, but we are sending them the full cost of the mandate—unfunded mandates on local schools at the worst possible moment—in the midst of a national recession, when State budgets are unable to provide the resources they need. It is an unfunded mandate we should not be party to.

Many people have raised the question about the IDEA special education funding. Well, would you suspend that mandate? I, frankly, hope we will vote—and I think the amendment will be offered shortly—to fully fund IDEA. That is a responsibility we should take on our shoulders. Many of us said we believe in it. This bill doesn't fund it properly. I think we can.

The administration's approach to funding IDEA, incidentally, for school districts across America is totally unrealistic.

We just are not going to be able to fund it if we follow the President's lead.

Since we cannot seem to find the money to pay for the reforms of No Child Left Behind, I am offering this amendment that will alleviate some of the pressures for schools until we live up to our promises.

The amendment prevents the Department of Education from penalizing a school for failing to meet the requirements of No Child Left Behind unless the authorized level of funding is provided. The mandate is yes if the funding is yes. No mandate, no funding.

I voted for this law. I want it to work. But just as funneling money into failing schools without accountability is unacceptable, so is imposing new mandates without fully funding them.

The amendment does not repeal or weaken the standards contained in No Child Left Behind. It is not a retreat in the face of reform. Schools are serious about meeting their challenges, but they need the resources to make it work.

When I talk with these teachers working hard to prepare children for this test, they tell me: Senator, I can do well with a lot of kids in my class, but some of them need extra special attention. These are kids who have been transferred just recently into our schools, kids with serious family problems, and kids who have had problems in their classes last year.

These are situations which reflect the real world of classrooms today. Yet by not funding title I in State after State, we fall $6 billion short of giving that teacher the resources he or she needs to bring that child up to the appropriate level of testing competence.

My amendment does not affect the testing or measurement provisions of No Child Left Behind. It does not change the requirement that all teachers be highly qualified. My amendment would give schools a 1-year respite from corrective action when we fail to live up to our funding. The Democratic leader in the House of Representatives, NANCY PELOSI, spoke on the floor when they considered a similar amendment, which had 198 votes in favor. She said:

> This amendment presents the Chamber with a moment of truth as to whether Congress is honest about its commitment to education; whether or not it will honor its promise to America's children contained in the No Child Left Behind Act.

We need to keep our word and demonstrate our commitment to reform not just by talking tough and imposing new standards, but by giving our schools and teachers the resources we promised, the resources we authorized specifically for this year. When we fail to provide these school districts those resources at this critical time, we are shortchanging education across America. We are saying our Federal brilliance, when it comes to education, that led to these mandates, is much more compelling than the personal and local challenges which these school districts are meeting every single day.

Whether I go to the rural areas of Illinois or the big city of Chicago, I hear the same thing: Senator, it is a good idea. We will do our best to make it work. We are prepared to face the challenge of No Child Left Behind. But send us the resources you promised. Don't mandate this No Child Left Behind Program without the resources to make it work.

Mr. President, I ask that the amendment be stated by the clerk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN], for himself, Mr. SCHUMER, and Mr. DORGAN, proposes an amendment numbered 1611 to amendment No. 1542.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To prohibit funds appropriated in this Act from being used by the Department of Education to enforce any requirement under section 1116 of the Elementary and Secondary Education Act of 1965, or to implement penalties or sanctions under part A of title I of such Act, if the amount appropriated to carry out such part A for fiscal year 2004 is less than $18,500,000,000)
>
> At the end of title III (relating to the Department of Education), insert after the last section (preceding the short title) the following:
>
> SEC. ____. None of the funds made available in this Act may be used by the Department

of Education to enforce any requirement under section 1116 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316), or to implement any penalty or sanction applicable to a State, a State educational agency, a local educational agency, or a school under such part A, if the amount appropriated in this Act for the purpose of carrying out such part A for fiscal year 2004 is less than $18,500,000,000, as authorized to be appropriated for such purpose in section 1002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6302(a)). Nothing in this section shall be construed to prohibit a State, a State educational agency, a local educational agency, or a school from implementing the requirements of section 1116 of such Act.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, do we have a time agreement on this amendment?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. KENNEDY. I am not asking the Senator to yield. When the Senator from Illinois finishes, I would like to get recognition in my own right.

Mr. DURBIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes remaining.

Mr. DURBIN. I retain the reminder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, there is 20 minutes under the control of the Senator from New Hampshire; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. Mr. President, will the Senator yield me 5 minutes?

Mr. GREGG. I yield to the Senator from Massachusetts such time as he needs.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, there is no one in this body who believes more deeply than I do in necessity of full funding of the No Child Left Behind Act. I remember at the beginning of the debate on the No Child Left Behind Act there were those who believed we were putting money into communities without any direction and without accountability and, therefore, we were not seeing results. And, there were those who believed strongly that we ought to have reform. The No Child Left Behind Act brought together both the reform and the resources.

I will continue to fight for increases in education resources, but this amendment, I believe, moves this whole debate in the wrong direction. Let me explain my view to the Members.

This amendment says:

None of the funds made available in this Act may be used by the Department of Education to enforce any requirement under section 1116 of part A. . . .

With what does section 1116(A) deal? It deals with new curriculum. It deals with professional development. It deals with supplementary services.

Let's just take those as an example. They would be emasculated by the Durbin amendment. If we read further back in the Durbin amendment on page 2, it says:

Nothing in this section shall be construed to prohibit a State, a State educational agency, a local educational agency, or a school from implementing the requirements of section 1116 [of the No Child Left Behind Act].

This amendment makes education reform optional. It is not optional today. There is $12 billion in funding for the title I education program. What is not optional is that 10 percent of that will be used for professional development; for training in struggling schools. The Durbin amendment eliminates that as a requirement, $1.2 billion out of the $12 billion eliminated in teacher training. $12 billion overall is not adequate for title I, but the Durbin amendment eliminates $1.2 billion of that that is dedicated for better teachers. This amendment makes that optional, means that it will just be there as a slush fund.

No. 2, the No Child Left Behind Act requires between 5 and 15 percent of title I funding be spent on supplementary services, afterschool instruction. That is $600 million to $1.8 billion that is being spent today in supplementary services for the neediest children in this country. That is wiped out by the Durbin amendment—eliminated.

The Durbin amendment eliminates any requirement that we are going to have teacher training under title I—not the other teacher training in the other titles but teacher training under title I—which many believe is the most important training, because it is taking the title I teachers who are in the classrooms and providing the neediest children with the instruction to upgrade their skills.

We talk about afterschool programs and the President failing to provide for afterschool. The Durbin amendment is eliminating more of that kind of protection. It is unbelievable to me—unbelievable to me.

Third, we have under title I, 5 to 15 percent—again, $600 million to $1.8 billion—that has to be used for upgrading curriculum and public school choice. That was the essential part of the No Child Left Behind Act. Let States and local communities develop the curriculum, let well-trained teachers teach the curriculum, provide new examinations to find out whether those children were being uplifted, and provide supplementary services, which is extra tutoring for children who are behind. Under the Durbin amendment, there is no assurance title I will be used for these kinds of vital functions: Upgrading teacher capability, upgrading the curriculum, and supplementary services. That is $2 billion or $3 billion out of the $12 billion. That, to me, is a slush fund.

I happen to be opposed to block grants. We have tried them, and they did not work. Nonetheless, that is going to be the effect of this amendment. Beyond that, it takes away the funding that exists in a similar way for public school choice that will be available even today.

Mr. President, I yield myself another 2 minutes.

That is why the Citizens Commission on Civil Rights opposes the Durbin amendment. That is why the Harvard Civil Rights Project, Chris Edley, is opposed to the Durbin amendment. That is why the Education Trust, which is a grassroots organization made up of minority parents, is strongly opposed to the Durbin amendment. We need to have this battle and struggle. I differ with my friend and colleague, the Senator from New Hampshire, on the amounts and needs in the local schools and the local community. I differ with him in terms of the national priorities in getting additional funds. Even though we differ in those areas, I agree with him that we cannot take a step backward now when we are beginning to see progress made in these areas.

The final point I would like to make is, I am proud that in my State of Massachusetts we have made very significant progress in the areas of academic achievement and accomplishment. We basically started in a bipartisan way almost 10 years ago. We are tested now with what they call the MCAS. It is a very strenuous kind of test, similar to the National Assesment of Education Progress test, which is a very rigorous kind of test. After almost a 10-year period, what we have are the results in Massachusetts. According to this recent Boston Globe article, ''Scores show broad gains on MCAS. More Massachusetts high school students passed the MCAS graduation test on their first attempt and scores climbed in every grade, every subject, and every racial group in statewide results released. About 75 percent of the class of 2005, or 52,000 students, passed both English and math portions of the 10th grade test. That was significantly better than the 69 percent of students in the class of 2004 and 68 percent of the students in 2003.''

I will not take the time of the Senate to go into every kind of subgroup by ethnicity, but Black, Latino, White, with disabilities, limited English proficiency, regular education—the whole group has moved up. That is because the State has effectively embraced the identical kinds of requirements that are in the No Child Left Behind Act.

The Durbin amendment steps us back from that kind of a commitment. We ought to commit ourselves to the long road. We ought to get the resources that are necessary. I believe the Durbin amendment is an abdication of this institution to meet our responsibilities to ensure that there is going to be an investment, even with the money we have, in a way that makes a difference in terms of children's lives.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I ask the status of the remaining time between the parties.

The PRESIDING OFFICER. The Senator from New Hampshire has 11 minutes, 50 seconds remaining. The Senator from Illinois has 3½ minutes remaining.

Mr. GREGG. Mr. President, I begin by congratulating the Senator from Massachusetts for an excellent statement. I agree with 90 percent of what he has said. He is absolutely on the mark relative to what is happening in No Child Left Behind. Progress is occurring.

We still have a debate, obviously, as to what the proper level of funding is, but this bill was passed not as an issue of money but as an issue of looking at the low-income child and recognizing that for generation after generation we have left this child behind in our school systems. We said enough is enough.

Under Senator KENNEDY's leadership, and under President Bush's leadership, we said it is time to say to the low-income child that when they finish their education, when they step out of that classroom that final day when they graduate, they are going to be able to compete for the American dream because they are going to learn what they are supposed to learn, they are going to learn what they need to learn. It was a commitment we made as a Congress and as a country, and it was the right commitment.

Now we have this type of amendment come forward, which is essentially an attempt to put a stake through the heart of the essence of how parents can figure out how to help their low-income children who are in these school systems.

This amendment would have the practical effect of basically eliminating the options which parents get under the No Child Left Behind Act to give their child a better shot at the American dream. We are talking about parents of low-income kids, by the way.

Supplemental services, what is that? Well, it is one of those terms that is a big word. It is a confusing word. What it means is if someone is a parent of a low-income child and their child is in a school that is not working, that has not worked year after year, that has turned out kids who have not been able to compete year after year, we are going to give them the chance, as a parent, to take their child after school, or maybe even during the schoolday if the school decides to structure it that way, to get some remedial support in reading, remedial support in math, things which will catch that child up so they are no longer left behind.

The only way they are going to get some of these third and fourth graders, who come into the school system undernourished, up to speed is to give them this tutorial support. That is what this amendment would kill. It would kill the opportunity of a parent who has a child in a public school system, who knows that the public school next door or down the road is doing a better job with kids like her kids, who knows that if her child stays in the school in which they are presently enrolled, that child is simply never going to catch up, but knows if they can take them down the road a little way to another public school, that child will have a chance at the American dream because they will be taught what they need to know. It would kill the opportunity of that parent to accomplish that. That is an inexcusable act, in my opinion, of denying parents of low-income kids the opportunity to do something about their children's right to a decent education.

The No Child Left Behind Act has, unfortunately, gotten caught up in a lot of crosscurrents that deal mostly with the funding fight. There is also an undercurrent of resistance from some of our professional community that just does not want to be held accountable.

Unfortunately, what has happened over the years is that we have never had a system where parents really could find out what was happening to their children, especially low-income kids. They knew something was wrong because there was produced child after child who could not compete in our society, but they could never find out what was wrong.

Well, No Child Left Behind creates an atmosphere and a system which, remember, is designed by the local school system—this is not a top-down system. The Federal Government does not set the testing standards. The Federal Government does not set the hurdles. It is set by the local school systems. When those local school systems set their standards for testing as to what a child in the third or fourth grade should know, at that point that information becomes public. The parent gets an opportunity to see it and find out what is happening to their child in that school, and if they discover that their child is in a school that year after year has failed to get their children to the level of ability that has been set as the level by that school system, by that community, of ability that a child should have at that grade level, then the parent has the right to do something to correct it.

Under this bill, we have empowered the parent with tutorial support, with public school choice, both of which would be killed under this proposal, as would, as the Senator from Massachusetts so appropriately pointed out, the funding for those programmatic initiatives which are directed right at the low-income teaching community. Those teachers who have a high number of low-income kids in their school systems need some special skills in many cases to deal with those kids, especially language skills. This amendment would eliminate the ability to fund those programs.

I will touch base also on this whole question of, is there adequate funding? Let me point out that this amendment is justified on the grounds that Illinois is not getting enough money under No Child Left Behind. That can be debated. But the fact is, Illinois is getting 36 percent more in dollars under No Child Left Behind for title I funding, as a result of No Child Left Behind, than it would have gotten if we had continued under the old law. They have received $813 million in 2003. They received $813 million. This was $213 million more than what they would have received under the old law.

In fact, they have received so much money under No Child Left Behind, it is really a prefunded event. It is not an unfunded mandate. They have been receiving so much money that has been flowing into Illinois. Under No Child Left Behind, there is presently $312 million of title I funds which is unspent as of the end of the year 2002. It has not been drawn down by the school systems yet in Illinois.

But that gets into the funding debate, which is really another debate, not this debate. Debate about this amendment is about whether or not you are going to eviscerate the basic purpose of the No Child Left Behind law, which was to give low-income kids an opportunity to learn at the level of their peers; and if they were not learning at the level of their peers because their school systems were not delivering the educational standards they needed, then to give their parents some options to try to get them up to speed through tutorial choice or public school choice.

So I join my colleague from Massachusetts in strongly opposing this amendment and hope other Members will join us. I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes 30 seconds remaining.

Mr. DURBIN. And the other side?

The PRESIDING OFFICER. The Senator from New Hampshire has 4 minutes 45 seconds.

Mr. DURBIN. Mr. President, I just listened to the passionate commitment of the Senator from New Hampshire to No Child Left Behind, and it is no surprise. When he made the same speech on the floor on behalf of the legislation, it was so compelling, I joined him and voted for it. But I wonder, where was that passionate commitment to No Child Left Behind when ROBERT C. BYRD of West Virginia offered an amendment yesterday to pay for it?

Here is the rollcall. With the exception of my friend and colleague from Massachusetts, those who were giving these passionate speeches about No Child Left Behind had a chance yesterday to pay for it and refused to do so. They refused to put the money down to pay for this great, new idea, this new Federal mandate.

Lest you believe this is just an issue in Chicago, IL, in a place called Concord, NH, on August 18 they released the State budget. They have a problem.

The budget contains $1 in each—$1 in each—of the next 2 years for State assessment tests. If the money is not found, and soon, to pay for the next round of tests, the schools that are on the failing schools list cannot get off it.

It tells me that New Hampshire and Nebraska, like Illinois, like Massachusetts, and every State, are struggling to come up with resources for education.

Mr. GREGG. Will the Senator yield for a question?

Mr. DURBIN. No, I will not. You have your own time.

If we had voted for the Byrd amendment, $19 million would have gone to the State of New Hampshire. If we had joined Senator KENNEDY voting for it, the Massachusetts allocation would have been $129, and $250 million from my own State. So let me say to those passionately committed to No Child Left Behind today, where were you yesterday? Where were you on the Byrd amendment when you could have put the money we promised into the bill?

To my friend Senator KENNEDY, it is indeed painful. It was unthinkable, when I ran for the Senate, that I would be in this position of debating him on an education issue, but we do disagree.

What I am eliminating is the mandate. Each and every school district in his State and my State can use the Federal funds for tutoring, for teacher quality, for afterschool. The funds that are available can be used. But the mandate is removed until we put an adequate amount of money on the table.

Regarding his State of Massachusetts, he speaks about the MCAS score, and he is proud of it. Yet the most recent report is this out of Massachusetts. The State is planning to eliminate tutorial assistance to students who fail the MCAS test, which is required for graduation, on their first try. Massachusetts, as good a story as there is to be told, is struggling, like the State of Louisiana and the State of Nebraska and the State of New Hampshire and the State of Illinois. Yet our mandates continue.

When I asked the head of the Chicago Public Schools System, his position on it, he said:

> I am prepared to implement No Child Left Behind. I am happy to do it. But send me the resources to get it done.

And let me quote from a speech he recently gave in Chicago—Arne Duncan, head of Chicago Public Schools:

> I would much rather invest Federal dollars in tutoring struggling students than transporting students outside their neighborhood. I would much rather invest Federal dollars for new schools and buy more buildings and help our teachers and our principals become better educators.

What this professional educator is saying to us is: For goodness' sake, if you are not going to fund the Federal mandate, don't impose it on us. Let us respond to the emergencies we face every single day.

I urge our colleagues to listen to their educators at home and support the amendment today.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

I have difficulty in following the logic of the Senator from Illinois saying, look, Massachusetts is eliminating the supplementary services and, therefore, this is a crisis situation.

I want to get additional funds. But make no mistake about it. We have section 1116 here. This is what his amendment does; it effectively suspends 1116. That is taking, out of the $12 billion we have in title I, $1.2 billion out of required teacher training.

You can say the States might still do it or local communities. We say it is important enough that, of the $12 billion, at least 10 percent has to be provided for that. We are saying between 5 percent and 15 percent is going to have to be spent in supplementary services—required.

Not under the Durbin amendment. We require that. You vote for the Durbin amendment and you are eliminating the requirement of $1.2 billion of required services today, that is required under that act, under the Durbin amendment.

Under the existing 1116, there are requirements for the development of new curriculum. That is eliminated. Under the Durbin amendment, you are going to get $3 billion, what I call a slush fund. Senator DURBIN says local people can make up their minds and do a good job. We had that battle. We know what works. We know you need well-trained teachers. That is what 1116 provides. We know you need supplementary services. That is what 1116 provides. We know you need the new curriculum reform, and that is what 1116 provides.

At the end of his amendment, he says: Look, at the end of the day, if the State wants to, they can—nothing in this section is to be construed to prohibit a State.

As one who is committed to this, I don't want to see less money committed to training teachers in struggling schools; I want to see more. The Durbin amendment will mean less. I don't want to see less assistance for supplementary services; I want to see more. Under the Durbin amendment, you will get less.

The list goes on. Could I have 20 seconds?

Section 1116 is the heart and soul, in terms of the educational reforms. That is why there is such strong support from the civil rights community. I have listed the organizations in the civil rights community that take strong exception, who agree with the Senator from New Hampshire and myself and believe it is better to have these resources committed to the neediest and poorest children, rather than just giving a slush fund to the community.

Mr. GREGG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from New Hampshire has 2 minutes remaining.

Mr. GREGG. Mr. President, again, I join with the Senator from Massachusetts, agreeing with his comments. I want to go beyond that because the Senator from Illinois has unfortunately misrepresented the facts in New Hampshire. I hoped he would take a question on his time since he used his time to misrepresent the facts, but since he did not, I will try to correct the Senator from Illinois as to the facts in New Hampshire.

Yes, the State budget did zero out the assessment money, but that has nothing to do with this amendment. In fact, just the opposite. Under the No Child Left Behind bill, the average cost of developing tests in New Hampshire is $300,000. Under No Child Left Behind, the State of New Hampshire receives $500,000 for every test it develops, at the various grade levels. So the State actually makes $200,000, and the legislature figured this out. That is why they zeroed it out, because they realized, instead of an unfunded mandate, what they were getting was more money than they needed to fund the test, and they intended to use that money to fund other parts of the State budget, and right now that is what the fight is about in New Hampshire. It has nothing to do with unfunded mandates.

The Senator from Illinois, in his desire to bring New Hampshire into the debate, appears to have misunderstood the position in New Hampshire, and he misunderstood the entire issue also, because if his position is that he is going to help the children of low-income parents in this country with his amendment, he is absolutely wrong, because he is taking away with his amendment the tools that the parents of those children need, tools such as tutorial services, tools such as public school choice, tools such as having teachers of title I students who understand the special needs of title I students be trained properly. He is taking away those tools with this amendment.

I certainly hope my colleagues in the Senate will join me and Senator KENNEDY, who has spent so many years on this issue, in voting down this amendment.

Mr. President, I yield the remainder of our time.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DURBIN. Mr. President, do I have any time remaining?

The PRESIDING OFFICER. The Senator has no time remaining.

Mr. SPECTER. Mr. President, I think we are ready to proceed with the amendment by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. SPECTER. Mr. President, may we go to the Senator from Illinois for his amendment now?

Mr. ENSIGN. Mr. President, parliamentary inquiry: My understanding was the order would be that the Senator from Illinois would proceed, then myself, and then the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Nevada is correct.

Mr. DURBIN. Mr. President, I thank my colleague from Nevada.

Mr. President, what is the time allocation?

The PRESIDING OFFICER. Ten minutes equally divided.

Mr. DURBIN. Thank you very much.

AMENDMENT NO. 1613 TO AMENDMENT NO. 1542

Mr. DURBIN. Mr. President, the amendment which I am offering, with Senator KENNEDY now having joined forces with me as well as Senator EDWARDS and others in support, is an effort to provide money for teacher quality in the No Child Left Behind Act; that is; to fund the Federal mandate.

This bill cuts teacher quality grants by $84 million, eliminating training for 20,000 teachers nationwide. The No Child Left Behind Act raises the standard for students and requires school districts to close the achievement gap between minority and nonminority students. It also raises standards for teachers, mandating that all teachers are highly qualified by the end of the 2005–2006 school year.

Research shows that teacher effectiveness is the single most important factor that influences student achievement. It is more important than the income of the student's family, for cumulative expenditures or any other investment in the classroom.

Students assigned to high-quality teachers can gain a full grade level of achievement of students over students in ineffective classes. Nine out of 10 Americans believe that improving teaching is the most important strategy for improving schools. Recent research links student learning to having licensed teachers.

Researchers in Arizona State found that students with certified teachers perform 20 percent better than assessments of those with noncertified.

A study at Stanford found that States such as North Carolina, Minnesota, Iowa, North Dakota, Wisconsin, and Maine that have complement student achievement standards and investment in teacher quality have higher achievement in reading and math.

The list goes on and on.

What we are saying with this amendment is that we need to find the resources that we promised under the No Child Left Behind Act.

This amendment is going to provide greater teacher quality and training that will help these students across America reach their potential because they have competent and qualified teachers in the classroom.

I hope my colleagues here who have had second thoughts about whether they want to fund the No Child Left Behind Act will not have second thoughts when it comes to teacher quality. Let us provide the resources that are necessary to make the No Child Left Behind Act work and allow teachers to have the competence in the classroom to succeed.

I withhold the remainder of my time and yield to the Senator from Pennsylvania.

Mr. SPECTER. Mr. President, there is no doubt about the desirability of teacher quality programs and training. We currently have in education professional development $3.378 billion. This is substantially more than the President's request.

Again, I would like to have more funds available from the budget resolution and the allocation, but we simply do not have it.

Mr. President, how much time does the Senator from Illinois have remaining?

The PRESIDING OFFICER. Two minutes thirty-eight seconds.

Mr. SPECTER. I am prepared to yield back my time. We are running on a very tough time schedule trying to finish this bill today. If the Senator from Illinois has nothing further to say—

Mr. DURBIN. I have very brief remarks and then I will conclude.

Let me make sure we understand exactly what this amendment does. I have spoken to the issue of teacher quality. There is $325 million in State grants for that purpose. I think this shows an increase in the teacher quality commitment which is important for us to make sure the No Child Left Behind Act succeeds. There is another $2 million for training teachers in technology.

How many times have we visited the classroom as Senators and found older teachers such as myself in age struggling to understand the new technology? The bill before us zeros that out. There is no money for preparing our teachers to use technology. This amendment adds $62 million, and $50 million for training teachers in math and science. It increases the investment by $50 million to a total of $150 million.

I think this is an extremely high priority when you consider the technical challenges facing us in this century. Finally, there is $12.1 million for school leadership which helps to recruit, train, and retain principals and assistant principals. These are the people who have the responsibility to make the school work.

I think this $450 million is money well spent—money that lets the No Child Left Behind Act have a chance to succeed. To shortchange it, unfortunately, will cause us to fall short of our promise and fall short of the mark in improving education across America.

I yield the remainder of my time.

The PRESIDING OFFICER (Mrs. DOLE). Does the Senator offer his amendment?

Mr. DURBIN. Of course. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mr. KENNEDY, Mr. EDWARDS, Mr. BINGAMAN, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1613 to amendment No. 1542.

Mr. DURBIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for teacher quality programs under the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 and for the Mathematics and Science Partnerships and the school leadership program under the Elementary and Secondary Education Act of 1965)

On page 36, line 16, strike the period at the end and insert '': *Provided further*, That of the funds appropriated in this Act for the National Institutes of Health, $85,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That in addition to amounts otherwise appropriated under this Act for grants to States under part A of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6601 et seq.), there are appropriated an additional $325,000,000 for such grants: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the Preparing Tomorrow's Teachers to Use Technology Program under part B of title II of the Higher Education Act of 1965 (20 U.S.C. 1041 et seq.), there are appropriated an additional $62,094,000 for such program: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the Mathematics and Science Partnerships program under part B of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6661 et seq.), there are appropriated an additional $50,000,000 for such program: *Provided further*, That in addition to amounts otherwise appropriated under this Act for the school leadership program under section 2151(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6651(b)), there are appropriated an additional $12,500,000 for such program: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,344,793,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,333,707,000.''.

Mr. SPECTER. Madam President, there is no doubt about the quality or priority of what the Senator from Illinois has offered. We have $3.378 in funding for educational professional development. I submit that this is adequate, and is certainly all we can do within the budget resolution.

I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LABOR-HHS-EDUCATION APPROPRIATION BILL

[Resources Available Primarily for Educator Professional Development]

Programs	FY04 Senate	FY04 request	FY03 conference rept.	FY02 comparable	FY01 comparable
State Grants for Improving Teacher Quality	$2,850,000	$2,850,000	$2,930,825	$2,850,000	$2,108,000
Advanced Credentialing	9,935	.....	9,935	10,000	18500
Early Childhood Educator Professional Development	14,902	15,000	14,902	15,000	10,000
Math and Science Partnerships	100,344	12,500	100,344	12,500	.....
Troops to Teachers	.....	25,000	28,812	18,000	.....
Transition to Teaching	41,727	49,400	41,727	35,000	31,000
Preparing Tomorrow's Teachers to Use Technology	.....	.....	62,094	62,500	125,000
National Writing Project	18,890	.....	16,890	14,000	10,000
Civic Education	28,812	27,000	28,812	27,000	21,000
Teaching of Traditional American History	120,000	100,000	99,350	100,000	50,000
Special Education Personnel Preparation	91,899	90,000	91,899	90,000	81,952
Teacher Quality Enhancement	89,415	90,000	89,415	90,000	98,000
School Leadership	12,419	.....	12,419	10,000	0
Total	3,378,343	3,258,900	3,527,424	3,334,000	2,553,452
Percent	32.3	.....	38	.....	.....

Note: Programs listed above specifically support professional development activities for educators. States and school districts also use funding under the Title I Grants to LEAs program, Education Technology state Grant program and English Language Acquisition State Grant program for professional development, but these funds also support a range of other activities. According to the U.S. Department of Education at the President's proposed funding levels for these programs, $814 million will be used under these state grant authorities on educator professional development.

Mr. SPECTER. Madam President, I yield the remainder of my time so we can proceed to the amendment by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1585 TO AMENDMENT NO. 1542

Mr. ENSIGN. Madam President, I ask that the pending amendment which is currently before the Senate be temporarily set aside, and I call up amendment No. 1585.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1585 to amendment No. 1542.

Mr. ENSIGN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an additional $100,000,000 to carry out the 21st Century Community Learning Centers Program under part B of title IV of the Elementary and Secondary Education Act of 1965)

At the end of title III, insert the following:

SEC. ____. (a) The total amount appropriated, out of any money in the Treasury not otherwise appropriated for fiscal year 2004, to carry out the 21st Century Community Learning Centers Program under part B of title IV of the Elementary and Secondary Education Act of 1965, shall be $1,100,000,000.

(b) Each amount appropriated under this Act (other than amounts appropriated for the Department of Education) that is not required to be appropriated by a provision of law is reduced by the uniform percentage necessary to reduce the total amounts appropriated under this Act (other than amounts appropriated for the Department of Education) by $100,000,000.

Mr. ENSIGN. Madam President, this amendment would increase funding for the 21st Century Community Learning Centers program by $100 million.

This amendment does not bust the budget or cut any other education program in the budget. Rather, the amendment requires an across the board cut in every other title of this appropriations bill. This calculates to a point zero-zero-one-two-percent across the board cut.

I am committed to ensuring that our schools have the assistance they need to make certain that our children leave the education systems as well-rounded individuals.

The 21st Century Community Learning Centers in Nevada, and across the country, work to create well-rounded individuals by partnering with groups such as local YMCAs, local children's museums, the Girl Scouts, Boys and Girls Clubs, and in Nevada, the City of Las Vegas, the University of Nevada, the Clark County Health District, the Nevada Youth Alliance, and America's Promise, just to name a few.

Last year 2,780 new applicants requested over $1.9 billion from this program. Only 308 applications received approval and funding totaling $206 million.

Currently in Nevada there are 6,750 children receiving services from a 21st Century Community Learning Center in their neighborhood. However, there are currently over 75,000 students eligible for this program in Nevada alone.

The benefits of this program should go without saying. Not only do children enrolled in these programs improve academically, but are also less likely to become caught up in the juvenile justice system.

Accordinig to the Department of Education, children who regularly attend high quality after-school programs have better peer relations and emotional adjustment, better grades and conduct in school, more academic and enrichment opportunities, spend less time watching television, and have lower incidences of drug use, violence, and pregnancy.

This makes sense considering that studies by the FBI have found that the peak hours for juvenile crime and victimization are the hours after school and before parents get home from work.

These important programs not only give students a place to go after school, but use that time to give students assistance with their homework, provide additional English lessons to students who do not use English has their first language, and give these kids a safe place to interact with their peers.

I ask my colleagues to not give up on the thousands of children across America who may need a little extra help to succeed in school and support this amendment.

Senator BOXER offered an amendment earlier on the very program on which I am offering an amendment. Her amendment was for a larger increase in the afterschool program but her amendment was not offset. I totally support what she is trying to do. I believe very strongly in afterschool programs.

I am offering a $100 million increase in the afterschool programs compared to what is currently in the bill. I know that the chairman has worked hard and has tried to get as much funding as he can. But as somebody who grew up in a situation as a latchkey kid, afterschool programs would have been very helpful to me. There are many, many children out there today who need afterschool programs to keep them out of the improper type of behavior that kids can engage in these days. It is cheaper to invest in these children in these afterschool programs than it is to spend the money when they get into trouble in the juvenile halls and some of them end up going to prison. These are wonderful programs.

I ask our colleagues to consider this amendment. I know we are trying to stay within the budget. Ours does. It shifts some funding from one place to another so we can provide this extra funding to get more kids into the afterschool programs.

I yield the floor.

Mr. SPECTER. Madam President, there is no doubt about the value of the afterschool programs. That has been recognized by the subcommittee and we have put $1 billion in the program. This is $400 million more than the President's request. Would we like to have additional funds? Certainly we would, but we simply don't have it within our allocation.

The amendment offered by the Senator from Nevada with an across-the-board cut would cut into many very important programs. There will be fewer youth employment training centers, fewer NIH grants, fewer dislocated worker trainees, fewer kids in Head Start, and fewer kids in child care.

In the interest of time, I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The Ensign amendment has an across-the-board cut of $100,000,000 (.0012%) to all programs except Education. This would mean a cut of: −$1,201,000 (470 fewer youth Employment Training jobs); −$1,080,000 (600 fewer Adult Training jobs); −$1,718,000 (1,000 fewer Dislocated Worker trainees); −$33,579,000 (100 fewer NIH grants); −$2,165,000 (1,000 fewer people receive substance abuse treatment); −$526,000 (300 fewer people receiving mental health services); −$8,179,000 (1,200 fewer kids in Head Start); −$2,520,000 (600 fewer kids in child care); −$685,000 (400,000 fewer meals served to seniors); and −$10,236,000 (6,500 fewer Social Security disability claims processed).

Mr. SPECTER. Madam President, we have structured this bill very carefully and crafted it very carefully. While I appreciate the interest of the Senator from Nevada, if we restructure it with these across-the-board cuts, we will be digging into a lot of vital programs which the subcommittee and the committee have carefully considered and crafted on what we think is balanced.

I yield back the remainder of my time so we can move to the amendment of the Senator from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1614 TO AMENDMENT NO. 1542

Ms. LANDRIEU. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 1614 to amendment No. 1542.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funds for programs relating to West Nile Virus and to fund the Mosquito Abatement for Safety and Health Act)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. (a) IN GENERAL.—In addition to amounts otherwise appropriated under this Act for programs relating to West Nile Virus, there are appropriated an additional $25,000,000 for the Centers for Disease Control and Prevention to fund such programs, of which $1,250,000 shall be set aside for Indian tribes and tribal organizations, and there are appropriated an additional $100,000,000 for the Centers for Disease Control and Prevention to fund programs under the Mosquito Abatement for Safety and Health Act (Public Law 108-75), of which $5,000,000 shall be set aside for Indian tribes and tribal organizations.

(b) OFFSET.—Of the funds appropriated under this Act for the National Institutes of Health, $145,000,000 shall not be available for obligation until September 30, 2004. The amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,020,199,000, and the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $6,658,301,000.

Ms. LANDRIEU. Madam President, we have had a series of very important amendments. The priorities of Members and their States are reflected in each amendment that has been offered, and the amendments of Senator BREAUX, one of the cosponsors, Senator DASCHLE, Senator JOHNSON, and others, is the same. This is a very important issue to our State and an issue we hope we can find some redress to in this appropriations bill.

My amendment seeks to fund a new piece of legislation passed last year with a great deal of fanfare because the situation is so obvious relating to the West Nile virus sweeping the United States.

Because of this very frightening situation, the Congress acted appropriately last year. Several Members joined together with States that had been very hard hit to pass a new piece of Federal legislation saying yes, the Federal Government should step to the plate and help our States with treatment, with education for the population, with prevention, and also with methods in place to basically kill the mosquitoes and kill the dangerous larvae that create the situation.

There are a lot of serious issues. I don't mean to compare this in any way with the degree of the heartbreak in which we engage in the war in Iraq because that is such an international and extremely important issue. Just to let the taxpayers know, to date we had 286 people die in a war; we have had 246 people die in the United States of West Nile virus. The small, modest amendment I am offering, which is only $100 million, to fully fund this program makes small grants available to the States. This would help save lives, would help the country become more aware of what individuals and communities can do to protect themselves. Hopefully, with just a little bit of help from the Federal Government, our States will step to the plate.

In 2002, we had 884 cases reported in Illinois. In that State alone, 64 people have died. In Michigan, we have had 614 positive cases of West Nile and 51 people died as a result. My State has been hard hit. In Louisiana we had 329 cases in 2002 and 25 deaths. Other States that have registered high numbers of cases are Colorado, South Dakota, and Louisiana for 2003. Mosquitos are not a new enemy in Louisiana. As a low-lying swampy place, we have been battling this for literally hundreds of years. However, they are more than a nuisance; they are deadly. This is a very serious public health issue in the United States.

The bill last year was passed with great fanfare, authorizing a very simple, modest, but important Federal program to help give moneys to local counties—in our State that would be parishes—to help with mosquito abatement programs. It requires a local government match. Without this money there will be no assistance for the State and local governments to help with the West Nile virus and mosquito control. This funding will make it possible for State and local jurisdictions to develop and implement effective programs. I am proud to say Louisiana has been a leader. Of course, for 300 years we have been fighting mosquitos. We have a lot of experience. Many of the coastal States, including North Carolina, have experienced difficulties, as well as Alaska, I understand. It is interesting to note that it is not limited to just the coastal States.

Again, the highest incidence is in Illinois, Michigan, and Ohio. People are dying. This can be a fatal condition.

Madam President, my amendment seeks to fund the new but very important program to help local governments deal with the West Nile virus. I hope we find the resources in this budget to do so.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I will use a couple of minutes of leader time to compliment the distinguished Senator from Louisiana for her amendment. I am pleased to be a cosponsor. This is a particularly difficult problem for many in the Upper Midwest. We now have more than 500 South Dakotans infected by West Nile and seven people have died. Last week 41 cases were reported in 1 day in our State. That we had only 37 cases last year versus over 500 is a sign of the dramatic increase in the problem we are now experiencing. This is a very serious health issue. Tribal populations, in particular, in South Dakota are concerned about accessing the West Nile funding that is available. This amendment contains a tribal set-aside which will help them to access the funds directly from the CDC.

While the problem is particularly acute in South Dakota right now, West Nile virus, as the Senator from Louisiana has pointed out, is a national problem. Over 4,150 cases across the country have now been identified, and nationwide more than 280 people have already died.

This situation is a national issue that deserves far more national attention than the CDC has been able to give it so far. That is why the amendment is so critical and that is why I am hopeful that, on a bipartisan basis, we can support it this afternoon.

I yield the floor.

Mr. JOHNSON. Mr. President, today I join my colleagues Senators LANDRIEU and DASCHLE in offering this West Nile Virus amendment to the Labor-HHS appropriations bill. As many of you know, West Nile Virus has returned

this mosquito season and has already impacted numerous states. Particularly hard hit this year have been Colorado, Nebraska, Wyoming and my home State of South Dakota. Last year, South Dakota only experienced 37 human cases of West Nile, and this year that number has already risen to 583 cases and 7 deaths, representing the highest per capita rate in the Nation.

It is hard to believe that just a few short years ago West Nile Virus had never even been heard of in this country, and this year the total case count has climbed to almost 3000 and took the lives of many. In just one year we learned that this illness could be transmitted not only by mosquitoes, but through blood, tissues and even breast milk. Our recent experiences with this illness and Severe Acute Respiratory Syndrome are just two examples that should make us aware of how critical it is that we be prepared to respond swiftly and effectively to newly emerging infectious disease threats that now face our country and our friends across the globe.

Over the last month, I have met with experts on this issue in South Dakota, as well as CDC Director Dr. Julie Gerberding to try and get a better handle on what is happening in my State and across the Nation regarding this virus. What I have heard from the experts in South Dakota is that our cities and counties are woefully underfunded and ill-equipped to handle the pressing needs to get information to the public and protect the public health from this threat. Community understanding of the virus and how to combat it at the local level is minimal, and State and Federal support is sorely needed.

I have also heard from people in Indian Country who have said that fear is rampant on the reservations and that there is virtually no money for public education and even less for mosquito abatement. Our State lab capacity is fairly good, but turnaround time on tests takes several days and the lab is not open 24 hours, 7 days a week. The medical community has indicated that less than optimal lab testing capabilities for West Nile has resulted in doctors ordering unnecessary and costly tests and treatments.

For these reasons, it is important that we fund not only the newly enacted Mosquito Abatement for Safety and Health or MASH Act, which will provide local communities with funds for mosquito abatement, but also provide CDC with additional funding under its existing authorities for other public health activities in 2004. In South Dakota and I imagine in other States, health departments, public health professionals and the provider community are doing everything they can to prevent and control this illness with resources available. However, we can do better to help them improve public health infrastructure, public education and increased lab capacities, which all mean better West Nile prevention, surveillance and detection of an illness that has challenged South Dakota's public health system and others around the Nation.

Investing in these types of activities will allow us to prepare for next year, when States like mine may experience an even worse outbreak of the virus in South Dakota. In my discussions with Dr. Gerberding last week, she indicated that experts believe that the virus will move West, and has the potential to hit larger communities in California and across the coast, which could present an even greater public health challenge than what we have experienced in South Dakota this year.

I thank Senators LANDRIEU and DASCHLE for their work on this amendment which will provide $100 million to fund the MASH Act, which did not receive any funding in the President's budget nor in the current bill on the floor. This amendment will also provide $25 million for other West Nile public health-related grants to States through the CDC to provide public education, information dissemination and basic public health infrastructure. We have also included funding for tribal set asides through these two appropriations which is so important to our reservations that have been hit hard by West Nile this year with little financial assistance.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, there is no doubt about the seriousness of the problem of West Nile. I made a trip to the Centers for Disease Control on Saturday and took a look at their operation, took a look at their charts, took a look at their projections as to where West Nile had struck, the number of illnesses, the number of fatalities. However, we are funding the Centers for Disease Control now at $5.760 billion. It is true $1.100 billion is directed additionally for bioterrorism, but that agency is extensively funded.

With respect to the allocation directly for West Nile, they have $36.760 million in this bill. We have in NIH at least $40 million more, for a total of $76 million. Here again, I would like to see additional funding if we had the money.

When we talk about the funding for the mosquitos of $100,000, I went over, in a lengthy visit at the Centers for Disease Control, their priorities and their needs. That is a program just recently authorized. There was no request by the administration. With the tremendous constraints on the rest of the bill we did not fund it. However, I believe we have adequately funded West Nile. And certainly we have funded the Centers for Disease Control. So they are in a position to allocate additional funds if they think it is necessary. But on this phase of the record, I think our appropriations bill is adequate.

Madam President, I yield the floor.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, the manager of the bill is soon going to offer a unanimous consent request to start a series of votes forthwith: is that right?

Mr. SPECTER. That is correct, Madam President.

Mr. REID. Madam President, I say, while the Democratic leader is on the floor, we on the minority side have said we are going to do everything we can to finish this bill today. But we have just been informed that starting at 3:15, there will be no votes for probably 2 hours. That is going to make it very difficult.

So I hope during this first vote, the two leaders can visit to see if there is some way we can condense that time. Otherwise, it is going to be very difficult to finish this bill at a decent hour tonight.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I support what the assistant Democratic leader has had to say. We have six votes stacked now. We are going to have quite a number of additional votes. There is a tempo around the Senate of completing the bill. If we are to finish this bill tonight, we are going to have to work through.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. If the Senator yields, I, as chairman of the committee, understand fully the necessity to have these votes and this momentum continue. But in my time here in some 35 years, I have never seen the unveiling of a statue for Statuary Hall be interrupted by a vote.

I suggest if we are going to have votes, we could stack a vote. It only means stacking one vote to do that. But from the hour of 4:30 to 5:30, I believe the honor we are bestowing on the former Vice President, by putting his bust in the Hall, should be respected. I hope the managers of the bill will comply with tradition and allow that to continue. It just merely means stacking a vote. If one, by chance, is to be scheduled between 4:30 and 5:30, I urge that it be stacked beyond the hour of 5:30.

The PRESIDING OFFICER. The assistant Democratic leader.

Mr. REID. Madam President, I say to my friend, the distinguished chairman of the committee, we will work any way we can. I served with Senator Quayle, Vice President Quayle, and want to make sure he receives the honor to which he is entitled.

We also have a briefing upstairs, so it is not an hour we are concerned about; it is 2 hours. We have an obligation on this side, having told the manager of the bill and the majority leader we would finish this bill tonight. I am just saying, it is going to be really tough when we have 2 hours of basically doing nothing.

Mr. SPECTER. Madam President, I suggest we move to the next vote.

AMENDMENT NO. 1609

Madam President, the first vote is on the amendment offered by the Senator

from California, Mrs. BOXER, on afterschool programs. This account has $1 billion in it. It has an increase of some $400 million over and above what the administration has requested.

Here again, if we had a larger allocation under the budget resolution for this subcommittee, we could do more. But I think the appropriation of $1 billion is realistic and reasonable within the constraints of the subcommittee.

Therefore, I raise a point of order under section 504 of the concurrent resolution that the pending amendment is in violation of the Budget Act.

Mr. REID. Is the Senator talking about the Boxer amendment?

Mr. SPECTER. Yes.

Mr. REID. Madam President, under the applicable statutes, I move to waive the budget point of order 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. SPECTER. Madam President, I ask unanimous consent that on the subsequent votes, as we proceed through as many votes as we can complete before 3:15, the votes be 10 minutes in duration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair and call for the vote.

The PRESIDING OFFICER. The question is on agreeing to the motion. 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 Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—46

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Ensign	Murkowski
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Harkin	Nelson (NE)
Breaux	Hollings	Pryor
Byrd	Inouye	Reed
Cantwell	Jeffords	Reid
Carper	Johnson	Rockefeller
Clinton	Kennedy	Sarbanes
Conrad	Kohl	Schumer
Corzine	Landrieu	Stabenow
Daschle	Lautenberg	Wyden
Dayton	Leahy	
Dodd	Levin	

NAYS—49

Alexander	DeWine	McConnell
Allard	Dole	Miller
Allen	Domenici	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Snowe
Campbell	Gregg	Specter
Chafee	Hagel	Stevens
Chambliss	Hatch	Sununu
Cochran	Hutchison	Talent
Coleman	Inhofe	Thomas
Collins	Kyl	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	McCain	

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, I yield 1 minute to the distinguished Senator from California from leader time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I ask a minute of my colleagues' time to call attention to this vote we just cast because I think sometimes we go through the motions and we do not connect the dollar amounts to the children.

We have just deprived 300,000 children in every one of our States of afterschool care, after being told by law enforcement that it helps solve crime problems, after being told by parents that it makes their children happy, after learning from study after study that the kids do better.

I think it is very sad, indeed, for the children of America to know they will not have this afterschool opportunity that will keep them on the right track when we are giving billions of dollars to the children of Iraq and billions of dollars to the children of Afghanistan. Lord knows, I want to help them, too. But how about the children of America who were promised in No Child Left Behind that they would get afterschool care?

This program has been flat-lined for 3 years in a row. It is a sad day, and I hope we will reverse ourselves at a future date.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Now we go to the Landrieu amendment.

The PRESIDING OFFICER. The Senator from Louisiana.

AMENDMENT NO. 1610

Ms. LANDRIEU. Madam President, there are fewer issues that bring consensus to the table than the issue of adoption. We in this Congress have worked in a bipartisan manner to help our families be stronger and safer and to help children in foster care.

There are 570,000 children in foster care. This amendment allows us to help them with $118 million to live up to the commitments we have made to these children.

Madam President, 100,000 of them are orphans. We promised to help 25,000 who age out of foster care get a chance to go to college. These children have no parents. We are their parents. If we do not help them get to school, they are not going. That is what this amendment does.

We agree on adoption. We agree on improvements to foster care. Let us vote to increase the funding. It is minuscule and inconsequential to this budget, but it is of enormous importance to this group of people and to these children.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, there is no doubt about the desirability of the program encompassed in the amendment by the Senator from Louisiana. We already have in the account $100 million. I wish we had more money, but that is the maximum we can do with the budget resolution within the allocation. Therefore, with reluctance, I raise a point of order under the Budget Act and the resolution and say that the amendment by the Senator from Louisiana is not in order.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the list of States and the amounts of money that will be lost be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROMOTING SAFE AND STABLE FAMILIES PROGRAM ESTIMATED ALLOTMENTS AT FY2003 ENACTED LEVEL AND FY2004 ADMINISTRATION-REQUESTED LEVELS

[Dollars in thousands]

	FY2003 enacted appropriation level	FY2004 requested funding level
Alabama	$8,126	$10,112
Alaska	803	999
Arizona	6,129	7,626
Arkansas	4,792	5,963
California	54,345	67,621
Colorado	3,230	4,019
Connecticut	3,452	4,295
Delaware	751	935
District of Columbia	1,664	2,070
Florida	16,973	21,119
Georgia	12,613	15,695
Hawaii	2,264	2,818
Idaho	1,179	1,467
Illinois	16,215	20,176
Indiana	6,033	7,507
Iowa	2,375	2,955
Kansas	2,084	2,593
Kentucky	6,721	8,363
Louisiana	10,753	13,380
Maine	1,523	1,895
Maryland	5,360	6,669
Massachusetts	5,479	6,818
Michigan	13,664	17,002
Minnesota	3,947	4,911
Mississippi	6,044	7,521
Missouri	7,793	9,696
Montana	1,114	1,387
Nebraska	1,676	2,086
Nevada	1,277	1,589
New Hampshire	745	926
New Jersey	7,353	9,149
New Mexico	3,575	4,448
New York	27,804	34,596
North Carolina	9,721	12,096
North Dakota	605	752
Ohio	12,148	15,115
Oklahoma	5,157	6,417
Oregon	3,952	4,918
Pennsylvania	15,057	18,735
Rhode Island	1,608	2,000
South Carolina	6,176	7,685
South Dakota	908	1,130
Tennessee	9,126	11,356

PROMOTING SAFE AND STABLE FAMILIES PROGRAM ESTIMATED ALLOTMENTS AT FY2003 ENACTED LEVEL AND FY2004 ADMINISTRATION-REQUESTED LEVELS—Continued

[Dollars in thousands]

	FY2003 enacted appropriation level	FY2004 requested funding level
Texas	31,891	39,682
Utah	1,896	2,359
Vermont	725	902
Virginia	6,748	8,397
Washington	5,995	7,460
West Virginia	3,836	4,773
Wisconsin	3,976	4,947
Wyoming	488	607
Territories:		
American Samoa	214	250
Guam	401	483
Northern Mariana Islands	154	175
Puerto Rico	7,799	9,706
Virgin Islands	317	378
Set-Asides:		
Tribes	5,037	7,050
State Court Improvement	13,279	16,599
Evaluation, Research and T&TA	9,279	12,599
Total	404,350	504,978

Source: Prepared by the Congressional Research from information provided by the Department of Health and Human Services (FY2003 allocations) and published in HHS budget justifications (FY2004 proposed allocations).
Note: Numbers may not total due to rounding.

Ms. LANDRIEU. Madam President, pursuant to section 504(b)(2) of H. Con. Res. 95, I move to waive section 504 of that concurrent resolution for the purposes of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. SPECTER. Madam President, the managers would like to have one additional vote before people go to the meeting with Secretary Powell. So I ask Senators to stay in the Chamber. If we are to finish this bill today, we are going to have to move along with dispatch.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote ''aye.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 49, nays 46, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—49

Akaka	Byrd	Daschle
Baucus	Cantwell	Dayton
Bayh	Carper	DeWine
Biden	Clinton	Dodd
Bingaman	Collins	Dorgan
Boxer	Conrad	Durbin
Breaux	Corzine	Feingold
Feinstein	Lautenberg	Reed
Harkin	Leahy	Reid
Hollings	Levin	Rockefeller
Hutchison	Lincoln	Sarbanes
Inouye	Mikulski	Schumer
Jeffords	Murkowski	Snowe
Johnson	Murray	Stabenow
Kennedy	Nelson (FL)	Wyden
Kohl	Nelson (NE)	
Landrieu	Pryor	

NAYS—46

Alexander	Dole	McConnell
Allard	Domenici	Miller
Allen	Ensign	Nickles
Bennett	Enzi	Roberts
Bond	Fitzgerald	Santorum
Brownback	Frist	Sessions
Bunning	Graham (SC)	Shelby
Burns	Grassley	Specter
Campbell	Gregg	Stevens
Chafee	Hagel	Sununu
Chambliss	Hatch	Talent
Cochran	Inhofe	Thomas
Coleman	Kyl	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	
Crapo	McCain	

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote the yeas are 49, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, may we proceed with the Durbin amendment?

AMENDMENT NO. 1611

Mr. DURBIN. Madam President, like many Members of the Senate, I voted in favor of No Child Left Behind, a bipartisan effort to bring accountability to education, mandates on local school districts to test kids, and if the test scores did not meet certain levels they would be mandated to make necessary changes in the way they taught the children. The understanding was we would provide resources to the school districts to help them meet this challenge. This bill fails by $6 billion to provide the resources for the school districts.

My amendment says this: We will suspend the mandates. We require the testing to continue so we know the progress being made by the students. But unless and until we are ready to fund this bill as we promised, we are suspending the mandates on the school districts to move children within the school districts, and the other mandated requirements.

I say to my friends, when you go home and speak to the leaders in school districts, they will tell you, as good an idea as this was, Senator, you are not providing the funds. It is an unfunded Federal mandate.

I hope if you have heard the same story from your local school districts that are ready to work with us, ready to comply with No Child Left Behind, you will join me in suspending these mandates until we reach the funding level we promised under No Child Left Behind.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I yield my time to the Senator from Massachusetts.

Mr. KENNEDY. Madam President, I will take 30 seconds and the Senator from New Hampshire 30 seconds.

Madam President, I ask the membership just to read the amendment:

None of the funds made available may be used by the Department to enforce section 1116.

Section 1116 requires, out of the $12 billion, 10 percent to be used for training teachers for struggling schools. It requires 10 percent or more to be used for supplementary services for children. It provides flexibility for children in the poorest areas to have some choice for public school choice.

It provides also about $800 million for new curriculum. Why in the world do we want to have $3 billion of the $12 billion in a slush fund? We know what works—good teachers, good curriculum, good supplementary services. That was the bill that came out of our committee. That is what this will undermine. Just read the last three sentences. It says nothing in this section shall be construed to prohibit a State or local agency from implementing. That is an option. It isn't a requirement.

I hope the amendment will be defeated.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Madam President, I want to associate myself with Senator KENNEDY on this amendment. It is unfortunately ill conceived because its practical effect would be to deny parents the empowerment tools which we give them under the No Child Left Behind Act—specifically, the tools to get tutorial services for their children if the school they are in isn't working, and to get the opportunity to send their children to other public schools if the school they are in isn't working.

The No Child Left Behind Act was aimed at low-income children and giving parents of low-income children the tools to educate those children so they are not left behind.

The Durbin amendment would put a stake through the heart of the essence of the No Child Left Behind Act.

Mr. DURBIN. Madam President, how much time is allocated under this amendment?

The PRESIDING OFFICER. Ten minutes.

Mr. DURBIN. Ten minutes?

Mr. REID. No. Madam President, it is 1 minute.

The PRESIDING OFFICER. The Chair understands that there is an agreement for 1 minute on each side.

Mr. DURBIN. How much has been consumed on each side?

The PRESIDING OFFICER. One minute.

Mr. REID. Madam President, I am happy to hear everybody speak. But this whole system is flawed. If we are going to have 1 minute, I would ask the Chair to hold to 1 minute. I went to the Republican side today: Please have the

Chair stick to what the rules are. We want to try to finish this bill. But these speeches are unending on both sides.

Mr. NICKLES. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SPECTER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 67, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—28

Baucus	Durbin	Mikulski
Boxer	Feingold	Murray
Breaux	Harkin	Nelson (NE)
Byrd	Hollings	Reid
Cantwell	Inouye	Rockefeller
Conrad	Jeffords	Sarbanes
Corzine	Johnson	Schumer
Daschle	Lautenberg	Stabenow
Dayton	Leahy	
Dorgan	Levin	

NAYS—67

Akaka	DeWine	McCain
Alexander	Dodd	McConnell
Allard	Dole	Miller
Allen	Domenici	Murkowski
Bayh	Ensign	Nelson (FL)
Bennett	Enzi	Nickles
Biden	Feinstein	Pryor
Bingaman	Fitzgerald	Reed
Bond	Frist	Roberts
Brownback	Graham (SC)	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Snowe
Carper	Hatch	Specter
Chafee	Hutchison	Stevens
Chambliss	Inhofe	Sununu
Clinton	Kennedy	Talent
Cochran	Kohl	Thomas
Coleman	Kyl	Voinovich
Collins	Landrieu	Warner
Cornyn	Lincoln	Wyden
Craig	Lott	
Crapo	Lugar	

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The amendment (No. 1611) was rejected.

Mr. STEVENS. 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.

AMENDMENTS NOS. 1544, 1560, 1578, 1558, AND 1552, AS MODIFIED, EN BLOC

Mr. STEVENS. Madam President, I have at the desk a series of amendments that have been modified. I ask that these amendments be modified and adopted. They are amendment No. 1544 by Senator AKAKA; amendment No. 1560 by Senator DEWINE; amendment No. 1578 by Senator DEWINE; amendment No. 1558 by Senator KOHL; and amendment No. 1552 by Senator MIKULSKI.

I ask unanimous consent they be modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask that the amendments be considered en bloc and agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments, as modified.

The amendments, as modified, were agreed to, as follows:

AMENDMENT NO. 1544, AS MODIFIED

At the end of title III, insert the following:

SEC. 306. In addition to any amounts that may be made available under this Act to carry out the Excellence in Economic Education Act of 2001 under subpart 13 of part D of title V of the Elementary and Secondary Education Act of 1965, there are appropriated, out of any money in the Treasury not otherwise appropriated, $2,000,000 to carry out the Excellence in Economic Education Act of 2001.

AMENDMENT NO. 1560, AS MODIFIED

On page 61, between lines 14 and 15, insert the following:

SEC.__. To provide funding for poison control centers under the Poison Control Enhancement and Awareness Act (42 U.S.C. 14801 et seq.), there are appropriated a total of $23,854,000, including amounts otherwise made available in this Act for such centers.

AMENDMENT NO. 1578, AS MODIFIED

On page 76, between lines 10 and 11, insert the following:

Sec.__. For necessary expenses for the Underground Railroad Education and Cultural Program, there are appropriated $2,235,000.

AMENDMENT NO. 1558, AS MODIFIED

At the appropriate place insert the following:

Sec.__. In addition to any amounts otherwise appropriated under this Act under the heading of ADMINISTRATION ON AGING, there are appropriated an additional $1,000,000: *Provided*, That in addition to the amounts already made available to carry out the ombudsman program under chapter 2 of title VII of the Older Americans Act of 1965 (42 U.S.C. 3058 et seq.), there are made available an additional $1,000,000.

AMENDMENT NO. 1552, AS MODIFIED

At the appropriate place in title II, insert the following:

SEC.____. STUDIES CONCERNING MAMMOGRAPHY STANDARDS.

(a) STUDY BY GAO.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the program established under the Mammography Quality Standards Act of 1992 (section 354 of the Public Health Service Act (42 U.S.C. 263b)) (referred to in this section as the ''MQSA'') to—

(A) evaluate the demonstration program regarding frequency of inspections authorized under section 354(g) of the Public Health Service Act (42 U.S.C. 263b(g)), including the effect of the program on compliance with the MQSA;

(B) evaluate the factors that contributed to the closing of the approximately 700 mammography facilities nationwide since 2001, whether those closings were due to consolidation or were a true reduction in mammography availability, explore the relationship between certified units and facility capacity, and evaluate capacity issues, and determine the effect these and other closings have had on the accessibility of mammography services, including for underserved populations, since the April 2002 General Accounting Office report on access to mammography; and

(C) evaluate the role of States in acting as accreditation bodies or certification bodies, or both, in addition to inspection agents under the MQSA, and in acting as accreditation bodies for facilities in other States and determine whether and how these roles affect the system of checks and balances within the MQSA.

(2) REPORT.—Not later than 16 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives a report on the study described in paragraph (1).

(b) STUDY BY THE INSTITUTE OF MEDICINE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall enter into an agreement with the Institute of Medicine of the National Academy of Sciences for the conduct of a study and the making of recommendations regarding the following:

(A) Ways to improve physicians' interpretations of mammograms, including approaches that could be taken under the MQSA without negatively impacting access to quality mammography.

(B) What changes could be made in the MQSA to improve mammography quality, including additional regulatory requirements that would improve quality, as well as the reduction or modification of regulatory requirements that do not contribute to quality mammography, or are no longer necessary to ensure quality mammography. Such reduction or modification of regulatory requirements and improvements in the efficiency of the program are important to help eliminate disincentives to enter or remain in the field of mammography.

(C) Ways, including incentives, to ensure that sufficient numbers of adequately trained personnel at all levels are recruited and retained to provide quality mammography services.

(D)(i) How data currently collected under the MQSA could be used to improve the quality, interpretation of, and access to mammography.

(ii) Identification of new data points that could be collected to aid in the monitoring and assessment of mammography quality and access.

(E) Other approaches that would improve the quality of and access to mammography services, including approaches to improving provisions under the MQSA.

(F) Steps that should be taken to help make available safe and effective new screening and diagnostic devices and tests for breast cancer.

(2) REPORT.—Not later than 15 months after the date on which the agreement is entered into under paragraph (1), the Institute of Medicine shall complete the study described under such subsection and submit a report to the Secretary of Health and Human Services, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate, and the Committee on Energy and Commerce and the Committee on Appropriations of the House of Representatives.

(3) FUNDING.—Of the amounts appropriated under this title to the Office of the Secretary

of Health and Human Services for general departmental management, $500,000 shall be made available to carry out the study under this subsection.

Mr. STEVENS. 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.

AMENDMENT NO. 1616 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I offer an amendment on behalf of Senators COLLINS and FEINGOLD regarding funding for dental health and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Ms. COLLINS, for herself and Mr. FEINGOLD, proposes an amendment numbered 1616.

Mr. STEVENS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for grants for innovative programs to address dental workforce needs of designated dental health professional shortage areas)

On page 49, line 21, insert before the period the following: ": *Provided further*, That of this amount, $3,000,000 shall be made available to carry out section 340G of the Public Health Service Act (42 U.S.C. 256g) (in addition to other amounts appropriated under this title for such purpose)".

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1616) was agreed to.

Mr. STEVENS. 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.

AMENDMENT NO. 1617 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I send to the desk an amendment on behalf of Senator INHOFE regarding impact aid and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. INHOFE, proposes an amendment numbered 1617.

The amendment is as follows:

(Purpose: To provide additional funding for Impact Aid programs)

On page 63, line 2, strike "$1,188,226,000, of which $1,025,292,000" and insert "$1,193,226,000, of which $1,030,292,000".

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1617) was agreed to.

Mr. STEVENS. 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.

AMENDMENT NO. 1618 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I send to the desk an amendment on behalf of Senator WYDEN regarding an NIH report and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. WYDEN, proposes an amendment numbered 1618.

The amendment is as follows:

(Purpose: To provide for a report on the availability and affordability of products developed with public funding)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. Not later than 90 days after the date of enactment of this Act, the Director of the National Institutes of Health shall submit to the appropriate committees of Congress a report that shall—

(1) contain the recommendations of the Director concerning the role of the National Institutes of Health in promoting the affordability of inventions and products developed with Federal funds; and

(2) specify whether any circumstances exist to prevent the Director from promoting the affordability of inventions and products developed with Federal funds.

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1618) was agreed to.

Mr. STEVENS. 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.

AMENDMENT NO. 1619 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I send to the desk an amendment on behalf of Senator ENSIGN regarding census data and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. ENSIGN, proposes an amendment numbered 1619.

The amendment is as follows:

(Purpose: To provide for annually updated educational agency level census poverty data)

On page 62, line 6, insert "annually" after "obtain".

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1619) was agreed to.

Mr. STEVENS. 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.

AMENDMENT NO. 1620 TO AMENDMENT NO. 1542

Mr. STEVENS. Madam President, I send to the desk an amendment on behalf of Senator SPECTER and ask unanimous consent for its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SPECTER, proposes an amendment numbered 1620.

The amendment is as follows:

(Purpose: To provide an offset for additional spending)

At the end of title V, add the following:

SEC. ____. (a) IN GENERAL.—Amounts made available under this Act for the administrative and related expenses for departmental management for the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced on a pro rata basis by $14,735,000.

(b) LIMITATION.—The reduction required by subsection (a) shall not apply to the Food and Drug Administration and the Indian Health Service.

Mr. STEVENS. Madam President, I ask unanimous consent that the amendment be adopted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1620) was agreed to.

Mr. STEVENS. 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. STEVENS. Madam President, I state for the record, all of those amendments were cleared by both Senator SPECTER and Senator HARKIN as managers of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 1588 TO AMENDMENT NO. 1542

Mr. BINGAMAN. Madam President, I ask unanimous consent to call up amendment No. 1588 for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. LAUTENBERG, Ms. CANTWELL, Mr. BAUCUS, Ms. STABENOW, Mr. LEVIN, Mr. DURBIN, and Mr. PRYOR, proposes an amendment numbered 1588.

Mr. BINGAMAN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for the Low Income Home Energy Assistance Program)

On page 42, line 25, strike "$2,000,000,000." and insert "$3,000,000,000: *Provided*, That of the funds appropriated in this Act for the National Institutes of Health, $3,000,000,000 shall not be available for obligation until September 30, 2004: *Provided further*, That the amount $6,895,199,000 in section 305(a)(1) of this Act shall be deemed to be $7,895,199,000: *Provided further*, That the amount $6,783,301,000 in section 305(a)(2) of this Act shall be deemed to be $5,783,301,000.".

Mr. BINGAMAN. Madam President, this amendment is offered by myself and Senators LAUTENBERG, CANTWELL, BAUCUS, STABENOW, LEVIN, DURBIN, PRYOR, LINCOLN, KENNEDY, KERRY, and FEINSTEIN.

This is an issue that I think deserves a little more attention before we complete action on this appropriations bill.

This an amendment that relates to LIHEAP, which is an acronym we use in the Congress and in Washington to talk about the Low Income Home Energy Assistance Program.

I ask unanimous consent that letters from the American Gas Association, the Campaign for Home Energy Assistance, and the Southern States Energy Board endorsing this amendment be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. Madam President, this amendment, as I have proposed it, would increase funding in the bill for the Low Income Home Energy Assistance Program by $1 billion for this next fiscal year. The amendment would bring the total funding for the LIHEAP State grants up to $3 billion rather than the $2 billion that is provided in the bill.

These grants are allocated at the beginning of each fiscal year to each of the 50 States and to the territories and Indian tribes on the basis of a statutory formula.

Let me begin by saying, Senator SPECTER, the manager of this bill, and Senator HARKIN, the ranking member on the subcommittee, have consistently championed the LIHEAP program in the appropriations process. But it is clear they do not have room in this budget resolution that was presented to adequately fund this program.

Obviously, the question is, Why did we adopt a budget resolution that did not provide room? I certainly think that is where the mistake was made and where I disagreed with many of my colleagues.

The amount of funding for LIHEAP that has been appropriated in the past has been enough to help 15 percent of the households that are eligible for that assistance. And as to those 15 percent, for the families who are covered and actually have received that help, the average grant they have received has covered about 10 to 25 percent of their home energy costs.

We had an amendment earlier today by Senator REED of Rhode Island and Senator COLLINS of Maine on this very same issue—not on this exact issue but on adding funds. They proposed to add $300 million to the emergency funding available under the Low Income Home Energy Assistance Program. Now my proposal is to add $1 billion to the core program—not the emergency part of it but the core program.

I point out to my colleagues that 49 Senators voted for that amendment as compared to 46 who voted against it, but the amendment failed. And just for those who have not followed our procedure that closely, why would an amendment fail when more Senators supported it than opposed it? It failed because those Senators were not able to get a full 60 votes which were needed to waive the Budget Act.

Well, the question is, Why did they need to waive the Budget Act for that amendment? The amendment contained an offset so that it was not, on a net basis, going to cost more, but we are advised that the offset was not adequate to meet the Budget Act requirements. In fact, the very underlying bill we are going to vote on, presumably later this evening, violates the Budget Act as well.

So we have a situation where the majority of Senators present and voting cannot prevail on an issue they believe is important because of the Budget Act provisions we imposed on ourselves and with which I strongly disagree.

LIHEAP funding has remained essentially level without adjustment for inflation over the last 20 years. We all know the cost of energy to our households around the country has increased very substantially. Now 60 percent of our homes are, in fact, heated by natural gas and, in fact, cooled by that same energy source.

The Department of Energy predicts an average price delivered to the consumer this year of $9.42 per thousand cubic feet for the cost of natural gas. That $9.42 compares to $6.69 that the average consumer had to pay in 1999.

Compared to last winter, which was a very tough winter for gas consumers, the Energy Information Agency predicts costs will be at least 10 to 15 percent higher this year.

The reason I am raising this issue and talking about it is that I believe we will regret our decision to not provide additional funds for the Low Income Home Energy Assistance Program when we get further into this winter.

Forty-three of my colleagues in the Senate joined me in a bipartisan letter to Chairman SPECTER and Ranking Member HARKIN requesting that this core Low Income Home Energy Assistance Program be funded at the level of $3 billion for this next year. They have not been able to do that.

We are faced with another winter heating season in which there is a great potential for very high natural gas costs, very high heating oil prices for consumers. There will be many low-income Americans who will have great difficulty dealing with those increased prices.

The obvious question that will be asked of us and should be asked of us is what is our plan to deal with the expected high costs of energy this winter? Unfortunately, our answer is, we are going to maintain level funding for LIHEAP. That is not an adequate answer. It is not an adequate answer for this administration or for this Congress. For us to say we are sorry, we couldn't do any better because the budget resolution wouldn't let us, the budget resolution was voted on by a majority of Senators, was approved by a majority of the Senators. Clearly, the Senate shares the responsibility to find a solution to the problem.

EXHIBIT 1

AMERICAN GAS ASSOCIATION,
September 8, 2003.

DEAR SENATOR: On behalf of the 191 members of the American Gas Association who serve over 53 million consumers of natural gas, I am writing in strong support of the Bingaman and Reed-Collins amendments to increase funding for the Low Income Home Energy Assistance Program (LIHEAP) during consideration of the FY04 Labor, HHS and Education spending bill.

The winter heating season is approaching and it is imperative that funding for LIHEAP is increased. The LIHEAP program is woefully under-funded, providing assistance to approximately 4 million households, or only 15 percent of the 30 million households eligible for assistance. Yet demand for energy assistance continues to grow due to high unemployment levels, high energy prices and unpredictable weather conditions.

According to the Bureau of Labor Statistics, the unemployment rate in August remained extremely high at 6.1 percent. A total of 8.9 million people currently are unemployed across the country. Job losses were seen in the manufacturing sector, some travel-related industries, and in the retail industry.

At the same time, according to the Energy Information Agency (EIA), compared to last year, this year's energy prices are 30 percent higher for natural gas, 60 percent higher for heating oil, 25 percent higher for propane and 11 percent higher for electricity. The high energy prices are due in large part to the unusually cold winter experienced in various regions of the country this year, which increased demand for home heating. Natural gas commodity prices continue to bounce between $5.00 and $5.25 per mmbtu, and natural gas storage inventories are 7.5 percent below the five-year average.

The amendment proposed by Senator Bingaman would increase LIHEAP funding to $3.0 billion, representing a $1 billion increase over the $2.0 billion currently proposed in the FY04 Labor, HHS and Education spending bill. The Reed-Collins amendment would provide an additional $300 million in emergency LIHEAP assistance. Both of these amendments will be extremely helpful in protecting low and fixed-income individuals during the winter heating season, and also will make available much needed cooling assistance next summer.

We urge you to recognize the impact the weak economy and the high price of energy is having on low and fixed-income energy consumers. Low-income energy assistance must be increased dramatically before we find ourselves in a crisis. We strongly urge you to support the Bingaman and Reed-Collins amendments. If you have any questions, suggestions or concerns, please contact me personally at (202) 824–7111.

Thank you for your consideration.

Sincerely,

DAVID N. PARKER,
President and CEO.

CAMPAIGN FOR
HOME ENERGY ASSISTANCE,
Washington, DC, September 8, 2003.

DEAR SENATOR: I am writing on behalf of the Campaign for Home Energy Assistance to urge you to support the Bingaman and Reed/Collins amendments to increase funding for the Low Income Home Energy Assistance Program during consideration of the Labor/HHS/Education Appropriations Bill for Fiscal 2004.

Senator Bingaman's amendment would increase baseline funding LIHEAP (the ''regular'' allocations provided to the states) from $2.0 billion to $3.0 billion. The Reed/Collins amendment would add $300 million in

LIHEAP emergency funds that could be released at the President's discretion.

Both amendments will be extremely helpful in protecting low- and fixed-income individuals during the winter heating season and also make available sorely needed cooling assistance next summer.

Price volatility, temperature extremes and an unstable economy have combined to create a ''perfect storm'' that has hammered our nation's most vulnerable citizens.

Seniors, people with disabilities and the working poor have been particularly hard hit. They generally carry a higher energy burden than most American households, and, for those people, the price tag has become dangerously unaffordable.

In testimony before a congressional committee this past summer, Federal Reserve Chairman Alan Greenspan said he was worried about the runup in natural gas prices, which have doubled over the past year, and the impact higher prices could have on the economy. Secretary of Energy Spencer Abraham, meanwhile, has warned that the average residential winter heating bill for a typical Midwest consumer could be $915 next winter—a 19 percent increase over last year—if prices continue to rise.

If the warnings of the Fed Chairman and Energy Secretary are to be taken seriously, and we believe they must, an increase in LIHEAP funding is absolutely essential to protect millions of people living in or on the edge of poverty.

According to the Bureau of Labor Statistics, 8.9 million Americans are currently unemployed. The August unemployment rate was at 6.1 percent, as high as it has been in many years. The Energy Information Agency, meanwhile, has reported that energy prices are 30 percent higher for natural gas, 60 percent higher for heating oil, 25 percent higher for propane and 11 percent higher for electricity compared with last year.

We urge you to recognize the impact of this ''perfect storm'' on those least able to cope with a higher energy burden.

Even if energy prices were to decline and the economy were to improve, LIHEAP would still be underfunded. Currently, only about one out of every five households eligible for benefits actually receives assistance. Many states regularly run out of LIHEAP funds and are forced to limit benefits, serve fewer eligible recipients or discontinue their programs before the end of the heating season. In states where cooling assistance is essential, programs also fall far short of the need.

Please support the Bingaman and Reed/Collins LIHEAP amendments to the Labor/HHS/Education Appropriations Bill. Your leadership will help many low- and fixed-income consumers through these difficult times. Thank you in advance for your consideration. If you have any questions, please contact me directly at 202–331–2962.

Respectfully,

DAVID L. FOX,
Communications Director.

SOUTHERN LEGISLATIVE CONFERENCE, THE COUNCIL OF STATE GOVERNMENTS,
Atlanta, GA, September 5, 2003.

To: Members of the U.S. Senate.

Re: LIHEAP Amendment to Labor/HHS Appropriations.

From: Colleen Cousineau, Executive Director.

As the Fiscal Year 2004 Labor/HHS Appropriations bill is brought to the floor of the Senate, the Southern Legislative Conference of the Council of State Governments (SLC), a bipartisan legislative organization representing the interests of more than 1,200 state legislators, urges you to support Senator Jeff Bingaman's amendment designed to increase LIHEAP funding by $1 billion.

As you are aware, the Low Income Home Energy Assistance Program (LIHEAP) is a federally-funded state administered program that helps qualified needy Americans heat and cool their homes. In light of unprecedented costs for natural gas, and for other reasons, LIHEAP is being stretched beyond its capacity to meet this challenge. Today, only 15 percent of eligible Americans can be served by LIHEAP. In the face of escalating energy costs, it seems certain even fewer Americans will be helped—unless the Senate votes to increase LIHEAP funding.

In its present form, LIHEAP is ill-equipped to respond to the needs of our citizens unless Congress appropriates additional funds for this critical program. Mr. Bingaman's amendment does this, and closely conforms to the SLC's recently unanimously-adopted LIHEAP policy position.

The SLC is pleased to endorse the Bingaman LIHEAP Amendment to the 2004 Labor/HHS appropriations bill and urges each Senator to vote for it.

AMENDMENT NO. 1588 WITHDRAWN

Mr. BINGAMAN. Madam President, in light of the fact that a 60-vote majority would be required for me to prevail on my amendment and in light of the fact that earlier amendment on a related issue by Senators Reed and Collins could not gain more than 49 votes, I will not push for a rollcall vote on my amendment at this time. I do call it to the attention of my colleagues. I hope at some stage before we adjourn this fall we are able to find a way to put additional funds into this very important program so as to head off the very real hardship that is going to be visited upon many of our citizens this winter.

Madam President, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. BINGAMAN. I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SCHUMER are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I ask unanimous consent that there be 2 minutes of debate, equally divided, prior to each of the next three votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1603

Mr. REID. Mr. President, I have an amendment that is pending. Would you give me the number of that amendment.

The PRESIDING OFFICER. The amendment is No. 1603.

Mr. REID. Thank you very much.

Mr. President, I don't think anyone would disagree that children are the hope of every culture. They certainly are the hope of this culture in our great country of America.

We look to our children and imagine a bright future for their sake. This is true for every group in America and every subgroup in America. It could not be more true for Latino Americans. Latinos are the youngest demographic group in the entire country. They are the fastest growing.

More than one-third of Latino Americans are under 18 years of age. Many came here with nothing to their name. Many of them had no education and some couldn't speak English. For these people, life is what it is and sometimes there is no hope of improving. But one thing that the Hispanic community does is work hard. They work hard in many instances to make a simple living. Some of them clean our houses, landscape our yards, wait on tables, park cars, make beds, and in other places they harvest the food for our tables.

They don't complain about their lot in life, but they dream of better opportunities for their children—our children—because children are the hope of the future.

The great aspiration of Latino Americans, as all immigrants who come to our country, is their children getting a good education.

We recognize that there is an unacceptable gap between the achievement of Latino students and the overall student population. In the State of Nevada, we have the fifth or sixth largest school district in all of America, approaching 300,000 students. Thirty percent of the kids in that school district are Hispanic. Large numbers of those children in comparison to other ethnic groups don't graduate from high school.

Some have asked why. All the reasons are not in but some of the reasons are they are such hard-working people, the business community recognizes that and, in many instances, entices them to work and not to school by offering them jobs. They are young and impressionable, and a job offers what appears to them to be a lot of money; as they proceed through life, they continue to earn the same money as adults as they earned when they were teenagers. They drop out of school for that reason.

Also, most of the Hispanics in the State of Nevada come from Mexico. Mexico does not have the tradition of public education we have, which is another reason there are dropouts. Of course they do not have the parental involvement as a result of their parents not being educated.

So there are a number of reasons. All the reasons are not in. I have named a couple of the reasons these young boys and girls drop out of high school much more quickly than other ethnic groups. We agree it should be this Nation's policy to leave no child behind. This does not say we leave no Caucasian child behind. This act does not say we leave no Asian American behind. This act does not say we leave no African American behind. No, this act says we leave no child behind no matter their race, creed, or culture.

Now it is time to live up to those words and keep our promise. That is why I offer this amendment, amendment No. 1603, the Hispanic educational opportunity amendment to help Latino students achieve their dreams. This amendment invests an additional $190 million in our Nation's future by strengthening these programs.

I told my good friend, the Democrat manager, the amendment was $210 million—and it was, earlier—and we changed it for a number of reasons. This is for Hispanic-serving institutions, migrant education, high school equivalency programs, college assistance migrant programs, local family information centers, bilingual education and Head Start for children of migrant workers. These programs give Latino students a step up the ladder of education so they can realize their aspirations.

The 252 Hispanic-serving institutions, which have at least 25 percent Latino enrollment, are the main bridge between Hispanic opportunities and higher education. Despite appropriations under title V, these institutions still have not reached Federal funding parity with other degree-granting institutions. This amendment adds $6.4 million to help address this inequity.

The high school equivalency programs provide academic instruction, counseling, computer-assisted teaching, and career awareness to migrant students for the GED. The Senate's fiscal year 2004 Labor, HHS, and Education appropriations bill slashes funding for these programs by 43 percent and eliminates 23 programs that achieved a combined GED completion rate of 73 percent.

The proposed budget also cuts the College Assistance Migrant Program by $400,000. CAMP, or the College Assistance Migrant Program, recruits are talented migrant high school graduates, GED recipients, and they mentor them through their first year of college. Before CAMP was created, there was no record of a migrant child having completed college. Since its inception, nearly 75 percent of all CAMP students receive a college baccalaureate degree.

The existing HEP and CAMP programs serve approximately 15,000 students. Remember, for every one of these students we keep in school or put through college, we save our country much money. It is estimated that for every $1 we spend on the programs, we save the Government upwards of $10 in justice costs, insurance costs, welfare costs. For every child we keep in one of these programs, our country makes money. Over the next 5 years, 170,000 migrant children will become eligible for this program while 140,000 will qualify for CAMP. Funding for these programs should be increased, not cut. That is why my amendment adds $11 million for HEP programs and $1 million for CAMP.

We also need to make the Head Start Program available to more children of migrant workers so they have a fighting chance to do well in school. In the relatively small State of Nevada, we have hundreds of migrant students. In Amargossa, in Nye County, they make up more than half of the students. These children, many times, have very hard lives. If any child ever deserved a head start in school, they do. Yet we have not a single migrant Head Start Program in all of the State of Nevada.

About 20 percent of the State of Nevada is Hispanic. Nationally, only 19 percent of the eligible migrant children are served by Head Start. The rest are left behind, even before they begin school, even though we have a program that says Leave No Child Behind. We need to offer Head Start to at least 10,000 migrant children. This amendment moves us toward that goal.

We know that parental involvement is crucial to a child's success. That is why the local family information centers were created by the No Child Left Behind Act. These are community-based centers that provide parents of title I students with information about their children's schools so they can get involved in their education. It does much more. An additional investment here of $13 million strengthens ties between Latino families and the children's schools. We know parental involvement is a success for the teachers and for the students. This might seem like a lot of money, but it will save much more, as I have stated, in the long run—almost 10 to 1. You do not have to be from Nevada to bet on these odds.

One way this investment will pay dividends down the road is by building a stronger labor force. Already, one-third of new workers who join our labor force are Latino. In 20 years, it will be one-half. These are the workers who will pay our taxes, build our roads, keep our military strong, educate our grandchildren, protect our environment.

It is important we educate our grandchildren and our great grandchildren and provide for our Social Security. Our own future will depend upon the hopes, the aspirations, and the dreams of our Latino neighbors. These programs might not seem that important to some, but to the individuals involved, they provide greater opportunities for these children. They give Latino Americans, their parents, but also all Americans, a better chance for having a better society. They give these boys and girls a chance for realizing their dreams and aspirations.

We had a vote similar to this earlier this week. We had the usual performances on both sides of the aisle: Vote with me; vote with me; do not vote with the minority; the vote might pass. We had three very courageous Republicans crossing over the line and voting for these young boys and girls: Senator SMITH of Oregon, Senator HUTCHISON of Texas, and Senator DOMENICI of New Mexico. I appreciate the courage and their individualism, their independence, in voting for these young people.

I yield the floor.

Mr. MCCAIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SANTORUM. Thank you, Madam President. I thank the Senator from Arizona, who I understand has a legitimate concern about the way this bill is proceeding, and I appreciate his indulgence in allowing me to talk about an amendment.

Mr. REID. Could I ask my friend a question?

Mr. SANTORUM. I would be happy to yield to the Senator.

Mr. REID. We have a vote scheduled for 5:20. We may not be able to have it now. You are going to speak probably until that time?

Mr. SANTORUM. Maybe not until that time, but no longer than that time. I will certainly stop whenever we are ready to move forward with any pending business.

Madam President, a couple months ago we had a very good debate, late at night on the floor of the Senate, on the issue of AIDS in Africa. We made a commitment in that authorization bill to follow through with the President's plan, his announcement earlier this year to put forward $15 billion over the next 5 years to meet this scourge that is ravaging so many countries in sub-Saharan Africa, the scourge of AIDS.

The President had the moral courage and provided leadership to the world prior to the G–8 summit to come forth with a big commitment of American dollars, of $15 billion over the next 5 years, to combat AIDS, in terms of education, prevention, treatment, transmission—all of the areas that are so important and were, frankly, being neglected by the world community.

America had done a reasonable job in providing some funds—roughly $1 billion a year—toward this problem. The

President stepped up and said: No, that is not sufficient. We need to do $15 billion over the next 5 years. The President made a budget request that put us on the road to that. It was not $3 billion a year for 5 years, but it was an aggressive increase in the amount of funding the United States would provide.

Subsequent to his budget request, we passed an authorization bill which said the following: that this country would come up with $10 billion in bilateral aid, through our agencies of the Federal Government. We would be contributing money either directly to other countries or to nonprofit, sometimes faith-based, organizations for prevention, education, treatment, and other means of dealing with this problem.

Unfortunately, in this bill, and in the foreign operations appropriations bill, the combined amount of money for the accounts for the President's AIDS initiative comes not to $3 billion but to a little over $2 billion, $2.050 billion.

Now having said that, this is a tight budget year. And it is a significant increase over the amount of money that was provided for last year, which was an increase in last year's appropriations. So I do not want to cast any aspersions on any of the appropriators for the work they have done. They have provided a significant amount of increase appropriate with the President's—close to, not exactly but close to what the President originally suggested prior to his big AIDS initiative.

I would suggest that what we need to do in the Senate is, to the best of our ability, meet the expectations we set with respect to the passage of the authorization bill a couple months ago—the expectations of the world community, which in the G–8 summit responded generously with contributions they were told would be matched by Federal dollars to the tune of for every $2 of international contribution to the Global Fund there would be a $1 contribution from the U.S. Government for up to 1 billion of U.S. dollars going into the Global Fund.

To date, we have received roughly $700 million in commitments from the international community, which means that to fund our match in this bill we would need roughly $350 million. So for $700 million of international commitment, $350 million—$1 for every $2 pledged—would be necessary in either this bill or the foreign operations appropriations bill.

I am happy to say in the two bills combined, there is $400 million for the global fund earmarked for matching, and that is in anticipation of some additional dollars being pledged by some other countries. There are a couple of other very significant countries yet that have not pledged, and I think with great foresight the members of the Appropriations Committee put forward roughly $400 million to match the anticipated contributions from the rest of the world.

So on that score, I would make the argument that the authorization levels we had committed have been fulfilled. Some have suggested—in fact, others who have offered an amendment on this subject suggested—we need to appropriate $3 billion to meet our commitment of $3 billion a year for 5 years. The commitment was $2 billion a year plus whatever was necessary to match up to $1 billion.

It seems fairly obvious the match necessary is only going to be no more than $400 million. So I would argue the $400 million that is in these bills is sufficient to meet the commitment this country made, this Senate made, and this President made in matching dollars from the international community, which leaves us with the bilateral commitment.

The bilateral commitment was $2 billion in the authorization bill. The President has said from the start that he was not going to start out at $2 billion. He was going to start out at a lesser number and ramp up as capacity was going to grow. I respect that. I know the President is trying to stay within a very tight budget with respect to both foreign and domestic programs, other than what would be considered war-related expenditures. He came forward with a proposal for about $1.6 billion.

The two bills dealing with AIDS funding come up to the level of $1.65 billion. So the combined amount, the 400 and 1.65 is $2.50 billion, which is short of the authorization level by $350 million.

That $350 million would allow us to fully fund our $2 billion commitment under the authorization. Again, I understand that the House level is lower than that. I think it is important for us in the Senate to come forth with a number that is closer to what the expectation was when we put forward this authorizing legislation a couple months ago.

I am going to be offering an amendment a little later—because I told Senator MCCAIN that I would not be conducting any formal business, that I would just be talking about my amendment—to transfer $350 million to provide treatment and prevention programs to combat global HIV/AIDS. I underscore this: I am trying to do this so we can win this with 50 votes, in case of so many Members missing, maybe 46 or 47 votes. I would like to see this pass. I would like to see us make that commitment. Two point four billion dollars does meet the commitment that this Congress was put on the record for a couple months ago.

This is a rather big bill, almost a half-trillion-dollar piece of legislation before us. What I am requesting my colleagues to do is to support an across-the-board reduction of .0741, seven hundred forty-one thousandths of a percent reduction in all other funding so we could meet our commitment to the millions of people suffering in Africa and the Caribbean from this scourge of AIDS. I know there are a lot of people in the Chamber who don't like across-the-board cuts, thinking they are a gimmick. I assure you, those agencies that have experienced across-the-board cuts do not believe they are a gimmick. They are real. They reduce the amount of money in their appropriated account, and they have to deal with the consequences.

There are lots of programs that have received substantial increases in funding that surely a seven-hundredths-of-a-percent reduction is not going to have any kind of dramatic impact on them. But I assure you, a $350 million commitment to providing treatment and prevention—one of the programs that is underfunded in this legislation that Senator DEWINE has an amendment on is mother-to-child transmission. The money provided in this bill is actually lower than what the President requested.

We are doing a lot for people in America. I know there is a lot of need in America. But I think when you compare the need in America to the abject poverty and horrific health conditions in this area of the world, I cannot imagine that any one of these organizations that are providing help to those who are struggling here in this country, through health problems or whether it is improving the quality of education, that they wouldn't be willing to give seven-hundredths of a percent of their dollars up to save hundreds of thousands of lives across Africa.

That is what we are asking. I know it is not a popular thing to do. It is probably easier to say we will just borrow the money or we will advance fund or we will forward fund or backward fund or sideways fund, do some other gimmick to get around the budget rules so we don't have to count. It is important to put your money where your mouth is.

I don't think asking for a seven-hundredths of 1 percent across-the-board reduction to provide the money for those in the most need of the brother and sisters that we have in this world is too much to ask. I ask my colleagues on this side of the aisle, those of you who voted for the President's plan on HIV/AIDS, those of you who have just come back from Africa—I know there are many Members who were in Africa over the break who saw firsthand the tremendous human suffering that is going on there as a result of this pandemic. Seven-hundredths of a percent to provide the much needed medicine to treat those mothers suffering from HIV/AIDS, to prevent the next orphan from occurring in Africa, to prevent mother-to-child transmissions so we don't have children born who will be orphans if the mothers don't get treatment and then they themselves will contract AIDS—we can do something that is real, tangible, that saves lives and improves the quality of the life of the people and gives, more importantly, some hope to those who have no

hope. To a world that has in many respects turned their backs to this problem, we will show here in the U.S. Senate that we are willing to give up a little bit, a little bit across the board from programs that may get us votes back home, seven-hundredths of a percent to provide for those who have no voice in the Senate.

I know at 5:20 we were hoping to try to get some votes. We are reaching that time, so I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask an inquiry of Senator REID of Nevada. If he could tell me, I was going under the impression that we would move to a vote at 5:20 and I would speak to the amendment which I have pending, but if there is other information I should be aware.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, the Senator from Arizona was concerned. He had some questions. I have checked with the people on the majority. He has no problem with our going ahead with the first vote. So I say to my friend from Illinois, within a minute, the Chair will call the vote in compliance with the order previously entered.

Mr. DURBIN. May I inquire of the Chair, is there a unanimous consent agreement as to the time allocated to myself as sponsor of the amendment and anyone in opposition to speak before the roll is called?

The PRESIDING OFFICER. There is an agreement for 2 minutes equally divided before the vote on the amendment.

Mr. REID. I would say to the Chair, it is my understanding, also, we are going to do a better job of enforcing the 1-minute rule.

The PRESIDING OFFICER. The Chair will be so advised.

The Senator from Illinois.

Mr. DURBIN. May I further inquire at this point if the amendment has not been called, may I be recognized to speak, or is it time?

AMENDMENT NO. 1613

Mr. SANTORUM. Madam President, I ask unanimous consent that the Durbin Amendment be the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are now 2 minutes equally divided. Who yields time?

The Senator from Illinois is recognized.

Mr. DURBIN. Madam President, for those tortured souls who are following this debate, understand what we have said about the centerpiece of education reform in America, No Child Left Behind. Yesterday, we said we were unwilling to provide the funds that we promised to make No Child Left Behind work—unwilling to provide the title I funds. We are going to undercut that funding by some $6 billion so money will not be available to help tutor children who are not doing well on tests.

In the previous amendment, I said if we are not going to provide the funds, we should not mandate the school districts to comply with No Child Left Behind, and that was defeated. So the Members of the Senate said, despite the fact we have not funded No Child Left Behind, we are going to enforce mandates on the school districts in America.

Now I give colleagues another chance. This says that when it comes to teacher quality and mandates in No Child Left Behind, we will provide the money we promised so that the teacher in the classroom is qualified to teach. It is a $450 million amendment. I commend it to my colleagues.

Mr. CRAIG. Madam President, the chairman of the committee has worked hard to resolve this issue in the current legislation. We have $3.378 billion as it relates to teacher quality programs and the enhancement thereof. This is a substantial increase. There is probably never enough, but because of the caps and the allocations necessary, there is more now than there ever has been.

I hope our colleagues will stand with the committee and chairman in opposing the Durbin Amendment.

With that, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal 2004 that the amendment exceeds the discretionary spending limits in this specified section and is not in order.

Mr. DURBIN. Madam President, pursuant to section 504(b)(2) of H. Con. Res. 95, I move to waive section 504 of that concurrent resolution for purposes of the pending amendment, and 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 motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Minnesota (Mr. COLEMAN) and the Senator from Oregon (Mr. SMITH) are absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) 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 yeas and nays resulted—yeas 43, nays 51, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—43

Akaka	Biden	Breaux
Baucus	Bingaman	Byrd
Bayh	Boxer	Cantwell
Carper	Inouye	Nelson (FL)
Clinton	Jeffords	Nelson (NE)
Corzine	Johnson	Pryor
Daschle	Kennedy	Reed
Dayton	Kohl	Reid
Dodd	Landrieu	Rockefeller
Dorgan	Lautenberg	Sarbanes
Durbin	Leahy	Schumer
Feingold	Levin	Stabenow
Feinstein	Lincoln	Wyden
Harkin	Mikulski	
Hollings	Murray	

NAYS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Miller
Bennett	Ensign	Murkowski
Bond	Enzi	Nickles
Brownback	Fitzgerald	Roberts
Bunning	Frist	Santorum
Burns	Graham (SC)	Sessions
Campbell	Grassley	Shelby
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Collins	Hutchison	Sununu
Conrad	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NOT VOTING—6

Coleman	Graham (FL)	Lieberman
Edwards	Kerry	Smith

The PRESIDING OFFICER. On this vote, the yeas are 43, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

Mr. HATCH. Madam President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1585

The PRESIDING OFFICER. Under the previous order, there are 2 minutes evenly divided before the vote in respect to the Ensign amendment. Who yields time?

The Senator from Nevada.

Mr. ENSIGN. I will be very brief. This amendment is adding $100 million for the afterschool programs. It is offset. We do a small across-the-board cut; it will only be .012 percent for the programs. I think any of the programs can take that. But in the process, we are going to be helping a lot of kids who otherwise are going to be becoming juvenile delinquents. We know the statistics. If you don't have kids in the right activities, they get into trouble. If they are sitting around with nothing to do, they get into trouble. Afterschool programs are perhaps one of the best anticrime measures we can take. I encourage my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Illinois.

Mr. DURBIN. Madam President, I say to my colleagues, be prepared. This is the first of the across-the-board cut amendments. As good as it sounds, afterschool programs, this is what this little cut will cost. It will deny 92 grants for research at the National Institutes of Health, it will take 1,134 kids out of the Head Start Program, it

will mean 6,494 households will not be served by LIHEAP, and 403,000 meals for seniors will not be served.

This is a get-well amendment for many of our colleagues who have consistently voted against these education programs. Please, as good as it sounds, don't cut these valuable resources for NIH and other education programs to fund the afterschool programs as suggested by the Senator from Nevada.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. May I say for the record I thought it was my prerogative to oppose the amendment, but I would like to incorporate by reference everything the Senator from Illinois said as if I had said it. He did a good job.

REGAINING FOCUS ON THE WAR ON TERRORISM

Mr. BYRD. Mr. President, tomorrow the Nation will bow our heads in prayer as we remember those who perished 2 years ago. As we close our eyes to remember those who perished in the World Trade Towers and the Pentagon and in the quiet field in Pennsylvania, we cannot help but recall the graphic images of the attacks that shocked the American psyche, the smoke, the fire, the pain, the falling towers. The courage displayed on television sets on September 11, 2001, brought all Americans to the scene of those attacks.

Our Nation united to fight those who were responsible for those terrible acts. Since then, our Armed Forces swept through the rugged terrain of Afghanistan, deposing a government that directly aided Osama bin Laden in his mission to attack America by any means at hand.

In the days following the attacks, Congress acted swiftly to provide essential funds for this military response. The appropriations committees in both Houses acted without delay. But we also included increased moneys for homeland security and the reconstruction of New York and the Pentagon.

But today our fight against terrorism has lost a good deal of its focus. Our homeland security efforts are underfunded. The Department of Homeland Security is a bureaucratic catastrophe. The White House has prioritized tax cuts over protecting our airliners and securing our ports.

Through carefully worded rhetoric, the administration has morphed the image of America's most wanted man from Osama bin Laden to Saddam Hussein. It is as if the President has forgotten the name of the mastermind of the attacks that killed 3,031 in New York and Washington on September 11, 2001; the attacks that killed 17 sailors on the USS *Cole* on October 12, 2000; and the attacks that killed 224 U.S. and foreign nationals in bombings of American embassies in Kenya and Tanzania on August 7, 1998. The name of that man is not Saddam Hussein. It is Osama bin Laden, the elusive terrorist who this administration so rarely bothers to mention by name anymore.

The President has now stated that the war in Iraq is the central front on the war against terrorism. But it was our invasion of Iraq that has turned Iraq into a staging ground for daily terrorist attacks against our occupation forces. If we are serious about protecting our country from terrorism, it seems to me that the central front should be the war on al-Qaida.

If we are serious about protecting our country from terrorism, should not the central front be the war on al-Qaida? For that matter, isn't the violence between Israelis and Palestinians actually the root of much of the terrorism in the world? Why isn't reaching a lasting peace agreement between those two peoples the central front on fighting international terrorism?

But at the White House, the subject of terrorism now means the subject of our invasion of Iraq. The President waves the bloody shirt of 9/11, and then subtly shifts the conversation to Iraq. The only problem is that the President's attempts to tie Saddam Hussein to the 9/11 attacks have no basis in fact. There has been no evidence of such found to date. By speaking of al-Qaida in one breath and Iraq in the next, the President has devised a construct for confusing the American people about the real threat to this country. And his strategy has worked. According to a Washington Post poll, 7 in 10 Americans believe that Saddam Hussein was behind the September 11 attacks. That was not the case. There is no evidence that that was the case.

Amidst the confusion of the American people, it was the stated policy of White House adviser Karl Rove to use the war against terrorism for partisan electoral advantage. The White House rode that political bandwagon right through Congress in October of 2002, securing a war resolution in the weeks just before a major election. The bandwagon then bypassed the United Nations, alienating our friends and allies, and charged right into Baghdad, powered by a national security strategy that brought the first use of preemptive war in the history of our Nation.

Soon Congress, we understand, will be formally presented with a request for $87 billion in additional funding for the war. The White House would prefer to call this massive spending bill the ''terrorism supplemental.'' Don't fall for that, I say to my colleagues. I say to the American people, don't fall for that. The American people should not be misled by these word games. The spending in this proposal has little to do with protecting the American people from terrorism.

This request should be called what it is: the second Iraq supplemental appropriations bill in less than 6 months. It is a budget-busting, deficit-enhancing $87 billion on top of the $103.3 billion in additional funds that Congress has already provided to the Pentagon since September 11, 2001. Including this new spending for Iraq, the budget deficit for next year can be expected to exceed $550 billion. How are we going to pay for this mistake that we have made in the Middle East?

I expect to support the funds that are needed for the safety of our troops, but I will not rubberstamp every spending request that comes down the pike. This $87 billion package needs to be carefully examined. Congress is not an ATM that will spit out cash on a moment's notice.

I have questions. I am sure that my colleagues, most of them, certainly, or many of them, have questions about the $20 billion in nation-building funds that are contained, or will be contained, if we understand correctly what we read in the newspapers and what we hear in other areas of the media with respect to the President's request. The formal request has not reached Congress as yet, of course. But initial indications show that the administration intends to go beyond repairing the damage to Iraq's infrastructure and attempt to build a modernized country from the ground up.

Congress needs to ask questions about this plan. There has actually never been a debate in Congress about postwar Iraq. Before we approve of this spending, we must know how long this nation-building plan will take and how the costs will be shared among our allies.

I have some questions about the funds that will be requested for our military. The administration announced this week that it is extending the deployments of our National Guard and our Reserves in Iraq. Many of these citizen-soldiers are already exhausted from back-to-back foreign deployments. The National Guard cannot perform its important homeland security missions if it is half a world away. We are headed towards serious problems with recruiting and retention if this administration thinks that it can keep the men and women of the Guard and Reserve away from their families and their jobs for 12 months, 15 months, or even 18 months on each deployment.

Most importantly, this $87 billion Iraq supplemental—remember, it is not a terrorism supplemental, it has nothing to do with terrorism here in this country—this Iraq supplemental could be the first installment in what the President's advisers describe as a ''generational commitment'' to building democracy in the Middle East. I do not recall a single word in the President's case for war in which he said that the war in Iraq would be the beginning of a decades-long engagement in that volatile part of the world. The American people ought to hear an explanation of what it means to have a ''generational commitment'' to nation building and perhaps regime change in the Middle East.

Tomorrow, the American people will pause to remember those who lost their lives 2 years ago. I will long remember that fateful day, as will every Member

of this Senate and every person within the range of my hearing. I cannot forget the toll exacted on Americans in those attacks, nor will I forget the courage of the firefighters and the police who rushed into burning buildings, nor will I forget those ordinary people on that airliner who fought back against its hijackers. Those people very likely saved this Capitol from another terrible attack, and, along with the Capitol, saved the lives of many of us who are in this Chamber today.

But when Members of Congress return from the memorial services, we have serious work to do in addressing the crisis in Iraq and in our fight against terrorism at home. We will soon be presented with a request for $87 billion to carry out the administration's occupation and nation-building plans in Iraq.

Let us take a good look at those plans. Let us be prepared to ask questions about them. There is no reason why this request will have to go sailing through Congress in a day or a day and a half or 2 days or 3. We need to ask questions. The administration should be prepared to make its case and be prepared to answer questions.

It is not disrespectful to ask questions. It is not unpatriotic to ask questions. Members of Congress should not be intimidated. They should not be cowed. They should not be afraid to ask questions. The people of America are not here to ask questions. The students in our schools are not here to ask questions. We are here to ask questions.

Let us not act with the same haste and impatience that led our country to begin that war nearly 6 months ago.

REMEMBERING 9/11

Mr. SCHUMER. Mr. President, on the eve of the second anniversary of 9/11, I feel compelled to take the floor and share with my colleagues some of my thoughts. As a New Yorker, of course, as somebody who lives within sight and looks every morning, when I am home in New York, out my window at the empty space that once was occupied by the twin towers, this is something that never escapes my mind and the mind of every New Yorker. It doesn't escape the mind of every American, and probably doesn't escape the mind of just about every citizen of the world. Because 9/11 changed us in many ways, and we can never go back. But hopefully we can learn from it.

I would like to address at least my thoughts to three different areas: Those of the families and victims and those who rushed to help them; the city and the State of New York; and how it has affected us as a Nation.

First, of course, we think of the families. The day after that horrible terrorist attack occurred, I asked Americans to wear the flag or display the flag out their windows. I put on this very flag. I wear it every day in memory of those who were lost and, God willing, I will wear it every day for the rest of my life in their memory. We think of their bravery, the bravery, of course, of the 343 firefighters who were lost, the many police officers, Port Authority personnel, and the first responders who were lost.

We think of the bravery of average citizens. There was just a story in our New York newspapers about two men who braved the fires and braved the smoke and created a passageway and saved the lives of perhaps a dozen and then went back up to try and save more and perished. In a very real sense, those heroes will live with us forever, like the heroes at Bunker Hill and the heroes at Gettysburg and the heroes on D-Day and the heroes of all the great battles our Nation has faced. Many of those heroes are civilians—whether they be police, fire, EMT, or just ordinary citizens. That shows you how our world has changed because we are all on the front lines.

We think of their families as well; the hole in their hearts will never heal. It is not simply the loss, although that is overwhelming and preponderant. It is that they were taken in such an act of bitter meanness and nastiness and atrocity. We have to do everything for them. We have to be with them spiritually. We have to provide for them, and we have to, in a sense, sanctify the memory of those who were lost for whom they mourn every day.

I can think of the faces in front of me right now of some of the people I knew—a brave firefighter, a friend who led a company, a high school classmate with whom I played basketball—all gone, simply because some vicious, terrible people thought they had a deranged message. We will never forget the families. And if you ask the families and ask the victims what they want us to do, they would want us to keep our resolve. And keep our resolve we must.

New Yorkers, Americans, good citizens of the world must keep their resolve. As for my city, we are still wounded. Still, every day, so many of us look up at the skyline and see the empty place. People who go on the subway or get in the car or just walk down the street every so often say, Could it happen again? Our city is still wounded. We have suffered large economic loss, but we have suffered far greater personal loss. But the amazing thing about New York is that we are strong, we are vital, and we rebound.

I am so proud of New Yorkers. I was proud of New Yorkers on the day it happened. Many people rose to the occasion. I always think of the man who owned a sneaker store. He stood outside the store and gave all the women who were fleeing the World Trade Center sneakers. He said, ''What size are you?'' and he gave them a pair of sneakers because it would be hard to walk in their heels. Those acts of generosity have continued.

The fortitude of New Yorkers has also continued. Battery Park City, a residential area by the World Trade Center, which emptied out is full again. Businesses are beginning to return. A leading law firm came back to downtown and opened last week. So the plans proceed apace. Because we are New Yorkers, of course, there are some disputes, but the plans proceed apace for how we should rebuild—both remembering those who were lost and also remembering that terrorists tried to destroy the commercial greatness of our city. We are going to rebuild commercially as well. I was so proud of the polls that showed that more New Yorkers said they wanted to stay in New York after 9/11 than before 9/11. That is the spirit of the city. It is a great city.

It is the spirit of the whole New York area because there were people who lived in the suburbs who rushed in to help, and they all suffered losses. It is the spirit of our whole State, where people from Buffalo in the north and every point in between rushed to New York City and helped us, and we try to remember to help them.

We are grateful that the Nation has remembered us. The money we worked on to bring back to New York is being spent wisely and being spent well. We are not rushing to spend it. Every so often, there is a newspaper article that says not all of it has been spent. Of course not. But the fact that the President—and I give him credit. We disagree on many issues, but he stood by New York and he remembered what we needed and never broke his word. This Senate and the House, both Democrats and Republicans, again, had disputes about how to do it, but the Congress was very generous to our city. We may come back and need more, of course, but the generosity is real, remembered, and appreciated by New Yorkers.

Finally, what did we learn on 9/11? We learned that the very technology that blessed our lives and accounted for so much of the prosperity we have seen in the last two decades has a dark and evil underside; namely, that small groups of bad people can get ahold of that technology and do tremendous damage in our country. You can be in a cave in Afghanistan, and if you have a wireless connection to the Internet, you can learn as much about America as many of us know. The sad fact is, if you took 200 people anywhere in the world, or maybe a thousand, and injected them with the ''evil virus'' and they would decide to fanatically devote themselves to hurting America for the next 5 years, the odds are too high that they could succeed. But we are beginning to respond to that challenge.

The war against terrorism is not a 1-, 2-, or 3-year phenomenon. It is going to be a 30-, 40-, or 50-year phenomenon. Today is not the day to bring up the disputes that we all have about this issue, but it is rather to say that it is brand new, and every one of us should walk humbly before proffering solutions because in a certain sense, we have no experience pool. Mistakes will be made.

In a real sense, we are analogous to, say, 1946. America had just beaten the Germans and the Japanese. The average American said let's forget about the world and put our feet up on the coffee table and enjoy our fruits of our labor here at home. All of a sudden, there was a large Communist monolith looking over our shoulder. Initially, we didn't know how to react, and we made mistakes along the way—McCarthyism and Vietnam—but eventually we triumphed over communism. I am not sure the war on terrorism will take us that long to triumph. It may be 20, 30 or 15 years, but it will not take 2 or 3 years.

We are going to have to be vigilant to the memory of those who were lost, to those who suffered. To rise to the greatness of this Nation, we are going to have to be vigilant and remember that no one has all the answers and we will make mistakes, but we will prevail provided we keep our resolve, which I believe we will. Yes, it has changed us. But Ernest Hemmingway once wrote that the world breaks us in certain places and we grow back stronger over the breaks. Hopefully, that will happen here. I believe it is happening here. We are learning, we are adapting, and we will triumph.

So we say to those evil people halfway around the world, who did what they did on that day 2 years minus 1 day ago, you messed with the wrong city, you messed with the wrong country, and you will pay a price. We will not let you and your evil message prevail.

So it is 2 years now. In some ways, it seems like yesterday. In some ways, it seems like a lifetime. We will remember those who were lost. Our city will maintain and even achieve greater greatness, and our country will prevail over terrorism. God bless those families who still suffer. God bless our city and State, and God bless America.

I yield the floor.

GENERAL RAY DAVIS

Mr. CHAMBLISS. Madam President, I rise to pay tribute to the life of a great American hero and great Georgian. GEN Ray Davis passed away last week at the age of 88. Many will remember General Davis for his legacy of service, honor, and heroism. Most will remember General Davis as one of the most decorated marines in our Nation's history. I will remember him as a man of deep conviction who had a genuine concern for his family, community, and country, but mostly, I will remember him as my friend.

President Truman awarded General Davis the Medal of Honor, the highest honor a soldier can receive, after the Korean War for his extraordinary heroism during the 1st Marine Division's historic battle of the Chosin Reservoir in North Korea. His leadership there secured a mountain pass, enabling the escape of two marine regiments that had been trapped for 5 days. To reach the regiments, then Lieutenant Colonel Davis led his men through the mountains in subzero temperatures through the night, battling vastly superior numbers, to eventually defeat the Chinese the next morning. The remaining epic 14-mile fighting march lasted 3 days.

I ask unanimous consent to print in the RECORD the full text of General Davis's Medal of Honor citation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

KOREAN WAR MEDAL OF HONOR RECIPIENT
RAYMOND G. DAVIS

Rank and organization: Lieutenant Colonel, U.S. Marine Corps commanding officer, 1st Battalion, 7th Marines, 1st Marine Division (Rein.). Place and date: Vicinity Hagaru-ri, Korea, 1 through 4 December 1950. Entered service at: Atlanta, Ga. Born: 13 January 1915, Fitzgerald, Ga. Citation: For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as commanding officer of the 1st Battalion, in action against enemy aggressor forces. Although keenly aware that the operation involved breaking through a surrounding enemy and advancing 8 miles along primitive icy trails in the bitter cold with every passage disputed by a savage and determined foe, Lt. Col. Davis boldly led his battalion into the attack in a daring attempt to relieve a beleaguered rifle company and to seize, hold, and defend a vital mountain pass controlling the only route available for 2 marine regiments in danger of being cut off by numerically superior hostile forces during their re-deployment to the port of Hungnam. when the battalion immediately encountered strong opposition from entrenched enemy forces commanding high ground in the path of the advance, he promptly spearheaded his unit in a fierce attack up the steep, ice-covered slopes in the face of withering fire and, personally leading the assault groups in a hand-to-hand encounter, drove the hostile troops from their positions, rested his men, and reconnoitered the area under enemy fire to determine the best route for continuing the mission. Always in the thick of the fighting Lt. Col. Davis led his battalion over 3 successive ridges in the deep snow in continuous attacks against the enemy and, constantly inspiring and encouraging his men throughout the night, brought his unit to a point within 1,500 yards of the surrounded rifle company by daybreak. Although knocked to the ground when a shell fragment struck his helmet and 2 bullets pierced his clothing, he arose and fought his way forward at the head of his men until he reached the isolated marines. On the following morning, he bravely led his battalion in securing the vital mountain pass from a strongly entrenched and numerically superior hostile force, carrying all his wounded with him, including 22 litter cases and numerous ambulatory patients. Despite repeated savage and heavy assaults by the enemy, he stubbornly held the vital terrain until the 2 regiments of the division had deployed through the pass and, on the morning of 4 December, led his battalion into Hagaru-ri intact. By his superb leadership, outstanding courage, and brilliant tactical ability, Lt. Col. Davis was directly instrumental in saving the beleaguered rifle company from complete annihilation and enabled the 2 marine regiments to escape possible destruction. His valiant devotion to duty and unyielding fighting spirit in the face of almost insurmountable adds enhance and sustain the highest traditions of the U.S. Naval Service.

Mr. CHAMBLISS. After the Korean War, General Davis went on to command the 3rd Marine Division in Vietnam. In 1972 he retired as a four-star general, having served his country for 33 years. During his service, General Davis earned a Purple Heart, a Bronze Star, two Legions of Merit, two Silver Stars, two Distinguished Service Medals, the Navy Cross for his service in the Palua Islands operation, as well as the Medal of Honor.

As an anecdote, our current chairman of the Senate Armed Services Committee, Senator John Warner, told me the other day that when he was Secretary of the Navy, he was responsible for seeing to the promotion of General Davis to full general.

After his retirement he refused to fade from the scene and his tireless efforts on behalf of veterans nationwide led to the construction of the Korean War Memorial here in Washington, DC. General Davis made it a practice of keeping in touch with me with respect to issues regarding the Active Force as well as veterans on a regular basis.

I noticed in my faxes I received last week that on the day before he died, he sent me a letter with an op ed he had written regarding a particular issue our Senate Armed Services Committee is dealing with on this very day.

General Davis has been a constant source of encouragement and support to me over the years. I will miss him dearly. He is survived by his wife of 61 years, Willa Knox Davis, three children, seven grandchildren, and two great-grandchildren.

We who knew him have been blessed by his wisdom, humility, and, above all, his honor. Our thoughts and prayers will remain with his family as they remember and celebrate the extraordinary life of GEN Ray Davis.

MEDICARE

Mr. NELSON of Florida. Mr. President, I wish to talk about cancer as well as finalize details of this appropriations bill which includes more than $5 billion for the Cancer Institute. I am reminded of a related issue that threatens cancer care in this country. I am extremely concerned with several provisions in the Medicare prescription drug coverage bill already passed by the Senate and the House.

As we know, when the Medicare Program was first enacted, much of the care provided to patients was delivered in the hospital inpatient setting. That was 1965 when Medicare was enacted.

Over the course of the next 37 years, as science and medicine has progressed, patient care has shifted dramatically to the physician's office. Perhaps nowhere has this shift been more prevalent than in cancer care. Today, over 80 percent of all care is delivered in physicians' offices, and that is cancer care. This is due in large part to the introduction of the new outpatient drugs which have significantly reduced the need for inpatient hospital care for cancer patients.

If Congress was designing the Medicare Program today, in 2003, instead of in 1965, there is little doubt that outpatient prescription drug coverage would be a central part of that program. That is a lot of the argument we made when we passed the prescription drug benefit, a bill that passed earlier in the summer.

The current Medicare system, however, only provides limited coverage for outpatient drugs. Clearly, that needs to change, especially for cancer care.

Medicare does provide coverage for many cancer drugs, such as chemotherapeutic agents and supportive drugs. In addition, Medicare provides reimbursement to physician practices for professional services associated with the administration of those covered drugs under Medicare. As has been noted by the General Accounting Office and the HHS inspector general, the current system for reimbursement of cancer care is seriously flawed.

Medicare payments for cancer drugs frequently exceed the cost to the providers, and at the same time, however, Medicare reimbursement for drug administration covers only a small fraction of the actual cost of providing quality cancer care.

It is estimated that the current Medicare reimbursement only covers about 20 percent of the actual practice expenses.

I have heard from many of Florida's 775 oncologists, and they have told me that the overpayment for covered drugs has helped make up for the significant underpayment in practice expenses incurred by physicians' offices. This includes expenses for oncology nurses, pharmacists, case managers, medical equipment, and other services and supplies involved in providing cancer patients with the highest quality of care.

The goal for reform ought to be simple. Medicare should neither overpay nor underpay for drugs and related expenses. Unfortunately, the legislation passed by both Houses does not achieve the balanced reform that I think all of us agree is needed.

Instead, the legislation passed by the Senate on prescription drugs calls for a cut of $16 billion over the next 10 years. The House-passed bill is no better, and it includes a cut of over $13 billion from the current Medicare reimbursement levels.

The consequences from cuts of this magnitude are going to be dramatic, including the closure of satellite clinics in rural areas, forcing cancer patients to drive hundreds of miles for treatments. Oncology nurses, pharmacists, social workers, and the like will lose their jobs. Clinical research in community-based clinics, where approximately 60 percent of all cancer clinical trials are conducted today, are going to be brought to a halt. Many doctors will be forced to significantly reduce the number of Medicare cancer patients they treat, while others will stop accepting new cancer patients altogether.

Patients are going to be forced to seek treatment elsewhere, but hospitals have indicated they have neither the physical capacity nor the nursing staff to treat a large volume of new cancer patients. In fact, a recent survey conducted by the American Society of Clinical Oncology found that if the proposed cuts in Medicare reimbursement are enacted into law, 73 percent of physicians surveyed would send chemotherapy patients to a hospital instead of treating them in the office. Fifty-three percent would limit the number of Medicare patients they treat, and nearly one in five indicated they would stop treating Medicare patients entirely.

If that happens, it is exactly the opposite of what we ought to be doing, because a person can keep their costs a lot lower if they are doing this treatment in a doctor's office instead of doing it in the hospital.

I am sure all of us unanimously would agree that we cannot let this happen, especially at a time when such tremendous progress is being made in cancer research and treatment. Yet it is happening under our eyes. It happened in this bill that we passed.

According to the statistics from the American Cancer Society, approximately 1.3 million new cancer cases will be diagnosed this year, and 60 percent of those cases will be among Medicare beneficiaries.

In my home State, more than a million people will be told over the next decade that they have been diagnosed with cancer. If the $16 billion of cuts in cancer care that have been proposed are enacted into law, this would mean a $1.6 billion reduction in Medicare cancer care reimbursement in my State of Florida alone. This cut is second only to the cut in California, which would be hit with a $1.7 billion cut.

Let's face it, cuts of this magnitude are not sustainable. This is just Medicare reimbursement that we are talking about because private payers frequently follow the Medicare payment formulas. In the private sector, those cuts will be even more dramatic. The cumulative effect of all of these proposed Medicare cuts, combined with the private payer cuts that will undoubtedly follow, will have a very serious impact on the ability of cancer patients to receive the care they need in order to survive.

I remind everybody that there is not one among us who has not been touched by cancer in some way, if not among ourselves, among our loved ones and our friends. We have the greatest system of cancer care in the world. Patients are living longer. They are living productive lives thanks to the scientific advances and the dedicated men and women who provide the high-quality care in convenient and cost-effective community clinics throughout this country. People from around the world travel to America for cancer care.

My colleagues ought to see the Latin American market, how it comes to Florida for that care, because they know we have the latest technologies, the best doctors, the most compassionate nurses, and the best trained medical workforce in the world. That is why people come to the United States for their health care, especially cancer care.

Advances in cancer research have led to the development of new therapies that are more targeted, and those therapies are less toxic. As a result, cancer mortality rates in the U.S. have been declining. We are winning this war on cancer. Now is not the time to call for a retreat, a surrender, by slashing Medicare payments.

The conference committee on the Medicare prescription drug bill is meeting right now, and all across this land people who care about what I am trying to articulate ought to be sending their ideas, their requests, and their pleas, along with their prayers, to that conference committee and let them know what they think. We have a saying in the South: Let them have an earful.

While many issues still have to be ironed out in that conference committee, it is putting the Congress one step closer to enacting the most sweeping reform of the Medicare Program since its inception.

In closing, I urge my colleagues to continue the discussions with the cancer care community to develop a proposal that will preserve patient access to community-based cancer care. Cancer patients and their families are counting on Congress to preserve high-quality community-based cancer care. This is one of the most serious issues we are facing, and when we make tradeoffs because of budgetary limitations, as we did on the floor of this Senate in the consideration of the Medicare prescription drug benefit, where we traded cuts in cancer care for increases in rural health care, that is a tradeoff that we should not have to make. We ought to be able to do both. The consequences, if we allow it to stand, are going to be extremely great.

I yield the floor.

CANCER

Mr. STEVENS. Mr. President, increasing scientific evidence indicates that what a person includes in his or her diet may be as important as what a person excludes. Scientists estimate that at least 30 to 40 percent of all cancers are linked to diet and related lifestyle factors.

Some foods contain substances known to increase the risk of cancer, including saturated fat, cholesterol, and oxidants.

Avoiding these foods may reduce the risk of many of the most common forms of cancer, including prostate cancer, breast cancer, and colon cancer. I happen to have an extreme interest in that because I am a prostate cancer survivor. I am now told other foods

contain substances that help protect against cancer and heart disease.

A growing number of compounds in fruits, vegetables, and cereal grains have been found to interfere with the process of cancer development in laboratory research.

Epidemiologists have found that populations that consume large amounts of plant-derived foods have lower incidence rates of some types of cancer.

According to a study conducted by Stephanie London, a doctor and epidemiologist at the National Institutes of Environmental Health Sciences and Research Triangle Park, North Carolina, broccoli and other members of the cruciferous vegetable family, including cabbage and bok choy, appear to protect humans from lung cancer.

Several other studies have pointed to the cancer-prevention properties of phytochemicals found in these vegetables. According to Hien T. Le, Ph.D., a molecular biologist with the University of California Berkeley, consumption of these cruciferous vegetables has been linked with prevention of cancers of the breast, endometrium, colon, and prostate cancer.

One study further found these chemicals are ''novel,'' naturally occurring and could have potential in cancer prevention or treatment.

Broccoli and related vegetables contain the chemical that kills the bacteria responsible for most stomach cancers, say researchers, confirming the dietary advice that moms have been handing out for years. Dr. Paul Talalay, a coresearcher at Johns Hopkins University, found the chemical sulforaphane even killed H. pylori, a bacteria that causes stomach ulcers and often fatal stomach cancers. Researchers stated:

> If clinical studies show that a food can relieve or prevent disease associated with this bacterium in people, it could have a significant public health implication in the United States and around the world.

The good news is there appears to be enough of this chemical in broccoli sprouts and some varieties of broccoli to significantly benefit people who eat them. However, researchers cannot now say how much broccoli one should eat for there to be such an impact. The actual amounts would need to be determined with long-term tests involving human trials. ''The levels at which we test it . . . is such that those could be achieved by eating broccoli or broccoli sprouts. It's a reasonable level that we think would be reached in the stomach,'' said Jed W. Fahey, of the Johns Hopkins University School of Medicine.

Researchers have created a synthetic version of the compound found in broccoli and other vegetables. ''It may be easier to take a cancer prevention pill once a day rather than rely on massive quantities of fruits and vegetables,'' says the study author, Jerome Kosmeder, another Ph.D. research assistant professor at the University of Illinois at Chicago. However, such drug development is several years away, I am informed.

The reason for my statement today is that I recently met with Dean Ornish, a great friend, a medical doctor, founder and president of the Preventive Medicine Research Institute, and clinical professor of medicine at the University of California, San Francisco. According to Dr. Ornish, ''We often have had a hard time believing that the simple choices we make in our life each day—what we eat, how we respond to stress, how much exercise we get, whether or not we smoke, and the quality of our relationships—have such a powerful impact on our health and well-being.''

With Dr. Ornish was Dr. S. Ward Casscells, a medical doctor who is the John Edward Tyson Distinguished Professor of Medicine and Public Health and vice president for biotechnology at the University of Texas Health Center in Houston.

Dr. Casscells was diagnosed with very aggressive metastatic prostate cancer in July of 2001. He began utilizing diet and a lifestyle program that Dr. Ornish and his colleagues had developed, along with conventional drug treatment. Today, Dr. Casscells shows no sign of cancer. He shows no sign at all of a cancer that had metastasized.

Meanwhile, researchers say populations should continue to eat healthy amounts of fruits and vegetables, enabling them to take advantage of cancer-fighting properties. Several other studies have pointed to the cancer prevention properties of the phytochemicals found in vegetables, according to several other people.

Mr. President, I emphasize, because of the nature of some of the moneys in this bill—I do believe we have spent a lot of Federal-tax payers' money on various approaches to cancer—I think we should concentrate more of the money we have available on these methods of prevention and methods of retarding the development of cancer once discovered.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment. Is there a request for the yeas and nays?

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), Senator from Florida (Mr. GRAHAM), Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) 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 7, nays 87, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—7

Bunning	Ensign	Santorum
Coleman	Gregg	
Collins	Murkowski	

NAYS—87

Akaka	Dodd	Lott
Alexander	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Enzi	Miller
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Bond	Fitzgerald	Nelson (NE)
Boxer	Frist	Nickles
Breaux	Graham (SC)	Pryor
Brownback	Grassley	Reed
Burns	Hagel	Reid
Byrd	Harkin	Roberts
Campbell	Hatch	Rockefeller
Cantwell	Hollings	Sarbanes
Carper	Hutchison	Schumer
Chafee	Inhofe	Sessions
Chambliss	Inouye	Shelby
Clinton	Jeffords	Snowe
Cochran	Johnson	Specter
Conrad	Kennedy	Stabenow
Cornyn	Kohl	Stevens
Corzine	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lautenberg	Thomas
Daschle	Leahy	Voinovich
Dayton	Levin	Warner
DeWine	Lincoln	Wyden

NOT VOTING—6

Allard	Graham (FL)	Lieberman
Edwards	Kerry	Smith

The amendment (No. 1585) was rejected.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I alert all Senators as to our schedule. I have had a number of inquiries as to what we will be doing. There are very few amendments remaining to be voted upon. Unless we are going to have a series of rollcall votes on amendments which the managers have agreed to, the senior Senator from Arizona has notified this manager there are objections to amendments.

At this time I ask unanimous consent to offer an amendment by Senator SESSIONS regarding the Centers for Disease Control on a plan related to blood safety and ask for its immediate adoption. The provision of the amendment is ''not later than 90 days after the date of enactment of this act, the director of the Centers for Disease Control and Prevention shall prepare a plan to comprehensively address blood safety and injection safety in Africa under the global AIDS program.''

The area of disagreement, if I may inform my colleagues, is whether the word ''shall'' will be in the amendment, which is what Senator SESSIONS insists upon, or whether it will be ''may,'' which would leave it up to the discretion of the executive branch as to whether they will carry out the study.

If the yeas and nays are requested, I intend to ask my colleagues to deny a sufficient second. I have consulted with the Parliamentarian who advises that the rule is, to have a sufficient second, there must be one-fifth of those who

previously voted, which would be 19 out of 95. If this will require a rollcall vote, I cannot predict how many rollcall votes we will have this evening, but I would not make dinner plans.

Mr. INHOFE. Regular order.

Mr. SPECTER. Mr. President, I ask unanimous consent for the adoption of the Sessions amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. MCCAIN. I suggest the absence of a quorum.

Mr. INHOFE. Regular order.

Mr. HARKIN. Regular order.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN addressed the Chair.

Mr. BREAUX. Regular order.

The PRESIDING OFFICER. The Senator from Iowa has the floor.

AMENDMENT NO. 1614

Mr. HARKIN. Regular order, Mr. President.

Mr. MCCAIN. Is the amendment debateable?

The PRESIDING OFFICER. The regular order is there are 2 minutes evenly divided prior to a vote with respect to the Landrieu amendment No. 1614.

Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am glad to have a quorum. This is a very important amendment. I need my colleagues' help, if they would direct their attention to this chart I have in the Chamber.

This amendment is called the MASH amendment. It is a very serious amendment: mosquito abatement, safety, and health.

We are fighting multiple wars—one in Iraq, which is very serious, with far-reaching consequences.

I know my colleagues are interested in knowing about how many people have lost their lives in their own States in this last year. It has been quite a few from this new and very deadly disease.

We have lost 286 men and women in Iraq, which is very serious, and we are spending a great deal of time, energy, money, and treasure, but we have also lost 246 individuals in the United States. The highest instances have been in Louisiana, South Dakota, Michigan, and Ohio.

This amendment will provide the only Federal funds available to help our States combat this deadly disease. I ask for your support. I ask unanimous consent to have printed in the RECORD data on the number of confirmed cases of people who have contracted this deadly disease and the number of people who have died from it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WEST NILE VIRUS CURRENT CASE COUNT

[Data currently listed shows case counts for 2002 only]

State	Laboratory-positive human cases	Deaths
Alabama	49	3
Arkansas	43	3
California	1	
Colorado	14	
Connecticut	17	
Delaware	1	
District of Columbia	34	1
Florida	28	2
Georgia	44	7
Illinois	884	64
Indiana	293	11
Iowa	54	2
Kansas	22	
Kentucky	75	5
Louisiana	329	25
Maryland	36	7
Massachusetts	23	3
Michigan	614	51
Minnesota	48	
Mississippi	192	12
Missouri	168	7
Montana	2	
Nebraska	152	7
New Jersey	24	
New York	82	5
North Carolina	2	
North Dakota	17	2
Ohio	441	31
Oklahoma	21	2
Pennsylvania	62	7
Rhode Island	1	
South Carolina	1	
South Dakota	37	
Tennessee	56	7
Texas	202	13
Vermont	1	
Virginia	29	2
West Virginia	3	2
Wisconsin	52	3
Wyoming	2	
Totals	4,156	284

[1] Data currently listed shows case counts for 2002 only. As of April 15, 2003 these are the human case totals that have been reported to ArboNet. ArboNet is the national, electronic surveillance system established by CDC to assist states in tracking West Nile and other mosquito-borne viruses.

WEST NILE VIRUS 2003 HUMAN CASES AS OF SEPTEMBER 9, 2003

State	Human cases[1] reported to CDC	Deaths
Alabama	20	2
Arizona	1	
Arkansas	5	
Colorado	973	13
Connecticut	1	
Florida	22	
Georgia	7	1
Illinois	5	
Indiana	6	
Iowa	20	2
Kansas	18	1
Kentucky	4	
Louisiana	42	
Maryland	8	
Massachusetts	1	
Minnesota	30	
Mississippi	43	1
Missouri	6	1
Montana	116	1
Nebraska	436	10
New Jersey	3	
New Mexico	83	4
New York	6	1
North Carolina	9	
North Dakota	91	
Ohio	18	1
Oklahoma	20	
Pennsylvania	38	
South Carolina	1	
South Dakota	407	5
Tennessee	6	
Texas	190	6
Virginia	4	
Wisconsin	5	
Wyoming	229	4
Total	2,874	53

[1] These numbers reflect both mild and severe human disease cases that have been reported to ArboNet by state and local health departments during 2003. ArboNet is the national, electronic surveillance system established by CDC to assist states in tracking West Nile virus and other mosquito-borne viruses.

Note: As of the above date, detailed information is available for 2,752 cases: 1,595 cases (58%) were reported as West Nile Fever (milder disease), 843 (31%) were reported as West Nile meningitis or encephalitis (severe disease) and 314 (11%) were clinically unspecified.

Ms. LANDRIEU. I ask for my colleagues' support on this amendment.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

Mr. SPECTER. Mr. President, there is no doubt about the seriousness of the West Nile virus. But we have, at the present time, some $76 million at the Centers for Disease Control.

This past Saturday, I visited the Centers for Disease Control. I took a look at their maps and saw the incidence of West Nile and have no request from the Centers for Disease Control that there ought to be any additional funding.

Mr. President, I raise a point of order under section 504 of the concurrent resolution on the budget for fiscal year 2004 that the amendment is not in order because it exceeds discretionary spending limits.

Ms. LANDRIEU. Mr. President, pursuant to section 504(b)(2) of H. Con. Res. 95, I move to waive section 504 of that concurrent resolution for purposes of the pending 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 question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) 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 yeas and nays resulted—yeas 46, nays 49, as follows:

[Rollcall Vote No. 345 Leg.]

YEAS—46

Akaka	Dayton	Levin
Allard	Dodd	Lincoln
Baucus	Dorgan	Mikulski
Bayh	Durbin	Murray
Biden	Feingold	Nelson (FL)
Bingaman	Feinstein	Nelson (NE)
Boxer	Harkin	Pryor
Breaux	Hollings	Reed
Byrd	Inouye	Reid
Campbell	Jeffords	Rockefeller
Cantwell	Johnson	Sarbanes
Clinton	Kennedy	Schumer
Coleman	Kohl	Stabenow
Conrad	Landrieu	Wyden
Corzine	Lautenberg	
Daschle	Leahy	

NAYS—49

Alexander	Bennett	Brownback
Allen	Bond	Bunning

Burns	Frist	Nickles
Carper	Graham (SC)	Roberts
Chafee	Grassley	Santorum
Chambliss	Gregg	Sessions
Cochran	Hagel	Shelby
Collins	Hatch	Snowe
Cornyn	Hutchison	Specter
Craig	Inhofe	Stevens
Crapo	Kyl	Sununu
DeWine	Lott	Talent
Dole	Lugar	Thomas
Domenici	McCain	Voinovich
Ensign	McConnell	Warner
Enzi	Miller	
Fitzgerald	Murkowski	

NOT VOTING—5

Edwards	Kerry	Smith
Graham (FL)	Lieberman	

The PRESIDING OFFICER. On this vote, the yeas are 46, the nays are 49. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I believe we are ready to go to the amendment of the Senator from Nevada, Mr. ENSIGN. He was in the Chamber a moment ago. Let me advise all Senators that it appears at this time that we will have four more rollcall votes, plus final passage.

The leader has authorized me to say that the 15-minute votes will be held sharp to 20 minutes, 15 and 5 grace, cut off after 20 minutes. The 10-minute votes will be 10 plus 5 minutes grace for a total of 15 minutes. We will try to proceed to conclude this bill. It is too late to complete it early, but we will do it as soon as we can.

Is the Senator from Nevada prepared to offer his amendment.

Mr. ENSIGN. Very soon.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1621 TO AMENDMENT NO. 1542

Mr. ENSIGN. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself, Mrs. MURRAY, and Mr. GREGG, proposes an amendment numbered 1621 to amendment No. 1542.

Mr. ENSIGN. 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 provide funding for statewide, longitudinal data systems under section 208 of the Education Sciences Reform Act of 2002)

At the end of title III, insert the following:

SEC. 306. There are appropriated, out of any money in the Treasury not otherwise appropriated, to carry out section 208 of the Education Sciences Reform Act of 2002, $80,000,000. All amounts in this Act for management and administration at the Department of Education are reduced on a pro rata basis by an amount required to offset the $80,000,000 appropriation made by this section.

Mr. ENSIGN. Mr. President, I will take a very short time on this amendment. I am proposing this amendment for myself, Senator MURRAY, and Senator GREGG. This amendment is to address a problem we hear about back home on the No Child Left Behind Act. When you go home and talk to educators, they talk about not having adequate money to get the technology to transfer the data to comply with the No Child Left Behind Act for the local school districts. It is the No. 1 complaint we have heard from all of the school districts back home.

This amendment appropriates $80 million to basically fund that shortfall, and it takes the money out of administrative costs in the Department of Education. We think it is a very reasonable amendment. We hope our colleagues will support the amendment. Hearing from educators across the country, this will address one of the most pressing concerns they have in complying with the No Child Left Behind Act.

I just spoke to the new teachers in Clark County. They had to break it down into 2 days, with 700 one day and 700 the next for new teacher orientation. During that time, there were a lot of administrators around, and this was by far the biggest question they had—making sure they had adequate funds to comply with the No Child Left Behind Act. We think this amendment goes a long way toward complying with the No Child Left Behind Act.

I will yield to my friend from New Hampshire to make some remarks.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I rise in support of this amendment. It is paid for, which is a critical element of any amendment. More important than that, it does fund the data-tracking capabilities of the States. That is part of the No Child Left Behind initiative.

Last year, we passed the legislation, basically creating this opportunity for States to set up these databases. Unfortunately, we never funded it. So this would allow us to fund that new piece of legislation. I think it was a separate freestanding piece of legislation.

In any event, it funds the effort of the States to set up the data tracking within the States that is necessary for them to determine how they are doing in obtaining their achievement goals under No Child Left Behind. It is reasonable that this money be appropriated, and I am hopeful that it will be accepted. If it cannot be accepted, I hope we can do it by the offsets presented in this amendment.

Mr. ENSIGN. Mr. President, if no one else seeks recognition, I just add a couple of comments about the amendment. It has the support of the Council of Chief State School Officers. The reason, as I mentioned before, is because no matter how small or large the school district is, they are all facing the same problems this amendment attempts to correct.

They just do not have the infrastructure that is necessary to capture, analyze, and disseminate the data required by the No Child Left Behind Act.

Several States have not even done the planning to implement this because they don't have the resources. This amendment is going to give those resources necessary to comply with the No Child Left Behind Act.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this amendment provides $80 million for data collection for student achievement. While it would be desirable to have more funds in this appropriations bill, we don't have them, and the offset is a cut in the program out of the Department of Education which would be very burdensome, really intolerable for the Department of Education.

For that reason, I reluctantly oppose the amendment by the Senator from Nevada.

The PRESIDING OFFICER. Is there further debate?

Mr. ENSIGN. Mr. President, 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. REID. Mr. President, the Senator from Washington, Mrs. MURRAY, wishes to speak on the amendment, so I ask that the vote not occur at this time. She is on her way over to the Chamber.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the pending amendment be set aside until Senator MURRAY arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1622 TO AMENDMENT NO. 1542

Mr. SPECTER. 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 Pennsylvania [Mr. SPECTER], for himself, Mr. HARKIN, Mrs. FEINSTEIN, and Ms. COLLINS, proposes an amendment numbered 1622 to amendment No. 1542.

The amendment is as follows:

(Purpose: To increase funding for the National Institutes of Health)

On page 61, between lines 14 and 15, insert the following:

SEC. ____. In addition to any amounts otherwise appropriated under this Act under the heading of NATIONAL INSTITUTES OF HEALTH—OFFICE OF THE DIRECTOR, there are appropriated an additional $1,500,000,000 for programs and activities under the discretion of the Office of the Director of the National Institutes of Health. Such additional amount shall be designated as emergency spending

pursuant to section 502(c) of House Concurrent Resolution 95 (108th Congress).

Mr. SPECTER. Mr. President, the amendment provides for an additional $1.5 billion for the National Institutes of Health. This is one of the most important functions of the Federal Government. I don't think we have anything in our budget on the domestic side which is more important, perhaps not as important, as funding for the National Institutes of Health. That is the crown jewel of the Federal Government.

We are asking that this be classified as an emergency because the budget resolution provides for an emergency classification if it meets the following criteria: No. 1, vital; No. 2, urgent and compelling; No. 3, unpredictable; and No. 4, temporary.

It is vital because the lives and health of Americans are at stake. It is a life-and-death matter in the way NIH funding has saved lives, moving forward the cures of so many dreadful maladies.

It is urgent and compelling because Americans who have family members with muscular dystrophy, Parkinson's, Alzheimer's, or a host of other ailments will tell you that with each passing day, the hope that their loved one will be saved grows dimmer.

It is unpredictable and unanticipated because the nature of the scientific enterprise is unpredictable. The potential cures for disease have grown through research at NIH.

It is temporary because a disease such as cancer or Alzheimer's costs our economy billions of dollars a year.

As the diseases that afflict Americans are cured, they are able to return to productive lives, and these investments in the health of Americans will more than pay for themselves.

I offer this amendment on behalf of Senator HARKIN, Senator FEINSTEIN, Senator COLLINS, and myself. I know there are objections to the classification as an emergency. So I invite whoever seeks to object to come to the floor.

Mr. HARKIN. Does the Senator yield the floor?

Mr. SPECTER. I do.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, again I commend Senator SPECTER for his many years of hard work, his efforts, and his success in increasing the funding for the crown jewel of the Federal Government, and that is the National Institutes of Health. Certainly, no one has fought harder and longer to ensure that our National Institutes of Health get the funding they need for the cutting-edge research that is saving so many lives.

It was under Senator SPECTER's leadership that we embarked upon a program to double the NIH funding over 5 years. People said it could not be done, but we did it.

Now we are up there and there seems to be some idea that somehow since we did that—the reason we did that was that NIH had fallen so far behind in the number of peer-reviewed grants that were being approved and funded. So we got them back up to where they were at least 20 years ago. Some think now we have them up there, we do not have to fund them anymore and we can start falling back again. The purpose of the Specter amendment is to bring the NIH up and keep them on a track that will not allow them to fall back again.

The Senate bill will increase funding for NIH by $1 billion; that is 3.7 percent. It will be the smallest percentage increase for NIH since 1995. This is the wrong time to put the squeeze on NIH funding. Doing so will severely impact NIH's ability to award new research grants at the very time when scientists should be taking full advantage of everything they have learned over the past 5 years to translate that research into treatments and cures.

Under the Senate bill, the number of new and competing nonbiodefense research grants would actually drop from 9,902 in fiscal year 2003 to 9,827 in fiscal year 2004. That is why Senator SPECTER, Senator FEINSTEIN, Senator COLLINS, and I are offering an amendment to add $1.5 billion more for NIH.

This additional funding is critical to ensuring that researchers can continue the remarkable pace of medical advances during the past 5 years, as I said, when we doubled the funding for NIH. Perhaps most importantly, the doubling of the funding helped result in the completion of the final DNA sequence of the human genome. That was done during that period of time.

In the past 5 years, NIH research has led directly to new knowledge about the dangers of hormone replacement therapy for millions of American women, contradicting commonly accepted medical practice.

NIH research supported the development of new techniques for bone marrow transplantation.

NIH research demonstrated that intense therapy of type 1 diabetes can reduce long-term diabetes complications by at least 75 percent.

NIH research has now enabled scientists to identify several genes that increase vulnerability to schizophrenia.

I guess what I am saying is we are truly on the brink of a golden age in medical research with the mapping and sequencing of the human genes and other measures funded by NIH. But those opportunities are threatened if we don't maintain NIH funding at a reasonable level.

The impact of the bill's dramatic slowing in the growth of the NIH budget will be particularly devastating in the areas of clinical research where, again, the fruits of our investment in medical research are applied to improving the health of the American people.

A crash landing in NIH funding sends a chilling message to young scientists in training and those just entering the research field. Scientific competition will always be fierce, but young scientists must be sure that sufficient funding will be available or exceptionally talented young people will begin to pursue other careers.

So again I rise in strong support of Senator SPECTER's amendment, along with Senator FEINSTEIN, and I hope the Senate will adopt this very modest but very meaningful increase in funding for the National Institutes of Health.

Ms. MIKULSKI. Mr. President, I rise as a cosponsor of the Specter-Harkin-Feinstein amendment to increase funding for the National Institutes of Health, NIH. I fought hard to make sure that Congress kept the commitment it made 5 years ago to double Federal spending for the NIH. I am proud that Congress kept its promise. I strongly support the NIH. I believe that it is an investment that saves lives and that Congress must continue this valuable investment.

The underlying Senate bill that funds health programs would increase funding for NIH by $1 billion, or just 3.7 percent in 2004. This would be the smallest percentage increase for NIH since 1995. The Specter-Harkins-Feinstein amendment would increase funding by $1.5 billion, for a total of $29.5 billion. this is the wrong time to cut the Federal investment in NIH. Congress and the American people have invested in the NIH. We must allow scientists to continue the great work they are doing and translate the research they have been working on over the past 5 years into treatments and cures.

If this amendment fails there would be in increase of only 26 new and competing research grants in fiscal year 2004. That is approximately one grant for each NIH Institute and Center. Also, nonbiodefense grants would actually drop, from 9,902 in fiscal year 2003 to 9,607 in fiscal year 2004. This means that more promising research on cancer, diabetes, or other devastating diseases may go unfunded.

The research conducted at NIH today can help lead to longer, more productive lives for people struck with countless conditions and diseases. Whether it is Alzheimer's, cancer, cardiovascular disease, autoimmune diseases, or diabetes, this research can help lead to a higher quality of life for Americans.

I am proud to have NIH in Maryland. NIH's impact in Maryland is quite profound. We have excellent research centers and private companies that exist and grow because of the unique synergy between the Federal labs in Maryland, like NIH, and the ingenuity of the private sector. Yet the benefits of investing in NIH are not limited to Maryland. NIH funds research at universities across the country. Patients across the country, their loved ones, and those who someday may be diagnosed with diseases all benefit from these critical investments.

We cannot afford to lessen our commitment to medical research. I thank Senator SPECTER, Senator HARKIN and

Senator FEINSTEIN for their leadership on this critical issue. I urge my colleagues to join me in supporting this important bipartisan amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, we have two more amendments to be offered by the Senator from Pennsylvania, Senator SANTORUM, and the Senator from Ohio, Senator DEWINE. We ask they come to the floor now. If there are objections to the amendment which has just been offered on the National Institutes of Health, we ask Senators to come to the floor so we can wrap up the debate, move on these votes, and move to final passage.

We are within the very short distance of the goal line, but we need those other Senators to come to the floor. Last Wednesday we were talking about going to third reading. That might be a subject to revisit.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COLEMAN). Without objection, it is so ordered.

Mr. ENSIGN. I ask unanimous consent that Senator COLLINS be added as a cosponsor to amendment No. 1621.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. 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. SPECTER. Mr. President, we have decided to accept the amendment of the Senator from Nevada, Mr. ENSIGN. Does the ranking member concur in that?

Mr. HARKIN. We have no objections on this side.

Mr. SPECTER. I urge the adoption of the amendment.

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. ENSIGN. I ask unanimous consent that the yeas and nays be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1621.

The amendment (No. 1621) was agreed to.

Mr. HARKIN. Mr. President, I move to reconsider the vote.

Mr. SPECTER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. While we are waiting momentarily, I want to take this opportunity to recognize the staff of the Labor, Health and Human Services, and Education Subcommittee for all their efforts, hard work, and dedication on this very difficult bill.

First let me thank Senator HARKIN's staff: Ellen Murray, Erik Fatemi, and Adrienne Hallet. They have worked shoulder to shoulder in a bipartisan fashion with our staff to put together this fine bill. It is a testament to their hard work, skill, dedication, and partnership.

I also commend and thank our subcommittee staff: Jim Sourwine, Mark Laisch, Sudip Parikh, Candice Rogers, and Carol Geagley. The staff deserves our gratitude for working diligently for many months, late nights, and weekends to put together this very important bill. I know every year both of these staffs reach across the aisle to work together to forge compromises on many contentious issues. I think we should all thank them and salute them.

Lastly, I will take a moment to give special praise to our subcommittee staff director Bettilou Taylor. Senator SPECTER and I often refer to Bettilou as ''Senator Taylor.'' She has one of the toughest jobs in the Senate. This is the largest bill this year. It probably is the largest domestic appropriations bill in the history of the United States to appropriate taxpayer money for Federal purposes. This is a very complex bill with difficult issues. Bettilou does it with a great deal of skill and grace. She is, in every sense of the word, a consummate professional. I thank her and I hope all Members will thank her for her outstanding work for the Senate and for the American people.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank the distinguished President pro tempore and chairman of the full committee for those comments. I associate myself with them. It has been an outstanding and extraordinary staff. Ellen Murray for Senator HARKIN and Bettilou Taylor on the majority side are—exemplary is not a high enough characterization.

While I am at it, I thank my distinguished ranking member, Senator HARKIN, for his extraordinary contribution to the public good. He and I have worked as the chairman and ranking and reversed the roles, and we call it a seamless transfer of the gavel. I take this occasion to thank him for his work.

I note Senator NICKLES is in Chamber now, so I yield for a moment to my colleague, Senator HARKIN.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank the chairman for yielding and I, too, thank Senator STEVENS for his kind and generous remarks regarding the subcommittee and especially applaud him for all the glowing terms he used about our staff on both sides of the aisle. They are just outstanding staff. They work very hard on this bill every year. But they have not worked any harder in any year than this year because, as Chairman STEVENS said, this is a very large bill and a very complicated bill. It covers just about everything from soup to nuts in our society.

They have done a great job. I, too, compliment our respective staffs and thank them for all their hard work. I want to repay in kind the kind words Senator SPECTER just said. We have had a back and forth chairmanship/ranking member now going back 13 years. It has been a seamless transfer of the gavel. We worked very closely together all these years to increase funding for NIH, to meet our commitments in education, to meet our commitments in health care.

This bill, I have often said, is the bill that really defines America. I have often said that we always have a Defense Appropriations Committee bill. The Defense Appropriations Committee bill is the bill that defends America. This bill that funds the Department of Education that our colleague from Tennessee headed—I remember when he was Secretary of Education—and the Department of Health and Human Services, the Department of Labor, NIH, libraries—everything, I always said this is the bill that defines America. It defines who we are as a people and how much we are going to invest in our human resources in this country.

So I thank Senator SPECTER for his dynamic leadership of this subcommittee, for his vision, for his hard work in making sure we have a bill that is—not perfect. Obviously, I don't think anyone here has gotten everything they want out of this bill; that is true. But it is a true compromise, and that is what should define what we do here in the Senate, is compromise between the various interests we represent and the various States. I think that is truly what this bill does this year, and I thank Senator SPECTER for his great leadership getting this bill together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I regret I am going to make a budget point of order because the amendment that is pending busts the budget, and it busts the budget by $1.5 billion.

First, I congratulate Senator SPECTER for the work he has done up to this point. He saved the taxpayers a lot of money. There have been a lot of amendments. I will just mention those. We have totaled those, the total for 2004. Senator SPECTER has made points of order, all of which were sustained, that saved $24.481 billion in 2004—over a 10-year period, $352 billion—by basically staying with the budget.

This amendment breaks the budget. This amendment breaks the budget deal that the chairman of the Appropriations Committee negotiated with the President of the United States. It

breaks the budget that we passed overwhelmingly—that we passed after a lot of hard work.

Are we going to have a budget or not have a budget? This amendment says we are going to add $1.5 billion for NIH and declare it an emergency; i.e., we don't expect it to count on the budget. In other words, we don't want the budget to apply.

If we follow that analogy, it is like some of the other amendments that were offered. Several people offered amendments that just said let's take money from 2004 and put it in 2003 and therefore we will have money for 2004. It was a sham. We defeated all those. If we do not defeat this amendment, the budget is a sham. We will just say something is an emergency that is not an emergency.

We appropriate money to NIH. We have done so. I happen to be a supporter of NIH. I have supported increasing money substantially to NIH over the years.

Looking back, in 1990 we spent actually $7.5 billion on NIH. In 2004, under the budget that we have, without this amendment we are spending right at $28 billion. That is three and a half times what we spent in 1990.

In 1998, when we said we were going to double it, we did. In 1998, we were spending $13.6 billion for NIH, and the budget we have before us is almost $28 billion—more than double since 1998. Those are enormous growth rates, maybe exceeding almost any other Government program.

Maybe we need to slow that rate of growth down just a little bit because now we don't have big surpluses. When we were doubling the program, we had some surpluses. Now we have a big deficit. Maybe we should do a little bit better job of oversight.

I noticed there was a report. I remember, on ''CBS News'' the headline was ''NIH Microbiologist Gets Paid $100,000 By Taxpayers To Do Nothing.''

It was reported in the Washington Post. I ask unanimous consent to have that printed in the RECORD, an article that was in the Post on July 4.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 4, 2003]

NIH SCIENTIST SAYS HE'S PAID TO DO NOTHING; AGENCY DENIES ADMINISTRATOR'S ''SURREAL SITUATION'' OF COLLECTING $100,000 SALARY FOR NO WORK

(By Tania Branigan)

Every weekday at 6:30 a.m., Edward McSweegan climbs into his Volkswagen Passat for the hour-long commute to the National Institutes of Health. He has an office in Bethesda, a job title—health scientist administrator—and an annual salary of about $100,000.

What McSweegan says he does not have—and has not had for the last seven years—is any real work. He was hired by the National Institute of Allergy and Infectious Diseases in 1988, but says his bosses transferred the research grants he administered to other workers eight years later, leaving him with occasional tasks more suitable for a typist or ''gofer.''

NIH officials denied the allegations earlier this week, but said they would reexamine the issue after Sen. Charles E. Grassley (R–Iowa) raised the issue in a letter to Health and Human Services Secretary Tommy G. Thompson.

Grassley, who as chairman of the Senate Finance Committee has supported budget increases for the NIH, learned of McSweegan's case when CBS News contacted him for a story on the scientist. In the report that aired on ''CBS Evening News'' on June 26, McSweegan said he had been paid to do nothing for the past seven years.

McSweegan used to be NIH's program officer for Lyme disease but was removed from the post in June 1995 after a dispute over his repeated criticism of a politically influential support group for sufferers and his allegations that NIH had been too accommodating of the group. He had publicly described the Lyme Disease Foundation as ''wacko'' because he disagreed with its theories about the disease. The dispute led to his suspension without pay for two weeks for insubordination and conduct unbecoming of a federal employee.

In spring 1996, his responsibilities for an unrelated program were also removed. He maintains they have never been replaced.

In an interview Monday, Grassley accused NIH of ''an absolute management vacuum'' and said it is ''ludicrous'' that the administrator is being paid to do nothing.

''We want to make sure we get the most bang for our buck, the most research for our dollars,'' the senator added.

John Burklow, a spokesman for NIH, said McSweegan has always been assigned duties appropriate to his position and pay level.

''The claim that he is being compensated for doing nothing is completely inaccurate,'' Burklow said.

According to NIH, McSweegan is director of the U.S.-Indo Vaccine Action Program, and has traveled to countries such as Russia representing the agency. He has also ''produced reports and other work products.''

But McSweegan said he has never been told he was director of the program and knew of no such title. Three other people ran the project, and his work for it—such as arranging coffee for lunches and forwarding messages—was ''the kind of work you would get an . . . to do.''

He added that the Office of Global Health Affairs had organized and paid for his trip to Russia, and that his only reports had been brief accounts of meetings.

McSweegan said he struggles to fill his eight-hour workdays by reading, exercising and writing fiction. He has self-published a bioterrorism thriller and a science fiction oval, and is working on a third book.

But he says his six-page job description is the ultimate work of creating writing and describes his position as ''a bizarre, surreal situation—part Orwell, part Kafka and part Dilbert.''

''It's not my idea, said McSweegan, 47. ''I have pointed it out repeatedly over the years. I suppose they are just waiting for me to get bored and frustrated and quit. But I haven't been inclined to do that, because my wife has a real job and we have compelling family reasons for staying in the area.

''I just expect to do this for maybe four more years until my wife retires,'' he said. ''It would be nice to get a real job doing real work.''

Mr. NICKLES. Basically, the headline is ''NIH Scientist Says He's Paid To Do Nothing; Agency Denies Administrator's 'Surreal Situation' Of Collecting $100,000 Salary For No Work.'' The story goes on. I remember reading it, and I thought, whoa, somebody is not paying attention.

Please don't get me wrong. I know NIH does a lot of great work and I am supportive of that. But right now we have to live within a budget. If the committee wanted to—the committee has $127 billion in discretionary spending—they could have given NIH more money. They had control over that $127 billion. They could have shifted it around to where NIH would get more.

What the committee elected to do was: We will short fund NIH and we will give a lot more money for a lot of other things, and then we will try to run the gamut because we know NIH has a lot of support.

I think the committee needs to go back and say: Wait a minute, the budget is $127 billion. It happens to be the largest budget of any that we have before any committee, with the exception of Defense. If you added all the mandatories to it, it is bigger than Defense. It is a total of $460-some billion.

I urge my colleagues, if they want to get more money for NIH, let's have the committee go back and reallocate out of the $127 billion they have under the budget. But let's live with the budget. Let's not declare something that is funded every year by appropriations an emergency; i.e., when we declare an emergency, it doesn't count on the budget. If we are going to use the emergency game as a way of violating the budget, let's just not have a budget.

We passed the budget through both Houses. We said you had to have 60 votes in the Senate to declare an emergency. Our colleagues who are supporting this amendment I have great belief sincerely support NIH, but they underfunded it in their committee in relationship to other things and now they want to say let's just declare an emergency and get around it so we will have more money.

I don't think they should get away with that. That is violating the agreement, the budget we passed. It violates the agreement we made with the President of the United States. So I urge my colleagues to support me in my effort to sustain the budget.

Mr. President, I will be making a budget point of order.

Mr. CONRAD. Will the Senator yield?

Mr. NICKLES. I will be happy to yield to my colleague, but I am not quite finished.

Pursuant to section 502(c)(5) of House Concurrent Resolution 95, the fiscal year 2004 budget resolution, I raise a point of order against the emergency designation provision contained in the amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Part of what the Senator said I agree with. We should have been able to assign more money under our allocation process to this subcommittee. We are not able to do so. However, the Senator from Oklahoma was incorrect when he said we did not give them more money. Through the agreement with the administration, we did bring back money from the allocation process for education. We increased that amount, by virtue of what

we did, by $2.2 billion. We took $3 billion out of Defense and allocated it to several subcommittees, including $800 million to this subcommittee. But very clearly, this subcommittee is short of money.

There are a great many problems that we face. This bill is going to conference, and we don't know how we are going to work out some of the items in this bill. There are several allocations we have made under our process that the House has not made. I take the position that this emergency is necessary to get this item to conference to see how we can allocate it. Obviously, we are not going to bring a bill out of conference that the President will veto. If the President tells us he is going to veto it because of these emergency designations, assuming the House would agree to it—we don't know if the House will agree to it—but I do know this bill is very short of money.

The demands on our society are now so great that all of the things from SARS, to the things the CDC is doing, and all the things NIH is doing—this is a bill that just absolutely demands funding.

I take the position that it is not inconsistent with the comments I made to the President—that I would not support emergencies unless there was a true emergency. I think this is a true emergency.

But in any event, if the Senate will vote as the managers of this bill have requested, we will take the bill to conference at $1.5 billion more than the maximum amount I could possibly allocate and meet the other demands of our other 12 subcommittees.

I say to the Senator from Oklahoma that I don't think I am breaking my word at all. I hope the Senate will support us in taking this bill to conference with the most money we can possibly find to put in it and go to conference with the House.

There are a series of items in here to which we know the House will object. I believe by the time we come out, this emergency will not be needed. If it is needed, I will personally visit with the President of the United States about it, and we will see what he decides. If the President still takes the position that we should not include the money on an emergency basis, I will at that time oppose it.

But right now, I urge the Senate to waive this point of order. If it is the first one waived this year, this is the one to waive. This is the one necessary to do so.

I don't think it is inconsistent with my position.

I will tell Senator NICKLES, the chairman of the Budget Committee, that I think with the constraints we are operating under this year in view of the problems we have, being at war, and at the same time conducting all of these enormous projects that we are facing in terms of the health and welfare of our country, including education—this, as I said before, is the largest bill we have—this bill is underfunded. But it is not underfunded because of what we did; it is underfunded because of what the Budget Committee did.

This is the one chance to overrule the Budget Committee. I intend to support Senator SPECTER, and I intend to support this emergency declaration.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I remind my friend and colleague from Alaska—he is my friend—we had an agreement on $784 billion. The Senator from Alaska has an initial $5 billion on top of that. The agreement was $784 billion. The Senator from Alaska got $3 billion from defense for other items; then an additional $2.2 billion on top of that. A deal is a deal. If people do not want to waive the Budget Act, we don't have to have a budget.

I tell my colleagues that if the VA–HUD bill wants to bust the budget by declaring an emergency, we can bust the budget all day long. Why have a budget? They want to bust the budget by another $1.5 billion. I am sure every other committee would love to. Why have a budget if you are just going to say: Wait a minute; for an appropriated item we don't have enough money. We want more, and we will declare an emergency. It doesn't count. Now this year you will go to conference with the House with different figures.

We are going to have the same figures so we can finish the bills on time.

I am just disappointed in the statement of my colleague from Alaska. I believe a deal is a deal and a budget is a budget. It takes 60 votes to waive the budget. If our colleagues elect to waive it, I guess that will be their choice.

This Senator hopes that we will not do it. The NIH gets an additional $1 billion this year. Maybe that is not enough, as some would like, but the committee had $127 billion to allocate. They could have allocated that in any way they wanted. They had great discretion. We give great discretion to the chairman of the subcommittee and the ranking member of the subcommittee to allocate the $127 billion. Yet it looks as if, well, the NIH didn't do as well as many other accounts. Maybe that was on purpose. I don't know. I do know the total exceeds the budget that we passed. It exceeds the agreement we made with the President of the United States. It would say that $1.5 billion is an emergency for NIH. This is normally an appropriated item. There is nothing emergency whatsoever.

I urge my colleagues to sustain the budget point of order and not to waive the budget.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I appreciate the comments of the Senator from Oklahoma. Up my way, we say, ''Wait until the last dog is hung.''

The agreement we made with the President will be kept. In the final analysis, it was not based on the allocations we made under our allocation process. It was based on the total.

We have 13 bills to consider. We will see to it that we keep our agreement with the President. As a matter of fact, he has the veto pen. He will see to it that we keep it.

But there is a problem of getting bills done and taking to the conference the things that the Senate wants considered in conference.

I join with the Senator from Pennsylvania and the Senator from Iowa in wanting this money considered in conference. If it is not approved in conference, then we will not have approval.

I think there will be other items that the Senate will want to take out, and part of this money will come back in the final bill.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise to support the position of the chairman of the Budget Committee.

The deficit for next year is now calculated to be over $530 billion. That does not count the $160 billion that is going to be taken—every penny—from the Social Security trust fund surplus. Now we are talking about an operating deficit of $697 billion. And we are acting as though nothing has changed. Something has changed. This country is digging a deep hole.

I agree that NIH is underfunded. I would love to support additional money for NIH. But it is not there. It is not in this budget. It wasn't in the budget which I offered my colleagues and which the vast majority of Members on our side voted for. If we are going to be declaring emergencies on appropriated accounts where there is nothing that wasn't intended, there was nothing unanticipated, then we could just take the whole budget process and throw it out the window and abandon all discipline.

This is a mistake, I say to my colleagues. It is a mistake tonight to declare an emergency where no emergency exists.

I urge my colleagues to support the chairman of the Budget Committee.

The PRESIDING OFFICER. A point of order has been made.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, this is the most spirited debate of the entire bill, and we have had some spirited debates.

I thank the Senator from Oklahoma for his compliments.

I haven't gotten around to totaling the savings. But I was pleased to hear that we saved some $24-plus billion. Over a 10-year period, it is in the high of $300 billion.

I am pleased to note that I believe there is a very big difference between the National Institutes of Health and anybody else who wants to declare an emergency. Simply stated, NIH deals with life and death.

At any rate, we have saved more than $24 billion this year—a vast sum over 10 years.

I ask my colleagues to support this amendment, and I move to waive the Budget Act.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I rise in support of the Senator from Oklahoma. And this is a spirited debate.

I guess I rise in large part because of the agreement, as I understand it, that has gotten us to the point we are today; that is, to be able to progress on the appropriations bills with an overall sum that was set with a budget that was specifically designed and agreed to, which this amendment, as I interpret it, blows away.

Although I, as a physician and as someone who values what the NIH does tremendously—indeed, it is my life, or has been my life—the idea that we add $1 billion as an emergency at this point in time is inconsistent with the agreements we made up to this date.

Again, I would like to see that money invested and the NIH properly use that money well. If $1 billion is not put in, the NIH will be able to continue to do its responsible role, and fulfill that role, in a way that, to me, means this is not emergency money.

Thus, I will support the chairman of the Budget Committee, the Senator from Oklahoma, in the vote which we are about to take.

Mr. STEVENS. Will the Senator yield?

The PRESIDING OFFICER. Is there a sufficient second to the request for the yeas and nays?

There is a sufficient second.

The Senator from Alaska.

Mr. STEVENS. Leader, I state categorically I did not make an agreement on any particular bill. We made an agreement that the bottom line would not exceed the amount that the Senator from Oklahoma stated. We have a series of bills going to conference and we will keep that commitment.

But with due respect, I made no commitment on any particular bill, to the President or to anyone else.

Mr. FRIST. Mr. President, to reach this total sum, we established a budget that we have been able to adhere to today, to which we have all agreed. My interpretation of this amendment, describing it as an emergency, blows away that budget which leads to the total.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, emergency, like beauty, sometimes is in the eye of the beholder. Quite frankly, to this Senator, every single penny we put into NIH is an emergency. If you do not believe me, go out and talk to a family with a child that just came down with juvenile diabetes and see if you do not think what we spend at NIH is an emergency.

Talk to a woman who has just discovered she has breast cancer and is facing an uncertain future. Tell her that funding of NIH is not an emergency. Talk to someone who has suffered an injury who is now quadriplegic. They are looking for help to once again be whole again through some of the great research being done through NIH. Tell them this is not an emergency. Go out and talk to a family who has a loved one who has just come down with Alzheimer's disease not knowing what the future is going to be. A mother, father, grandparents, looking forward to the debilitating effects of Alzheimer's disease. Tell them that funding for NIH is not an emergency.

Whether or not this is an emergency is in the eye of the beholder. Think of the millions of Americans who have been afflicted with illness, disease, and injury who look to NIH for the treatments and cures; think about whether or not every single penny we spend on NIH is an emergency.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I wanted an opportunity as a cosponsor of the amendment to say a few words and to add my support to that of the chairman of the Appropriations Committee and the chairman and ranking member of the subcommittee.

We stand at a very unusual time. Because of the human genome and the advances in molecular biology, it is now possible to develop and target drugs to specific ailments and therefore to break frontiers, to cross barriers and make uncharted progress. What we began exactly 5 years ago under the leadership of the Senator from Pennsylvania and the Senator from Iowa was essentially to double the funding of NIH over 5 years, to be able to take advantage of the new horizon in front of us.

I serve with President and Mrs. Bush, senior, as vice chairman of the National Dialogue on Cancer. Senator SAM BROWNBACK has just come aboard. And in the Senate Cancer Coalition which Senator BROWNBACK and I cochair, we have heard miraculous testimony, for example, from Dr. Brian Drucker, the inventor of the drug Gleevec which is used to treat patients with chronic myeloid leukemia. Gleevec is one of a new generation of targeted cancer drugs that just kill bad cancer cells, leaving good cells unaffected. There is much less toxicity with this drug. Individuals do not lose their hair, they are not nauseated, and it has been shown to produce a 90-percent remission rate. That is where we are at this point in time. The sponsors of this amendment want to continue that advance.

I say to my colleagues on this side, we all voted for a host of amendments. They all cost money. This is the big one. This is the one that will really make a difference for the health of Americans. If this amount is not added to the budget, the number of new and competing non-biodefense research grants will drop, from 9,902 in fiscal year 2003 to 9,827 in fiscal year 2004.

NIH says the optimum number percent of approval for these research grants is about 40 percent. Through the increases we have made over the last 5 years, the grant approval rate is now about 30 percent. All this amendment does is allow us to keep even with that rate. Unfortunately, it takes $1.5 billion to do that.

The suffering out there is enormous. Because of advances, we can find new cures and new drugs with better prevention and better rehabilitation. That is what I believe the American people want to spend these dollars on.

I have faith in what the chairman of the Appropriations Committee said. Actually, I have never in the 10 years I have been here on a dollar matter heard him make a misstatement. I have no reason not to believe what he is saying. It may be true in absolute terms that this is not an emergency and the original plans were to take this money in a different way. For some reason that changed. The need is there. And the results will be there. I am absolutely convinced of it.

Senator BROWNBACK and I, as cochairs of the Senate Cancer Coalition, hold hearings. We hear from people. We hear from scientists. We hear from advocates. Yet more than 575 health, research, and disease advocacy organizations support this amendment. That is no coincidence. It is because people know now that because of the advances in molecular biology, because of the human genome, we are on the brink of new discoveries. We want those discoveries to continue.

This is not pie in the sky. This is real. Every dollar spent will yield health dividends for people. I hope we will pass this amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the motion. 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 Oregon (Mr. SMITH) is absent because of a death in the family.

Mr. REID. I announce that the Senator from North Carolina (Mr. EDWARDS), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), and the Senator from Connecticut (Mr. LIEBERMAN) 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 yeas and nays resulted—yeas 52, nays 43, as follows:

[Rollcall Vote No. 346 Leg.]

YEAS—52

Akaka
Bennett
Biden
Boxer
Brownback
Campbell
Cantwell
Clinton
Coleman
Collins
Corzine
Daschle
Dayton
DeWine
Dole
Domenici
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hatch
Hollings
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Wyden

NAYS—43

Alexander
Allard
Allen
Baucus
Bayh
Bingaman
Bond
Breaux
Bunning
Burns
Byrd
Carper
Chafee
Chambliss
Cochran
Conrad
Cornyn
Craig
Crapo
Dodd
Ensign
Enzi
Fitzgerald
Frist
Graham (SC)
Grassley
Gregg
Hagel
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Nickles
Pryor
Santorum
Sessions
Sununu
Talent
Thomas
Voinovich
Warner

NOT VOTING—5

Edwards
Graham (FL)
Kerry
Lieberman
Smith

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The emergency designation is stricken.

The question is on agreeing to the amendment.

The Senator from Oklahoma.

Mr. NICKLES. Amendment No. 1522 by the Senator from Pennsylvania increases spending by $1.5 billion. This additional spending would cause the underlying bill to exceed the subcommittee's section 302(b) allocation. Therefore, I raise a point of order against the amendment pursuant to section 302 of the Budget Act.

The PRESIDING OFFICER. The Senator has raised a point of order.

Mr. REID. Mr. President, 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I now send a series—

The PRESIDING OFFICER. If the Senator will suspend, a point of order was raised against the amendment. The point of order is sustained. The amendment falls.

N O T I C E

Incomplete record of Senate proceedings. Except for concluding business which follows, today's Senate proceedings will be continued in the next issue of the Record.

ORDERS FOR THURSDAY, SEPTEMBER 11, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 1 p.m. on Thursday, September 11, the Senate proceed to the consideration of Calendar No. 269, S.J. Res. 17; I further ask that on Thursday there be 3 hours of debate equally divided between the two leaders or their designees with all other statutory limitations remaining in order.

I further ask unanimous consent that following the use or yielding back of the debate time during Thursday's session, the joint resolution be temporarily set aside and the Senate resume consideration of the resolution at 4:30 on Monday, September 15; provided further that there be 60 minutes remaining for debate equally divided; and that following that time the resolution be read a third time and a vote occur on final passage of the resolution with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that following the FCC resolution on Thursday, the Senate proceed to the consideration of Calendar No. 218, H.R. 2754, the Energy and Water appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until 8:30 a.m. Thursday, September 11; 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 begin a period of morning business until 11:45; that the Senate observe 4 moments of silence in observance of the anniversary of the September 11, 2001 tragedy at the following times: 8:46 a.m.; 9:03 a.m.; 9:38 a.m.; and 10:06 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. For the information of all Senators, tomorrow the Senate will reconvene at 8:30 to observe the anniversary of the September 11 tragedy. As earlier ordered, there will be four moments of silence which will be denoted by the ringing of ceremonial bells outside the Senate Chamber. There will be other events throughout the day as a remembrance of this day and all Senators are invited to anticipate.

As announced by the majority leader, no rollcall votes will occur on Thursday or Friday. However, the Senate will conduct business on those days. Tomorrow, the Senate will consider the FCC resolution as well as the energy and water appropriations legislation. Any votes ordered will be sequenced to begin on Monday beginning at 5:30.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. If there is no further business, the Senate stands adjourned until tomorrow morning, Thursday, September 11, at 8:30 a.m.

Thereupon, the Senate, at 8:54 p.m. adjourned until Thursday, September 11, 2003, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 10, 2003:

FEDERAL RESERVE SYSTEM

BEN S. BERNANKE, OF NEW JERSEY, TO BE A MEMBER OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOURTEEN YEARS FROM FEBRUARY 1, 2004. (REAPPOINTMENT)

ROGER WALTON FERGUSON, JR., OF MASSACHUSETTS, TO BE VICE CHAIRMAN OF THE BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM FOR A TERM OF FOUR YEARS. (REAPPOINTMENT)

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

CHRISTINA M. SCHULTZ, 0000
JAMES W. TEDTAOTAO, 0000
KURT M. VAN HAUTER, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be captain

DANIEL B ABEL, 0000
ELMO L ALEXANDER, 0000
THOMAS F ATKIN, 0000
VINCENT B ATKINS, 0000
RICHARD D BELISLE, 0000
LANCE O BENTON, 0000
ANDREW J BERGHORN, 0000
MATHEW D BLIVEN, 0000
MARK E BUTT, 0000
DAVID R CALLAHAN, 0000
KARL H CALVO, 0000
MARK M CAMPBELL, 0000
STEVEN E CARLSON, 0000
TIMOTHY M CLOSE, 0000
MICHAEL C COSENZA, 0000
THOMAS M CULLEN, 0000
MATTHEW E CUTTS, 0000
MARK J DANDREA, 0000
ROBERT L DESH, 0000
WILLIAM T DEVEREAUX, 0000
CHARLEY L DIAZ, 0000
WILLIAM J DIEHL, 0000
DAVID A DURHAM, 0000
DAVID C ELY, 0000
TODD GENTILE, 0000
TERRY D GILBREATH, 0000
DAVID H GORDNER, 0000
EUGENE GRAY, 0000
EDWARD W GREINER, 0000
RICHARD T GROMLICH, 0000
DAVID M GUNDERSEN, 0000
GREGORY R HAACK, 0000
MICHAEL A HAMEL, 0000
MARK R HIGGINS, 0000

EVAN Q KAHLER, 0000
JOHN F KAPLAN, 0000
BRIAN D KELLEY, 0000
MICHAEL R KELLEY, 0000
MICHAEL E KENDALL, 0000
SCOTT P LAROCHELLE, 0000
JOHN J MACALUSO, 0000
DANIEL R MACLEOD, 0000
TIMOTHY F MANN, 0000
BRIAN J MARVIN, 0000
CHARLES A MATHIEU, 0000
JOANNE MCCAFFREY, 0000
JAMES L MCDONALD, 0000
JAMES B MCPHERSON, 0000
STEPHEN P METRUCK, 0000
FRED M MIDGETTE, 0000
JOSEPH E MIHELIC, 0000
ROBERT G MUELLER, 0000
RICHARD K MURPHY, 0000
PATRICK J NEMETH, 0000
KEVIN M ODAY, 0000
JOHN C ODELL, 0000
MARK P OMALLEY, 0000
MICHAEL N PARKS, 0000
FRANK M PASKEWICH, 0000
RAYMOND J PETOW, 0000
JAMES E RENDON, 0000
ANTHONY S REYNOLDS, 0000
LEONARD L RITTER, 0000
MARK A ROSE, 0000
DOUGLAS G RUSSELL, 0000
PAMELA A RUSSELL, 0000
BRYAN D SCHRODER, 0000
KARL L SCHULTZ, 0000
JOSEPH A SERVIDIO, 0000
JOSEPH C SINNETT, 0000
LIAM J SLEIN, 0000
SANDRA L STOSZ, 0000
LINCOLN D STROH, 0000
MICHAEL E SULLIVAN, 0000
STEVEN C TAYLOR, 0000
GILBERT E TEAL, 0000
MICHAEL A TEKESKY, 0000
EDWIN B THIEDEMAN, 0000
BRUCE L TONEY, 0000
FREDERICK W TUCHER, 0000
THOMAS D WADE, 0000
ARTHUR C WALSH, 0000
PAUL E WIEDENHOEFT, 0000

THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 188:

To be captain

MICHAEL A. ALFULTIS, 0000
JONATHAN C. RUSSELL, 0000
VINCENT WILCZYNSKI, 0000

To be commander

MELINDA D. MCGURER, 0000
KURT A. SEBASTIAN, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

TYRONE C. * ABERO, 0000
DAVID S. ABRAHAMS, 0000
THOMAS M. * ACKLEN JR., 0000
DOUGLAS * ACOBA JR., 0000
MICHAEL D. * ACORD, 0000
MARCUS P. ACOSTA, 0000
MICHAEL A. ADAMS, 0000
MICHAEL C. * ADAMS, 0000
ROY H. ADAMS III, 0000
ARTHUR A. ADDLEMAN, 0000
MICHAEL A. * ADELBERG, 0000
KEVIN D. * ADMIRAL, 0000
LAWRENCE N. * AIELLO, 0000
TERRY J. * AIKEN, 0000
ANDREW G. * AJAMIAN, 0000
DEMETRIUS C. * ALEXANDER, 0000
RICHARD W. * ALEXANDER II, 0000
TOM ALEXANDER JR., 0000
EDWARD W. ALLEN II, 0000
GEORGE K. * ALLEN, 0000
JEFFREY R. * ALLEN, 0000
KENNETH S. ALLEN, 0000
RANDY S. ALLISON, 0000
DANA C. ALLMOND, 0000
MICHAEL W. * ALSBROOK, 0000
ANTON D. * ALSTON, 0000
JONATHAN K. ALT, 0000
JOHN E. * AMADEO, 0000
JASON L. AMERINE, 0000
PAUL M. AMRHEIN, 0000
ERIC C. * ANDERSON, 0000
ERIK N. ANDERSON, 0000
JEFFREY F. ANDERSON, 0000
JOSEPH S. * ANDERSON, 0000
MICHELLE I. * ANDERSON, 0000
THOMAS E. * ANDERSON, 0000
VERNON D. ANDERSON, 0000
WESLEY J. ANDERSON, 0000
CORT W. ANDREWS, 0000
MICHAEL V. * ANGELL, 0000
JOSEPH M. * ANGELO, 0000
WENCESLAO G. * ANGULO, 0000
STEVEN R. ANSLEY JR., 0000
BRIAN P. APGAR, 0000
RICHARD T. APPELHANS, 0000
AUSTIN T. APPLETON, 0000
NEVILLE M. * ARCHER, 0000
BRENDAN J. * ARCURI, 0000
CHARLES S. ARMSTRONG, 0000
RYAN D. ARNE, 0000
KRIS A. * ARNOLD, 0000
REYNOLD R. ARREDONDO, 0000
JOSEPH * ASBERY, 0000
GREGORY N. * ASH JR., 0000
THOMAS J. ATKINS, 0000
MARY M. * AUSTIN, 0000
DOUGLAS W. * AYDELOTT, 0000
SHANNON W. * AYERS, 0000
TORO J. * AYMAT, 0000
KENNETH J. BABCOCK, 0000
EVERETT K. * BABER, 0000
GEORGE R. * BACON, 0000
PATRICK J. * BADAR, 0000
ROBERT S. * BAE, 0000
BENJAMIN S. * BAHOQUE, 0000
SCOTT J. BAIER, 0000
CURTISS M. BAILEY JR., 0000
JAMES J. BAILEY, 0000
MATTHEW J. * BAILEY, 0000
LAWRENCE J. * BAKER JR., 0000
RONALD L. * BAKER, 0000
SABRINA * BAKER, 0000
ANDRE J. BALDANZA, 0000
TROY B. * BALDRIDGE, 0000
KEVIN C. * BALISKY, 0000
ALLANA J. BALKAM, 0000
ANDRE P. * BALYOZ, 0000
JOSEPH D. BARBER III, 0000
BRADLEY D. BARKER, 0000
PAUL E. * BARNES, 0000
CHRISTOPHER M. * BARNWELL, 0000
GILBERTO J. BARRERA, 0000
NESTOR L. * BARRETO, 0000
RICHARD * BARTOSZUK, 0000
DARRELL D. BASCOM, 0000
STEVEN P. * BASILICI, 0000
STEVEN G. BASSO, 0000
ARCHIE P. * BATES III, 0000
PABLO BATISTAHERNANDEZ, 0000
LARRY J. * BAUGUESS JR., 0000
CRAIG S. BAUMGARTNER, 0000
HASHEM * BAYATPOOR, 0000
GEORDIE E. * BEAL, 0000
SCOTT T. BEALL, 0000
CYNTHIA S. BEARD, 0000
GREGORY B. * BEAUDOIN, 0000
TIMOTHY M. * BECK, 0000
JOHNNY A. * BECKWITH, 0000
CHRISTOPHER L. BELCHER, 0000
GREGORY R. * BELL, 0000
RICHARD C. BELL JR., 0000
TREAVOR J. BELLANDI, 0000
BRUCE C. * BENNARD, 0000
WILLIAM J. * BENNER, 0000
TIMOTHY J. * BENNETT, 0000
TYRONE * BENNETT, 0000
CHARLES E. BENSON, 0000
MICHAEL J. BENSON, 0000
STEVEN R. * BERGER, 0000
CHARLES K. BERGMAN, 0000
CRAIG D. * BERGWALL, 0000
RICHARD D. * BERRY, 0000
CRAIG S. BESAW, 0000
KEITH E. * BESHERSE, 0000
JOHN A. BEST, 0000
MICHAEL J. BEST, 0000
WILLIAM H. BESTERMANN, 0000
VIVIAN * BETHEA, 0000
ERIC S. BETTS, 0000
STEVEN J. * BETTS, 0000
KURT L. BEURMANN, 0000
BRUCE F. BEYERS, 0000
OLIVIA M. * BIERMAN, 0000
DANIEL L. BILLQUIST, 0000
SCOTT A. * BIRD, 0000
ALAN D. BISENIEKS, 0000
JOHN W. BITTNER, 0000
KIM T. BIVIN, 0000
WALTER T. * BLAKE, 0000
MICHAEL P. * BLANDFORD, 0000
JEFFREY D. BLANEY, 0000
CHARLES H. * BLUMENFELD III, 0000
SEAN D. * BLUNDON, 0000
GREGORY G. * BOBECK, 0000
KENNETH D. * BOGGS, 0000
BRAD J. * BOHAN, 0000
GLENN R. BOLLINGER III, 0000
GEORGE M. * BOND, 0000
JOHN J. BONIN, 0000
KRISTA L. BONINO, 0000
JOE D. * BOOKARD, 0000
REX A. BOONE, 0000
EDWARD F. * BOROWIEC JR., 0000
JONATHAN A. BOSTON, 0000
SCOTT A. BOVEE, 0000
JOHN K. * BOWMAN, 0000
ROGER L. * BOWMAN, 0000
MARK P. * BOYLAN, 0000
EDWARD * BOYLE, 0000
DELORES G. * BRADDOCK, 0000
STEVEN R. BRADDOM, 0000
JAMES M. * BRAMBLETT, 0000
JOHN D. * BRANCH, 0000
SCHAWN L. BRANCH, 0000
KURT R. * BRANNSTROM, 0000
MICHAEL R. BRAUN, 0000
JOHN E. * BRENNAN, 0000
MICHAEL L. * BRETL, 0000
GARY T. * BRETT, 0000
DAVID B. * BRICKER, 0000
ANDREW P. BRICKSON, 0000
KEVIN M. * BRILL, 0000
MARK E. * BROCK, 0000
ROBERT A. BROGAN, 0000
MATTHEW W. * BROOKE, 0000
COURTNEY R. BROOKS, 0000
HARRY D. * BROOKS, 0000
MICHAEL S. * BROOKS, 0000
STEPHEN M. BROOKS, 0000
WINSTON P. BROOKS, 0000
SID W. * BROOKSHIRE, 0000
CARL A. BROSKY, 0000
MICHAEL W. BROUGH, 0000
BRIAN W. * BROWN, 0000
DOUGLAS E. * BROWN, 0000
EDMOND M. * BROWN, 0000
JAMES L. * BROWN, 0000
JASON M. * BROWN, 0000
JOEL A. * BROWN III, 0000
JOHN C. BROWN, 0000
JUANITA R. * BROWN, 0000
MARK D. * BROWN, 0000
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ROBERT M. * BROWN, 0000
RONNIE F. BROWN, 0000
SCOTT A. * BROWN, 0000
THOMAS J. BROWN, 0000
WILLIAM P. * BROWN, 0000
DAVID G. * BRUMLOW, 0000
AMY L. BRUNERDEHNERT, 0000
TRENT D. * BRUYERE, 0000
TODD A. * BRYER, 0000
ANGELA R. * BUCHANAN, 0000
SEAN P. BUCHHOLTZ, 0000
JOHN M. BUCK, 0000
PATRICK D. BUCKLEY, 0000
GUY H. * BUICE, 0000
JAY P. BULLOCK, 0000
GREGORY N. BUNN, 0000
JEFFREY A. * BUONO, 0000
JOSEPH A. * BURGER, 0000
DANIEL S. * BURGESS, 0000
THOMAS F. * BURKET, 0000
KEVIN H. * BURKETT, 0000
KENNETH W. BURKMAN, 0000
DARRIEL A. BURLESON, 0000
KYLE C. * BURLEY, 0000
ROBERT M. BURMASTER, 0000
CHRISTOPHER A. BURNS, 0000
FERDINAND BURNS III, 0000
LAWRENCE M. BURNS, 0000
MARK A. * BURNS, 0000
JOSHUA R. BURRIS, 0000
LAURA L. * BURTON, 0000
MATTHEW V. * BURTON, 0000
BARRY C. * BUSBY, 0000
MICHAEL D. * BUSH, 0000
JEREMY D. * BUSHYAGER, 0000
ADAM W. BUTLER, 0000
KEVIN P. * BUTLER, 0000
MARTY T. * BUTTS, 0000
PHUC BUU, 0000
CHRIS A. BYLER, 0000
FRANKLIN D. * BYRD II, 0000
TYRONE L. * BYRD, 0000
MICHAEL S. CAHILL, 0000
WILLIAM J. CAIN JR., 0000
JASON T. * CALDWELL, 0000
JOHN P. CALHOUN, 0000
STEVEN D. * CALHOUN, 0000
SAMUEL L. CALKINS, 0000
EDWIN J. CALLAHAN, 0000
CHAD A. * CALLIS, 0000
KIRK V. * CALLOWAY, 0000
CHAD A. * CALVARESI, 0000
LANCE K. CALVERT, 0000
ULISES V. CALVO, 0000
ANTHONY D. * CAMPBELL, 0000
JOSEPH W. CAMPBELL, 0000
SHAWN K. CAMPBELL, 0000
DANIEL * CANALES, 0000
PETER J. * CANONICO, 0000
CAMERON M. CANTLON, 0000
CHRISTOPHER A. * CAPOZZI, 0000
REBECCA A. * CAPPS, 0000
DOUGLAS J. * CARBONE, 0000
MICHAEL A. * CARDENAS, 0000
LONNIE * CARLSON, 0000
TEMAKI N. * CARR, 0000
DANIEL S. * CARRERA, 0000
JASON A. CARRICO, 0000
CLARENCE L. * CARROLL III, 0000
PAUL L. * CARROLL, 0000
STEVEN M. CARROLL, 0000
DON C. * CARTER, 0000
JEFFERY A. CARTER, 0000
CARL L. * CASEY, 0000
MICHAEL J. CATHEY, 0000
WATSON G. CAUDILL III, 0000
ANDREW P. * CEMPA, 0000
EDWARD P. CHAMBERLAYNE, 0000
TIMOTHY W. CHAMBERS, 0000
SCOTT T. CHANCELLOR, 0000
DANIEL L. CHANDLER, 0000
MATTHEW H. CHANTINY, 0000
JASON A. CHARLAND, 0000
MELODY J. * CHARLES, 0000
MARK R. * CHEADLE, 0000
MARY R. CHEYNE, 0000
MICHAEL L. * CHISHOLM, 0000
DARRELL C. CHUGG, 0000
MICHAEL R. CHUPAS, 0000
MICHAEL A. CIZEK, 0000
MICHAEL N. CLANCY, 0000
BRETT M. * CLARK, 0000
JOSEPH M. CLARK, 0000

PHILIP R. CLARK, 0000
TERRY L. * CLARK, 0000
ADRIENNE L. CLARKE, 0000
BRIAN P. * CLARKE, 0000
DONALD J. CLARKSON, 0000
JON A. * CLAUSEN, 0000
RICHARD P. * CLIFTON, 0000
TODD C. * CLINE, 0000
PATRICK M. * CLUNE, 0000
SHAY V. * COATES, 0000
MATTHEW J. CODY, 0000
ROSS M. COFFEY, 0000
JAMES W. * COFFIN, 0000
DAVID J. COKER, 0000
CHRISTOPHER H. * COLAVITA, 0000
CYNTHIA G. COLEMAN, 0000
TIJUANA D. COLLIER, 0000
DARRELL W. * COLLINS, 0000
RENAISANCIANO * CONCORDIA, 0000
TERESA A. CONDRON, 0000
KURT P. CONNELL, 0000
ROBERT C. * CONNELL, 0000
DAVID P. * CONNOLLY, 0000
BLAKESLEE A. * CONNORS, 0000
MICHAEL P. CONROY, 0000
FRANCISCO D. CONSTANTINO, 0000
AARON J. COOK, 0000
NATHAN E. COOK II, 0000
RANDALL A. * COOK, 0000
ERIC H. COOMBS, 0000
ROBERT H. * COOPER, 0000
DERRICK A. * CORBETT, 0000
FREDERICK L. CORCORAN III, 0000
ROGER G. CORDRAY, 0000
STEVE E. CORNELIUS, 0000
KEITHON R. CORPENING, 0000
JAMES T. CORRIGAN, 0000
NEAL A. * CORSON, 0000
ELWARD P. CORTEZ, 0000
LUIS COTTOARROYO, 0000
DAWN M. COX, 0000
JOHN P. * COX, 0000
PHILLIP L. COX JR., 0000
RHETT R. * COX, 0000
JAMES D. * CRABTREE, 0000
PAUL G. CRAFT, 0000
JAMES R. CRAIG, 0000
STEVEN P. CRAM, 0000
MARK D. * CRAMUTOLO, 0000
JACOB E. CRAWFORD III, 0000
JAMES D. * CRAWFORD III, 0000
LEO R. * CRAWFORD JR., 0000
LUIS * CRESPO, 0000
SIDNEY W. * CREWS, 0000
ERIC S. CRIDER, 0000
CHRISTOPHER A. * CROOKS, 0000
PHILIP T. CROSBIE, 0000
TROY W. CROSBY, 0000
JAMES W. CROSSLEY, 0000
MASON W. CROW, 0000
JASON A. CROWE, 0000
MICHAEL A. CSICSILA, 0000
CRAIG P. CUMMINGS, 0000
JIMMIE E. * CUMMINGS JR., 0000
KENNETH F. * CUMMINGS, 0000
CRAIG H. * CUNNINGHAM, 0000
GARY L. * CUNNINGHAM, 0000
THOMAS J. CUNNINGHAM, 0000
ROBERT A. * CURRIS, 0000
ROBERT P. * CURTIN, 0000
GREGORY J. * CYR, 0000
MATTHEW C. DABBS, 0000
ANDREW P. * DACUS, 0000
ERIKA L. * DANCE, 0000
GARY * DANGERFIELD, 0000
HERBERT L. DANIEL JR., 0000
BARRY E. * DANIELS JR., 0000
LISA M. * DANIELS, 0000
MICHAEL D. DANIELS, 0000
DANIEL P. * DANKO, 0000
PETER A. DANNENBERG, 0000
PAUL T. * DANSEREAU, 0000
PETER E. DARGLE, 0000
WILLIAM E. * DARNE, 0000
ROBERT A. * DAVEL, 0000
BRADFORD J. * DAVIS, 0000
GEORGE E. * DAVIS, 0000
SEAN P. * DAVIS, 0000
TIMOTHY C. * DAVIS, 0000
KETTI C. * DAVISON, 0000
ROBERT A. DAWSON, 0000
STEPHEN E. DAWSON, 0000
MITCHELL K. DAY, 0000
GLENN A. DEAN III, 0000
ANDREW B. * DECKER, 0000
JAMES A. DELAPP, 0000
STEVEN M. DELGADO, 0000
GREGG M. DELLERT, 0000
ANTHONY V. DEMASI, 0000
MICHAEL E. * DEMIRJIAN, 0000
JOHN M. * DEMKO, 0000
DANIEL R. * DEMPSEY JR., 0000
JASON K. DEMPSEY, 0000
THOMAS S. DENIS, 0000
JASON S. DENNEY, 0000
WILLIAM P. * DENNY, 0000
MARK A. * DEPEW, 0000
MIKE * DEQUEVEDO, 0000
ANDREW R. * DESJARDINS, 0000
TODD R. DESLAURIERS, 0000
JOSE A. * DEVARONA, 0000
TORREY A. DICIRO, 0000
SCOTT DICKEY, 0000
LARRY F. DILLARD JR., 0000
JACK E. * DILLS, 0000
DOMINIQUE M. * DIONNE, 0000
JOSEPH A. * DIPASQUALE III, 0000
TREVOR W. * DISON, 0000
ROBERT G. * DIXON, 0000
DEAN J. * DOMINIQUE, 0000
ADRIAN A. * DONAHOE, 0000
JOHN L. * DONALDSON, 0000
JAMES K. DOOGHAN, 0000
MATTHEW A. DOOLEY, 0000
MATTHEW R. * DOOLEY, 0000
MARK L. DOTSON, 0000
PATRICK M. DOWNES, 0000
DAVID S. DOYLE, 0000
MICHAEL B. * DRAPER, 0000
MARK S. * DREWETT, 0000
JOHN H. DROSOS, 0000
DANIELLE E. * DUBOSE, 0000
EDGAR R. DUCHEMIN, 0000
RANSOM W. * DUDLEY JR., 0000
STEPHEN M. DUNAWAY, 0000
DANIEL L. * DUNCAN JR., 0000
RUTH L. * DUNCAN, 0000
SHANE N. DUNCANSON, 0000
CHARLES A. DUNFORD JR., 0000
LANDY D. DUNHAM, 0000
JAMES K. DUNIVAN, 0000
MATTHEW W. * DUNLOP, 0000
ALBERT J. * DUNN JR., 0000
DAVID W. DUNPHY, 0000
EDWARD J. * DUPONT, 0000
JON R. DURANT, 0000
PIER M. * DURST, 0000
JAMES J. DUTHU, 0000
WILLIAM E. * DUVALL IV, 0000
JAMES P. DYKE, 0000
JAMES D. DZWONCHYK, 0000
WILLIAM B. * EBERHARDT, 0000
PAUL D. EDGAR, 0000
GARY L. EDMONDS, 0000
MARC A. EDQUID, 0000
ADAM T. EDWARDS, 0000
JAMES M. EFAW, 0000
SEAN D. EGAN, 0000
BENJAMIN S. * EISER, 0000
RUSSELL J. ELIZONDO, 0000
JAMES W. ELLERSON JR., 0000
MICHAEL A. ELLICOTT JR., 0000
JAY T. ELLIOTT, 0000
CHRISTOPHER J. ELLIS, 0000
JON E. ELLIS, 0000
PATRICK J. ELLIS, 0000
WILLIAM L. ELLIS, 0000
ISSAC W. ELLISON IV, 0000
ROBERT J. ELLS, 0000
RONALD L. ELLS, 0000
DENNIS J. * EMMERT II, 0000
CONRAD J. * ENCARNACION, 0000
JEFFREY M. ERICKSON, 0000
PATRICK R. ERICKSON, 0000
REED G. ERICKSON, 0000
ANDREW J. * ESCH, 0000
JOE A. ESPINOSA JR., 0000
ESEQUIEL S. * ESPINOZA, 0000
PEDRO R. ESPINOZA II, 0000
MARK R. * ESSENBERG, 0000
PHILIP J. * ETZKORN, 0000
MARCUS S. EVANS, 0000
PATROVICK G. * EVERETT, 0000
WILBUR T. * EVERRITT III, 0000
HOA V. EWING, 0000
CHRISTOPHER T. FABER, 0000
ROBERT A. FAGO, 0000
MELISSA D. FAHRNI, 0000
JAMES M. * FALCONE JR., 0000
MARK R. * FARIA, 0000
DALE L. FARRAND, 0000
THERESA L. * FARRELL, 0000
MICHAEL L. * FAZEN, 0000
PETER C. * FEDAK, 0000
CARL R. FEHRENBACHER, 0000
RICHARD E. FELICES, 0000
CHRISTIAN H. FELLOWS, 0000
THOMAS M. * FELTEY, 0000
CYLE J. * FENA, 0000
KEITH X. * FENNELL, 0000
VICTOR W. FERSON, 0000
THOMAS M. FIFE, 0000
EDWARD J. FISHER, 0000
JEROME W. * FISHER, 0000
MARK A. * FISHER, 0000
ROBBIE L. * FISHER, 0000
SEAN N. * FISHER, 0000
DANNY C. * FITCH, 0000
WILLIAM S. * FLEMING, 0000
LOUIS A. FLORENCE, 0000
NORBERT A. FOCHS, 0000
JOHN K. FOLEY, 0000
JAMES S. FOLLANSBEE, 0000
CHRISTOPHER A. * FOOTE, 0000
DAVID A. * FORBES, 0000
CHRISTOPHER M. FORD, 0000
BRIAN A. FORN, 0000
JAMES A. * FOSBRINK, 0000
DAVID A. * FOSTER, 0000
STEVEN P. * FOSTER, 0000
TRACY A. FOSTER, 0000
WARREN D. * FOSTER, 0000
MARTHA R. FOUNTAIN, 0000
CHRISTOPHER V. * FOURNIER, 0000
KATHY FOX, 0000
MICHAEL R. * FOX, 0000
TODD M. FOX, 0000
FRANCENE M. * FRANKLIN, 0000
RICKY R. * FRANKLIN, 0000
DWIGHT E. FRASER, 0000
CARL H. FRAZER, 0000
TULIP C. FRAZIER, 0000
RANDY R. * FREEMAN, 0000
COLLIN H. * FRISBIE, 0000
JEFFREY A. FRITZ, 0000
ERIC C. * FRUTCHEY, 0000
GEOFFREY M. FULLER, 0000
DARYL L. * FULLERTON, 0000
SCOTT C. FULMER, 0000
PAMELA M. * FULTON, 0000
PRESTON L. FUNKHOUSER IV, 0000
STUART D. FURNER, 0000
DANIEL E. GALLAGHER, 0000
JOHN M. GALLAGHER, 0000
JOHN P. * GALLAGHER JR., 0000
JULIE S. GALLAGHER, 0000
WILLIAM B. * GAMBINO, 0000
GLENN J. * GAMBRELL, 0000
DANNELL T. * GAMEL, 0000
BRAD T. * GANDY, 0000
JOHN J. * GARCIA, 0000
MICHELLE M. * GARCIA, 0000
JAVIER M. * GARCIAIRIZARRY, 0000
JAY C. * GARDNER, 0000
JEFFREY A. * GARDNER, 0000
JASON T. GARKEY, 0000
MICHAEL P. * GARLINGTON, 0000
KEVIN L. * GARNER, 0000
ALBERTO * GARNICA JR., 0000
BENJAMIN L. * GARRETT, 0000
RANDY A. GARRIDO, 0000
MARK T. * GARTNER, 0000
THOMAS M. GASTON JR., 0000
DEREK J. * GAUDLITZ, 0000
DEE A. * GAUSS, 0000
STEPHEN E. GAUTHIER, 0000
PATRICK L. GAYDON, 0000
LAURA R. GELDHOF, 0000
CRAIG W. * GENDREAU, 0000
JOEL W. GENTRY, 0000
TODD M. GENTRY, 0000
STEVEN M. * GEORGE, 0000
MARK A. GERALDI, 0000
STACY L. * GERBER, 0000
DAVID M. * GERCKEN, 0000
DARRYL L. GEROW SR., 0000
SHILISA D. * GETER, 0000
EVE M. GEYER, 0000
SINH N. * GIBBON, 0000
OCTAVIOUS L. GIBBONS, 0000
KIRK E. GIBBS, 0000
BRYAN R. GIBBY, 0000
THOMAS S. * GIBSON, 0000
JOSEPH H. * GIESE, 0000
DAVID A. GIGLIOTTI, 0000
ANDREW D. * GIGNILLIAT, 0000
JOSEPH M. * GILBERT, 0000
CLINTON D. GILDER, 0000
LAWRENCE E. * GILL II, 0000
THOMAS M. GILLERAN, 0000
WILLIAM J. * GIRARD, 0000
KATRINA A. * GLASS, 0000
GEORGE P. GLAZIER, 0000
MICHAEL K. * GLOWASKI, 0000
ALVIN O. * GODWIN, 0000
STEPHEN C. GOFF, 0000
ANDRE A. * GOLDEN, 0000
WILLIAM T. * GOLDEN IV, 0000
THOMAS GOLDNER, 0000
JOSEPH * GONNELLA, 0000
FELIX O. GONZALES JR., 0000
MICHAEL GONZALES, 0000
TRACEY * GONZALES, 0000
CARLOS E. GONZALEZ, 0000
RICARDO * GONZALEZ, 0000
ROBERTO * GONZALEZPENA, 0000
ELISABETH M. GOODING, 0000
ROBERT D. * GOODROE, 0000
ROBERT E. GORDON, 0000
WILLIAM D. GOSS, 0000
MICHAEL J. * GOUDEAU, 0000
EARTHA M. GOVAN, 0000
GILBERT T. GOZALO, 0000
STEPHANIE E. * GRADFORD, 0000
JOEL F. * GRAHAM, 0000
KIMBERLY K. * GRAHEK, 0000
PETER W. * GRANGER, 0000
GARY R. GRAVES, 0000
DEVIN L. GRAY, 0000
DOUGLAS A. * GRAY, 0000
MICHAEL G. * GRAY, 0000
ROB L. GRAY, 0000
THOMAS E. * GRAY, 0000
DARRELL L. * GREEN, 0000
GARY L. * GREEN JR., 0000
SCOTT A. GREEN, 0000
DANIEL A. GREENE, 0000
GAYLORD W. GREENE, 0000
ANDY J. * GREER, 0000
CHARLES W. * GREGORY, 0000
MARVIN L. GRIFFIN, 0000
COREY A. GRIFFITHS, 0000
CHRISTIAN S. * GRIGGS, 0000
KEVIN L. * GRIGGS, 0000
DERRICK M. * GRIMES, 0000
THOMAS G. GROGGETT, 0000
THEODORE M. GROPP, 0000
BRIAN J. * GRUCHACZ, 0000
EDWARD F. * GUERNSEY, 0000
MATHEW D. GUERRIE, 0000
KENT G. GUFFY, 0000
SPENCER C. * GUIDA, 0000
EUGENIA K. GUILMARTIN, 0000
JEFFREY C. * GUNN, 0000
RICHARD B. GUSSENHOVEN, 0000
NATHAN F. * HAAS, 0000
MICHAEL C. * HABER, 0000
ANNA M. HABERZETTL, 0000
MICHAEL L. HAGGARD, 0000
RICHARD T. * HAGGERTY, 0000
JONATHAN D. HAIGHT JR., 0000

MAURICE S. HAJJAR, 0000
BORIS A. * HALL, 0000
BRADLEY H. * HALL, 0000
JENNIFER J. * HALL, 0000
JUSTIN R. HALL, 0000
LAMONT J. * HALL, 0000
CHARLES A. HALLMAN, 0000
LARRY L. * HAMILL, 0000
WARREN D. HAMILTON, 0000
JOHN D. * HANSEN, 0000
DAN R. HANSON, 0000
MICHAEL G. * HANSON, 0000
ERINN S. HARDAWAY, 0000
MATTHEW B. HARLESS, 0000
DAVID A. * HARPER, 0000
ANDREA M. * HARRIS, 0000
BENJAMIN J. HARRIS, 0000
CLIFTON C. * HARRIS, 0000
DARRELL G. * HARRIS, 0000
JOHN K. HARRIS, 0000
STEPHEN P. * HARRIS, 0000
WILLIAM D. * HARRISON, 0000
GERALD J. HART JR., 0000
BRYON K. HARTZOG, 0000
JAMES P. * HARVEY, 0000
KIRK A. HARVEY, 0000
LISA M. HARVEY, 0000
MICHAEL D. HARVEY, 0000
DAVID E. * HAUGH, 0000
EDWARD J. * HAUSKNECHT, 0000
LESLIE S. HAWKINS, 0000
THOMAS C. * HAWN, 0000
ANTHONY L. HAYCOCK, 0000
JASON M. * HAYES, 0000
DOUGLAS C. HAYS, 0000
GREGORY K. * HAYWOOD SR., 0000
DONALD J. HAZELWOOD JR., 0000
CHRISTOPHER D. * HAZEN, 0000
DENNIS S. * HEANEY, 0000
GLEN E. * HEAPE, 0000
JVON HEARN, 0000
JOHN W. HEATON, 0000
MICHAEL D. * HEBERT, 0000
ERIC L. HEFNER, 0000
JERED P. HELWIG, 0000
JESSE L. * HENDERSON III, 0000
ROGER G. HENDERSON, 0000
JASON C. HENNEKE, 0000
RAY D. * HENRY, 0000
RONALD E. * HENRY JR., 0000
WILLIAM E. HERBERT IV, 0000
NATHAN E. * HERING, 0000
DELISA L. HERNANDEZ, 0000
TERRY W. * HERRING, 0000
RODERICK D. * HERRON, 0000
VERNON W. HERTEL, 0000
PAUL E. * HESLIN, 0000
JAMES R. * HICKMAN, 0000
MICHAEL D. * HIGGINBOTHAM, 0000
JOHN D. * HIGHFILL, 0000
TIMOTHY K. * HIGHT, 0000
JOSEPH E. HILBERT, 0000
GREGORY C. * HILL, 0000
HOWARD D. * HILL, 0000
JARED D. * HILL, 0000
KEVIN L. HILL, 0000
STEVEN G. * HILL, 0000
WILLIAM J. * HILL III, 0000
DAWN L. HILTON, 0000
ELMER S. * HIMES, 0000
KAREN D. * HIMMELHEBER, 0000
KENT W. * HINCHCLIFF, 0000
JOHN B. * HINSON, 0000
THOMAS J. HIPSKIND, 0000
BRIAN K. * HIRSCHEY, 0000
MARK A. HITCHCOCK, 0000
JOHN D. HIXSON, 0000
GERALD D. HODGE JR., 0000
GLENN A. * HODGES, 0000
MARK R. HODGKINS, 0000
RICHARD R. * HODGSON, 0000
JOSEPH A. * HOECHERL, 0000
SCOTT M. HOFFMANN, 0000
DANIEL M. * HOFMANN, 0000
JASON L. * HOGE, 0000
STEVEN F. HOGLUND, 0000
DANIEL F. HOLLINGSHEAD, 0000
MARK A. HOLLIS, 0000
CARL J. HOLLISTER, 0000
JOHN E. HOLLOWELL JR., 0000
STEVEN T. * HOPINGARDNER, 0000
CHRISTOPHER L. HOPKINS, 0000
PAUL T. HOPKINS JR., 0000
KELSO C. HORNE III, 0000
ROBERT M. * HORNEY, 0000
JAMES R. HOSKIN JR., 0000
BRANT D. * HOSKINS, 0000
DONALD E. * HOUSTON, 0000
ERIK K. HOVDA, 0000
JEFFERY L. * HOWARD, 0000
WESLEY L. * HOWARD, 0000
HEIDI J. HOYLE, 0000
GREGORY B. * HOYT, 0000
RAYMOND A. HRINKO, 0000
ROBERT P. * HUBER, 0000
JEFFREY D. HUDSON, 0000
TOM T. * HUFF, 0000
BRIAN T. * HUGHES, 0000
CLIFTON E. HUGHES, 0000
MICHAEL P. HUGHES, 0000
DHANIA J. HUNT, 0000
JAMES W. * HUNT, 0000
WAYNE A. HUNT, 0000
COLLIN T. * HUNTON, 0000
CHRISTOPHER A. * HUSSIN, 0000
TERANCE L. * HUSTON, 0000
JOSEPH J. * HUTH, 0000
TAM M. * HUYNH, 0000
ANDREW J. HYATT, 0000
KENNETH P. HYNES, 0000
CURTIS F. * IDEN, 0000
MATTHEW F. * IGNATOVIG, 0000
KEVIN C. INGLIN, 0000
FRANK P. INTINI III, 0000
MARGUERITE D. IRVINE, 0000
MICHELLE L. ISENHOUR, 0000
STEVEN L. ISENHOUR, 0000
EDWARD C. JACKMAN, 0000
ERIC L. JACKSON, 0000
JAMES W. JACKSON II, 0000
JOHN C. JACKSON, 0000
MINTER JACKSON, 0000
RICHARD W. JACKSON, 0000
SHANNON C. * JACKSON, 0000
LANCE E. * JACOBSEN, 0000
BRADLEY R. JACOBSON, 0000
KATHLEEN J. * JACOBSON, 0000
CARL R. JACQUET, 0000
IVAN L. * JAMES, 0000
SYLVIA B. JAMES, 0000
JOSEPH E. JANCZYK, 0000
DEREK K. * JANSEN, 0000
MICHAEL A. JASKOWIEC, 0000
BRIAN K. * JENKINS, 0000
DAVID A. JENKINS JR., 0000
JAMES P. * JENKINS II, 0000
SHAWN T. JENKINS, 0000
MATTHEW S. * JENNINGS, 0000
RANDY J. * JIMENEZ, 0000
GORDON N. * JOCZIK, 0000
RODNEY M. * JOHNS, 0000
DONALD S. JOHNSON, 0000
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TERESA A. * JOHNSON, 0000
THOMAS E. JOHNSON, 0000
THOMAS F. * JOHNSON, 0000
WADE A. JOHNSON, 0000
WILLIAM C. JOHNSON JR., 0000
WILLIAM M. JOHNSON, 0000
TANYA * JOHNSONNEWELL, 0000
CHRISTOPHER R. * JONES, 0000
DAVID G. JONES, 0000
DAVID L. JONES, 0000
DOUGLAS D. * JONES, 0000
ELMORE J. * JONES JR., 0000
GUY M. * JONES, 0000
HERMAN * JONES JR., 0000
JAMES A. JONES, 0000
JASON M. * JONES, 0000
KENNETH R. JONES, 0000
MARCUS A. * JONES, 0000
SEAN C. JONES, 0000
WALTER H. * JONES III, 0000
WILLIAM D. * JONES, 0000
ROBERT D. * JORDAN, 0000
DERYCK L. * JULIEN, 0000
MATTHEW A. JURY, 0000
TANYA L. KABELBALLARD, 0000
DAVID M. KALEY, 0000
ROBERT L. * KAMMERZELL, 0000
BRIAN M. * KANE, 0000
ERNEST J. * KARLBERG, 0000
KEVIN R. * KARR, 0000
CARYN L. KASSIE, 0000
MICHAEL T. KATONA, 0000
DOUGLAS A. * KEELER JR., 0000
ROBERT R. KEETER, 0000
GEOFFREY D. * KEILLOR, 0000
CHRISTOPHER J. * KELLER, 0000
DANNY M. KELLEY II, 0000
JASON E. KELLY, 0000
KENT C. * KELLY, 0000
JEFFREY S. * KEMP, 0000
KELLY D. KENDRICK, 0000
WILLIAM A. KENDRICK, 0000
JOHN D. KENKEL, 0000
MICHAEL T. KENNY, 0000
PATRICK F. KENT, 0000
GREGORY A. * KENTEL, 0000
MICHAEL D. * KEPNER II, 0000
BRIAN D. KERNS, 0000
ARISTOTLE R. * KESTNER, 0000
CHARLIE H. KIM, 0000
WON S. KIM, 0000
ROBERT W. KINDER, 0000
BARRETT T. * KING JR., 0000
DAVID W. * KING, 0000
TIMOTHY R. * KING, 0000
RICKY A. * KINNEY, 0000
WILLIAM R. * KINSEY, 0000
PATRICK V. KINSMAN, 0000
NORMAN B. KIRBY, 0000
DAVID E. * KLINGMAN, 0000
DEAN T. KLOPOTOSKI, 0000
JOHN H. * KNIGHTSTEP, 0000
TOMMY L. KNOBEL, 0000
BRADLEY J. * KNUDSON, 0000
DAVID M. * KNYCH, 0000
DAVID M. * KOBS, 0000
AARON D. KOENIGSEKER, 0000
THOMAS B. KOKES, 0000
DEBRA L. * KOLTVEIT, 0000
MICHAEL A. KONCZEY, 0000
GEORGE J. KOPSER JR., 0000
KYLE A. * KORCHA, 0000
KIP A. KORTH, 0000
KYLE D. * KOURI, 0000
EDWARD A. KOVALESKI, 0000
MARK P. * KRIEGER JR., 0000
MARK E. * KRUSSOW, 0000
ALEXANDER V. KUGAJEVSKY, 0000
MICHAEL J. KUZENKA, 0000
PHILIP G. * LABASI JR., 0000
ROGER A. * LABRIE, 0000
CHRISTOPHER J. * LACKOVIC, 0000
DAVID R. LAFONTAINE, 0000
RICHARD A. * LAING, 0000
KEVIN J. LAMBERT, 0000
SCOTT R. LAMPRIDES, 0000
MARK A. * LANDIS, 0000
ERIC D. LANHAM, 0000
MICHAEL J. * LANHAM, 0000
TRACY L. LANIER, 0000
GLENN E. * LAPOINT, 0000
GROVER J. LAPORTE JR., 0000
ERIC D. LARKIN, 0000
KEVIN L. * LARKIN, 0000
MICHAEL M. LARSEN, 0000
PATRICIA L. LARSEN, 0000
NICHOLAS LASALA JR., 0000
DANIEL B. LASERIA, 0000
BRYAN J. * LASKE, 0000
PATRICK L. LAVERENZ, 0000
BRADFORD D. * LAWING, 0000
RICHARD J. LAWLESS, 0000
BARTON L. LAWRENCE JR., 0000
MATTHEW L. LEACH, 0000
KEVIN C. LEAHY, 0000
MICHAEL R. LEAR, 0000
JOSEPH L. * LEARDI, 0000
ANGELA * LEE, 0000
DERRICK S. LEE, 0000
SANG K. LEE, 0000
DOUGLAS G. * LEESE, 0000
JOHN F. LEIDE, 0000
PATRICK J. * LEMIEUX JR., 0000
KENNETH R. LEMIRE, 0000
ROBERT J. LENZ JR., 0000
DENVER A. LEONARD, 0000
DENNIS H. * LEVESQUE, 0000
DOUGLAS A. * LEVIEN, 0000
ALVIN D. LEWIS, 0000
CHARLES W. LEWIS, 0000
KEVIN A. * LEWIS, 0000
THOMAS E. LEWIS JR., 0000
BRIAN J. * LIEB, 0000
COLLEEN M. LIGHTFOOT, 0000
OTTO K. LILLER, 0000
DOUGLAS J. * LINDQUIST, 0000
LEONARD L. LIRA, 0000
DEBORAH S. LITTLE, 0000
ERIC D. LITTLE, 0000
CHRISTOPHER S. * LITWHILER, 0000
CHAD G. * LIVINGSTON, 0000
JOHN E. * LIVINGSTONE, 0000
JOSEPH F. * LIZZI, 0000
CHUEPHENG C. LO, 0000
JOSEPH G. LOCK, 0000
SHAWN K. * LOCKHART, 0000
CHARLES T. * LOMBARDO, 0000
RUSSELL M. * LONG, 0000
RONALD E. * LOONEY, 0000
JOE A. LOPEZ, 0000
RAFAEL LOPEZ, 0000
JOSEPH R. LOREN, 0000
DARIO N. LORENZETTI, 0000
THOMAS G. * LOSIK, 0000
DOUGLAS S. * LOWREY, 0000
ANTHONY E. LOWRY, 0000
FRANCISCO J. LOZANO, 0000
SHAWN P. LUCAS, 0000
TOMMIE J. LUCIUS, 0000
ANTHONY * LUGO, 0000
DENNIS J. * LUJAN, 0000
JACQUES S. * LUNDY, 0000
KENNETH S. LUTHER, 0000
STEVE M. * LUTHRINGER, 0000
JIM D. * LYONS JR., 0000
DAVID S. * MACDONALD, 0000
LONNY J. MACDONALD, 0000
ROBERT K. * MACHEN, 0000
BRIAN D. MACK, 0000
FREDDIE A. * MACK, 0000
ANDRE L. * MACKEY, 0000
ROBERT W. * MACMILLAN, 0000
EDWARD D. * MADDOX, 0000
DESI A. * MAES, 0000
GREGORY A. MAHONEY, 0000
YOLANDA D. * MALIK, 0000
JOHN L. MALLETTE, 0000
STANLEY A. MALLOY, 0000
DENNIS M. MALONE, 0000
THOMAS J. MANGINE, 0000
VINCENT V. * MANIVANH, 0000
TRACY L. MANN, 0000
MARK W. * MANNS, 0000
BRIAN S. MANUS, 0000
STEVEN M. MARKS, 0000
GREGORY D. * MARQUEZ, 0000
GARY A. MARTIN, 0000
PHILLIP G. MARTIN JR., 0000
CHERYL L. * MARTINEZ, 0000
REMSO J. * MARTINEZ, 0000
ERIC A. MARTINEZACOSTA, 0000
JOSEPH T. * MASSENGILL, 0000
JAY P. * MASTERSON, 0000
CHRISTOPHER D. MATHERNE, 0000
ANTHONY W. MAULT, 0000
SCOTT D. MAXWELL, 0000
CHRISTOPHER T. MAYER, 0000
DEANA F. * MAYER, 0000
LOUIS D. MAYO, 0000
MARK A. MAYORAS, 0000
DOUGLAS J. * MAYZEL, 0000
PAUL D. * MAZURE, 0000
JOHN A. MCAFEE, 0000
DAVID T. * MCALEER, 0000

THOMAS M. MCCARDELL, 0000
MICHAEL R. * MCCARTHY, 0000
MICHAEL L. * MCCHESNIE, 0000
ANDREW S. * MCCLELLAND, 0000
MATTHEW D. MCCOLLUM, 0000
MAUREEN MCCORD, 0000
KYLE D. * MCCREARY, 0000
MICHAEL S. * MCCULLOUGH, 0000
DONALD J. MCDANNALD, 0000
MICHAEL S. * MCDERMOTT, 0000
BARRY S. MCDOWELL, 0000
CORINA MCFADDEN, 0000
CHRISTOPHER M. MCGOWAN, 0000
DENNIS M. * MCGOWAN, 0000
MATTHEW M. MCHALE, 0000
HOWARD D. MCINVALE, 0000
KEITH A. * MCKINLEY, 0000
SCOTT D. * MCLAUGHLIN, 0000
JAMES O. * MCLINNAHAM, 0000
JOHN T. * MCNEAL, 0000
MICHAEL W. * MCNEILL, 0000
HENRY I. MCNEILLY, 0000
ARICK R. MCNIEL, 0000
WILLIAM S. * MCPEAK, 0000
MICHAEL T. MCTIGUE, 0000
PAMELA J. MEADOWS, 0000
RAYMOND E. MEADOWS, 0000
RODNEY J. * MEEKS, 0000
JOSE F. * MELGAREJO, 0000
MICHAEL J. * MELITO, 0000
DAVID P. MELLARS, 0000
SIDNEY W. * MELTON, 0000
WENDELL L. * MENDOZA, 0000
DAVID C. MENSER, 0000
CHRISTOPHER J. MEREDITH, 0000
RICHARD M. * MEREDITH, 0000
AARON J. MERRILL, 0000
CLIFFORD S. * MEWBORNE, 0000
JOHN J. * MEYER IV, 0000
RICHARD S. * MEYER, 0000
TERRY A. * MEYER, 0000
CARL L. * MICHAUD JR., 0000
LAWRENCE G. * MICKLUS, 0000
AMEED D. MICKO, 0000
DARREN B. MIDDLETON, 0000
FERNANDO D. MIGUEL, 0000
IVAN * MIKOLIC, 0000
DWAYNE S. * MILBURN, 0000
PAUL R. MILES, 0000
RONALD J. MILLER, 0000
TIMOTHY M. * MILLER, 0000
JAMES C. * MILLS, 0000
JIMMY C. * MILLS, 0000
MICHAEL J. * MILLWARD, 0000
JENNIFER S. MINUS, 0000
AMY E. * MITCHELL, 0000
KELLY M. MIZELL, 0000
JAMES M. MOCK, 0000
DAVID M. MOGA, 0000
KAMELA A. * MOHS, 0000
MONTE G. * MONTES, 0000
BRIAN M. * MOORE, 0000
HORST G. MOORE, 0000
JON P. * MOORE, 0000
KENNETH R. MOORE, 0000
STACEY A. * MOORE, 0000
CHANNING B. MOOSE, 0000
VICTOR L. MORALES JR., 0000
MARK A. MOREK, 0000
ANDREW MORGADO, 0000
KEITH S. * MORGAN, 0000
ERIC D. * MORGEN, 0000
GRANT L. MORRIS, 0000
JAMES W. * MORRIS, 0000
KENNETH L. * MORRIS, 0000
ROBERT B. MORRIS II, 0000
JOSEPH R. MORROW, 0000
ANDREW R. * MORTON, 0000
SHANON J. MOSAKOWSKI, 0000
GREGORY B. * MOSER, 0000
JEFFREY I. * MOSER, 0000
KEITH E. MOSER, 0000
LESLIE A. * MOTON, 0000
JOHN A. * MOWCHAN, 0000
MARC A. * MUELLER, 0000
PAUL D. * MULLINS, 0000
JAMES F. * MURPHY, 0000
MARK E. MURPHY, 0000
ANDREW K. * MURRAY, 0000
RICKEY N. * MYSKEY JR., 0000
BRADLEY D. * NADIG, 0000
MARK D. * NADIG, 0000
ERIK D. * NAGY, 0000
EDWIN G. NALL, 0000
CHRISTOPHER J. * NANNINI, 0000
LOUIS M. NAPOLITANO, 0000
MICHAEL S. * NAVARRO, 0000
JOHN D. NAWOICHYK, 0000
KEVIN B. * NEISLER, 0000
BROOK A. NELSON, 0000
JAMES A. * NELSON, 0000
RICHARD W. * NELSON, 0000
THOMAS P. * NELSON III, 0000
DANIEL A. NERDIG, 0000
STEVEN L. * NERENBERG, 0000
TRACY A. * NESBITT, 0000
CHARLES D. * NESLONEY, 0000
DEAN S. NEWMAN, 0000
MARCELLUS J. NEWSON, 0000
JEREMY H. * NEWTON, 0000
MICHAEL T. NGO, 0000
ANTHONY C. * NICHOLS, 0000
JENNIFER A. * NICHOLSON, 0000
CHRISTOPHER A. * NIESEN, 0000
ANGEL L. * NIEVESORTIZ, 0000
ROLLAND C. * NILES, 0000
MATTHEW T. NILSON, 0000
HARRY G. * NITSCHKE JR., 0000
MICHAEL J. * NIXON, 0000
RICHARD J. NOBLE, 0000
GLENN W. NOCERITO, 0000
RICHARD L. * NOCHEFRANCA, 0000
CHARLES W. NOLAN II, 0000
JOSEPH M. * NOLAN, 0000
SCOTT P. * NOLAN, 0000
JOHN F. * NOLDEN JR., 0000
SCOTT P. NOON, 0000
GEOFFREY A. NORMAN, 0000
JARED H. * NORRELL, 0000
CHRISTOPHER R. * NORRIE, 0000
KARIN A. * NORTHCOTT, 0000
MARTY D. NORVEL, 0000
WALTER M. * NOVOTKA, 0000
DEVON D. * NUDELMAN, 0000
JESUS J. * NUFABLE, 0000
HILTON J. NUNEZ, 0000
MARK D. * NUTSCH, 0000
CHARLES B. * OBRIEN, 0000
MARK M. OCONNOR, 0000
THOMAS W. OCONNOR JR., 0000
TROY G. * ODONNELL, 0000
MICHAEL L. OGDEN, 0000
DONOVAN D. OLLAR, 0000
MICHAEL G. OLMSTEAD, 0000
EDDIE W. ORTIZ, 0000
CARL R. OTT, 0000
LEE T. * OVERBY, 0000
DENNIS B. * OWEN, 0000
CARVER D. PACE JR., 0000
CHRISTINE * PACHECO, 0000
JOSEPH M. * PAGNOTTA, 0000
DAVID L. PAINTER, 0000
DAVID S. * PALMER, 0000
JOHN T. * PALO, 0000
PAUL R. * PANOZZO, 0000
DONALD L. PAQUIN, 0000
JOHNATHAN T. * PARCHEM, 0000
JASON G. PARDUE, 0000
MARK S. PARKER, 0000
CHRIS A. * PARKS, 0000
LARRY A. * PARKS, 0000
JON F. PARVIN, 0000
DEBRA L. * PATILLO, 0000
DONALD M. PATTERSON, 0000
MARCILYN L. * PATTERSON, 0000
NEIL P. * PATTERSON, 0000
DAVID E. PATTON, 0000
WILLIAM B. * PATTON, 0000
TIMOTHY M. * PAYNE, 0000
HECTOR E., * PAZ III, 0000
RAFAEL F. * PAZOS, 0000
GREGORY L. * PEACOCK, 0000
JEFFREY W. PEARCE, 0000
JESSE T. PEARSON, 0000
MOLLIE A. * PEARSON, 0000
GEOFFREY B. * PEASE, 0000
DANIEL W. * PECK, 0000
SCOTT L. * PECK, 0000
WILLIAM L. PEEL, 0000
JOHN V. * PEEPLES JR., 0000
ERIC J. PELTZER, 0000
JOHN M. * PENDERGAST, 0000
STEVEN B. * PENDLETON, 0000
RONALD J. * PEPIN, 0000
ALLEN J. PEPPER, 0000
JOSEPH * PEPPER JR., 0000
ALBERTO * PEREZ, 0000
GUSTAVO * PEREZ, 0000
GUSTAVO C. PEREZ, 0000
LUIS M. PEREZ, 0000
DAVID M. * PERKINS, 0000
MICHAEL S. * PERKINS, 0000
DAVID C. * PERRINE, 0000
JAMES D. * PERRY, 0000
THOMAS A. * PERRY, 0000
JOSEPH S. PETERSON, 0000
TWILA L. * PETERSON, 0000
KEVIN J. * PETRO, 0000
MICHAEL A. * PETRUNYAK, 0000
EDMUND K. * PETTENGILL, 0000
TIMOTHY R. PETTY, 0000
DAMON G. * PFALTZGRAFF, 0000
SCOTT E. PFAU, 0000
BRYAN K. * PHILLIPS, 0000
JAMES B. * PHILLIPS, 0000
JEFFERY E. PHILLIPS, 0000
LEWIS H. * PHILLIPS, 0000
DAVID S. * PIERCE, 0000
SETH T. * PILGRIM, 0000
CLIFTON T. PINGREY, 0000
JOHN E. PIROG, 0000
JOHN T. PITTMAN, 0000
EDGAR F. * PLUMMER, 0000
PHILLIP E. PLUMPP, 0000
DOUGLAS W. POFF, 0000
CHRISTOPHER F. POLITES, 0000
JOSHUA J. POTTER, 0000
TIMOTHY J. * POVICH, 0000
CARLAS D. * POWELL, 0000
WILLIAM L. * POWELL III, 0000
JOSEPH W. * POWER IV, 0000
ARTHUR B. POWERS, 0000
JOHNNY J. POWERS, 0000
ANDREW T. * POZNICK, 0000
GLENN O. * PRATT, 0000
MICHAEL G. PRATT, 0000
PAUL E. * PRICE, 0000
RODNEY V. PRICE, 0000
THOMAS W. * PRICE, 0000
JAMES A. * PRIDGEON, 0000
JAMES D. * PRINGLE, 0000
CHRIS A. * PSALTIS, 0000
JOSEPH K. * PURVIS, 0000
CHRISTOPHER J. PYLE, 0000
TEDDY D. * QUALLS, 0000
MICHAEL S. * QUINN, 0000
MILTON S. QUIROS, 0000
BLAINE T. * RADENZ, 0000
JOHN L. RAFFERTY JR., 0000
DAMON R. * RAGSDALE, 0000
KYLE A. * RAMBO, 0000
ESTEBAN C. * RAMIREZ, 0000
ROBERT RAMOS, 0000
JEFFREY D. RAMSEY, 0000
JEFFREY S. RAMSEY, 0000
VERN L. * RANDALL, 0000
SHAWN A. RANSFORD, 0000
WILTON RANSOM, 0000
TERENCE E. * RAY, 0000
PHILIP J. * RAYMOND, 0000
RICHARD M. * REDFIELD, 0000
WILLIAM M. REDING, 0000
CHARLES W. * REED, 0000
DWIGHT T. REED JR., 0000
KENNETH A. * REED, 0000
MARK A. * REEVES, 0000
STEPHEN C. REICH, 0000
DAVID L. REID, 0000
JOSHUA I. REITZ, 0000
PETER C. REYMAN, 0000
RUSSELL A. * RHOADS, 0000
JACK L. RICH JR., 0000
GENE L. * RICHARDS, 0000
RIC R. * RICHMOND, 0000
THOMAS A. RIDER II, 0000
WILLIAM E. * RIEPER, 0000
EARL W. * RILINGTON, 0000
THOMAS A. RIPPERT, 0000
THOMAS C. * RITCHIE, 0000
ANDREW C. * RITER, 0000
JOSEPH O. RITTER, 0000
ERWIN * RIVERA, 0000
ERIC C. RIVERS, 0000
JOHN C. ROADCAP, 0000
KENDRIC H. ROBBINS, 0000
ANDREW P. * ROBERTS, 0000
GREGORY L. ROBERTS, 0000
SCOTT B. ROBERTS, 0000
TRAVIS C. * ROBINETTE, 0000
COREY * ROBINSON, 0000
LAWRENCE E. ROBINSON III, 0000
SANDRA E. * ROBINSON, 0000
ANGELITA RODRIGUEZ, 0000
ROBERT M. RODRIGUEZ, 0000
MELISSA * RODRIGUEZ TORRES, 0000
KAREN J. ROE, 0000
CHARLES H. * ROEDE, 0000
IRVING S. ROGERS III, 0000
KRISTIAN A. ROGERS, 0000
PAUL D. * ROGERS, 0000
RONALD D. * ROGERS, 0000
PAUL D. ROMAGNOLI, 0000
GLENN M. * ROPER, 0000
J MICHAEL ROSE JR., 0000
OLIVER * ROSE, 0000
WILLIAM D. * ROSE, 0000
PETE A. * ROSS, 0000
SCOTT E. ROTH, 0000
LYNDA R. ROYSE, 0000
DANA RUCINSKI, 0000
JOSHUA M. * RUDD, 0000
DANIEL J. RUDER, 0000
MATTHEW H. * RUEDI, 0000
CHARLES C. * RUEHLING, 0000
DAVID G. RUITER, 0000
DANIEL M. RUIZ, 0000
GREGORY M. RUPKALVIS, 0000
DARRYL A. RUPP, 0000
DALE M. * RUSSELL, 0000
KEVIN M. * RUSSELL, 0000
STEPHEN G. * RUTH, 0000
WILSON R. RUTHERFORD IV, 0000
MICHAEL E. * RUTKOWSKI, 0000
ROBERT M. RYAN, 0000
THOMAS J. RYAN, 0000
WILLIAM A. RYAN III, 0000
WILLIAM J. RYAN, 0000
THOMAS E. SACHARIASON, 0000
WILLIAM S. * SACHSE JR., 0000
JAMES L. * SADLER, 0000
SAMUEL J. SAINE, 0000
EVANGELINE M. * SAIZ, 0000
MERIWETHER A. * SALE JR., 0000
JAMES R. SALOME, 0000
RICHARD M. SALTUS, 0000
PAUL M. * SALTYSIAK, 0000
ROY E. SALYER, 0000
ANTONIO * SANABRIA, 0000
AARON B. * SANDER, 0000
DAVID W. SANDOVAL, 0000
BRIAN C. * SANKEY, 0000
DENNIS * SANTIAGO, 0000
ROBERT E. SANTIN, 0000
ERIC F. SAUER, 0000
LISA L. * SAULSBERY, 0000
ERIC J. * SAVICKAS, 0000
STERLING A. * SAWYER, 0000
MICHAEL E. * SCARLETT JR., 0000
GEORGE E. * SCHABBEHAR, 0000
ROBERT W. SCHAEFER, 0000
JOSEPH A. SCHAFER, 0000
WILLIAM R. * SCHAFFER, 0000
SCOTT T. * SCHENKING, 0000
DAVID G. * SCHILLING, 0000
PAUL F. * SCHMIDT, 0000
DAVID L. SCHMITT, 0000
ERIC M. SCHOENNAUER, 0000
TIMOTHY M. * SCHROEDER, 0000
ROBERT C. * SCHULTE, 0000
THOMAS J. SCHWAB, 0000
BETH M. * SCHWAIGERT, 0000

JOSEPH C. * SCHWARTZMAN, 0000
STANLEY * SCOTT, 0000
ERNEST L. SCRIBNER, 0000
RICHARD D. SCRIVNER, 0000
DONALD A. SCULLI, 0000
MICHAEL F. SCUTERI, 0000
BRIAN A. * SEAY, 0000
JEFFREY A. SEGGI, 0000
JACKSON J. SEIMS, 0000
JOHN T. * SELMAN JR., 0000
CORY J. * SENA, 0000
MICHAEL E. SENN, 0000
MICHAEL D. * SENNETT, 0000
DENNIS S. SENTELL JR., 0000
STEVEN E. * SEXTON, 0000
CHRISTOPHER P. * SHAFFER, 0000
GERALD H. SHAFFER, 0000
GEORGE R. SHATZER, 0000
ALAN C. * SHAW, 0000
DESMOND J. SHAW, 0000
FLOYD G. * SHELDON, 0000
EULYS B. * SHELL II, 0000
JASON K. SHEPARD, 0000
JOHN H. SHEPHERD JR., 0000
LAWRENCE L. * SHEPHERD, 0000
PAUL D. SHERMAN JR., 0000
RICHARD J. SHERMAN, 0000
RAYMOND Y. SHETZLINE II, 0000
CHRISTOPHER L. * SHIELDS, 0000
MICHAEL L. SHIPMAN, 0000
DAVID J. * SHIVELY, 0000
KIA * SHOAMOTAMEDI, 0000
DAVID S. SHORT, 0000
PETER C. * SHULL, 0000
OTT M. SIEBERT, 0000
JEFFREY S. * SIEVERT, 0000
STEPHEN J. * SILVA, 0000
JAMES S. * SIMKINS, 0000
ROB D. * SIMMONS, 0000
JEFFREY S. SIMPSON, 0000
ROBERT B. * SIMS, 0000
KENNETH J. SIMURDIAK, 0000
JAMES H. SINGER, 0000
GREGORY S. * SKELLY, 0000
HERBERT L. SKINNER, 0000
DALE K. SLADE, 0000
JASON C. * SLIDER, 0000
DAVID J. SLIVKA JR., 0000
CATHERINE B. SMART, 0000
WALTER J. * SMILEY JR., 0000
DANA A. * SMITH, 0000
DANIEL R. SMITH, 0000
DREW P. SMITH, 0000
FRANK A. SMITH, 0000
JEFFREY D. * SMITH, 0000
JOEL A. SMITH, 0000
KELLY H. * SMITH, 0000
MICHAEL J. * SMITH, 0000
ROBERT M. * SMITH, 0000
ROBERT S. * SMITH, 0000
STEPHEN M. SMITH, 0000
STUART S. * SMITH, 0000
WILLIAM D. SMITH, 0000
THOMAS L. SNEAD, 0000
MARTIN D. SNIDER, 0000
WILLIAM J. * SNODGRASS JR., 0000
MICHAEL R. SNOOK, 0000
DAVID C. * SNOW, 0000
MARK S. SNYDER, 0000
BRIAN T. SOLDON, 0000
JOSE E. SOLIS, 0000
JASON D. SORIANO, 0000
GROVER R. SOUTHERLAND, 0000
PHILIP P. SPETH, 0000
MARC A. SPINUZZI, 0000
KENNETH A. SPRINGER, 0000
RODGER M. * STALLWORTH, 0000
AARON M. * STANEK, 0000
WILLIAM E. STEBBINS JR., 0000
DIANA L. STEEGE, 0000
RALPH L. STEEN, 0000
CIRO C. * STEFANO, 0000
BRIAN C. * STEHLE, 0000
DARLA L. * STENCAVAGE, 0000
TAD C. * STEPHEN, 0000
GREGORY K. STEPHENS, 0000
SCOTT A. STEPHENS, 0000
MICHAEL B. * STEPHENSON, 0000
BART D. STEWART, 0000
CURT L. STEWART, 0000
DARRYL R. * STEWART, 0000
DONALD G. * STEWART, 0000
GEORGE A. STEWART III, 0000
KRISTINE A. * STEWART, 0000
MARK T. STINER, 0000
MAREK R. STOBBE, 0000
JASON M. * STODDARD, 0000
GREGORY V. * STOKES, 0000
GRAHAM M. * STONE, 0000
JEFFERY C. * STONE, 0000
JOHN H. * STONE, 0000
JAMES W. * STORDAHL, 0000
TERRY D. STPETER, 0000
TERESA L. STRAUS, 0000
DAVID A. * STRAUSS, 0000
BARBARA A. STREATER, 0000
ANTHONY J. * STRELETZ, 0000
KARL J. * STRELLNER, 0000
DAVID B. STRINGER, 0000
STEPHEN A. * STROBLE, 0000
RYAN D. STRONG, 0000
PAUL M. STRUCK, 0000
RAYMOND E. STRUNK, 0000
LEAMOND C. * STUART IV, 0000
RICHARD A. STUHRKE JR., 0000
CHARLES E. * SUBLETT, 0000
SOL D. * SUKUT, 0000
ANDREW P. * SULLIVAN, 0000
DARRYL H. SULLIVAN, 0000
GRANT S. SULLIVAN, 0000
SANDFORD S. SULLIVAN, 0000
BENETT P. SUNDS, 0000
LOUIS L. * SUTHERLAND, 0000
THOMAS T. * SUTTON, 0000
CHARLES J. SVELAN, 0000
CHRISTOPHER J. SWEENEY, 0000
JENNIFER K. * SWIFT, 0000
RUSSELL W. * SWITZER JR., 0000
PETER C. SWOLAK, 0000
BRETT G. SYLVIA, 0000
PAUL R. * SYVERSON, 0000
JOHN C. SZCZEPANSKI, 0000
MICHAEL A. * TACTO, 0000
CURTIS D. TAIT, 0000
MARK E. TALBOT, 0000
WILLIAM B. * TALBOTT, 0000
ANDREW A. * TAYLOR, 0000
BERNARD * TAYLOR, 0000
CLINT C. TAYLOR, 0000
CURTIS D. TAYLOR, 0000
JOHNNY B. * TAYLOR, 0000
PAUL J. TAYLOR JR., 0000
RUSSELL D. * TAYLOR, 0000
PATRICK A. * TEAGUE, 0000
INGRID M. * TERRY, 0000
ALLEN T. THIESSEN, 0000
GINA M. * THISIUS, 0000
JOHNATHAN M. * THOMAS, 0000
THEODORE M. * THOMAS II, 0000
KURT T. THOMPSON, 0000
TODD E. * THOMPSON, 0000
MARK A. * THOMSON, 0000
RANDALL L. THRASH, 0000
STEPHEN W. * THRASHER, 0000
PATRICK M. * TIEMANN, 0000
EDUARDO TORRES, 0000
HECTOR A. * TOVAR, 0000
MARK J. TOWERY, 0000
SEAN R. * TRUAX, 0000
TIMOTHY N. * TUBERGEN, 0000
BENJAMIN K. TUCKER, 0000
IAN V. * TUDLONG, 0000
JERONALD M. * TUELL, 0000
LORI L. TURBAK, 0000
JAMES D. TURINETTI IV, 0000
GEORGE C. TURNER JR., 0000
JERRY A. TURNER, 0000
JOEL T. TURNER, 0000
MARK M. * TURNER, 0000
SCOTT M. * TURPIN, 0000
RENEE M. UNDERWOOD, 0000
ELIAS URSITTI, 0000
JEFFREY E. * URSO, 0000
TONG C. VANG, 0000
DAVID L. * VANOVER, 0000
MARCUS L. * VARNADORE, 0000
RANDAL R. * VASQUEZ, 0000
THOMAS F. VEALE, 0000
JUAN C. * VEGA, 0000
ANTHONY S. * VELASCO, 0000
CORTES L. VELEZ, 0000
THOMAS J. * VERELL JR., 0000
JOHN A. VEST, 0000
VICTOR M. * VITOLAS, 0000
BRUCE A. VITOR, 0000
JOHN M. VOSE, 0000
JAMES R. * WAGNER, 0000
JILL L. WAGNER, 0000
GREGORY D. * WAGNON, 0000
HARRY D. * WAKEFIELD II, 0000
MATTHEW E. * WALDREP, 0000
ERIC L. WALKER, 0000
EUGENE F. * WALLACE, 0000
MATTHEW A. WALLACE, 0000
JOHN K. WALMSLEY, 0000
DAVID C. WALTON, 0000
FRANK J. WALTON, 0000
PAUL B. WALTON, 0000
SUSAN M. * WALTON, 0000
JOHN C. * WARD, 0000
WARNER R. WARD, 0000
JARED L. WARE, 0000
STEVEN A. * WARMAN, 0000
DAVID A. WARNICK, 0000
CRYSTAL M. WASHINGTON, 0000
HENRY H. * WASHINGTON III, 0000
BRUCE R. * WATKINS, 0000
MITCHELL O. * WATKINS, 0000
JOHN W. WATTERS JR., 0000
PAUL A. * WEBB, 0000
DAVID E. WEBBER, 0000
MARK M. WEBER, 0000
RHETT H. * WEDDELL, 0000
DENNIS E. * WEDDING, 0000
MARC A. WEHMEYER, 0000
THOMAS J. * WEISS II, 0000
KENNETH D. * WELCH, 0000
JED A. WELDER, 0000
AARON S. * WEST, 0000
FRED D. WEST, 0000
JOE D. WEST JR., 0000
THOMAS C. * WESTEN, 0000
WILLIAM J. * WEYCKER, 0000
PAUL C. WEYRAUCH, 0000
ANDREA A. WHATLEY, 0000
MARC WHEELER, 0000
RANDY R. * WHEELER, 0000
HAROLD H. WHIFFEN, 0000
WESLEY B. * WHITAKER, 0000
CLARENCE W. WHITE, 0000
JAMES E. WHITE JR., 0000
JONATHAN P. * WHITE, 0000
RANDY E. WHITE, 0000
SHERI A. * WHITEMANNING, 0000
CRAIG A. * WHITTEN, 0000
NATHAN WIEDENMAN, 0000
JAMES R. * WILBURN, 0000
MICHAEL A. * WILDING, 0000
CRAIG A. WILHELM, 0000
STEVEN M. * WILKE, 0000
JAMES E. WILLARD, 0000
BRUCE J. WILLIAMS, 0000
DAVID T. * WILLIAMS, 0000
JASON D. * WILLIAMS, 0000
MELISSA L. * WILLIAMS, 0000
ROBERT S. WILLIAMS JR., 0000
VERNON L. * WILLIAMS JR., 0000
WILLIAM M. * WILLIS, 0000
MATHEW M. * WILLOUGHBY, 0000
PAUL W. WILLOUGHBY, 0000
JEROME * WILSON, 0000
TROY D. * WILT, 0000
JOHN T. * WIMBERLEY, 0000
JEFFREY S. WINSTON, 0000
ROBIN L. WISDOM, 0000
MICHAEL C. * WISE, 0000
TERRI A. WISE, 0000
KAROLYN M. WISEMAN, 0000
DARIN J. * WISNIEWSKI, 0000
PETER B. * WISTI, 0000
JEFFREY D. * WITT, 0000
PETER M. WLASCHIN, 0000
JOHN K. * WOLF, 0000
TIMUCIN S. * WOLFE, 0000
RYAN B. * WOLFGRAM, 0000
STEVEN J. * WOLLMAN, 0000
JENNIFER L. WONG, 0000
MARCUS P. * WONG, 0000
JERRY L. WOOD, 0000
STEVEN A. * WOOD, 0000
DOUGLAS R. * WOODALL, 0000
GUY M. * WOODARD III, 0000
TODD D. WOODRUFF, 0000
JOHN K. WOODWARD, 0000
KAREN M. * WRANCHER, 0000
BRANDON F. * WRIGHT, 0000
DARRYL L. * WRIGHT, 0000
ROBERT A. * WRIGHT IV, 0000
TODD J. WRIGHT, 0000
DONNIE R. * YATES JR., 0000
MICHAEL A. YERKIC JR., 0000
DONGHA * YI, 0000
JUN D. YI, 0000
MICHAEL A. YORK, 0000
STEPHEN M. YORK, 0000
DAVID W. YOUNG, 0000
DEON K. YOUNG, 0000
HENRY C. * YOUNG JR., 0000
NORMAN D. * YOUNG, 0000
JAMES B. * YOUNT, 0000
BERNARD * ZACHARY JR., 0000
TIMOTHY M. ZAJAC, 0000
BRIAN P. * ZARCHIN, 0000
JAMES M. ZEPP III, 0000
LARS N. ZETTERSTROM, 0000
PATRICK D. ZOCH, 0000
JESSE W. ZUCK, 0000
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EXTENSIONS OF REMARKS

TRIBUTE TO MR. KENNETH E. RUSSELL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. DUNCAN. Mr. Speaker, I would like to pay special tribute to Mr. Kenneth E. Russell, a member of my constituency and a true American hero.

Ken Russell is the last surviving member of a group of 17 paratroopers who, in the early hours of D-Day in 1944, parachuted into the town of Ste. Mere Eglise, France.

Ken's heroism and bravery are to be commended. His actions during the D-Day operation have been included in many histories of the liberation of France, including D-Day and the Citizen Soldiers by Dr. Stephen Ambrose, among others.

As he made his way to the ground from his C–47 troop transport, Ken witnessed unthinkable violence. Many of his colleagues did not make it to the ground before being shot by German gunfire.

Both Ken and his friend, John Steel, landed atop a church in Ste. Mere Eglise. Ken landed especially hard, causing damage to his spine which limits his activities to this day. Both paratroopers were helpless as their parachutes were tangled in the church rooftop.

As he dangled helplessly above the ground, Ken was hit in the light hand by German gunfire from the ground below. While still suspended in their chutes, both Ken and John were spotted by a German soldier. Before the German could shoot at Ken and John, he was shot by another American, Sgt. John Ray.

After freeing himself from the church rooftop, Ken Russell blended into the landscape and later met up with paratroopers from the 82nd and 101st Airborne. Soon after, the troops set up a defensive position on a road leading to Ste. Mere Eglise and came under attack several times. Each time they were successful in defending their position.

For the wounds he sustained on the church rooftop, Ken Russell was awarded two Purple Hearts. For his determination and bravery, he was awarded the Silver Star.

Mr. Speaker, Ken Russell is a true American hero. His selfless actions during the D-Day operation saved lives and contributed to our great victory in World War II. I can say without hesitation that our country would be a much better place today if there were more people here like Ken Russell.

As we approach the 60th anniversary of D-Day, I hope all Americans will remember the sacrifices made by so many soldiers like Ken and will take time to thank them for their service.

100TH BIRTHDAY WISHES FOR ANNA CHARLOTTE JILG KOSLOWSKE

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Anna Charlotte Jilg Koslowske who will turn 100 years old on September 29. She was born near Florissant, MS, to the family of Adolf and Caroline Jilg. Her father had immigrated as a child to America from Austria in 1859. The family had a vegetable farm outside of St. Louis, and the eleven children all learned the meaning of hard work and its rewards. They were all expected to help in the fields and in preparing the produce for market. Anna's father would drive the mule-drawn wagon into St. Louis to deliver the fresh produce. This way of life supported the family for many years.

Like many people from those days, Anna is pretty much self-taught, as children were needed to help at home or find work at an early age. Her teacher arranged for Anna to complete grades seven and eight in 1 year so the teacher could claim an eighth-grade graduate. After her graduation, Anna was hired by a family in St. Louis to care for the gentleman's terminally ill wife. Her compassionate and caring nature, in addition to her experience of living and working within a large family, made her an excellent candidate.

As a young woman Anna journeyed to Zap, ND, to visit her sister and while there, met the Rev. George Koslowske, a pastor in the Lutheran Church Missouri Synod. They were married on May 17, 1925, and to this union came seven children, all of whom are still living.

Anna moved with her husband from North Dakota to Waco, NE, where they served a rural parish, St. Johns, for 20 years. In 1950 they moved their family to Big Springs, NE, answering God's call to Zion Lutheran Church. During his ministry there, George was called home by the Lord in 1958, leaving Anna to provide for the two youngest children, ages 13 and 15. Anna worked then as a cook in the local Dairy King. Once the children were on their own, she served as a nanny for several families until 1974, when she moved to Holyoke, CO where she still resides.

Anna has been blessed with 15 grandchildren, 25 great-grandchildren, and 2 great-great-grandchildren. She also has one living sister, Lillian Dueker, who recently celebrated her 102nd birthday.

Anna and her children are grateful for the Lord's blessings during her 100 years. She has led a quiet, prayerful life. She was an excellent mother and mentor to her children, always stressing a Christian attitude. Her favorite reprimand was ''If you can't say anything nice, don't say anything at all.'' She continues to be an example and joy to those around her.

I am proud to honor Anna on the occasion of her 100th birthday. Anna is a self taught, hard working compassionate Christian mother and grandmother who is the embodiment of all the values that have molded America into the great nation it is today.

ELSAH SESQUICENTENNIAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the village of Elsah, Illinois and honor its sesquicentennial this year.

Elsah was founded in 1853, and named by one of its founding fathers, General James Semple. General Semple's ancestors were from Scotland, and, according to town tradition, the village's prominent limestone bluffs reminded him of an island just off the Firth of Clyde, ''Ailsa Craig.'' Named after this Scottish island, the Mississippi River village slightly resembles a typical small, English town, with clusters of stone cottages mixed together with small yards and private gardens.

Recognized by the National Register of Historic Places in 1973, the village stands as a reminder of nineteenth century living along the Mississippi River. Its buildings represent a midwestern interpretation of nineteenth century styles, and many original buildings remain in place today. The newer buildings were built in the old styles as well, as the village wants to retain its historic feel.

However, in 1993, Elsah was greatly affected by the floods on the Mississippi River. Some nearby cities decided to take state and Federal aid and leave their waterlogged homes and businesses behind, deciding to rebuild elsewhere. The people of Elsah, however, recognized their city's historic foundation, and rebuilt their town. Damaged public buildings were refurbished, and residents worked together to rebuild their homes and lives; and they did so, successfully.

Elsah is quieter now than it was in the past, as mills, warehouses, river shipping, two railroads, local businesses, and farmers have gradually disappeared. But, the village remains strong. Inviting tourists to ''leave the fast pace of everyday life'' behind, Elsah represents a remnant of Midwestern, small-town life from the late 1800s. Its sesquicentennial this year is a significant milestone, and I wish the village and its people the best.

TRIBUTE TO BISHOP JOSEPH JOHNSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. CLYBURN. Mr. Speaker, I rise to honor a man of character and grace, Bishop Joseph Johnson. Bishop Johnson serves as the Presiding Bishop of the South Atlantic District of

the A.M.E. Zion Church, which is comprised of five conferences, and as President of the Board of Bishops.

Bishop Johnson's record of service is impeccable. He served in the U.S. Army with 15 years experience in the Airborne Division. He has served as pastor of A.M.E. Zion Churches in three different North Carolina conferences, including seven years as pastor of Trinity A.M.E. Zion Church in Southern Pines, North Carolina. After serving as pastor of Trinity A.M.E. Zion Church in Greensboro, North Carolina he spent four years presiding as Southwestern Delta Episcopal District, which is comprised of six conferences.

But his reputable service extends well outside of the church walls. In 1993, Bishop Johnson delivered the Gardner C. Taylor Lecture & Preaching Series at Duke University Divinity School. He has published ''A Manual for Ministerial Studies'' for the A.M.E. Zion Church, in addition to several scholarly essays on Christian stewardship requisites for ministerial practice. He passed his skills and experiences to aspiring ministers when he served for ten years as professor of practical ministry at Hood Theological Seminary of Livingstone College in North Carolina.

A native of Jacksonville, Florida, Bishop Johnson grew up in Tampa and earned a degree from North Carolina State University. He earned a Master of Divinity degree from Duke Divinity School of Duke University.

Bishop Johnson is married to Dorothy Sharpe Johnson, who now serves as missionary supervisor and Episcopal secretary of the South Atlantic District of the A.M.E. Zion church. The couple has two sons.

Mr. Speaker, Bishop Johnson has led an exceptional career dedicated to teaching and preaching the virtue of kindness. This year will be the last Palmetto Annual Conference where he would preside. He will be retiring next year, and deservedly so, as he has already contributed more to the betterment of our society than most people could hope for in one lifetime. I ask my colleagues to join me today in paying tribute to this humanitarian.

HONORING CONGRESSMAN TOM LEWIS

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Tom Lewis, a friend and former colleague who epitomized what being a public servant is all about.

Tom devoted his life to serving his country and his countrymen. He fought for America in the Air Force, serving tours of duty in both World War II and Korea during his eleven-year military career. Tom used the knowledge he gained in the Air Force later in life as a jet and rocket-testing chief for Pratt and Whitney Aircraft, eventually supervising work on sensitive and sophisticated military and commercial aircraft systems.

Tom came to Congress the same year I did, in 1983, after serving as both Mayor and city councilman of North Palm Beach from 1964 to 1971. He then went on to represent that area in the Florida House of Representatives until 1980, when he was elected to the Florida Senate.

During his time in these hallowed halls, Tom zealously fought for the people of his district, whom he considered more than just constituents. He was largely responsible for saving the Hurricane Hunter Plane Program, the aircraft which fly into hurricanes to collect data so meteorologists can predict when and where these storms will hit. He also led the effort to build a much-needed VA medical center in his district, as well as to save the Big Cypress Natural Preserve, a unique part of Florida's environment.

After his retirement from Congress in 1994, he worked to protect Florida's agricultural interests during trade negotiations and led a campaign which raised $66 million to improve a stretch of U.S. Highway 27 on which more than 100 people died between 1982 and 1997. That portion of highway in Palm Beach County now bears Tom's name.

My colleague from Florida, the distinguished Chairman of the Appropriations Committee, said it best when he noted a decade ago that there was ''not a comer of his vast district that you can go without seeing the fruit of Tom's work.''

Mr. Speaker, Tom was much more than a dedicated public servant. He was a loving husband to his wife, Marian. He was a devoted father to his three children. He also was one of my closest confidants in Congress. It saddened me to learn that he passed away last month. I am comforted, however, in the knowledge that he will be remembered as one of the most respected, accomplished, and honorable members of this institution.

HONORING THE ACHIEVEMENTS OF THE LEADERSHIP TRAINING INSTITUTE OF AMERICA

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. BOOZMAN. Mr. Speaker, I rise today to pay tribute to the Leadership Training Institute of America and their inspiring mission of faith for America's youth.

LTIA originated in my home district of Northwest Arkansas and has successfully spread throughout the country and even to places as far away as Russia. Their purpose is to provide America's future leaders with a strong Christian foundation of faith in today's secular society.

The participants of the program attend weekend seminars that teach them how their faith is a logical solution for many of the world's most challenging problems. They learn how to debate their worldly colleagues in an intelligent and inviting method. Furthermore, the students may attend a weeklong seminar once a year—here in our nation's capitol. While here, they meet with leaders in the Christian movement, attend discussions with their colleagues from all over the nation, and meet with their Congressional representatives.

I believe this training is vital in preparing our future leaders to take their place in society. The youth of today face physical, emotional, and social challenges that shock the imagination. They are inundated with graphic images of sex and drugs everywhere they turn. Yet, we expect them to maintain their childhood innocence, without providing them with the tools they need to combat the horrible examples they receive. LTIA provides America with a wonderful solution of a generation steeped in their Christian faith and trained to face a materialistic society.

As the former President Ronald Reagan said, ''The future doesn't belong to the faint-hearted; it belongs to the brave.'' I believe the students involved in the Leadership Training Institute of America are part of our brave future and I applaud their efforts to make America an even greater nation than she is today.

HONORING BRAVERY OF MARINE STAFF SGT. BRIAN IVERS

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor Marine Staff Sgt. Brian Ivers for his bravery in the face of combat during Operation Freedom in Iraq. Mr. Ivers is a resident of Fort Collins and is a Police Officer of that fair city.

Serving his country on active duty in the Fox 2nd Battalion, 23rd Marine Regiment, 1st Division, his company was ordered to rescue a group of Marine artillerymen who took a wrong turn in the town of Al Gaharraf. Encountering a near blinding sand and rain storm as they entered the town, no air support could be provided.

Staff Sergeant Ivers' platoon came under fire as they entered Al Gaharaff. As the first platoon dismounted, they immediately engaged with the enemy. Sergeant Jim Cawley's platoon worked to suppress the enemy long enough to allow Sergeant Ivers' platoon to enter the town.

Sergeant Cawley's platoon fought a gun battle while occupying a building. A grenade was launched into the building and leveled many of the marines because of the concussion. Enemy fire had increased all around them while they were returning fire. One of the marines was trapped inside the building.

Staff Sergeant Ivers attempted to rescue him. In his own words, Brian said, ''I got up to get him as I thought I could just grab his hand and drag him out. As I moved along the wall, rounds began to punch holes out of the concrete in front of me. I turned to go back to where I had just come from and was struck in the side with a round. The force of it spun me around and at the time I thought I had been hit in the kidney.''

Later, Brian would realize that the bayonet had taken the impact of the round, deflecting it to his flack jacket, thus saving his life. His platoon was in contact with the enemy for over a half hour and was running low on ammunition. They were finally told to pull out because air cover was expected. A tank showed up about 40 minutes later.

Brian's ribs were blue with bruises. Months later, Brian found out that he had broken the eleventh rib—a good reminder that their battle had saved a unit of the eleventh Marines.

Because he received a wound while in combat, Staff Sergeant Brian Ivers will receive the Purple Heart. Mr. Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed

to live in a country that honors its citizens for their spirit, their ideas, their individuality, and their courage.

I am so proud of Staff Seargeant Brian Ivers. Along with a grateful district, state, and nation, I applaud Brian Ivers for his courage and selfless dedication to duty. He has helped protect our democracy and kept our homeland safe by placing his life on the line.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. KIND. Mr. Chairman, I rise today in support of the Flake/McGovern amendment to lift the United States travel ban to Cuba.

Over the past 40 years, our policy of isolation toward Cuba has been an arguable failure. The removal of the totalitarian regime in Cuba has not occurred—even a decade after the fall of the Soviet Union, Cuba's primary financial sponsor. Positive movements toward political change have not occurred in Cuba over the past 40 years—even as an overwhelming number of former communist regimes have collapsed and embraced democratic principles. These factors beg the question of whether our current policy toward Cuba is the best course of action for the people of the United States and the people of Cuba. At the very least, these factors demand that we reexamine our current policy.

With the free exchange of ideas and words profoundly important in American culture, it seems contradictory that our government would deny its people the opportunity to peaceably spread this concept without unnecessary restrictions. If the central mission of American Foreign policy is to protect Americans and our interests abroad, how does restricting the ability of Americans to travel to Cuba, a nation deemed by the U.S. Department of Defense as not posing a ''military threat to the U.S. or to any other countries in the region,'' justifiable?

I am concerned that Cuban civilians suffer under government oppression, and it is time to confront the fact that denying direct American tourism to Cuba has resulted in no beneficial change. The island of Cuba is only 90 miles away from the United States and is surrounded by nations that embrace democracy. Positive steps to bring American ideas and words to Cuba are the right course of action, and I urge my colleagues to support this amendment.

TRANSPORTATION, TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. UDALL of New Mexico. Mr. Chairman, today, as we consider the FY04 appropriations bill for the Departments of Transportation and Treasury, I find myself facing a familiar dilemma. So often during consideration of appropriations bills, I, as I'm sure many of my colleagues do as well, face difficult choices when voting on final passage. Because appropriations bills often include so many provisions, there are always positives and negatives. It is the nature of appropriations bills that we are forced to determine whether or not the good outweighs the bad.

As we prepare to vote on final passage of this bill, a similar assessment has to be made. I am deeply disappointed in many parts of this bill, most notably the less than minimal funding for Amtrak. However, because the bill also has very important funding for New Mexico and the Nation, I will be voting in favor of passage. I cannot let the perfect—which this bill clearly is not—be the enemy of the good—which this bill is.

Before I do cast my vote, I would like to voice my displeasure with both the funding provided for Amtrak, and also for the flawed process. Not surprisingly, the Rules Committee has once again stifled debate by not allowing Mr. OLVER to offer his amendment to increase Amtrak funding by $500 million. The $900 million included in the bill is insufficient to ensure the solvency of an essential element of our national transportation network. Should Amtrak be unable to continue its important service, not only would our transportation system be severely weakened, but many communities that heavily rely on Amtrak and its passengers for economic sustainability would be devastated. Many communities in New Mexico are heavily reliant on Amtrak for their economic well-being, and they would badly struggle without it.

However, as I said earlier, there are often many positives along with the negatives in an appropriations bill, and this bill is no exception. Overall, the FY04 Appropriations bill before us provides a 3 percent increase over last years bill, and provides 4 percent more funding than the administration proposed. In addition, the bill provides $34.6 billion in total highway funding, 7 percent more than current funding and 14 percent more than requested. The bill also provides $7.2 billion for mass transit programs and $500 million for election reform activities authorized by the 2002 Federal election standards overhaul law.

I strongly support these provisions and recognize how important the funding provided in this bill is for investment in the Nation's highway, transit and aviation programs, which are all so critical to our safety and homeland security efforts, as well as to economic development. Therefore, I support this legislation. However, I will vote in support of this bill with the strong hope that the insufficient Amtrak funding will be addressed in conference.

PERSONAL EXPLANATION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. BALDWIN. Mr. Speaker, on rollcall 456, final passage of H.R. 2861, the FY04 VA–HUD and Independent Agencies Appropriations bill, I was recorded as voting ''yea.'' I oppose this bill and intended to vote ''nay.'' This bill significantly underfunds veterans' health care. Our veterans' health care system is in crisis with an average of 200,000 veterans waiting six months or more for an appointment at Veterans Administration hospitals. The funding in this bill is clearly inadequate to meet the needs of our veterans. We must deliver the quality health care that was promised to those who have served to protect American security around the world.

PERSONAL EXPLANATION

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. KNOLLENBERG. Mr. Speaker, on September 9, 2003, I was unavoidably absent and missed rollcall vote Nos. 481–488. For the record, had I been present, I would have voted: No. 481, ''no''; No. 482, ''no''; No. 483, ''no''; No. 484, ''no''; No. 485, ''no''; No. 486, ''no''; No. 487, ''no''; and No. 488, ''no''.

CONGRATULATING 137TH SPACE WARNING SQUADRON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. MUSGRAVE. Mr. Speaker, I rise today to congratulate a truly outstanding part of this nation's defense—the 137th Space Warning Squadron based in Greeley, Colorado. For the second time in three years (an unequaled achievement), that unit has won the Distinguished Mission Support Plaque given by the National Guard Association of the United States.

This national award is given to only five outstanding units throughout all the Guard both Army and Air.

In addition to Colonel William Hudson, I would like to recognize the leadership at the 137th of Major Daniel Salgado and Major David Simmons for their outstanding work, as well as Brigadier General Mike Edwards (at the 140th Wing, Buckley AFB) and Major General Mason Whitney (the Colorado Adjutant General). The award shows the outstanding ability, competence, and potential of our Colorado Guardsmen at the Greeley location.

Additionally, the 137th in 2002 received many accolades for inspections, conversions,

support, and community service. I am so proud that this unit is in the Fourth Congressional District and going above and beyond in its defense of the United States of America. May God bless them for their service.

A TRIBUTE TO FORMER REPRESENTATIVE CHARLES E. BENNETT OF FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. SHAW. Mr. Speaker, I rise today as Chairman of Florida's Congressional Delegation to honor the extraordinary life of former Congressman Charles E. Bennett. I would be hard pressed, Mr. Speaker, to find a better and more compelling individual dedicated to ethical reforms than Mr. Bennett in his 44 years in the House. Mr. Bennett was a long time proponent of such reforming legislation as the creation of the House Ethics Committee and the 1965 Voting Rights Act. Earning the title of ''Mr. Clean'' for his unwavering determination to financial disclosure, Mr. Bennett set an example for all public servants as early as 1950.

Mr. Bennett attended the University of Florida and graduated in 1934 with both a Bachelor and Law degree. During World War 11, Charlie defended his country with undying patriotism and fearless courage in the South Pacific, earning the Silver and Bronze Stars for his distinguished service. In 1948, Mr. Bennett was elected to the 81st Congress representing the Jacksonville metropolitan area. Forty-four years later, Charlie remains Florida's longest serving member of Congress. Despite contracting polio from his Army days, Congressman Bennett served his country with such fervor and passion rarely seen before or since.

In the early 1990's, Charlie's advocacy for the disabled community translated into his strong support and sponsorship of the Americans with Disabilities Act. Despite the use of crutches, Charlie only missed one legislative vote in 41 years; a remarkable legislative accomplishment. Mr. Bennett was also an accomplished author of seven books, as well as a passionate advocate of the preservation of Florida's natural resources and history. A well-respected member of his community, Mr. Bennett has a Federal building and a school dedicated in his name for his remarkable service to his country.

Mr. Speaker, Charlie and I served side-by-side for 12 years before his retirement in 1993, and the news of his death has greatly saddened our State, our country, and me. I am honored to have called Charles Bennett a friend and colleague during his remarkable life and our prayers go out to his surviving family; his wife Dorothy; his children Bruce, James, and Cindy; and his three grandchildren. Charles Bennett will always have a place in the hearts of everyone he represented and his memory will no doubt live forever in the State of Florida.

TRANSPORTATION TREASURY, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2004

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2989) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2004, and for other purposes:

Mr. POMEROY. Mr. Chairman, I rise today in support of full funding for the Help America Vote Act of 2002 (HAVA). Congress made a commitment to election reform with the passage of this Act last year and should provide the funding required for HAVA-mandated improvements.

An amendment offered by the Honorable ALCEE HASTINGS to H.R. 2989 would have increased HAVA's funding to its authorized level of $727 million. This was offset by eliminating $165 million from Internal Revenue Service (IRS) information system funding. While I support efforts to increase HAVA funding, necessary maintenance and improvements to the IRS' information system are critical. For these reasons, I was compelled to vote against H. Amdt. 357.

I look forward to considering further legislation regarding HAVA funding in the future. Election reform is important to democracy in our country and in North Dakota. It is my hope that Congress will find a way to fully fund HAVA without reducing support for the necessary work of the IRS.

LEGISLATION FOR CONSTRUCTION OF VA FACILITY IN EAST-CENTRAL FLORIDA

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. CORRINE BROWN of Florida. Mr. Speaker, today I rise as a member of the House Committee on Veterans' Affairs, as a Congresswoman from Florida, to offer legislation that authorizes $170 million for construction of a much-needed VA facility in East-Central, Florida.

The legislation comes about after VA released, to the Capital Assets Realignment for Enhanced Services Commission, a draft report for VA review. The draft report recommends that Florida's East-Central Market receive a new hospital.

Florida's Central Market has the largest workload gap and the greatest infrastructure investment need of any market in the United States. The CARES draft report states that the logical choice for a new hospital in Florida is Orlando. There is a former 150-bed Naval Hospital in Orlando, originally designed for two additional floors, which can be restructured to take on additional services.

This will mean a big difference in many veterans' lives because currently more than 50 percent of them must travel 60 miles or one hour to the nearest VA facility. This is a problem that must be addressed now. Veteran population growth within a two-hour radius continues unabated. If a new facility is not available to veterans in East-Central, Florida soon, the hardship of long drives and waiting periods will grow even greater for our veterans.

As the Congresswoman from Florida's third district, I know firsthand of the need for a new VA facility in Orlando. I have been there for our veterans time and time again. I personally escorted former VA Secretary Jesse Brown to the old Naval facility in Orlando and told him what a perfect site it would be for a VA outpatient clinic. The James V. Haley VA Hospital in Orlando, Florida was later opened, and it is proving to be the best location available to provide even greater services to our veterans.

The goal of the CARES commission is to modernize the VA health care system. This is an important first step in making certain that the needs of our veterans are met. They are indeed, the best of the best, and deserve to be treated as such.

I abhor the treatment of America's veterans under this administration. From the shabby effort to provide for full funding of concurrent receipt, to the exclusion of new Priority Eight veterans from the VA health care rolls, this administration has proven that it is a miserable failure at treating our veterans with the honor and gratitude that they have earned.

ANÍBAL ACEVEDO-VILÁ, of Puerto Rico, and SHELLEY BERKLEY, of Nevada, join me in sponsoring this measure that additionally provides $250 million for the construction of a VA hospital in Las Vegas, Nevada, and $30 million for seismic upgrades at the VA medical center in San Juan, Puerto Rico.

I would like to thank Senators BOB GRAHAM of Florida, and HARRY REID of Nevada for introducing the companion legislation to this bill in the United States Senate.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. WOOLSEY. Mr. Speaker, had I been present for rollcall No. 481, I would have voted ''no.'' On rollcall No. 482, I would have voted ''no.'' On rollcall No. 483, I would have voted ''yes.'' On rollcall No. 484, I would have voted ''yes.'' On rollcall No. 485, I would have voted ''yes.'' On rollcall No. 486, I would have voted ''yes.'' On rollcall No. 487, I would have voted ''yes.'' On rollcall No. 488, I would have voted ''yes.'' on rollcall No. 489, I would have voted ''yes.'' On rollcall No. 490, I would have voted ''no.'' On rollcall No. 491, I would have voted ''no.''

A TRIBUTE TO BARUCH TENENBAUM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LANTOS. Mr. Speaker, I am delighted to pay tribute to Baruch Tenenbaum, a truly

remarkable person. He has, in an extraordinary way, made enormous efforts to promote the life and mission of World War II hero Raoul Wallenberg. As a young Swedish diplomat, Wallenberg was responsible for saving nearly 100,000 Jews in Budapest from the horror of the Holocaust. This brave man disappeared in 1945, last seen going to meet with members of the Soviet army. Though many theories regarding his disappearance abound, the world continues to wait for answers regarding Wallenberg's fate. Mr. Tenenbaum is one of the most visible leaders in carrying on Raoul Wallenberg's name.

Mr. Speaker, even before Mr. Tenenbaum started to work for Raoul Wallenberg's cause he had lived an extraordinary life. He was devoted to supporting the Jewish community in Argentina and to creating a deeper understanding between Jews and Catholics worldwide. He was the First General Director of the Argentine-Israeli Cultural Institute and focused the majority of his efforts on educational endeavors. Some of his undertakings included founding the Tarbut School and organizing the first Latin American Bible contest. In addition, he translated Spanish classics and Haskala literature into Hebrew and Yiddish.

In 1966, together with writer Jorge Lues Borges, Tenenbaum founded the first interconfessional organization, Casa Argentina en Jerusalem (Argentine House in Jerusalem). This organization has received many distinctions on behalf of the Vatican for its work in promoting ecumenism. Tenenbaum's outstanding commitment to the Jewish and Catholic communities has earned him accolades and honors from Pope Paul VI and from Monsignor Antonio Caggiano, Cardinal Primate of Argentina.

Mr. Tenenbaum and I co-founded the International Raoul Wallenberg Foundation (IRWF) in 1997. Since then, we have worked tirelessly to make Raoul Wallenberg's story known around the world. Mr. Tenenbaum has personally convinced over 60 heads of states to become members of IRWF. Some members include German Chancellor Gerhard Schröder, Israeli Prime Minister Ariel Sharon, former U.S. President Gerald Ford, and Nobel Peace Prize Laureates Dalai Lama and Elie Wiesel.

Mr. Speaker, I know you will agree that preserving the memory of Raoul Wallenberg is very important. Wallenberg is a truly timeless role model for all generations, representing an ideal sense of selflessness and caring of all people. He taught us about the importance of standing up for the immutable rights of all people and the need to combat evil when it confronts us. Wallenberg will always serve as a reminder of the tremendous difference just one man can make, and keeping his spirit alive means ensuring and preserving the spirit of humanity. In carrying on Raoul Wallenberg's name, Mr. Tenenbaum has made a tremendous effort in keeping his spirit alive and carrying his message on to future generations.

Under the direction of Mr. Tenenbaum, the IRWF has undertaken a number of various endeavors to further the memories of Holocaust heroes, including Raoul Wallenberg. There have been a number of statues raised and countless exhibits displayed around the world as a result of IRWF's efforts, honoring keepers of humanity during the Holocaust. In addition, Wallenberg has been honored throughout the world with commemorative postage stamps, and a number of streets and schools named in his honor. The IRWF's goals for these initiatives in honor of Wallenberg and other Holocaust heroes is to stimulate the educational authorities in dozens of countries to teach not only the stories of the Holocaust, but also the stories of the heroes that emerged from the horrors. By educating future generations about the plight of Holocaust heroes like Wallenberg, perhaps they will adopt just a fraction of the humanitarian values these brave men and women held.

Mr. Speaker, at the age of 67, Mr. Tenenbaum has never received a salary nor any other financial compensation for his work. He covers nearly all IRWF expenses himself and he devotes all his time to the Raoul Wallenberg cause. I am honored to pay tribute to this extraordinary man and I urge all of my colleagues to join me in congratulating Baruch Tenenbaum for his outstanding achievements. This exceptional person is truly an inspiration to us all. Like the man whose legacy he works tirelessly to preserve, Mr. Tenenbaum is living proof that one man can make a difference.

A TRIBUTE TO EAST SURRY LITTLE LEAGUE GIRLS 16 AND UNDER FAST PITCH SOFTBALL TEAM

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. BURR. Mr. Speaker, I rise today to offer my congratulations to the fine athletes of the East Surry Little League of Pilot Mountain's 16-and-under girls' fast pitch softball team. The dedication, talent, and hard work of these girls has won them a place in North Carolina's history as the very first North Carolina team to win a Little League World Series Championship.

After a series of wins, the girls of East Surry clinched their final victory against Kentucky to claim the title as World Series Champions. Their victory on August 16, 2003 in Jeffersontown, Kentucky is certain to be remembered with pride in the hearts and minds of North Carolinians for many years to come.

I commend the fine sportsmanship of these girls and wish them a future of successes. I am proud of their efforts in placing North Carolina among the states to hold a Little League World Series Championship win.

To Manager Breck Honeycutt, Coaches Mike Burge and Brent Hull, and players Samantha Smith, Haley Burge, Kate Jewell, Karlie Love, Beth Hauser, Megan Hull, Sara Bartlett, Catherine Mitchell, Lauren Angel, Brooke Honeycutt, Jessica Hauser, Rachael Brooks, and Ashley Simmons, I assure you that the people of Surry County, and indeed all North Carolinians, are very proud of your accomplishments.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcalls Nos. 476 and 477. I was unavoidably detained and was not present to vote. Had I been present, I would have voted ''nay'' on rollcalls Nos. 476 and 477.

RECOGNIZING THE ARTICLE ''REMEMBERING THE AWESOME LESSONS OF THE HOLOCAUST''

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. FORBES. Mr. Speaker, I rise to call attention to the article ''Remembering the Awesome Lessons of the Holocaust'' written by Rabbi Israel Zoberman. The article appeared in the Virginian-Pilot and The Ledger-Star on Saturday, June 12, 1993.

Rabbi Zoberman is spiritual leader of Congregation Beth Chaverim in Virginia Beach. Born in Chu, Kazakhstan, in 1945, and raised in Haifa, Israel, he is the son of Polish Holocaust survivors.

REMEMBERING THE AWESOME LESSONS OF THE HOLOCAUST

Visiting the recently dedicated official United States Holocaust Memorial Museum is not an ordinary experience, nor should it be one.

Along with fellow Americans, gentiles and Jews from all walks of life, I was conscious of entering upon sacred space. The resultant education experience, through ingenious multimedia presentation and architectural genius, exposes us to the unfolding stages of the Third Reich's evil, allowing us a closer reach to an unfathomable reality.

We are led on a journey whose consequences of disaster for the Jewish people and for humanity in general become increasingly evident at each turn.

Hitler's early threats were far from idle. What was dismissed as the political rhetoric of a novice was methodically translated into a program of genocide. Failure to stop the Nazi regime early on yielded the largest harvest of death in history.

Recognizing that the tragedy's magnitude is such that without personalizing it we risk losing it, we watch a tower of photos depicting the life of an entire community that is no more, from family gatherings and children at play to loved ones and pastoral calm. In two days of mass executions, 3,000 Jews, young and old, of Elshishok, Lithuania, where Jews had lived for 900 years, were slain. This was one among more than 4,950 destroyed communities.

Focusing on the shoes of gassed victims, my eye caught one belonging to a child. Who can remain neutral toward a little one's fate?

The video (hidden from view of those who could not bear it) of the medical experimentations on live subjects—gypsies and twins were favorites—was ample proof of science's culpability and academicians' corruptibility. Yet, the inspiring example of the French village of Chambon, which saved 5,000 Jews, including many children, from round-up and deportation, shines through the darkness.

Watching on-screen survivors reminisce illustrated the power of witness and the sacred duty to preserve their essential legacy, as age diminishes their numbers, for the sake of those to follow.

At the tour's beginning one receives a passport of a person who encountered the war. Mine was of a man who expired en route to the Belzec death camp where many members of my own extended family perished. One identity card bears the name of a surviving relative, Gitla Zoberman (now Gertrude Kupfer), who lives in Richmond, Virginia.

The museum's honored location in Washington, DC, near our national shrines, reflects the awesome lessons of the Holocaust. It is a grim though necessary reminder that democracy entails eternal vigilance and those revisionists who attempt to rewrite history, claiming that the painful past is a malicious Jewish invention, will have to face life's hard facts.

The fitting memorial, at a substantial cost of $170 million, is an investment in all that we hold dear. It ought to ever arouse humanity's collective conscience, as I agonizingly contemplate the overdue need to put an end to the horrors in the former Yugoslavia.

I emerged from the trying four-hour visit with a sense of catharsis, cleansed to meet the world with a sharper awareness, to turn my tears into a well of hope for the future of all.

TRIBUTE TO MICHAEL ALLEN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Michael Allen, a dedicated public servant and valued friend. Michael is an Education Specialist for the National Park Service's Fort Sumter Group in Charleston, South Carolina, and was recently named a recipient of the William C. Everhart Award for 2003.

The William C. Everhart Award is given for sustained achievements in interpretations that have illuminated, created insights to, and fostered appreciation of cultural and natural heritage. The award will be presented to Michael on October 2, 2003 at Clemson University.

The Fort Sumter Group consists of Fort Sumter National Monument, Fort Moultrie and Charles Pinckney National Historic Site and Michael has served as their Education Specialist for three years. He was nominated for the award, in large measure, because of work in developing the educational curriculum and programs for the sites, and his leading role in the National Park Service's Gullah-Geechee Special Resource Study. The Gullah-Geechee project is one in which I take particular pride and am very proud of the role I played in securing its authorization. The final report on this unique cultural treasure is expected to be presented to the Congress in December of this year.

Michael is also a great resource and advocate in interpreting the whole and complete story of the American Civil War in the Southeast Region of the National Park Service.

Michael grew up in Kingstree, South Carolina, and is a 1982 graduate of South Carolina State University with a degree in History Education. He began his public career with the National Park Service in 1980, and has been married for 15 years to the former LaTanya Prather of James Island, South Carolina. Michael and LaTanya currently live in Mount Pleasant, South Carolina and are the parents of three children; Brandon, Shaelyn, and Isaiah.

Mr. Speaker, I commend Michael for the recognition given him for his tireless and exemplary public service, and ask that you and my colleagues join me in this tribute to his tireless and selfless service.

CONGRATULATING THE LA MIRANDA JUNIOR BASEBALL LEAGUE

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Ms. LINDA T. SÁNCHEZ. Mr. Speaker, on August 16, 2003, the La Mirada Junior League baseball team won in its first appearance in the Junior League World Series by defeating Santiago, Panama 8–7 for the title of 2003 Junior League World Champions.

La Mirada, located 18 miles southeast of Los Angeles, is the fourth Junior League baseball team from California to win the World Championship.

The La Mirada team, also the California state champions, started the four-team Western Regional Tournament with a 5–3 loss to Scottsdale, Arizona, but came back with four straight victories to win the title.

La Mirada eliminated Aiea, Hawaii, which won the Junior League World Series in 2000 and 2001, then beat hosting Union City, California and won two straight games over Arizona to arrive at the Junior League World Series with a 17–2 overall record.

Founded in 1981, the Junior League World Series is the older brother of the Little League World Series. The Junior League World Series is a spectacular weeklong international tournament for the best teams of 13- and 14-year-old baseball players from around the world and is played every year in beautiful Heritage Park in Taylor, Michigan.

It has blossomed to include teams from around the globe: from Europe, Latin America, the Asia-Pacific region, Canada, and the United States. To date, participating teams have come from 27 different states in the U.S., four Canadian provinces, Mexico, Puerto Rico, Belgium, Saudi Arabia, the Czech Republic, Germany, Guam, Poland, Venezuela, Saipan and, for the first time in 2003, Russia.

La Mirada's all-star roster included: Chris Amezquita, Jordyn Baldwin, Jason Dovel, Frankie Fichera, George Gonzalez, Jacob Johnson, Stephen Kaupang, Michael Le Blanc, Brandon Pesante, Kevin Platzer, A.J. Rodriguez and Taylor Seimens with coaches Larry Kaupang and Gary Bouchard, and Manager Jim Gordon.

La Mirada braved rain delays and lack of electricity caused by the Nation's largest power outage during the week-long tournament to win against regional champions Mansfield, Massachusetts (East); Urbandale, Iowa (Central); Bridgewater, Virginia (South); and Sugar Land, Texas (Southwest) to become the United States champion.

The final game of the international tournament between La Mirada and Panama may have been the most dramatic with the lead changing hands five times.

La Mirada won the championship game with exceptional pitching, an explosive offense and an excellent defense. La Mirada took the lead in the 6th inning with a three-run homer and fended off a final inning, two-run rally.

According to everyone involved, the trip to the Junior League World Series will be remembered by the players, coaches and their family members not only for the games played, but also for their shared memories of their time together.

PERSONAL EXPLANATION

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. PAYNE. Mr. Speaker, on July 14, 2003, I was unavoidably detained and missed rollcall vote No. 357, the Ackerman-LaTourette amendment to the Agriculture Appropriations bill which would require that the USDA expend no funds to approve meat from downed animals—animals that are too sick to walk or stand—for food. Had I been present, I would have voted ''yea.''

TRIBUTE TO MRS. NORA G. CLEMONS McCOWAN

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mrs. JONES of Ohio. Mr. Speaker, I rise today to bring recognition to a close and dear friend of mine, Mrs. Nora G. Clemons McCowan.

Mrs. McCowan was actually born in Terrell, Tennessee on September 17, 1913. She moved to Cleveland in 1946 upon wedding Wilmer R. McCowan, affectionately known as Winnie. Their marriage endured for 52 years. For several years, the couple won the Cleveland Press Beautiful Block Contest for their infamously marvelous yard. Wilmer McCowan passed away in January of 1999. Mrs. McCowan had one daughter, Dexter Louise Mosley. I sailed with her grandson on many occasions.

I know Mrs. McCowan to be a devout member of East Mt. Zion Baptist Church. She has held this membership for over 70 years. She sings in the Sanctuary Choir, leads Group 22 and is president of the Group Leaders Council. She is also involved in the Missionary Society and the Sunday school.

In the community, Mrs. McCowan sports active membership with the Passadena Street Club and serves as Precinct Captain during election season.

I have known Mrs. McCowan my entire life. She is a clear role model for all people in Ohio's 11th Congressional District.

TRIBUTE TO OLEY AND GRACE KOHLMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, it is an honor and a privilege to stand before this body of Congress and this nation today to pay tribute to two remarkable citizens from my district. Oley and Grace Kohlman of North Park, Colorado have spent numerous years in service to this nation and to their community. I would like to take this time to recognize their many achievements and accomplishments.

Both Grace and Oley have dedicated much of their time to local, regional and national cattleman's associations, and various other

groups affiliated with western life. Grace was president of the North Park Pioneer Association; she is an Honorary Life Member of the North Park CattleWomen and the Colorado CattleWomen; she was also a member of the Rebekah Lodge in Walden. In his days as a soldier, Oley was part of the famous 10th Mountain Division, later becoming a member of the 10th Mountain Division Association. He was also a member of the Colorado Water Congress.

In addition to the Kohlman's contributions to regional groups affiliated with the cattle industry, they were also honored this year in recognition of fifty years as members of the Colorado Cattlemen's Association. Oley has served as chairman of the Marketing Committee and chairman of the Endowment Trust Fund, and perhaps most impressively, he also served as president of the Board of Directors for two years. Both Oley and Grace are also members of numerous national cattlemen's associations.

As members of the Junior Colorado Cattlemen's Association, they created the Oley and Grace Kohlman JCCA Scholarship, which provides tuition assistance to JCCA college students majoring or minoring in an agriculture related field of study.

Mr. Speaker, it is for their years of passionate dedication to their trade that I recognize Oley and Grace Kohlman before this body of Congress today. I am honored to pay tribute to this tremendous Colorado couple and the wonderful contributions they have made towards the betterment of their community.

H.R. 2861—VA/HUD APPROPRIATIONS BILL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. MOORE. Mr. Speaker, today I voted in favor of the Veterans Affairs and Housing and Urban Development Appropriations Act of 2004, with serious reservations about its funding levels for veterans' facilities across the country.

Veterans deserve more than this bill, which gives the VA $2.1 billion less than the House budget resolution requested. It is unconscionable that we're not fully funding the VA. I want to see this legislation receive full funding during conference committee, before it is sent to the President. At a time when we are asking more Americans to sacrifice for our Nation, we should not cut funds for medical care facilities veterans may need upon their return home.

I hope that the conference committee can resolve differences between the House and Senate appropriations bills and will negotiate for better funding of veterans' medical care. A number of veterans' organizations have voiced their disappointment in the bill's low level of funding, including the American Legion, Disabled American Veterans, and Veterans of Foreign Wars of the United States.

Earlier today, I offered an amendment to the bill that mirrored my recently-introduced bipartisan CARES legislation. This bill, H.R. 2808, would require the Secretary of Veterans Affairs to give Congress 60 days to review any action proposed closure of VA facilities or beds. The legislation comes after the VA suggested that the Dwight D. Eisenhower VA Medical Center in Leavenworth may be considered for possible downsizing of beds and services.

Congress needs to be involved in the process of determining the future of the VA health care system, especially if facilities are on the chopping block. Eliminating services in Leavenworth would be a disservice to the men and women who have served our country. In addition, redirecting those patients to the Kansas City VA Hospital, when there is already a six month wait for non-emergency care, would overwhelm a system that is already overwhelmed. After making a sacrifice for our country, our veterans should not be denied access to health benefits they have earned.

TRIBUTE TO RUTH MARIE COLVILLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before this body of Congress and this nation today to pay tribute to the life and passing of Ruth Marie Colville, an outstanding citizen from my district. Ruth was an active member of the Del Norte, Colorado community and she will be remembered as a respected historian, educator, and mother. Ruth passed away recently at the age of 99, leaving a legacy of leadership for her community to follow. I stand to honor that leadership here today.

Ruth was born in Bethlehem, Pennsylvania but moved to Del Norte shortly after she graduated from college. Ruth had a fascination with the West, exhibited in her love of movies and Western entertainment. Ruth began her life in Del Norte as a history teacher, calling on her English and History degrees from Wellesley College. Ruth's passion, however, was researching and documenting the life, culture, and exploration of early life in the San Luis Valley.

Ruth's passion would lead her to write several books on the history of the area, and she soon became a respected member of the educational community. For her service, Adams State College opened the Ruth Marie Colville room in the Nielsen library. Del Norte honored her by opening the Ruth Marie Center for the Community.

Mr. Speaker, I am honored to pay tribute to Ruth Marie Colville before this Congress and this nation. Her hard work, enthusiasm, and leadership in the community will be sorely missed. My thoughts and prayers go out to Ruth's family and friends as they mourn her loss.

HONORING THE 75TH ANNIVERSARY OF J. C. EHRLICH CO., INC.

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. HOLDEN. Mr. Speaker, I am pleased to have the opportunity to bring an authentic American success story to your attention.

The officers and coworkers of the J. C. Ehrlich Company are celebrating the 75th anniversary of the founding of their company in 1928. The company's founder, Julius C. Ehrlich emigrated to this country from Germany at the age of 17, eventually moving to Reading, Pennsylvania where he had a job as a manufacturer's representative selling insecticides and sprayers. In 1928, there were very few pest control companies in the country and none in Berks County. Mr. Ehrlich's sales were primarily to businesses who would apply the materials themselves.

One day he called one of his customers, a department store in Reading, who had not used the material he had sold them during his last sales visit. When he learned that the custodian had been unable to apply the material, Mr. Ehrlich, wanting to satisfy his customer and not wanting to lose a sale, offered to apply the material himself. At that moment Mr. Ehrlich, who was 56, founded the pest control service organization now known as the J. C. Ehrlich Company. Even today, as the company celebrates its 75th anniversary, the management and coworkers look back at that moment as inspiring their current success by using the same principles that Mr. Ehrlich employed at that department store—Initiative, Ingenuity and Exceeding Customer Expectations.

So while others were contemplating retirement, Julius C. Ehrlich was developing a new business. Even more impressive is the fact that the formative years of Mr. Ehrlich's business were during the early 1930's and the Great Depression.

By 1939, four of Mr. Ehrlich's nephews had immigrated to this country in order to avoid the conditions facing them as Jews in Nazi Germany. In the great traditions of many Americans, these four nephews, Arthur Hammel, Simon Hammel, Alex Ehrlich and Victor Hammel, worked tirelessly. (Unfortunately, Victor Hammel, for whom the company's current President is named, passed away in the early 1940's.) Their work ethic is underscored by.the story of their arrival in late December 1937. Without knowing the English language, and without any knowledge of pest control, they started work just five days later. When questioned as to why they waited five whole days from the time they got off the ship to the time they started, Simon Hammel was quick to mention that they lost several days because of a weekend and New Year's Day. Otherwise, they would have started work more quickly. The hard work and determination of this second generation began the expansion of the J. C. Ehrlich Company beyond its Berks County roots. Its second district office was established in Pottsville. The third and fourth offices were in Lancaster and Allentown.

Today the third generation of Ehrlich family management includes three cousins, Victor Hammel, Robert Hammel and Richard Yashek.

The company's owners are quick to point out that it is the dedication of its coworkers that has made J. C. Ehrlich a premier company in its various businesses. In fact, the company states its core belief in its Vision Statement: ''Above all else, we value long-lasting relationships with coworkers and customers.'' Among its current 1,100 coworkers are many who have reaffirmed that sentiment by working for J. C. Ehrlich for 15 years, 20 years, 25 years and more. Today, in addition

to providing pest control services, the company provides termite control, bird control, vegetation management, and bioremediation services. The company also continues Mr. Ehrlich's very first business through a division known as Ehrlich Distribution, which sells products to control pest and vegetation.

As J. C. Ehrlich celebrates its 75th anniversary, there is much to be proud of. Consider these accomplishments:

Named as one of the ''Top 25 Best Places to Work in Pennsylvania'';

Named ''America's Finest Pest Control Company'' by Pest Control Technology Magazine;

Has grown to become the largest privately-owned pest control company in North America;

Has 39 local offices servicing 8 Mid-Atlantic States and the District of Columbia; and

Most importantly, 1,100 loyal coworkers providing more than 1 million services per year.

Mr. Speaker, these accomplishments are the proud results of J. C. Ehrlich's culture. This culture can be better understood by knowing how the company's coworkers are celebrating their 75th anniversary. Instead of a major corporate celebration, Ehrlich's 39 offices decided that they would volunteer their time and effort to the local communities that had supported them through the years. With the company's encouragement, coworkers in each district office selected a local charitable organization that they could contribute time to as a group. On the selected day, the office closed and everyone worked as a team to provide community service. In total, this represents approximately 8,000 hours of time Ehrlich coworkers have donated to their local communities. I am pleased to present to you the civic contributions that the men and women of J. C. Ehrlich have made to their communities during this, their 75th anniversary:

PENNSYLVANIA

Allentown—Girl Scout Camp Clean-up.
Clarion—Cleaned park.
Erie—Worked at a soup kitchen for at-risk children.
Harrisburg—Riverbank Cleanup.
Hatfield—Dyed Easter Eggs and assembled baskets for the needy.
Hazleton—Cleaned up a local park.
Johnstown—Donated time to local thrift shop and soup kitchen.
Lancaster—Did clean-up and landscaping for area parks.
Lebanon—Helped to prepare for cancer fundraiser.
Lewistown—Worked on a Habitat for Humanity House.
Philadelphia—Worked at a local soup kitchen.
Pittsburgh—Cleaned up at a local zoo.
Pottstown—Yard clean up for area senior citizens.
Pottsville—Cleaned up a local park.
Reading Pest Control—Riverbank cleanup.
Reading Accounting—Children's Home of Reading.
Reading Administration—Reading Hospital.
Reading Customer Service Center—Volunteered at a local festival.
Reading Audit—Distributing food at Salvation Army.
Reading VMS—Cleaned up a local park.
Reading Technical Trainers—Girl Scout Camp Clean Up.
Reading MIS—Cleaned up at local park, delivered meals on wheels, donated special computer to needy child.
Scranton—Delivered food for Meals on Wheels.
Shamokin—Planted flowers in downtown area.
State College—Helping United Way Day of Caring.
Stroudsburg—Cleaning up local highways.
West Chester—Cleaned up a local park.
Wilkes Barre—Cleaned up a local park.
Williamsport—Cleaned up an old museum.
York—Clean up and landscaping at a local park.

NEW JERSEY

Avenel—Shoreline cleanup.
Bergen County—Donated pest control services to local museum.
Flemington—Fixed and helped to remodel homes for needy residents.
Vineland—Cleaned up a park.

NEW YORK

Binghamton—Worked in a soup kitchen.
Hudson Valley—Beach clean up at a wild life sanctuary.
Middletown—Worked on houses for Habitat for Humanity.

DELAWARE

Delmarva—Worked at a nursing home.
Wilmington—Sorted clothing at a local clothing bank.

MARYLAND

Baltimore—Helped build homes for Chesapeake Habitat.
Gaithersburg—Cleaned up a park.
Hagerstown—Spent time with Senior Citizens at a local center.
Millersville—Participated in United Way Day of Caring.

VIRGINIA

Newington—Served food and cleaned up at a men's shelter.

Mr. Speaker, I am proud to have several J. C. Ehrlich offices throughout my Congressional District. On a personal level, my family has known the Hammel Family for at least two generations. My father, Joseph Holden and the father of the current owners, Simon Hammel, were friends in Schuylkill County, Pennsylvania. I am pleased to be able to continue that tradition of friendship. I congratulate them on their 75 years of success and wish them the best for the future.

HONORING MARY JEAN BERG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this Nation today to pay tribute to a selfless community servant and dedicated doctor from my district, Mary Jean Berg of Ordway, CO. An active member of the Crowley County community, Mary Jean is this year's recipient of the 2003 Rural Healthcare Excellence Award presented by the Colorado Rural Health Center. I would like to join with the Colorado Rural Health Center in congratulating Mary Jean on this distinguished honor.

The Rural Healthcare Excellence Award is presented every year to someone who makes an outstanding contribution to rural healthcare or the rural healthcare system. Mary Jean is an obvious candidate, with over twenty years of rural healthcare experience. She has clinics located throughout Crowley and Otero counties, providing medical care that is closer to home for her patients. Mary Jean goes beyond the duty of a doctor; she has been known to make house calls and provide special services to her elderly patients. Mary Jean has also helped bring several new doctors and nurses into the area, ensuring an availability of healthcare professionals for years to come.

Mr. Speaker, I join with my colleagues here today in applauding Mary Jean's civic-mindedness and in recognizing this prestigious honor. This recognition to Mary Jean for her community service is well deserved, and I am proud to bring her achievements to the attention of this body of Congress today. Congratulations and thanks again, Mary Jean, for your many years of hard work. May you have many more to come!

HONORING THE ACHIEVEMENT OF CITY OF CAMPBELL LEADERS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. HONDA. Mr. Speaker, I rise today to recognize the achievements of Campbell Mayor Daniel E. Furtado, Councilmember Jeannette Watson, and Campbell Police Captain Russell Patterson. Their work in Campbell, California, has made that city one of our Nation's safest. Today, the National League of Cities commended these leaders for developing a homeland security preparedness program that serves as a national model.

Since the tragic events of September 11th, 2001, each level of government has been faced with the challenge of making our homeland more secure. In developing the City of Campbell's Terrorism and Disaster Preparedness Program, Campbell's leaders have met this challenge by coordinating efforts between government agencies, local schools and universities, and community based organizations in order to respond to disasters quickly and efficiently.

This highly effective program utilizes an ''All Hazards'' approach, sharing information and resources used to combat both natural disasters and the kind of terrorist attacks our country witnessed two years ago. The program allows for the expansion of an emergency management organization based on the severity of each possible disaster or terrorist attack.

The Mayor, City Council, and Police Department deserve our gratitude. They have made invaluable contributions to the City of Campbell over the past two years.

I hope other cities throughout the United States are able to emulate Campbell's achievements, as America moves forward in protecting our homeland. The people of Campbell are more prepared for catastrophes, and are privileged to have proactive public servants working for them.

TRIBUTE TO JODIE SPRADLIN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress to pay tribute to a remarkable woman from my district. Jodie

Spradlin of Steamboat Springs, Colorado has demonstrated the kind of personal dedication to overcoming adversity that is truly honorable. I stand before you to recognize her today.

At the age of 16, a drunk driver collided with her family's van on the interstate and Jodie lost her leg from injuries sustained in the accident. Jodie's acceptance of her loss did not come easy. She was very self-conscious for a period of time after the amputation. However, in time, she was able to overcome her anxieties and begin living a more normal life.

Jodie now assists others by donating her old prosthetic legs to victims of land mines. A new prosthetic leg costs around $15,000 and her contributions are the only hope for many less fortunate amputees. Her charitable actions provide others with an opportunity to conquer their own personal challenges, just as Jodie was able to do.

Today, Jodie and her husband have three children and are living happily in the mountains of Colorado. Her story serves as an inspiration to others by illustrating the significance of focusing on the important aspects of life, such as children and family, and overcoming those things that hold us back.

Mr. Speaker, it is a privilege to stand here today and honor Jodie Spradlin and her achievements before this body of Congress. Her spirit, self-determination and altruistic sense of community service are truly worthy of praise. Jodie's charitable actions demonstrate how much one person can improve the lives of others. I wish her all the best in the years to come.

RECOGNIZING JEFFREY GREEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. RADANOVICH. Mr. Speaker, I rise today to pay homage to Jeffrey Green, who is retiring this month after 20 years of service to the people of my home County, Mariposa. Jeff became County Counsel in October, 1983, and for twenty years has served with distinction in that capacity. He has served the elected officials, the staff and the citizens of the county well for those two decades.

During Jeff's tenure, he has had the distinction of serving many different members of the Board of Supervisors—so many that I confess I lost count after 15 or so—of which I am proud to say I was one. Working with Jeff was a learning experience for me. He provided sound legal advice, and was the steady hand that ensured that there would be few crises. Jeff also wrote and monitored ordinances, contracts and other legal documents, and was a source of information, opinions and assistance whenever asked. He always addressed Board concerns and concerns of individual Board members in a timely and professional manner.

In addition to his legal and administrative skills, Jeff is an expert fly-fisherman. I am sure that after his successful 20 year career in Mariposa County, he is looking forward to trying out the latest flies and catching all the fish he missed while the Board was in session.

Mr. Speaker, I am pleased to honor my friend Jeffrey Green upon his retirement as County Counsel for Mariposa County, California. He will be missed by all but the fish.

TRIBUTE TO CODY BRICKELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before this body of Congress and this nation today to pay tribute to the life and passing of Cody Brickell, a resident of Glenwood Springs, Colorado. As his family and friends mourn their loss, I would like to pay tribute to his life and the wonderful memories he has left behind.

Just 18 years old, Cody was a recent high school graduate with plans for attending college in the fall and dreams of studying medicine. Cody was a young leader in his community, serving as the student body president, captain of the football team and a member of the Glenwood Springs High School Key Club. Cody was known for his solid work ethic, toiling long hours to save money while pouring concrete, mowing lawns and working at the local athletic club.

The loss of a life is tragic in any instance, but the loss of a young life is even more trying. Cody showed such tremendous potential for accomplishing tremendous feats in his short lifetime, and it saddens me to stand here today and mourn his passing. Cody's family and community will certainly miss his generous spirit.

Mr. Speaker, I am saddened by the untimely loss of such a kind and promising individual. Cody's commitment, compassion, and hard work garnered him respect in his community, and it is for those very qualities that I bring his life to the attention of my colleagues here today. My thoughts and prayers go out to the family and friends of Cody Brickell.

TRIBUTE TO 100TH ANNIVERSARY OF THE CENTRAL MACOMB COUNTY CHAMBER OF COMMERCE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LEVIN. Mr. Speaker, I rise to congratulate the Central Macomb County Chamber of Commerce today, in recognition of the Chamber's 100th anniversary.

For 100 years the Central Macomb County Chamber of Commerce has dedicated itself to the community. The Chamber is a local organization operated by and for the people of the business community of Clinton Township, Mount Clemens, Harrison Township, Macomb Township and New Baltimore. It is a focal point of leadership and a gathering place for those who make the strategic decisions that shape our business lives.

The Chamber's history as a champion of downtown businesses started in 1903 as the Mount Clemens Business Men's Association. Negotiating favorable rates with the Rapid Railway interurban line, sponsoring Macomb County days, lobbying for Shadyside Park, and the establishment of Selfridge Field as a permanent military facility were among the many accomplishments of the dedicated members.

The Association had become the primary organization of representation for all types of businesses in Mount Clemens. It represented merchants, bathhouses and factories. The name was changed to the Mount Clemens Board of Commerce in 1926 to clarify their purpose and reflect their diversity. Then, in 1959, they changed the organization's name to the Greater Mount Clemens Chamber of Commerce and, finally, to its present name of Central Macomb County Chamber of Commerce in 1981.

The name may change but the dedication and service to the community remain steadfast. The Chamber's original bylaws and declaration of principles from 1903, ''to encourage the patronizing of home industry; to encourage the bringing of manufacturing enterprises to our city; to promote co-operation among ourselves and to endeavor to advance in every legitimate way the welfare of our city'' continue to resonate today.

Mr. Speaker, I ask my colleagues to join me in recognizing the Central Macomb County Chamber of Commerce on their 100th year anniversary.

SEPTEMBER 11TH

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. BACA. Mr. Speaker, two years ago today, we mourned and cried as we watched the horrific events that unfolded before us on September 11, 2001.

The events of that day will live forever collectively in the conscience of this country.

Like Pearl Harbor, the assassination of John F. Kennedy, and the assassination of Dr. Martin Luther King, Jr. no one will forget where they were the moment they heard the news on that day.

September 11, 2003, like very few days before in this nation, will live forever in infamy.

We must never forget the thousands of lives that were lost as a result of those cowardly attacks. The passengers, the workers at the Pentagon and the World Trade Center and the many courageous rescue workers who in an effort to try to save lives, lost their own.

Our nation must always remember those who fell victim to terrorism on that day. Our nation must never forget the suffering felt on that day. We must never forget the pain of the families who lost their loved ones, and we must always keep them in our prayers.

But as I stand here on September 11, two years after the attacks, I am aware more now than ever before of the responsibilities we as lawmakers hold to this nation.

As leaders of the greatest nation on this Earth, we have the responsibility to fight to uphold the ideals that make this nation great. We must continue to protect freedom and democracy and never abandon the ideals put forth by our founding fathers.

We must continue to fight this war on terror and invest in our homeland security. We must make sure that attacks, like those experienced two years ago, will never happen again. And if they should happen again, we are able to respond to protect the lives of our citizens.

This country was united two years by an act of violence and terror. A renewed sense of patriotism gripped this nation and I feel that it is still present today.

Let us never forget this sensation. Let us use the tragedy of September 11, 2001 to make this a stronger nation, a nation that cannot be crippled by a zealous few. Let us use the tragedy of September 11, 2001 to make this a safe and freer world, not only for the children of the United States, but the children throughout the world. Freedom is a right entitled to all.

Let us never forget those who passed away on September 11, 2001.

Let us pray for the children who lost their parents, the parents who lost their children, and everyone who suffered a loss on that horrific day.

But also, on this commemorative day, let us not forget to pray for the safe return of our troops overseas. Though we may not all agree with the politics behind this past war, we can all agree that America's sons and daughters are overseas fighting with passion to protect our freedom. Let us not forget to include them in our prayers.

We must pray for continued peace and security in this nation and in all nations.

On behalf of the people of the Inland Empire of California, I offer my emotional and spiritual support to those whose lives were changed forever two years ago today.

And I would like to take a moment to mention the names of the three constituents I lost on that day. Cora Holland, mother of three and grandmother who died aboard American Airlines flight 11; Rhonda Rasmussen, who died at the Pentagon; and Navy Yeoman Second Class Melissa Rose Barnes, who died at the Pentagon.

HONORING CYNDY SIMMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to recognize a dedicated educator from my district. Over the last two decades, Cyndy Simms has provided Steamboat Springs, Colorado with exemplary service as the school district's Assistant Superintendent and Superintendent over the last two decades. As Cyndy's career now takes her to Washington State, I am proud to honor the determination and legacy that she leaves with Steamboat's school system.

Cyndy accepted the school district Assistant Superintendent position shortly after arriving in Steamboat Springs in 1983. She revolutionized many aspects of the Steamboat Springs School District in that position as well as in her subsequent service as Superintendent. With her consensus model of decision-making, Cyndy forged a relationship between the school district and the community which remains strong today. The school district has come a long way under Cyndy's stewardship. Cyndy cherished her position as Superintendent and the opportunity it gave her to impact so many students' lives.

Mr. Speaker, I am proud to stand before this body of Congress today to express my admiration for Cyndy Simms and her service and devotion to the students of Steamboat. Individuals like Cyndy personify the dedication and commitment necessary to impart strong values to future generations and allow them the opportunity to succeed. Thank you, Cyndy, for your dedication and selfless public service. I wish you all the best in your future endeavors.

INTRODUCTION OF A BILL TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. LoBIONDO. Mr. Speaker, the New Jersey Coastal Heritage Trail incorporates the very best of what the great State of New Jersey has to offer the rest of the Nation. Established by Congress in 1988, the Trail unifies New Jersey's many scenic points of interest. These points of interest include a wealth of environmental, historic, maritime and recreational sights found along New Jersey's coastline, stretching 300 miles from Perth Amboy to the north, Cape May in the extreme southern tip of the State and Deepwater to the west.

The Trail's area includes three National Wildlife Refuges, four tributaries of a Wild and Scenic River system, a Civil War fort and National cemetery, several lighthouses, historic homes, and other sites tied to southern New Jersey's maritime history. Through a network of themes and destinations, the New Jersey Coastal Heritage Trail connects people with places of historic, recreational, environmental and maritime interest.

One exciting aspect of the New Jersey Coastal Heritage Trail Route is its focus on maritime history. There is a rich story to be told about the industries once sustained by the Delaware Bay, such as whaling, shipbuilding, oystering and crabbing. While we often define our Nation's history through military or political milestones, the Trail will serve to remind visitors that maritime-dependent commerce was a major factor in the growth of the United States.

''Eco-tourism'' along the Coastal Heritage Trail has proven to be a huge success. There is an abundant variety of natural habitats and species to be found on the Trail. Whale and dolphin watching have become extremely popular, and bird lovers from throughout the country, and in fact around the world, are realizing what Southern New Jersey residents have known all along: our region is unmatched for observing migratory birds, ospreys and bald eagles.

Today, I am introducing legislation to reauthorize the New Jersey Coastal Heritage Trail Route. This legislation would extend the authorization of the Trail to provide an additional $4 million over 5 years to continue the work began in 1988. It would also initiate a Strategic Plan which would explore opportunities to increase participation by national and local private and public interests, as well as organizational options for sustaining the Trail.

The New Jersey Coastal Heritage Trail has helped New Jersey residents develop pride, awareness, experience with, and understanding of our coastal resources and its history. This reauthorization will allow the Trail to continue and flourish.

I urge my colleagues in the House to support this legislation.

HONORING CECIL TACKETT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to a true American hero and dedicated father from my district, Cecil Tackett of Pagosa Springs, Colorado. An active member of the Colorado community, Cecil was recently selected as this year's Marshal of the ''Our American Heroes'' Fourth of July parade. I would like to join the Pagosa Springs Rotary Club and the local community in honoring Cecil's service and recognizing this distinct honor.

Cecil was an obvious choice as Marshal of the parade, as he gallantly served to protect the freedoms we enjoy today. Cecil joined the Army Air Corps before the attack on Pearl Harbor and earned his pilot's wings as a Second Lieutenant. In 1944, Cecil was stationed on Saipan Island and was responsible for conducting bombing missions throughout Japanese territory. These missions would often last 14 to 18 hours, demanding the most from both pilot and crew. It was on one of these missions when Cecil's plane, the Pride of the Yankees, lost two engines, nearly crashing over Japan. Cecil took control and landed his aircraft and its crew safely in Saipan over eight tense hours later.

After the war, Cecil completed his degree at Kansas State University and went on to help build dams in Nebraska, Texas, Oklahoma, and Kansas. He moved to Pagosa Springs in 1963 and quickly became an active community member. Cecil served on the Pagosa Springs Board of Trustees, the Board of Directors at Citizens Bank, and currently serves the San Juan Water Conservancy District, helping restore the Lower Blanco River.

Mr. Speaker, it is an honor to bring attention to Cecil's heroic and dutiful service. Recognition for the sacrifice he made for this country is long overdue, and I am proud to bring Cecil Tackett's achievements to the attention of this body of Congress today. Thank you again Cecil, for your many years of hard work on behalf of Pagosa Springs and the State of Colorado. May you have many more to come!

TRIBUTE TO CATHERINE GLENNON AND THE ONCOLOGY NURSING SOCIETY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. PRICE of North Carolina. Mr. Speaker, today I am pleased to honor my constituent, Catherine Glennon, for the contributions that she has made to the field of oncology nursing. Catherine has dedicated her career to individuals with cancer and their families, and she is currently the Oncology Services Health Center Administrator at the Private Diagnostic Clinic at Duke University Medical Center.

Catherine has been a member of the Oncology Nursing Society since 1976 and recently stepped down from serving on the Board of Directors. The Oncology Nursing Society, the

largest professional oncology group in the United States, exists to promote excellence in oncology nursing and the provision of quality care to those individuals affected by cancer. As part of its mission, the Society honors and maintains nursing's historical commitment to advocacy for the public good.

Catherine Glennon has received numerous awards and recognition for her work on behalf of individuals with cancer including the Oncology Nursing Foundation Nurse Administrator/Manager Career Development Award, participation in the Center for Nursing Leadership, and recognition in Who's Who in American Nursing. She has also authored a number of studies and articles on quality cancer care and the nursing shortage that have appeared in several distinguished publications. In addition, Catherine has given numerous presentations to national audiences on a host of cancer care, health, and nursing shortage issues.

Over the last ten years, the setting where treatment for cancer is provided has changed dramatically. Oncology nurses like Catherine are the front-line providers of cancer care with responsibilities ranging from administering chemotherapy, managing patient therapies and side effects, working with insurance companies to ensure that patients receive the appropriate treatment, and providing counseling to patients and family members. Without an adequate supply of such nurses, we cannot provide quality cancer care to a growing population of people in need.

I was proud to support the passage of the ''Nurse Reinvestment Act'' in the 107th Congress. This important piece of legislation expanded and implemented programs at HRSA to address the multiple problems contributing to the nationwide nursing shortage, including the decline in nursing student enrollments, shortage of faculty, and dissatisfaction with nurse workplace environments.

I commend Catherine Glennon and the Oncology Nursing Society for all of their hard work to prevent and reduce suffering from cancer and to improve the lives of those 1.3 million Americans who will be diagnosed with cancer this year. I am hopeful that growing numbers of young people will follow in Catherine's footsteps and pursue a career in the rewarding and challenging profession of nursing.

TRIBUTE TO PAUL DEYERLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I stand before this Congress and this nation today to pay tribute to a dedicated veteran and loving family man from my district. Paul Deyerle of Pueblo, Colorado died recently at the age of 86. Paul's dedication and commitment to his country have left a legacy of leadership that we would all be wise to emulate. I am proud to stand and recognize his accomplishments here today.

As a member of the Army Air Corps in World War II, Paul fought to protect the freedoms we cherish today. Paul also met his future wife Kay during his stint in the army; the couple would later marry and be blessed with three children. When Paul returned from the war he settled in Pueblo and was a founding member of the Pueblo West Ecumenical Church. At the church, Paul's humorous, loving spirit was evident, and he would later be recognized for the community service he provided his hometown. Paul was voted Optimist of the Year in 1981, 1986, and 1992.

Mr. Speaker, I am saddened by the loss of such a kind and caring individual. The hard work and dedication that Paul has shown to Pueblo and the United States is truly remarkable. It was Paul's selflessness, reliability and positive spirit that have garnered him respect, and it is for those qualities that he has earned my respect. My thoughts and prayers go out to Paul's family and friends. He will surely be missed.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2004

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 9, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2765) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes:

Ms. MILLENDER-McDONALD. Mr. Chairman, I want to voice my vigorous opposition to the proposed legislation to implement a school voucher program in the District of Columbia.

We cannot in good conscience ask the cash-strapped schools in the District of Columbia to impose another layer of bureaucracy on its school system when positive changes are now underway to improve the quality of public education for the most needy of students. Already, the District is showing improvement through its 15 transformation schools which were created using the lowest performing schools attended by the city's poorest students, who have made significant gains in their Stanford 9 achievement scores. Also, the District has shown great success through its 42 charter schools which represent the largest number per capita in the nation. Instead of adding an unproven new program, scarce federal resources would be much better spent shoring up these two popular and proven education options. Why can't Members of Congress and local elected officials in the District focus on funding the programs which are working and are supported by most parents? We should not be in the business of funding risky ventures like school vouchers when public schools are being overlooked for funding. Furthermore, we should not authorize funding school vouchers here in our second home when Congress has already opposed vouchers in the rest of the country. The District of Columbia should not be used as a laboratory for an educational experiment that few if any Members would try in their home districts.

By approving the use of school vouchers here in the District, a competition will be set in motion between public and private schools fighting for the same pool of scarce federal education funding. Any new federal funding should be allocated to schools made accountable to the public—charter schools and the District's public schools. The three-sector approach in the Senate's companion bill would avoid making private schools accountable, and the addition of funding for public schools seems to be an afterthought in order to push the voucher legislation through. This intent is quite apparent through the Senate bill's attempt to authorize private school vouchers for five years while making only a one-time appropriation to public schools.

Given that the Government Accounting Office (GAO) conducted a study which indicated no difference in achievement levels between students attending public schools and those using vouchers to attend private schools, we would be seriously remiss in allowing vouchers to prevail.

If we care about changing the quality of the District's public schools to truly benefit all children, we must continue to support public schools with all available resources.

TRIBUTE TO FRED SIPE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to Fred Sipe of La Junta, Colorado. Fred recently retired from Otero Junior College where he taught art, drafting, and computer aided design. As Fred prepares for retirement, I would like to take this opportunity to recognize his many years of hard work and dedication to Otero Junior College.

When Fred arrived at Otero Junior College in 1992, he fell in love with the town and the campus. He quickly began work as an art teacher. Through eleven years at the school, Fred has taught almost every art class the college has to offer. However, Fred did not restrict himself to the classroom; he was known to attend almost every extracurricular event he could. He was considered a regular at art shows, concerts, and athletic events, usually accompanied by his wife Joan.

Mr. Speaker, I am honored to stand before this Congress and this nation to recognize the accomplishments of Fred Sipe. His hard work and dedication provided students with the ability to learn about art in new, creative ways. Teaching our nation's youth is truly a noble calling, and Fred's 11 years of service are truly a remarkable accomplishment. Thank you, Fred, for the service you have provided our community. I wish you all the best in your retirement.

RAISE THE MINIMUM WAGE, NOT CONGRESSIONAL PAY

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. ROSS. Mr. Speaker, I rise to voice my opposition to the pay increase that Members of Congress voted to grant themselves during the debate on the Treasury and Transportation spending bill.

Every year, Congress votes on this pay raise, and every year that I have been a Member of this body, I have stood against it. It's simply not right for us to give ourselves more money when there are so many people waiting for an increase in the minimum wage.

Many of my colleagues feel the same way about the Congressional pay raise, but unfortunately the House leadership did not allow us to vote for this specific item, because it was included within a broader spending bill. Voting against this bill would mean voting against billions of dollars for our roads and other worthwhile projects. Rather, we were forced to voice our opposition in the form of a procedural vote, and I did so.

There are thousands of people in my district who hold minimum wage positions, people I was elected to serve. I would only be serving myself if I voted to raise my salary, and that is not why I'm here.

I will continue to vote against congressional pay raises until the minimum wage is increased for working families.

TRIBUTE TO IRENE MARTINEZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. McINNIS. Mr. Speaker, I stand before this body of Congress and this nation today to recognize the thirty years of service that Irene Martinez has dedicated to the children of the Manzanola School District. Irene is retiring after having served as both a cook and teacher's aide since 1973. As we mark her retirement, I would like to commend Irene for the devotion that she has shown to her students over the years.

Irene began her career with the Manzanola School District as a teacher's aide, though quickly switched careers and became a cook. She loved her job and says she will truly miss the students. Irene has seen three generations pass through her schools, having served the grandparents of some of today's students. Irene is looking forward to her retirement, with plans to do some gardening and spend time with her family.

Mr. Speaker, it is an honor to recognize the contributions Irene Martinez has made to the health and well being of Colorado's children. Irene will certainly be missed by the children under her care and by her co-workers who have come to know and admire her remarkable dedication. Irene, I wish you all the best in your retirement. Thank you for your many years of exemplary service.

THE TRAGIC DEATH OF JOSEPH CAMARA, HUSBAND, FATHER, POLICE OFFICER AND PATRIOT

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 10, 2003

Mr. FRANK of Massachusetts. Mr. Speaker, on Monday, September 1, a good and courageous man gave his life for his country. Joseph M. Camara was tragically killed while serving his nation in Iraq, as a member of the Rhode Island National Guard. In civilian life, as in military life, Sergeant Camara was a man dedicated to protecting his fellow citizens. He was a highly respected and deeply admired police officer in the City of New Bedford. Mr. Camara leaves behind his wife and three children, and they are joined in their grieving at the loss of this patriot by hundreds of thousands of their fellow citizens in Massachusetts and Rhode Island. Of course nothing we can say will alleviate the pain that Mr. Camara's family feels at this untimely death, but we can at least demonstrate to them how deeply we sympathize with them and it is important for us to recognize here in the United States House of Representatives the terrible sacrifice Mr. Camara made in the service of his country.

Mr. Speaker, the citizens of New Bedford, where Mr. Camara lived, raised his family, and served with great distinction as a police officer are especially devastated by his death. The people of the city have with one voice expressed their most profound condolences to the Camara family. And the depth of that feeling has been well conveyed by a series of articles in the New Bedford Standard Times about this terrible incident.

Mr. Speaker, to commemorate Joseph Camara, to recognize appropriately in the United States Congress the enormous debt that we owe his wife and children, and to pay tribute to the people of New Bedford, who have been so steadfast in their support of the Camara family, I ask that the articles from the New Bedford Standard Times about the death of Joseph Camara in the service of his country be printed here.

[From the New Bedford Standard Times, Sept. 3, 2003]

NEW BEDFORD POLICE OFFICER KILLED IN IRAQ

(By Steve Urbon)

CRANSTON, R.I.—A New Bedford police officer became the first SouthCoast resident killed in action in the Iraq war when a homemade land mine exploded on a highway near Baghdad on Monday, killing two National Guardmen.

Staff Sgt. Joseph M. Camara, 40, married and the father of three, was on patrol with two other guardsmen from Rhode Island's 115th Military Police Company when the device exploded beneath their Humvee and ignited the fuel and ammunition aboard, Lt. Col. Michael McNamara of the Rhode Island National Guard said yesterday at a press conference in Cranston announcing the deaths.

He said Sgt. Camara, a patrolman in the New Bedford Police Department when not on National Guard duty, was killed instantly as was Sgt. Charles Caldwell, 38, of North Providence, who was married with no children. Sgt. Caldwell was driving the vehicle in a convoy in the late morning on a road north of Baghdad, and Sgt. Camara was riding in the passenger seat as vehicle commander.

Spc. Edmund Aponte, 35, of Providence, who was manning the vehicle's machine gun at the time, suffered burns and shrapnel wounds and is hospitalized but expected to make a complete recovery, Lt. Col. McNamara said. Spc. Aponte is married and has three children.

National Guard officials gave details at a noon press conference at their Cranston headquarters, which followed a meeting with many of the families of the men and women in Iraq with the 115th M.P. Company. The company is in Iraq as part of the 220th Military Police Brigade, supporting combat troops performing such missions as house-to-house weapons searches and road patrols.

Flags were lowered to half-staff across southern New England as the news spread of the first casualties in the National Guard unit in 58 years. Its members come from across southeastern Massachusetts, Rhode Island and southeastern Connecticut. In all, 600 members of the Rhode Island National Guard are serving in hot spots overseas—360 of them in Iraq.

Rhode Island's adjutant general and National Guard commanding general Maj. Gen. Reginald Centracchio and Rhode Island Gov. Donald Carcieri were grim-faced as they announced the news.

''All of our hearts are broken over this,'' Gov. Carcieri said. ''Our worst fears have been realized.''

Having met with the families anxious for the safety of their relatives in Iraq, Gov. Carcieri said that often ''we do not appreciate the sacrifice that these men and women are undergoing.''

''This is a terrible reminder that they are in harm's way,'' he said.

Gen. Centracchio alluded to the changed nature of the conflict and suggested that as well-prepared, trained and led as the troops are, the United States is not fully prepared for the guerrilla war that has evolved in Iraq.

''We're fighting an unconventional war,'' he said. ''We have to devise a way of dealing with a culture that is alien to our set of values.

''Now we're dealing with the unknown,'' he said. ''They'll shake your hand in a friendly way during the day, and at night the same individual is willing to give his life to satisfy his thoughts.

''We have to adapt to the kind of warfare we're dealing with,'' Gen. Centracchio said.

He said that would involve more training and more access to armored vehicles that could withstand a land mine of the kind his men encountered this week. He remarked that the makeup of the fighting forces has changed in recent years, with reserves constituting more of the primary fighting units.

National Guard units, he said, ''are the Army. They are the Air Force.''

Lt. Col. McNamara said the ''improvised explosive device'' that detonated beneath the vehicle could have been remotely controlled by wire or transmitter. The Humvee, which was configured in a ''turtle'' fashion for use by the military police, was entirely vulnerable to such a threat. It carried its own fuel as well as machine gun and 9 mm pistol ammunition, and was on a routine patrol to keep supply lines open.

The 115th left Rhode Island Feb. 12 for Fort Drum, N.Y., and more training. The 360 men and women arrived in Kuwait April 2 and entered Iraq in early May.

[From the Standard-Times, Sept. 4, 2003]

LOSING GUARDSMAN JOSEPH M. CAMARA

The troubling war in Iraq and even more disturbing after-war struck us on the home front this week when an exploding land mine outside Baghdad robbed this world of National Guard Staff Sgt. Joseph M. Camara.

The 40-year-old New Bedford police officer was a bulwark of the South End neighborhood where he lived with his wife, two daughters and son.

He was the essence of a community police officer so desperately needed in this city of rising violence.

Not only did he do his job with distinction during his regular shifts as a city patrol officer, but he gave his family and neighbors on McGurk Street in the South End a profound sense of security.

His solid presence allowed them to sleep easier and take greater pride in their working-class neighborhood of old three-story homes.

He was not afraid to step outside his home to ask someone to stop creating bothersome noise or even to chase a bandit down the street. Relatives recall he once burst into a burning home to save a life.

He spent his free time with his family, enjoying the kind of close relationships with his wife and children that make life rich and wonderful.

This country, this city, this neighborhood and this family are heartbroken at the loss of such a fine man to the war in Iraq.

He gave with a generosity to his country, his city and his family that cannot be replaced.

[From the Standard Times, Sept. 3, 2003]

SOUTH END NEIGHBORHOOD WILL FEEL VOID LEFT BY OFFICER'S DEATH

(By Ray Henry)

NEW BEDFORD.—Two years ago, Luisa Vieira was sitting in her house when a series of quick gunshots interrupted the evening calm on McGurk Street.

Rushing to the window, she looked across the street and saw her neighbor, Officer Joseph M. Camara, run down the walkway leading from his family's second-floor apartment and chase the car while unarmed and barely dressed.

Within minutes, she said, the off-duty officer had warned others of danger, called for help and sealed off part of the street.

''He chased the car barefoot and in his boxers. He was very protective of children and the kids out there,'' Ms. Vieira said.

Yesterday, as word of Staff Sgt. Camara's death in Iraq spread around his South End neighborhood, his friends and family gathered at the Camara home and remembered the family man as a source of law and other in the sometimes rough neighborhood.

Sgt. Camara, who served in the 115th Military Police Company of the Rhode Island National Guard, and Sgt. Charles Caldwell of North Providence died on Monday when their Humvee truck struck an improvised land mine north of Baghdad. A third man, Spc. Edmund Aponte of Providence, was wounded in the explosion.

''His death certainly brings out the reality of war. He served in a life-and-death occupation on his regular job with the city and, like other patriots, he went to serve his country,'' said New Bedford Mayor Frederick M. Kalisz Jr., who ordered city flags to half-staff yesterday afternoon.

Since Sgt. Camara was a police officer for four years, Police Chief Carl K. Moniz drove to the Camaras home on McGurk Street yesterday morning with a military attache charged with telling Ana Camara that her husband had died.

''I think of all the things you go through in the course of a career, that pales when compared to something such as the circumstances today. Thank God I didn't have to say the words about the loss of their loved one. That was left to someone else. But I had to see the grief and anguish,'' Chief Moniz said.

Sgt. Camara was appointed to the Police Department on May 2, 1999. He patrolled city streets, at first from the South End station and then from the North End station.

''He was very unassuming and calm,'' said Capt. Kevin Hegarty, who supervised the North End station. ''He wasn't excitable or an outspoken guy.''

The ''quiet and competent'' officer, Capt. Hegarty said, was a reassuring presence both at work and, according to this neighbors, at home.

''We knew if there was a problem we could go right across (the street),'' said neighbor Gary Cameron, 36, who said Sgt. Camara's presence figured heavily in his decision to rent an apartment on McGurk Street. The neighborhood was usually peaceful when Sgt. Camara was around.

''He would come out and let you know if you were making too much noise, to carry along,'' Mr. Cameron said.

A 1981 graduate of New Bedford High School, Sgt. Camara was once a general utility worker for Cliftex Clothing before he studied to become a police officer, friends said.

He joined the National Guard at 19 and neighbors often saw him wearing his black beret and fatigues when he left for training on the weekends or during longer two-week stints.

He and his wife have three young children, two girls and a boy, and she was nervous when his unit left in February for Iraq, friends said.

''She said she wasn't crazy about him going,'' said Ivo Furtado, 35.

Neighbor Maria Ramos, 35, said she often spotted Sgt. Camara piling his three children into the couple's Astro before going to martial arts lessons. Other times, he could be found playing ball on the street or sidewalk with the neighborhood youths or out enjoying a walk in Hazelwood Park.

''He was always out there with the kids. He was a family-oriented man,'' said Ms. Ramos, who first met the Camara family when her daughter and their children were in elementary school together.

The Camara family, which gathered in yesterday's cold and mist, declined to speak with reporters. Most remained inside the family's three-story house, decorated with American flags and yellow ribbons.

''They're not taking it too good,'' Mr. Furtado said. His wife, Lucy, had approached Sgt. Camara's sister earlier in the morning, just after the family had been notified.

''She couldn't believe he was gone,'' Mrs. Furtado said.

During the afternoon, the Rev. John M. Sullivan, the city's police chaplain and pastor of St. Lawrence Martyr Church, visited the Camara family.

''One woman there, who is the wife of a police officer and whose husband is in Iraq, said that you're always waiting for your husband to come through the door, but when this happens 7,000 miles away from home, it is even more crushing,'' the Rev. Sullivan said.

He said there are no easy answers to explain the tragedies of war.

''We always ask why, but there is no good reason when one human being kills another whether in violence in the city or in war. There are no easy answers to questions like that,'' he said.

[From the Standard-Times, Sept. 4, 2003]

SOUTH COAST OFFICIALS PRAISE OFFICER'S SERVICE

(By Ray Henry)

NEW BEDFORD.—The body of Staff Sgt. Joseph M. Camara, a New Bedford police office killed this week in Iraq, was scheduled to be flown to Dover Air Force Base in Delaware last night, the first step in what officials said will be a long process of grief, ceremony and bureaucracy.

Sgt. Camara, of 13 McGurk St., and Sgt. Charles Caldwell, of North Providence, RI., both soldiers in the 115th Military Policy Company of the Rhode Island National Guard, were killed Monday when an improvised land mine exploded under their Humvee on a road north of Baghdad. A third man, Spc. Edmund Aponte of Providence, was seriously injured.

As representatives of the Delaware Army National Guard prepared to receive the bodies in a private ceremony, South Coast congressmen praised Sgt. Camara's local and global public service.

''He was a man who was willing to endanger himself to protect others, both at home as a police officer, and abroad as a soldier,'' said U.S. Rep. Barney Frank, D-Mass.

''I know that words can do nothing to alleviate the pain that the Camara family feels at the death of this brave patriot,'' Rep. Frank said. ''But they should know that they are joined by their friends, neighbors and, indeed, all other Americans in mourning the loss of a good, courageous man who gave his life for his country.''

Sen. Edward M. Kennedy, D-Mass., who lost a brother in World War II, had similar wishes for the Camara family.

''When Sgt. Camara wasn't serving his nation in the Army in Iraq, he proudly fought to keep the streets safe for the families of New Bedford. He dedicated his life to protecting others, and we will forever honor that service to family, community and country,'' Sen. Kennedy said.

Sgt. Camara's family declined to comment yesterday, but neighbors continued to add flowers and candles along the fence lining his family's three-story home in the South End.

The Rhode Island National Guard has assigned two lieutenant colonels to work as liaisons with the families of both slain men, said Lt. Col. Michael B. McNamara, a unit spokesman.

Both liaisons, known in military parlance as casualty assistance officers, will help the families make funeral arrangements and guide them through the process of claiming benefits. The officer typically are assigned to families for about 45 days, but they sometimes continue to answer family inquiries for years.

''Their primary duty is to that family. That's their only duty,'' Lt. Col. McNamara said. ''As you can imagine, being a government program, there's a lot of paperwork.''

[From the New Bedford Standard Times, Sept. 5, 2003]

FAMILY, SERVICE WERE HIS GUIDES

(By Ray Henry)

NEW BEDFORD.—After spending more than 20 years in uniform, Staff Sgt. Joseph M. Camara turned in his retirement papers to the Rhode Island Army National Guard.

But defense officials barred the retirements of many soldiers after the Sept. 11, 2001, terror attacks, including that of Sgt. Camara and others in the 115th Military Police Company out of Cranston. In February, the unit was ordered to Iraq where an exploding land mine on Monday killed Sgt. Camara and Sgt. Charles Caldwell of North Providence on a road north of Baghdad.

''He had turned in his papers and served his time, but he didn't turn his back on his country,'' said his wife, Ana Camara, in an interview yesterday in front of her family's McGurk Street home.

''He loved being in the Army. He loved serving in the Police Department. I've lost my soulmate. My children have lost a wonderful father,'' she said.

Lt. Col. Michael B. McNamara, a spokesman for the unit, could not comment directly on Sgt. Camara's attempt to retire but noted that regulations issued after the Sept. 11 terror attacks on New York and the Pentagon kept many in Sgt. Camara's company from leaving.

Several family members were overcome by tears as they tried to describe Sgt. Camara, who served in Saudi Arabia during Operation Desert Storm in 1991.

''He was everything to me. He's my brother and now he's my guardian angel,'' said his sister, Michelle Camara.

Although Sgt. Camara had only been a New Bedford police officer for four years, he had decided to ''serve and protect'' long before he took the oath in October 1999. He ran into his neighborhood's burning house on July 21, 1995, to rescue an elderly woman and

two children trapped by a spreading kitchen fire.

Mrs. Camara also remembered how her husband stopped on Route 18 one night to guide traffic around a car that had blown two tires. Others recalled this summer night two years ago when Sgt. Camara ran out of his apartment barefoot and in boxer shorts to chase a gunman driving down McGurk Street.

''He liked the right thing to go on in the world,'' said his brother John Camara, explaining why Sgt. Camara became a police officer. ''As long as his eyes were open, he'd be on duty.''

Despite his nearly lifelong interest in law enforcement, Sgt. Camara was hesitant to apply for a job on the police force, Mrs. Camara said. He opted instead to work for a private security company, fearing the long hours and constant stress would harm his family life.

Finally, Mrs. Camara said she convinced her husband to aim higher.

''I said, 'Go, do it. You're driving me crazy. Don't worry about us,' '' she said.

Although Sgt. Camara worked the midnight to 8 a.m. shift, he remained a devoted father, she said. After a full night of work, he once took his children to the ''Rugrats'' movie—and only fell asleep once.

As his son Matthew grew older, the duo enjoyed watching wrestling matches and Monster Truck rallies, But he's also rent romantic dramas to watch with his wife, she said.

For Sgt. Camara, ''children'' were an extended concept. The couple had three of their own, but Sgt. Camara also referred to the younger soldiers in the National Guard unit as ''my kids,'' Mrs. Camara said. He once led a pack of 20 neighborhood youths on a bike ride that ended in a round of slushies for everyone at a convenience store.

''That third shift never affected his family life,'' Mrs. Camara said.

The couple met through a mutual friend in New Bedford one year after Sgt. Camara joined the military, she said. They were friends before they started dating, a development that she believed helped them to communicate directly in the years that followed.

She was away from her house on Tuesday when a National Guard liaison arrived to inform her family on Sgt. Camara's death. A telephone call from a relative urged her to quickly return home, but a television reporter confronted her before she opened her front door and saw the uniformed man waiting inside.

''I step out of my van and there's a man with a camera waiting for me. That was the most horrible thing I had ever gone through,'' she said. ''When did my private life become a media frenzy?''

Yesterday, Mrs. Camara thanked the police officers and the family members of the National Guard servicemen and -women who have offered her support during the past week.

''It's a family and I feel like they'll never forget my children,'' she said.

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, September 11, 2003 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

2:30 p.m.
Governmental Affairs
Financial Management, the Budget, and International Security Subcommittee
To hold hearings to examine defined benefit pension plans and the Pension Benefits Guaranty Corporation, focusing on specific changes that may be required within the current pension system to help ensure the financial stability of companies with underfunded pension liabilities.
SD–342

SEPTEMBER 16

9:30 a.m.
Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold oversight hearings to examine the implementation of the Clean Water Act.
SD–406

Governmental Affairs
To hold oversight hearings to examine the future of the GAO; to be immediately followed by a hearing to consider the nomination of C. Suzanne Mencer, of Colorado, to be the Director of the Office for Domestic Preparedness, Department of Homeland Security.
SD–342

Judiciary
Rules and Administration
To hold joint hearings to examine the continuity of the United States government in relation to the Presidency.
SR–325

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the nominations of Harvey S. Rosen, of New Jersey, and Kristin J. Forbes, of Massachusetts, each to be a Member of the Council of Economic Advisers, Julie L. Myers, of Kansas, to be Assistant Secretary of Commerce for Export Enforcement, and Peter Lichtenbaum, of Virginia, to be Assistant Secretary of Commerce for Export Administration.
SD–538

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to receive the legislative presentation of The American Legion.
SH–216

2:30 p.m.
Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine financial reconstruction in Iraq.
SD–538

Judiciary
To hold hearings to examine the importance of the H-1 visa to the American economy.
SD–226

SEPTEMBER 17

10 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Governmental Affairs
To hold hearings to examine what can be done to ensure the future viability of the U.S. Postal Service.
SD–342

Indian Affairs
To hold hearings to examine S. 420, to provide for the acknowledgement of the Lumbee Tribe of North Carolina.
SR–485

Judiciary
To hold hearings to examine the nominations of Margaret Catharine Rodgers, to be United States District Judge for the Northern District of Florida, Roger W. Titus, to be United States District Judge for the District of Maryland, George W. Miller, of Virginia, to be a Judge of the United States Court of Federal Claims, and David W. McKeague, of Michigan, to be United States Circuit Judge for the Sixth Circuit.
SD–226

2 p.m.
Judiciary
To hold hearings to examine effective federal, state and local law enforcement strategies to combat gang violence in America.
SD–226

2:30 p.m.
Foreign Relations
International Economic Policy, Export and Trade Promotion Subcommittee
To hold hearings to examine West Africa and Latin America in relation to U.S. Energy Security.
SD–419

SEPTEMBER 18

10 a.m.
Health, Education, Labor, and Pensions
Aging Subcommittee
To hold hearings to examine abuse of the elderly.
SD–430

SEPTEMBER 23

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine health technology.
SD–430

SEPTEMBER 24

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Indian Affairs
To hold hearings to examine S. 1601, to amend the Indian Child Protection and Family Violence Prevention Act to provide for the reporting and reduction of child abuse and family violence incidences on Indian reservations.
SR–485

SEPTEMBER 25

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine intellectual diversity.
SD–430

Indian Affairs
To hold hearings to examine proposed legislation to reauthorize the Head Start program.
Room to be announced

SEPTEMBER 30

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the state of the securities industry.
SD–538

Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine underage drinking.
SD–430

OCTOBER 2

2 p.m.
Indian Affairs
To hold hearings to examine S. 1438, to provide for equitable compensation of the Spokane Tribe of Indians of the Spokane Reservation in settlement of claims of the Tribe concerning the contribution of the Tribe to the production of hydropower by the Grand Coulee Dam.
SR–485

OCTOBER 16

10 a.m.
Indian Affairs
To hold hearings to examine the Missouri River Master Manual.
SR–485

OCTOBER 21

10 a.m.
Indian Affairs
To hold hearings to examine S. 1565, to reauthorize the Native American Programs Act of 1974.
SR–485

POSTPONEMENTS

SEPTEMBER 17

10 a.m.
Health, Education, Labor, and Pensions
Substance Abuse and Mental Health Services Subcommittee
To hold hearings to examine the report of the Mental Health Commission.
SD–430

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2660, Labor/HHS/Education Appropriations Act.

House committees ordered reported 10 sundry measures.

The House passed H.R. 2622, the Fair and Accurate Credit Transactions Act of 2003.

Senate

Chamber Action

Routine Proceedings, pages S11263–S11320

Measures Introduced: Four bills and two resolutions were introduced, as follows: S. 1603–1606 and S. Res. 222–223. **(See next issue.)**

Measures Passed:

Labor, Health and Human Services, Education Appropriations: By a unanimous vote of 94 yeas (Vote No. 347), Senate passed H.R. 2660, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto:

Pages S11263–S11303, S11307–15 (continued next issue)

Adopted:

By 54 yeas to 45 nays (Vote No. 334), Harkin Amendment No. 1580 (to Amendment No. 1542), to protect the rights of employees to receive overtime compensation. **Pages S11263–69**

By 51 yeas to 44 nays (Vote No. 339), Corzine Amendment No. 1602 (to Amendment No. 1542), to restore cuts in student aid. **Pages S11263, S11274–75**

Subsequently, a unanimous-consent request was granted permitting Senator Murkowski to change her nay vote to a yea vote on Vote No. 339 changing the outcome of the vote to 51 yeas to 44 nays relative to Corzine Amendment No. 1602.

Page S11275

Dodd Modified Amendment No. 1572 (to Amendment No. 1542), to provide additional funding for grants to States under part B of the Individuals with Disabilities Education Act.

Pages S11263, S11273, S11275–80

Akaka Modified Amendment No. 1544 (to Amendment No. 1542), to provide funding for the Excellence in Economic Education Act of 2001.

Pages S11263, S11296

DeWine Modified Amendment No. 1560 (to Amendment No. 1542), to provide funds to support poison control centers. **Pages S11263, S11296**

DeWine Modified Amendment No. 1578 (to Amendment No. 1542), to provide funding for the Underground Railroad Education and Cultural Program. **Pages S11263, S11296**

Kohl Modified Amendment No. 1558 (to Amendment No. 1542), to provide additional funding for the ombudsman program for the protection of vulnerable older Americans. **Pages S11263, S11296**

Mikulski Modified Amendment No. 1552 (to Amendment No. 1542), to provide for the conduct of studies concerning the program established under the Mammography Quality Standards Act of 1992.

Pages S11263, S11296

Subsequently, the amendment was further modified. **(See next issue.)**

Stevens (for Collins/Feingold) Amendment No. 1616 (to Amendment No. 1542), to provide additional funding for grants for innovative programs to address dental workforce needs of designated dental health professional shortage areas. **Page S11297**

Stevens (for Inhofe) Amendment No. 1617 (to Amendment No. 1542), to provide additional funding for Impact Aid programs. **Page S11297**

Stevens (for Wyden) Amendment No. 1618 (to Amendment No. 1542), to provide for a report on the availability and affordability of products developed with public funding. **Page S11297**

Stevens (for Ensign) Amendment No. 1619 (to Amendment No. 1542), to provide for annually updated educational agency level census poverty data.

Page S11297

Stevens (for Specter) Amendment No. 1620 (to Amendment No. 1542), to provide an offset for additional spending. **Page S11297**

Ensign Amendment No. 1621 (to Amendment No. 1542), to provide funding for statewide, longitudinal data systems under section 208 of the Education Sciences Reform Act of 2002.

Pages S11309, S11311

Harkin (for Bingaman) Amendment No. 1624 (to Amendment No. 1542), to provide funding for the Dropout Prevention Program. **(See next issue.)**

Cantwell Modified Amendment No. 1612 (to Amendment No. 1542), to restore funding for certain programs under the Workforce Investment Act of 1998. **(See next issue.)**

Harkin (for Mikulski) Amendment No. 1625 (to Amendment No. 1542), to provide for the conduct of studies concerning the program established under the Mammography Quality Standards Act of 1992. **(See next issue.)**

Harkin (for Daschle) Amendment No. 1626 (to Amendment No. 1542), to provide funds for the conduct of a grant program to strengthen local capacity on Native American reservations to screen for and treat sexually transmitted diseases. **(See next issue.)**

Harkin (for Dodd/Lincoln) Amendment No. 1627 (to Amendment No. 1542), to provide funding for newborn and child screening for heritable disorders. **(See next issue.)**

Harkin (for Kennedy) Amendment No. 1628 (to Amendment No. 1542), to provide funding for the mass layoff statistics program. **(See next issue.)**

Specter (for McCain/Bayh) Amendment No. 1629 (to Amendment No. 1542), to increase funding for the Special Volunteers for Homeland Security program. **(See next issue.)**

Specter (for Campbell) Amendment No. 1548 (to Amendment No. 1542), to provide for the establishment of summer health career introductory programs for middle and high school students. **(See next issue.)**

Specter Amendment No. 1630 (to Amendment No. 1542), to provide protection for nationals and residents of the Islamic Republic of Iran who are targets of persecution. **(See next issue.)**

Harkin (for Schumer) Amendment No. 1631 (to Amendment No. 1542), to authorize funding for the Daniel Patrick Moynihan Global Affairs Institute Act. **(See next issue.)**

Specter (for Sessions) Amendment No. 1632 (to Amendment No. 1542), to require the Centers for Disease Control and Prevention to prepare a comprehensive plan to address blood safety and injection safety in Africa under the Global AIDS Program. **(See next issue.)**

Harkin (for Feingold) Amendment No. 1633 (to Amendment No. 1542), to require the Secretary of Labor, the Secretary of Health and Human Services, and the Secretary of Education to report to Congress on acquisitions made by each Department of articles, materials, or supplies manufactured outside the United States. **(See next issue.)**

Harkin (for Boxer) Amendment No. 1569 (to Amendment No. 1542), to provide for a report concerning how Federal funds are expended relating to Hansen's Disease. **(See next issue.)**

Harkin (for Hollings) Amendment No. 1634 (to Amendment No. 1542), to provide for the accurate and timely process of Medicare claims. **(See next issue.)**

Specter (for Alexander/Dodd) Amendment No. 1635 (to Amendment No. 1542), to provide funding for the Child Abuse Prevention and Treatment Act. **(See next issue.)**

Harkin (for Daschle) Amendment No. 1636 (to Amendment No. 1542), to provide additional funding to the Office of Minority Health to conduct a demonstration project to reduce SIDS disparity rates. **(See next issue.)**

Harkin (for Kennedy) Amendment No. 1637 (to Amendment No. 1542), to provide funds for programs on community automatic external defibrillators. **(See next issue.)**

Specter (for Bond/Clinton) Amendment No. 1638 (to Amendment No. 1542), to require the Department of Labor to cease the implementation of closing procedures for the Department of Labor Employment and Training Administration regional office in New York City, New York, and the Employment and Training Administration affiliate offices in Seattle, Washington, Kansas City, Missouri, and Denver, Colorado until September 30, 2004. **(See next issue.)**

Harkin (for Feingold) Amendment No. 1639 (to Amendment No. 1542), to provide additional funding for the purchase of automatic external defibrillators and the training of individuals in cardiac life support in rural areas. **(See next issue.)**

Reid Modified Amendment No. 1603 (to Amendment No. 1542), to increase funding for certain education and related programs.

Pages S11263, S11299–S11302

Specter (for Chambliss) Amendment No. 1641 (to Amendment No. 1542), to reallocate funds within the CDC construction account. **(See next issue.)**

Specter Amendment No. 1640 (to Amendment No. 1542), to allow continued funding of the Council on Graduate Medical Education. **(See next issue.)**

Specter (for Roberts/Conrad) Amendment No. 1642 (to Amendment No. 1542), to provide funding

for the rural emergency medical service training and equipment assistance program. **(See next issue.)**

Specter Amendment No. 1643 (to Amendment No. 1542), to provide an additional offset for increased spending. **(See next issue.)**

Specter Amendment No. 1644 (to Amendment No. 1542), to provide for the issuance of rules relating to Personal Dust Monitor prototypes. **(See next issue.)**

Harkin/Daschle Amendment No. 1645 (to Amendment No. 1542), to rename the NIH Muscular Dystrophy Cooperative Research (MDCRC) program in honor of the late Senator Paul D. Wellstone of Minnesota. **(See next issue.)**

DeWine Amendment No. 1623 (to Amendment No. 1542), to increase funding for activities to prevent the mother-to-child transmission of HIV. **(See next issue.)**

Specter Amendment No. 1542, in the nature of a substitute.

Pages S11263–S11303, S11307–15 (continued next issue)

Rejected:

By 28 yeas to 67 nays (Vote No. 342), Durbin Amendment No. 1611 (to Amendment No. 1542), to prohibit funds appropriated in this Act from being used by the Department of Education to enforce any requirement under section 1116 of the Elementary and Secondary Education Act of 1965, or to implement penalties or sanctions under part A of title I of such Act, if the amount appropriated to carry out such part A for fiscal year 2004 is less than $18,500,000,000. **Pages S11285–90, S11295–96**

By 7 yeas to 87 nays (Vote No. 344), Ensign Amendment No. 1585 (to Amendment No. 1542), to provide an additional $100,000,000 to carry out the 21st Century Community Learning Centers Program under part B of title IV of the Elementary and Secondary Education Act of 1965.

Pages S11291–92, S11302–03, S11307

Withdrawn:

Bingaman Amendment No. 1588 (to Amendment No. 1542), to increase funding for the Low Income Home Energy Assistance Program. **Pages S11297–99**

DeWine Amendment No. 1561 (to Amendment No. 1542), to provide funds to support graduate medical education programs in children's hospitals.

Page S11263

During consideration of this measure today, the Senate also took the following actions:

By 44 yeas to 53 nays (Vote No. 335), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Schumer Amendment No. 1598 (to Amendment No. 1542), to provide additional for programs under the Ryan White Care Act. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11263, S11269–70

By 49 yeas to 46 nays (Vote No. 336), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Reed Amendment No. 1595 (to Amendment No. 1542), to provide funding for home energy assistance needs under the Low-Income Home Energy Assistance Act of 1981. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11263, S11270–72

By 47 yeas to 49 nays (Vote No. 337), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 302(f) of the Congressional Budget Act of 1974, with respect to Reed Amendment No. 1592 (to Amendment No. 1542), to increase funding for immunization services. Subsequently, the point of order that the amendment was in violation of section 302(f) of the Congressional Budget Act of 1974, was sustained, and the amendment thus falls.

Pages S11263, S11272–73

By 47 yeas to 49 nays (Vote No. 338), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Reed Amendment No. 1596 (to Amendment No. 1542), to increase funding for certain literacy, library, and museum programs. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11263, S11273–74

By 46 yeas to 49 nays (Vote No. 340), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Boxer/Lautenberg Amendment No. 1609 (to Amendment No. 1542), to provide additional funding for afterschool programs under the Elementary and Secondary Education Act of 1965. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section

504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11280–82, S11293–94

By 49 yeas to 46 nays (Vote No. 341), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Landrieu Amendment No. 1610 (to Amendment No. 1542), to increase funding for the promoting safe and stable families program. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11282–85, S11294–95

By 43 yeas to 51 nays (Vote No. 343), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Durbin Amendment No. 1613 (to Amendment No. 1542), to provide additional funding for teacher quality programs under the Elementary and Secondary Education Act of 1965 and the Higher Education Act of 1965 and for the Mathematics and Science Partnerships and the school leadership program under the Elementary and Secondary Education Act of 1965. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls.

Pages S11290–91, S11302

By 46 yeas to 49 nays (Vote No. 345), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 504 of H. Con. Res. 95, Congressional Budget Resolution, with respect to Landrieu Amendment No. 1614 (to Amendment No. 1542), to provide additional funds for programs relating to West Nile Virus and to fund the Mosquito Abatement for Safety and Health Act. Subsequently, the point of order that the amendment would exceed discretionary spending limits and thus be in violation of section 504 of H. Con. Res. 95, Congressional Budget Resolution, was sustained, and the amendment thus falls. **Pages S11292–93, S11308–09**

By 52 yeas to 43 nays (Vote No. 346), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 502(c)(5) of H. Con. Res. 95, Congressional Budget Resolution, with respect to the emergency designation provision in Specter Amendment No. 1622 (to Amendment No. 1542), to increase funding for the National Institutes of Health. Subsequently, a point of order that the emergency designation provision would violate section 502 (c)(5) of H. Con. Res. 95 was sustained and the provision was stricken. Also, the Chair sustained a point order that the amendment would exceed the subcommittee's 302(b) allocation and the amendment thus falls. **Pages S11309–11, S11311–15**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Specter, Cochran, Gregg, Craig, Hutchison, Stevens, DeWine, Shelby, Domenici, Harkin, Hollings, Inouye, Reid, Kohl, Murray, Landrieu, and Byrd. **(See next issue.)**

FCC Media Ownership—Agreement: A unanimous-consent agreement was reached providing that at 1 p.m., on Thursday, September 11, 2003, Senate will consider S.J. Res. 17, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, with three hours of debate; following which, Senate will resume consideration of the resolution at 4:30 p.m., on Monday, September 15, 2003, with 60 minutes of debate remaining, the bill be read a third time, and a vote occur on final passage. **(See next issue.)**

Energy and Water Development Appropriations Agreement: A unanimous-consent agreement was reached providing that following consideration of S.J. Res. 17 (listed above), on Thursday, September 11, 2003, Senate will consider H.R. 2754, making appropriations for energy and water development for the fiscal year ending September 30, 2004.

(See next issue.)

Messages From the President: Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report relative to the national emergency with respect to the terrorist attacks of September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs. (PM–48)

(See next issue.)

Nominations Received: Senate received the following nominations:

Ben S. Bernanke, of New Jersey, to be a Member of the Board of Governors of the Federal Reserve System for a term of fourteen years from February 1, 2004. (Reappointment)

Roger Walton Ferguson, Jr., of Massachusetts, to be Vice Chairman of the Board of Governors of the Federal Reserve System for a term of four years. (Reappointment)

Routine lists in the Army, Coast Guard.

Pages S11315–20

Messages From the House: **(See next issue.)**

Measures Placed on Calendar: (See next issue.)

Additional Cosponsors: (See next issue.)

Statements on Introduced Bills/Resolutions: (See next issue.)

Additional Statements: (See next issue.)

Amendments Submitted: (See next issue.)

Authority for Committees to Meet: (See next issue.)

Privilege of the Floor: (See next issue.)

Record Votes: Fourteen record votes were taken today. (Total—347) Pages S11269–70, S11272–75, S11294–96, S11302, S11307–09, S11315, (continued next issue)

Adjournment: Senate met at 9:30 a.m., and adjourned at 8:54 p.m., until 8:30 a.m., on Thursday, September 11, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S11315.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following bills:

H.R. 4, to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, with an amendment in the nature of a substitute; and

S. 622, to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the Medicaid program for such children, with an amendment in the nature of a substitute.

2003 BLACKOUTS

Committee on Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia concluded a hearing on the cause of the August 2003 Northeast blackouts, and the response and role of the federal government to ensure that blackouts of this magnitude do not occur again, focusing on the U.S.-Canada Power Outage Task Force investigation into the August 14th blackout, after receiving testimony from Kyle E. McSlarrow, Deputy Secretary of Energy; Pat Wood III, Chairman, Federal Energy Regulatory Commission; Alan R. Schriber, Public Utilities Commission of Ohio, Columbus; James Y. Kerr II, North Carolina Utilities Commission, Raleigh; James P. Torgerson, Midwest Independent Transmission System Operator, Inc., Carmel, Indiana; William J. Museler, New York Independent System Operator, Schenectady; and Mark N. Cooper, Consumer Federation of America, and Craig A. Glazer, PJM Interconnection, L.L.C., both of Washington, D.C.

TERRORISM

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information concluded a hearing to examine terrorism two years after 9/11, focusing on institutionalized Islam, Saudi Arabia, and foreign sponsorship of a militant Islamic agenda in the United States, after receiving testimony from Simon Henderson, Saudi Strategies, London, United Kingdom; and Matthew Epstein, The Investigative Project, Washington, D.C.

House of Representatives

Chamber Action

Measures Introduced: 21 public bills, H.R. 3054–3074 and; 4 resolutions, H. Con. Res. 276–277, and H. Res. 365–366 were introduced. Pages H8174–75

Additional Cosponsors: Pages H8175–76

Reports Filed: Reports were filed as follows:

Supplemental report on H.R. 1038, to increase the penalties to be imposed for a violation of fire regulations applicable to the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, (H. Rept. 108–218, Pt. 2). Page H8174

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shaw to act as Speaker Pro Tempore for today. Page H8089

Chaplain: The prayer was offered today by the Reverend Dr. Kathryn A. Towne, President, Life in Faith and Trust Ministries in Lakewood Colorado. Page H8089

Suspensions: The House agreed to suspend the rules and pass the following measures:

Native American Veteran Housing Loan Program: H.R. 2595, to restore the operation of the Native American Veteran Housing Loan Program during fiscal year 2003 to the scope of that program as in effect on September 30, 2002; **Pages H8091–94**

Health Care for Veterans of Project 112/Project SHAD Act of 2003: H.R. 2433, amended, 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. Agreed to amend the title so as to read: ''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 with health care for their illness without requirement for proof of service-connection, and for other purposes.''; **Pages H8094–97**

Federal Annuity Payments: H.R. 978, to amend chapter 84 of title 5, United States Code, to provide that certain Federal annuity computations are adjusted by 1 percentage point relating to periods of receiving disability payments; **Pages H8097–98**

Congratulating Rafael Palmeiro: H. Res. 315, congratulating Rafael Palmeiro of the Texas Rangers for hitting 500 major league home runs and thanking him for being a role model for the Cuban American community, as well as for all Americans; **Pages H8098–H8101**

Commending the Clemson University Tigers men's golf team: H. Res. 266, commending the Clemson University Tigers men's golf team for winning the 2003 National Collegiate Athletic Association Division I Men's Golf Championship; and **Pages H8101–03**

Welcoming His Holiness the Fourteenth Dali Lama: H. Res. 359, welcoming His Holiness the Fourteenth Dalai Lama and recognizing his commitment to non-violence, human rights, freedom, and democracy (agreed to by a yea-and-nay vote of 421 yeas with none voting nay, Roll No. 492). **Pages H8103–07, H8116–17**

Department of Homeland Security Appropriations—Motion To Go to Conference: The House disagreed to the Senate amendment to H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and agreed to a conference. **Pages H8107–11, H8117–18**

The House agreed to the Sabo motion to instruct conferees to require the managers on the part of the House to insist on inclusion of the highest possible level of funding for each Homeland Security, preparedness and disaster response program within Title II, III and IV and on inclusion of House General Provision 521 by a yea-and-nay vote of 347 yeas to 74 nays, Roll No. 494. **Pages H8107–11, H8117–18**

Appointed as conferees: Rogers (KY), Young (FL), Wolf, Wamp, Latham, Emerson, Granger, Sweeney, Sherwood, Sabo, Price (NC), Serrano, Roybal-Allard, Berry, Mollohan, and Obey. **Page H8118**

Tax Relief, Simplification, and Equity Act Motion To Instruct Conferees: The House rejected the Ruppersberger motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act of 2003 by a yea-and-nay vote of 206 yeas to 213 nays, Roll No. 493. **Page H8117**

Later the House rejected the Davis of Tennessee motion to instruct conferees on the bill by a yea-and-nay vote of 195 yeas to 214 nays, Roll No. 501). **(See next issue.)**

Fair and Accurate Credit Transactions Act of 2003: The House passed H.R. 2622, to amend the Fair Credit Reporting Act, to prevent identity theft, improve resolution of consumer disputes, improve the accuracy of consumer records, make improvements in the use of, and consumer access to, credit information by a yea-and-nay vote of 392 yeas to 30 nays, with one voting ''present'', Roll No. 499. **Pages H8111–16, H8118–67, (continued next issue)**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Financial Services, now printed in the bill was considered as an original bill for the purpose of amendment and was agreed to by a voice vote. **Pages H8131–39**

Agreed to:

Oxley amendment, No. 17 printed in the Congressional Record of September 9, that clarifies the language of various provisions in the bill; **Pages H8139–40**

Frank of Massachusetts amendment, No. 6 printed in the Congressional Record of September 9, that requires regional credit bureaus be required to give consumers a free copy of their credit report each year, in addition to the three nationwide bureaus (agreed to by a recorded vote of 235 ayes to 186 noes, with one voting ''present'', Roll No. 497); and **Pages H8161, H8165–66**

Ney amendment, No. 12 printed in the Congressional Record of September 9, that makes provisions regarding free credit reports and consumer access to credit scores a national standard by preempting any future state laws (agreed to by a recorded vote of 233 ayes to 189 noes, with one voting ''present'', Roll No. 498). **Pages H8149–51, H8166**

Rejected:

Waters amendment, No. 8 printed in the Congressional Record of September 9, that would have specified that the law does not preempt California's financial privacy law or the state's Consumer Credit Reporting Agencies Act; **Pages H8140–45**

Sanders amendment, No. 4 printed in the Congressional Record of September 9, that prohibits credit card companies from raising annual percentage rates or introductory annual percentage rates except for reasons directly related to that credit card account or a late payment on another credit card or debt (rejected by a recorded vote of 142 ayes to 272 noes, with one voting ''present'', Roll No. 495); and **Pages H8152–58, H8164**

Kanjorski amendment, No. 1 printed in the Congressional Record of September 9, that inserts a sunset provision on the Uniform National Consumer Protection standards (rejected by a recorded vote of 112 ayes to 310 noes, with one voting ''present'', Roll No. 496). **Pages H8158–60, H8164–65**

Withdrawn:

Lee amendment, No. 15 printed in the Congressional Record of September 9, that was offered and subsequently withdrawn, that sought to exempt the California Financial Information Privacy Act and any law of other states that is similar to the California law; **Pages H8145–49**

Royce amendment, No. 11 printed in the Congressional Record of September 9, that was offered and subsequently withdrawn, that sought to require entities that furnish information to credit bureaus to reinvestigate any disputed information after the consumer has asked for a reinvestigation that fails to resolve the dispute; **Pages H8151–52**

Kelly amendment, No. 16 printed in the Congressional Record of September 9, that was offered but subsequently withdrawn, that sought to allow for regulatory authority to adjust response time for requests for free credit reports whenever the national credit bureaus experience a high volume of such requests; **(See next issue.)**

Inslee amendment, No. 3 printed in the Congressional Record of September 9, that was offered and subsequently withdrawn, that sought to require agencies with terrorism investigatory powers that receive credit reports as part of their investigations to submit semiannual reports to Congress; and **Page H8160**

Tauscher amendment, No. 9 printed in the Congressional Record of September 9, that was offered and subsequently withdrawn, that sought to allow consumers to have a notice placed in their credit file that states that no credit may be offered before reasonable procedures are taken to confirm the consumer's identity. **Page H8163**

The House agreed by unanimous consent that the Clerk be authorized to make technical and conforming changes as may be necessary to reflect the actions of the House. **Page H8167**

H. Res. 360, the rule providing for consideration of the bill was agreed to by voice vote. **(See next issue.)**

The House later agreed by unanimous consent to limit the time for debate on amendments. **(See next issue.)**

National Defense Authorization Act—Motion To Instruct Conferees: The House passed the Edwards motion to instruct conferees on H.R. 1588, National Defense Authorization Act for Fiscal Year 2004 by a yea-and-nay vote of 406 yeas with none voting nay, Roll No. 500. **Pages H8167– (continued next issue)**

Medicare Prescription Drug Benefit—Motion To Instruct Conferees: The House rejected the Michaud motion to instruct conferees on H.R. 1, Medicare Prescription Drug and Modernization Act of 2003 by a yea-and-nay vote of 189 yeas to 220 nays, Roll No. 502). **(See next issue.)**

Order of Business—H.R. 911: The House agreed by unanimous consent that it be in order at any time without intervention of any point of order to consider in the House H.R. 911, to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad; that the bill be considered as read; that the amendment placed at the desk be considered as read and adopted; and that the previous question be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Resources; and (2) one motion to recommit. **(See next issue.)**

Order of Business—True American Heroes Act of 2003: The House agreed by unanimous consent that it be in order at any time without intervention of any point of order to consider in the House, H.R. 1538, to posthumously award congressional gold medals to government workers and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to people aboard United Airlines Flight 93 who helped resist the hijackers and caused the plane to crash, to require the Secretary of the Treasury to mint coins in commemoration of the Spirit of America, recognizing the tragic events of September 11, 2001; that the bill be considered as read for amendment; and that the previous question be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of

the Committee on Financial Services; and (2) one motion to recommit. (See next issue.)

Presidential Message: Read a message from the President wherein he transmitted a notice of the necessity of continuing in effect after September 14, 2003, the national emergency with respect to the terrorist threat—referred to the Committee on International Relations and ordered printed (H. Doc 108–124). Page H8122

Senate Message: Message received from the Senate today appears on page H8089.

Adjournment: The House met at 10 a.m. and adjourned at 11:59 p.m.

Committee Meetings

BUDGET, WASTE, FRAUD, AND ABUSE LETTER

Committee on Agriculture: Approved the Budget, Waste, Fraud and Abuse letter to be forwarded to the Committee on the Budget.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported the following bills: H.R. 3038, Health Care Safety Net Amendments Technical Corrections Act of 2003; H.R. 3034, amended, National Bone Marrow Donor Registry Reauthorization Act; H.R. 1813, Torture Victims Relief Reauthorization Act of 2003; and H.R. 1260, Animal Drug User Fee Act.

GOVERNMENT SPONSORED ENTERPRISES

Committee on Financial Services: Held a hearing on the Department of the Treasury's views on the regulation of government sponsored enterprises. Testimony was heard from John W. Snow, Secretary of the Treasury; and Mel R. Martinez, Secretary of Housing and Urban Development.

DEPARTMENT OF HOMELAND SECURITY—DEVELOPING SOUND BUSINESS PRACTICES

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held an oversight hearing entitled "Developing Sound Business Practices at the Department of Homeland Security." Testimony was heard from Linda Springer, Controller, Office of Federal Financial Management, OMB; McCoy Williams, Director, Financial Management and Assurance Team, GAO; and the following officials of the Department of Homeland Security: Bruce Carnes, Chief Financial Officer; and Richard Berman, Assistant Inspector General, Audit.

TAINTED POLIO VACCINE—INCREASE IN CANCER

Committee on Government Reform: Subcommittee on Human Rights and Wellness held a hearing entitled "The SV–40 Virus: Has Tainted Polio Vaccine Caused an Increase in Cancer?" Testimony was heard from James Goedert, M.D., Chief, Viral Epidemiology, National Cancer Institute, Department of Health and Human Services; and public witnesses.

WORM AND VIRUS DEFENSE

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing entitled "Worm and Virus Defense: How Can We Protect the Nation's Computers From These Threats?" Testimony was heard from Robert Dacey, Director, IT Security, GAO; Lawrence Hale, Director, FedCIRC, Department of Homeland Security; Norman Lorentz, Acting Administrator, Electronic Government and Information Technology, OMB; John Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1038, amended, Public Lands Fire Regulations Enforcement Act of 2003; H.J. Res. 63, Compact of Free Association Amendments Act of 2003; H.R. 2134, amended, Bail Bond Fairness Act of 2003; H.R. 3036, amended, to authorize appropriations for the Department of Justice for fiscal years 2004 through 2005; H.R. 2152, to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; and H.R. 2714, State Justice Institute Reauthorization Act of 2003.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 142, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; H.R. 1156, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase I of the Orange County, California, Regional Water Reclamation Project; H.R. 2960, to amend the Reclamation Wastewater and Groundwater Study and

Facilities Act to authorize the Secretary of the Interior to participate in the Brownsville Public Utility Board water recycling and desalinization project; and H.R. 2991, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of Interior to participate in the Inland Empire regional recycling project in the Cucamonga County Water District recycling project. Testimony was heard from Representatives Dreier, Gary G. Miller of California; Loretta Sanchez of California, and Ortiz; William Rinne, Deputy Commissioner, Operations, Bureau of Reclamation, Department of the Interior; and public witnesses.

COLUMBIA REPORT—NASA'S RESPONSE

Committee on Science: Held a hearing on NASA's Response to the Columbia Report. Testimony was heard from Sean O'Keefe, Administrator, NASA; and Adm. Harold W. Gehman, Jr., USN (Ret.), Chairman, Columbia Accident Investigation Board.

WTO'S CHALLENGE TO FSC/ETI RULES

Committee on Small Business: Held a hearing on the WTO's Challenge to the FSC/ETI Rules and the Effect on America's Small Businesses. Testimony was heard from Senator Levin; Representative Crane; and public witnesses.

OVERSIGHT—JFK CENTER FOR PERFORMING ARTS REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Economic Development, Public Buildings and Emergency Management held an oversight hearing on Reauthorization of the John F. Kennedy Center for Performing Arts. Testimony was heard from Mark Goldstein, Acting Director, Physical Infrastructure Team, GAO; and Michael Kaiser, President, John F. Kennedy Center for the Performing Arts.

PERSPECTIVES ON 9–11

Select Committee on Homeland Security: Held a hearing entitled "Perspectives on 9–11: Building Effectively on Hard Lessons." Testimony was heard from James Gilmore III, former Governor, State of Virginia, and Chairman, Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction; and Eleanor Hill, Staff Director, Joint Intelligence Committee Inquiry.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 11, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold a closed briefing on lessons learned regarding Operation Iraqi Freedom, 3 p.m., SR–222.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings to examine S. 849, to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership, S. 511, to provide permanent funding for the Payment In Lieu of Taxes program, S. 432, to authorize the Secretary of the Interior and the Secretary of Agriculture to conduct and support research into alternative treatments for timber produced from public lands and lands withdrawn from the public domain for the National Forest System, and S. 1582, to amend the Valles Preservation Act to improve the preservation of the Valles Caldera, 2:30 p.m., SD–366.

Committee on Foreign Relations: to hold hearings to examine U.S.-China relations, 9:30 a.m., SD–419.

Committee on Veterans' Affairs: to hold hearings to examine the Department of Veterans Affairs' Capital Asset Realignment for Enhanced Services (CARES) Initiative, 2 p.m., SR–418.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Education and the Workforce, Subcommittee on 21st Century Competitiveness, hearing on "The Expanding Opportunities in Higher Education Act of 2003," 9:30 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Telecommunications and the Internet, hearing on H.R. 2898, E–911 Implementation Act of 2003, 9:30 a.m., 2123 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Border Security, and Claims, to mark up H.R. 2359, Basic Pilot Extension Act of 2003; followed by an oversight hearing on "Should There Be a Social Security Totalization Agreement with Mexico?" 11 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H. Con. Res. 268, expressing the sense of the Congress regarding the imposition of sanctions on nations that are undermining the effectiveness of conservation and management measures for Atlantic highly migratory species, including marlin, adopted by the International Commission for the Conservation of Atlantic Tunas and that are threatening the continued viability of United States commercial and recreational fisheries, 10 a.m., 1324 Longworth.

Next Meeting of the **SENATE**

8:30 a.m., Thursday, September 11

Senate Chamber

Program for Thursday: During the transaction of any morning business (not to extend beyond 11:45 a.m.), Senate will observe the anniversary of the September 11, 2001 tragedy with moments of silence to occur at the following times: 8:46 a.m., 9:03 a.m., 9:38 a.m., and 10:06 a.m.

At 1 p.m., Senate will begin consideration of S.J. Res. 17, FCC Media Ownership; following which, Senate will consider H.R. 2754, Energy and Water Development Appropriations.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, September 11

House Chamber

Program for Thursday: Consideration of H.R. 911, to authorize the establishment of a memorial to victims who died as a result of terrorist acts against the United States or its people, at home or abroad; and

Consideration of H.R. 1538, True American Heroes Act of 2003.

Extensions of Remarks, as inserted in this issue

HOUSE

Baca, Joe, Calif., E1759
Baldwin, Tammy, Wisc., E1753
Bilirakis, Michael, Fla., E1752
Boozman, John, Ark., E1752
Brown, Corrine, Fla., E1754
Burr, Richard, N.C., E1755
Clyburn, James E., S.C., E1751, E1756
Duncan, John J., Jr., Tenn., E1751
Forbes, J. Randy, Va., E1755
Fossella, Vito, N.Y., E1755
Frank, Barney, Mass., E1762
Holden, Tim, Pa., E1757
Honda, Michael M., Calif., E1758
Jones, Stephanie Tubbs, Ohio, E1756
Kind, Ron, Wisc., E1753
Knollenberg, Joe, Mich., E1753
Lantos, Tom, Calif., E1754
Levin, Sander M., Mich., E1759
LoBiondo, Frank A., N.J., E1760
McInnis, Scott, Colo., E1756, E1757, E1758, E1758, E1759, E1760, E1760, E1761, E1761, E1762
Millender-McDonald, Juanita, Calif., E1761
Moore, Dennis, Kansas, E1757
Musgrave, Marilyn N., Colo., E1751, E1752, E1753
Payne, Donald M., N.J., E1756
Pomeroy, Earl, N.D., E1754
Price, David E., N.C., E1760
Radanovich, George, Calif., E1759
Ross, Mike, Ark., E1761
Sánchez, Linda T., Calif., E1756
Shaw, E. Clay, Jr., Fla., E1754
Shimkus, John, Ill., E1751
Udall, Tom, N.M., E1753
Woolsey, Lynn C., Calif., 1754

(Senate and House proceedings for today will be continued in the next issue of the Record.)

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