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## House of Representatives

The House was not in session today. Its next meeting will be held on Tuesday, November 4, 2003, at 12:30 p.m.

## Senate

FRIDAY, OCTOBER 31, 2003

The Senate met at 10 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 God, our strength and refuge, who shows us unfailing love, we see Your majesty in the beauty of the Earth and the glory of the skies. Your voice speaks in the thunder and You form the mighty oak. You reign as King forever, blessing Your people with peace.

Lord, protect us from destructive forces and rescue us from setbacks that ambush our dreams. Rise and help us, and we will sing about Your power. Let the world come to know Your faithfulness, which is as enduring as the heavens.

Teach our Senators to walk in Your ways and to trust Your promises, which cannot fail. Bless the members of their families, who share the challenges of their work. We wait upon You to supply our needs and to quench our thirst for purpose. Blessed be Your name forever and ever. 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 we will be in a period of morning business to allow Senators to speak for up to 10 minutes each. As I announced last night, there will be no rollcall votes during today's session.

Last evening, after a lengthy session with 14 rollcall votes, we were able to finish work on a number of items. We were able to pass the Healthy Forests bill as well as complete action last night on the Foreign Operations appropriations bill. We were also able to reach agreements on a number of other important matters, including the Iraq-Afghanistan supplemental, the Interior appropriations conference report, the continuing resolution, as well as the Internet tax moratorium legislation.

Earlier in the day, the Senate considered the climate change bill and failed to invoke cloture on the nomination of Charles Pickering.

As a reminder, the next vote will occur on Monday at some point, most likely between 5:30 and 6 o'clock. That vote will be on the adoption of the conference report to accompany the Interior appropriations. Also on Monday, the Senate will consider the Iraq supplemental conference report; however, that conference report will be completed without a rollcall vote.

I also remind my colleagues that earlier in the week we reached a consent

on a fair credit reporting bill. I expect the Senate would turn to that measure on Tuesday.

I mentioned a few moments ago the Internet tax moratorium bill. What we agreed to last night was that we would address that bill next week, and as part of that agreement, that we would not address it prior to Thursday. With the current extension expiring, it was my hope that the Senate could have finished that bill last night or today, prior to that deadline, but a few Members have raised concerns and desire amendments. Thus, it will be our intent to finish that bill at the end of next week, rather than this week. The agreement, again, will lead us to turn to that on Thursday, and I expect, after giving Senators the opportunity to offer, hopefully, relevant amendments, that we would move that bill toward passage on either Thursday or Friday.

Another item that will demand the Senate's attention next week is the Syria accountability bill. Senator SANTORUM has been working on getting that measure cleared, and we hope to schedule that vote very early next week.

Finally, I add we will continue to consider the available appropriations conference reports as they become available.

Having said all that, you can see that next week is shaping up to be another very active week of floor action. With Members' continued cooperation, we can finish our business and still adjourn at the earliest opportunity this year. I do thank Members for their cooperation and participation in allowing

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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us to proceed with the business of the Senate.

#### RECOGNITION OF THE ACTING MINORITY LEADER

The PRESIDENT pro tempore. The deputy Democratic leader.

Mr. REID. Mr. President, one question I have gotten over here several times, and I have raised this issue on the floor, Senator MCCONNELL has said on two separate occasions that a week from this Monday, we will be working. People are changing schedules and all.

My personal feeling is we should be working. I hope the leader, whatever the final decision—I understand the preliminary decision is we would be working a week from Monday, more so than just 5 o'clock at night.

If we are to have any hope of getting out of here in time for important events such as people's birthdays and events of that nature, we have to really move forward. I say that actually recognizing the Presiding Officer has a very important date coming up—it is the 18th or 20th, or something like that.

Seriously, if we can have a signoff on what you are going to do that day, it would be important to everybody.

Mr. FRIST. Mr. President, in response, through the Chair, the intention right now is to work Monday, make that a full working day. As we finished last night at about midnight, a lot of people were saying we can't work any harder than what we are doing right now in terms of taking these bills one by one, and that is the way we are going to have to work, unfortunately—or fortunately—in order to complete what we have before us; thus the intentions for the day before Veterans Day.

The real issue, obviously, for our colleagues, because they understand, but for others who are listening to understand, Veterans Day is a day we want to be able to honor, and a lot of people will have to change their plans because they have to be flying to the west coast. But I want to make it clear our intention is to stay here and work. In truth, that is what the people around the country expect us to do. We have work right now. We have the Nation's business before us, in terms of the appropriations bills, the many conference reports that we are waiting for, the very important conference in terms of energy and Medicare, which is underway. So it is critical that we continue work on that Monday.

It is my intention, of course, on Veterans Day, to be able to respect that day accordingly, as we go forward. I think we will be able to announce more about that in the early part of next week. The schedule constantly changes. I was very hopeful we could complete this Internet tax issue. That was really our goal. We worked very hard, but, again, out of consideration for our Members, we have had to move that forward a week. We intend to finish that the end of next week, and it is critical we do so.

It is important for our colleagues to understand because about this time of the year everybody is sort of sitting and waiting to see who is going to make the next move. At this point, we are trying to wrap everything up for the session. It means everybody needs to recognize decisions have to be made, very tough decisions. I am speaking in part to the conferees who are addressing issues right now. There are one or two outstanding issues in these conferences. Now is the time to make those decisions. If not, we will be here all the way up to Thanksgiving, and after Thanksgiving, and up to the December holidays. That is really unacceptable to me. But now is the time to wrap things up, over these next several weeks.

Mr. REID. Mr. President, I have said on the floor previously that the veterans of America recognize how important our work is here. So much that we do reflects on these different programs. I also think if things are as difficult as they appear, we may have to do something on that Tuesday. That will certainly be up to the leader. But I also recognize that other than Senator FRIST and Senator DASCHLE, no one has had a more difficult job these last few weeks than the Presiding Officer and Senator BYRD. Trying to marshal through these appropriations bills is extremely difficult.

But we have made really good progress. To think we have been able in just the last few weeks to do as much as we have here on the Senate floor with the appropriations bills is significant. Debating the Interior appropriations conference report this coming Monday is also important. I think there is light at end of the tunnel. With the chairman cajoling, along with the Presiding Officer, we can continue to make progress.

#### RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

#### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business with Senators permitted to speak for up to 10 minutes.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

#### RECALL THE IRAQI ARMY

Mr. LEVIN. Mr. President, last week a memorandum on the war on ter-

rorism from Secretary of Defense Rumsfeld to his top subordinates was leaked to the press. In that memo, Secretary Rumsfeld asked a number of questions, including the following: Is our current situation such that "the harder we work, the behinder we get?" Then he asked: "What else should we be considering?"

Well, I am dismayed that Secretary Rumsfeld says publicly something so differently than what he has said privately. I am glad he is looking for new direction since our post-Saddam policy is not working well, given the sustained and increasing attacks on our forces.

Secretary Rumsfeld asked—again—"What else should we be considering?" Well, the President of the Iraqi Governing Council has made a specific recommendation for us to consider: that the regular Iraqi Army units be called up to assist our troops in providing security for the reconstruction of their country.

Surely it is worthy of our consideration, when Iyad Alawi, this month's serving President of the Iraqi Governing Council—the 25-member body selected by the United States to represent the Iraqi people—is making a suggestion to change course.

He wrote an important opinion piece entitled "America Must Let Iraq Rebuild Itself," which was published by the New York Times on October 19. The main premise of the article is that "ultimately, only Iraqis themselves can restore security, rebuild national institutions, enact a constitution and elect a democratic government."

I believe all of us would agree with that premise. For Mr. Alawi, the vital step is to "call up the Iraqi Army and the national police force [for] at least up to the mid-officer level" to deal with the insecurity and chaos in the country.

Mr. Alawi believes the Iraqi officer corps will have to be vetted to remove those who have committed crimes under the old regime. He points out that most of the Iraqi Army's soldiers are "Iraqi patriots who chose not fight for Saddam Hussein" and "would probably return to their units and contribute to their country's future." He argues that it would be "much easier and quicker to retrain and reequip them within their existing organizational structure than to start from scratch."

Mr. Alawi argues that these steps would not only relieve the burden on American troops but also would gain substantial good will among Iraqis.

Tom Friedman, writing in the New York Times, on October 23, is of a similar mind. He urges the administration to declare the following: "We thank all the nations who offered troops, but we think the Iraqi people can and must secure their own country. So we're inviting all former Iraqi Army soldiers (not Republican Guards) to report back to duty. For every two Iraqi battalions that return to duty (they can weed out

their own bad apples), we will withdraw an American one. So Iraqis can liberate themselves. Our motto is Iraq for the Iraqis."

That is from Tom Friedman, who has been a very strong supporter of the administration's military actions in Iraq and the decision to attack Iraq.

The administration and the Coalition Provisional Authority have taken a different tack in reorganizing Iraqi security, particularly with regard to the Iraqi Army. They are essentially starting from scratch to build a completely new Army of 40,000 people who are being trained and equipped as a motorized infantry.

The goal is to form nine brigades by the end of 2004, but thus far only one battalion of 750 soldiers has been trained and equipped.

Additionally, the Coalition Provisional Authority is creating an Iraqi border patrol force, only 5,000 to date, with the need to expand to more than 20,000 sometime in the future. A 20,000-person Facilities Protection Service is intended to take over security at fixed site locations from coalition forces, and an Iraqi civil defense corps of 6,600, expanding to more than 15,000 in 2004, is being integrated into coalition military units to provide local intelligence and help with security patrolling.

While I have some questions regarding the need for four distinct security forces, including a new Iraqi Army, in addition to a new national police force, I am open to arguments that this approach to building a new army may be desirable in the long run. A better educated, trained, equipped, and motivated army, whose members are more representative of the diverse Iraqi population, and which was created expressly to serve the people of the new Iraqi state, may be more ideal.

However, in the short term, I believe Mr. Alawi's recommendation to reconstitute units of the old regular army is surely worthy of consideration. No one, including Mr. Alawi, argues for a continued role for those portions of the old army that were part of the repressive security apparatus of the Saddam regime—units such as the Special Security Guards, the Special Republican Guards, and the Fedayeen Saddam.

In fact, those units were created by Saddam because he did not trust his regular army. In that portion of the State Department-sponsored "The Future of Iraq Project," dealing with Iraqi Armed Forces, the Working Group that wrote this part of the report, discussed this issue.

They noted the following: "Saddam Hussein realized, with his sense of security, that he will not be able to earn the loyalty and trust of the army with its varied character in spite of many attempts to purify or clean the army from the disloyal elements—as he called them—in order for the army to become an army of ideology to protect the party and the revolution and defend the nation's values." They added that "Thus the army remained a

source of worry, suspicion and threat to Saddam; in spite of the fact that the army got into its many wars because Saddam desired it. There are some who think that the army was pushed into these wars to keep it continuously busy confronting outside aggressions." Finally and in view of these findings, the Working Group concluded that "In any event we think it necessary to keep the basic structure of the army, which can be easily rehabilitated. . . ."

That regular army, below the midofficer level, after vetting, could serve a useful role by putting trained Iraqi forces into the field to more quickly enhance overall security. The regular Iraqi Army was a sizable force of approximately 80,000 officers, 130,000 noncommissioned officers, and 400,000 conscript soldiers."

We probably made a mistake in formally disbanding the Iraqi army in May. I wonder if Ambassador Bremer doesn't tacitly believe the same, given the quick decision that was made by him shortly thereafter by agreeing to pay monthly allowances to officers and noncommissioned officers after the unrest that was unleashed by that decision.

Beginning in July, monthly payments were made according to a rank-based scale, ranging from \$50 for a noncommissioned officer to \$150 for a general, somewhat below the base pay for the various ranks. Additionally, a one-time \$40 stipend was paid to former conscripts. Since July, the Coalition Provisional Authority has paid from Iraqi funds approximately \$78 million to about 260,000 individuals and just over \$15 million to approximately 375,000 conscripts. The estimated cost for the stipend during the next year will be \$190 million, if payments continue throughout the year.

In other words, we know where the men and women—mainly men—in the Iraqi regular army are located. They came for those payments, and we know how to locate them, should we make a decision to reconstitute units of that Iraqi army.

That money was well spent. There is ample evidence from other conflicts that unemployed former soldiers can be a destabilizing and a disruptive influence, as some believe is currently the case in Iraq today. In view of the \$156 billion that is likely to be appropriated for U.S. military forces in Iraqi reconstruction in fiscal years 2003 and 2004, paying those sums to members of the old regular Iraqi army would be a modest expenditure.

But would it not make more sense to pay those sums to soldiers who are actually doing something? Would it not make sense to quickly reconstitute recently disbanded Iraqi regular army units to take on security tasks that are within their capabilities? Would it not be possible that recently disbanded Iraqi army units would be able to more quickly assume duties for which the border patrol, the facilities protection service, and the civil defense corps are

intended, including patrolling Iraqi streets with our own soldiers? Would this not more quickly give Iraqis the responsibility for and a stake in securing their own country? And, more importantly, wouldn't it be better for all concerned if primarily Iraqi soldiers and not Americans were acting to restore security in Iraq and dealing with those who would seek to disrupt it?

The Governing Council President thinks so.

I ask unanimous consent that an article written by the current President of the Iraqi Governing Council, Iyad Alawi, entitled "America Must Let Iraq Rebuild Itself," which appeared in the New York Times on October 19, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. I asked Ambassador Bremer when we met with him: At a minimum, would he not raise this issue with the Governing Council to see whether or not the views of the President of the Governing Council, that the Iraqi army regular units should be reconstituted, represent the views of the Governing Council itself. We surely should listen to those views. These are the folks we put in office there as representing the Iraqi people. At a minimum, I urged Ambassador Bremer to find out formally from that Governing Council whether or not the President's views, as represented by this article in the New York Times—that the regular units of the army, properly vetted to make sure we don't hire old members of the Saddam leadership—should be reconstituted to help us maintain order and security in Iraq.

I believe Ambassador Bremer will in fact make that request of the Governing Council—not the request to reconstitute the army, because I don't think Ambassador Bremer is there yet, but the request of the Governing Council to see if they agree that it would be wise for those units below the mid-level officer level to be reconstituted, properly vetted, to help us on the streets of Baghdad and in the areas which are very dangerous, and to take some of the pressure off our troops to make us less of a target and to have Iraqis gradually but more quickly take over their own security so that we are not a lightning rod for the folks who are trying to destroy us.

I look forward to the response of the Governing Council of Iraq to Ambassador Bremer's request. We know that as a new Iraqi army is formed, some of the existing units will be retrained and equipped to expand that army. But it is critically important that we have this question put before that Governing Council. The creation of a new Iraqi army is going very slowly. We are at less than a thousand. We must move more quickly.

The question is, since most of the members who we are hiring for that

new army are members of the old army in any event, would it not be much quicker to reconstitute the units of that old army—again, below the mid-officer level, so we don't have the Saddam regime involved—would it not be much quicker to follow the suggestion of the President of the Governing Council, reconstitute the units and move on from there?

The Secretary of Defense asked, in his leaked memorandum, if what the U.S. is doing is enough and what else should be considered. I am glad he asked those questions. As I said before, I am sorry he has not said publicly what he said privately in terms of his doubts and concerns. But having said that, I am glad he is raising questions. I am glad he is asking questions about whether we should change course in some way.

I have written to the Secretary of Defense to solicit his views on Mr. Alawi's proposal. Again, I hope Ambassador Bremer does consult with the Iraqi Governing Council, seek their recommendations on this issue, and not only solicit their recommendations but seriously consider ways to formulate an integrated and comprehensive plan to move more quickly to involve Iraqis in their own security and in their overall governance.

#### EXHIBIT 1

[From the New York Times, Oct. 19, 2003]  
AMERICA MUST LET IRAQ REBUILD ITSELF  
(By Iyad Alawi)

BAGHDAD, IRAQ.—No Iraqi will ever forget the momentous April day when a crowd of hundreds of cheering Baghdadis, helped by an American armored vehicle, pull the huge statue of Saddam Hussein to the ground. With this act, we tore down three decades of tyranny and repression and began building in its place a foundation for freedom, democracy and a better future for our children.

To see that this goal is achieved, the Bush administration has challenged me and my colleagues on the Iraqi Governing Council to draft a permanent constitution within six months and to move as quickly as possible to hold internationally monitored, free elections. We gladly accept that challenge, and welcome the vital assistance of the United Nations, through the Security Council resolution passed on Thursday, to see through to completion the enormous task ahead.

But we also realize that there are obstacles on Iraq's march toward democracy. In the months since Iraq was liberated, jubilation has given way to insecurity and chaos. When my fellow Iraqis finally go to the polls to elect their government, they must have confidence that state institutions are not only legitimate and independent, but robust enough to guarantee safety and civil rights. That is why the coalition and the council must take several immediate steps to establish these necessary conditions for the constitutional process to succeed.

First, it is vital to call up the Iraqi Army and the national police force, at least up to mid-officer level. The coalition's early decision to abolish the army and police was well intended, but it unfortunately resulted in a security vacuum that let criminals, diehards of the former regime and international terrorist flourish. And the coalition's plan to build a 20,000-member lightly armed force mostly responsible for security and border control could make poor use of a valuable re-

source: the 300,000 Iraqi soldiers who simply went home with their weapons in the face of the American-led invasion.

Most of these soldiers are Iraqi patriots who chose not to fight for Saddam Hussein. Americans should not confuse the Iraqi Army with the hated Republican Guard, which Saddam Hussein created precisely because he distrusted the legitimate military. In one simple process, the coalition authority can support the governing council to call the army back to its barracks for retraining and, ultimately, for redeployment. Most soldiers and their officers will proudly return to their units and contribute to their country's future.

The coalition and the Iraqi Interior Ministry can vet officers to remove those who committed crimes under the old regime, and then rapidly redeploy the most capable units to work with, and progressively relieve, American troops of security duties. Iraqi Army units have an established chain of command and esprit de corps. Not only can they be recalled to barracks immediately, but it would be much easier and quicker to retrain and re-equip them within their existing organizational structure than to start from scratch.

By supporting the recall of army units, the United States would not only speed the process of relieving the burden on its troops, it would also gain substantial good will in Iraq. In contrast, any American-led military presence, even if complemented by the United Nations, will never have the credibility and legitimacy that the Iraqi Army has among the people.

In addition, the Iraqi national police must also be recalled. Most Iraqi policemen—as opposed to Saddam Hussein's feared intelligence and security organs—are dedicated to law and order. The United States does not have the time or money to create a police force from the ground up, nor is it necessary, because we have a large, organized force that is ready and willing to serve.

Many other Iraqi governing institutions should also be reactivated by the governing council, with the support of the coalition authority. Special priority must be given to the Ministries of Interior, Justice, Finance, Oil and Education. The Iraqi bureaucracy must also be called back to work, although of course after screening to disqualify serious offenders of the former regime. Together, the council and the coalition leaders can modernize the state apparatus, phase out obsolete policies and practices, and encourage a new mindset of transparency and efficiency.

Finally, as security improves, Iraqi institutions are re-established and the constitutional drafting process is completed, the United States should support international recognition of Iraqi sovereignty. Then a recognized interim government could quickly present a popular referendum, under United Nations monitoring, on the new national constitution. It would be a grave mistake for the United States to hold out sovereignty and international recognition as the reward for passage of a constitution. Rather, making Iraqis once again a part of the international system is the prerequisite of successful reconstruction and a durable democratic system.

Iraqis are grateful for the tremendous efforts and sacrifices the United States is making on our behalf. Yet, ultimately, only Iraqis themselves can restore security, rebuild national institutions, enact a constitution and elect a democratic government. America must not rebuff Iraqis who are eager to have a stake in this intimate national process. Like any free people, we want to ensure that we are in control of our own destiny.

Mr. LEVIN. 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. DEWINE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

Mr. DEWINE. Madam President, a week ago today, I came to the Senate floor to honor and to remember a young Ohio soldier who lost his life while bravely serving our Nation in Iraq. That young man, PFC Branden Oberleitner, had served proudly in the Army's 101st Airborne Division, based out of Fort Campbell, KY.

Today, I come again to the floor of the Senate to honor and to remember another young Ohio soldier who served proudly in the 101st Airborne Division, another young soldier who lost his life bravely defending our Nation and fighting to give a better life, freedom, and liberty to the people of Iraq.

Madam President, SGT Brett Thomas Christian was born on December 5, 1975. Growing up, Brett's life was not always easy. Like a lot of families, he and his mother Tess and brothers Sloan and Derek moved around a lot. As a young child, Brett was in and out of a number of schools, leaving old friends and making new ones each time. The family eventually settled in the Cleveland, OH, area, where, for a time, Brett attended Richmond Heights High School.

Brett adapted well to new environments and knew how to quickly make new friends. People liked Brett; they were drawn to him. He had a great sense of humor and an easy-going demeanor. The first thing people remember about Brett is his wit, his smile, his charm. His brother Derek said, "You couldn't be sad around him. He was just a funny guy."

But Brett also had a serious side. He was a smart person, a smart kid. He read a lot. In fact, he started reading at a very early age and ended up 2 years ahead in school. As his brother Sloan said, "He was always so smart. He blew away all the tests he took."

Brett was also a hard worker. His uncle remembers how he took a physically demanding job at a tropical fish farm. Each day, Brett would travel on his bike 5 miles there and 5 miles back. Rain or shine, Brett road those 10 miles to and from work, laboring tirelessly to get the job done and, yes, done well. He dreamed of opening a restaurant one day with his Richmond Heights High School buddy, Jonathan Wilke.

Brett completed his GED and decided to enlist in the U.S. Army. Brett's mom Tess said he was born to serve; that he always wanted to be a soldier. She said, "My son believed in honor, loyalty, good character, all those things."

Brett was assigned to Company C, 2nd Battalion of the 502nd Infantry of the 101st Airborne Division. He trained to be a sniper and served a year in Korea before being called to Iraq.

Brett's job in Iraq was to drive a 2½-ton diesel carrier. It was grueling and dangerous work. SGT Shane Harris described Brett as one of his most dependable drivers. He was able to log 20-hour days moving soldiers, loads of ammunition, thousands of gallons of fuel, and pallets of bottled water, MREs, and other supplies.

Brett was one of the first American soldiers to cross the line into Iraq. SGT John Ryan recalled how he sent Brett in to push a line forward to secure a bridge. He said that he chose Brett because he was certainly up for it:

He believed in what we were there for. He knew what needed to be done. He knew how to lead from the front. He was sniper-qualified. He was mission-responsible. He was good under stress. He had a good head on his shoulders. He could always analyze and develop a course of action quickly.

On that same mission, it was later learned that some of our trucks got lost in Iraq after crossing the line. Not surprisingly, it was Brett who found them and, yes, got them out.

On July 23, 2003, SGT Brett Christian was killed and seven others were wounded near Mosul, Iraq, when his convoy was ambushed by rocket-propelled grenades and small arms fire. He was 27 years old.

Madam President, Brett Christian was buried on the hollowed ground of Arlington National Cemetery on August 7, 2003. At that service, MAJ Douglas Fenton called Brett an American hero. He received a Purple Heart and Bronze Star.

There is no question that Brett Thomas Christian was a good man, a good son, brother, grandson, friend, and soldier. He was kind. He was compassionate. As his mother said:

They say the eyes are the windows of the soul. His eyes swelled with emotion. They were bright and welcoming.

At a memorial service for Brett in Ohio, Pastor Rick Duncan movingly described the kind of man Brett Christian became. This is what he said:

He was resourceful. He was gracious, never malicious. He never showed any sort of prejudice about anyone. He was responsible, uplifting, and thoughtful. He was a man of action. He was a charmer.

Ultimately, Brett Christian was a true warrior. Brett Christian made a lot of choices in his life. He chose to look at the positive, not the negative. He chose to see the good things in life and in people, not the bad. He chose to face fear and adversity head on and fight against the evil in our world. According to Brett's grandmother Eileen, the last time he was home he explained to his younger brother, who had indicated an interest in joining the military, exactly why he joined the Army. He wanted his brother to understand that he believed in what he was doing, that he believed in helping people and serving our country.

Let me conclude with something Sloan said about his beloved brother:

Brett had the most potential of anyone in the family—anyone I know. He's a beautiful soul who could have changed so much of the world. He had the love and ability to change a lot of the world.

Madam President, Brett Christian did change the world. Brett Christian did make a difference.

Brett's family—his mother Tess; his brothers Derek and Sloan; his grandparents Thomas and Eileen—remain in my thoughts and my prayers.

Madam President, I yield the floor.  
The PRESIDING OFFICER. The Senator from Utah is recognized.

#### ECONOMIC GROWTH

Mr. BENNETT. Madam President, one of the facts that those of us who live in the Washington area have grown accustomed to is that the world looks different through the eyes of the reporters for the Washington Post and the reporters for the Washington Times. My wife and I sometimes play the little game of opening both papers simultaneously and looking at the two headlines side by side. Usually, the Washington Times says things that sound good from the Republican point of view and the Washington Post says things that sound good from the Democratic point of view.

The interesting thing this morning is that both papers covered the same story, and both papers said basically the same thing.

I went into the cloakroom, and I gathered some other papers to see if the headlines were the same there as well. I have them here. Let's start with the Washington Times and the Washington Post.

The Washington Times says:

Growth Erupts in Summer Order. Consumers, Businesses, Go on a Spending Spree.

Out of the Washington Post—they treat that not quite as enthusiastically, but they say:

U.S. Economic Growth Surges. Output Rises at the Highest Rate Since 1984, but Jobs Still Decline.

So the Washington Post puts in a little bash there for the President that the Washington Times does not.

If we go to the Wall Street Journal, which some think of as a mouthpiece for the Republican National Committee, their headline is:

Higher Gear, Economy Turned in its Best Quarter in Nearly Two Decades. GDP Surged 7.2 Percent in Quarter on Broad Based Gains. Bush Team Trumpet Data.

To balance that from the Wall Street Journal, let's go to the newspaper some consider the house organ of the Democratic National Committee, the New York Times, and their headline is:

Economy Records Speediest Growth Since the Mid-80's. Is Good News Here for Good? Bush Hopes So. Third Quarter Data Surge in Spending Helped by Rebates May Not Persist.

Then I picked up USA Today, the screaming headline:

7.2 Percent GDP Growth, Fastest in 19 Years. Economists Credit Tax Relief and Shoppers.

For one day at least, everybody agrees that the No. 1 story is the tremendous performance turned in by the American economy in the third quarter, and the headlines trumpet the numbers, 7.2 percent GDP growth.

I would like to go behind the numbers. I would like to add a few numbers and do what I can to try to put this performance in perspective.

No. 1, we have to recognize what even the New York Times has recognized, which is this is an extraordinary accomplishment, and this is a sign of very good times.

I notice a quote from Howard Dean, who is running for President on the Democratic side, that indicates he is a little disappointed in this; he is a little unhappy that Americans are earning more money, that disposable income is up, that the economy is booming. Perhaps he was hoping he could ride into the White House on a wave of consumer dissatisfaction. If that is his hope, at least the third-quarter numbers say he has to find something else for which to hope.

But it is true that the numbers we have here are not sustainable long term, and that is not necessarily bad because what we are looking for is not a single quarter of extraordinary growth. What we are looking for is a sustained period of recovery. The signs are there that we are, indeed, in such a period. It is not just the 7.2 percent growth in GDP we need to pay attention to; it is some other numbers. Let me address some of those numbers.

They are in the newspaper stories, some of them buried a little further than I would do it if I were writing the story, but the first number that is of significance is the growth in business investment. Yes, as the headlines indicate, the tax relief and the shoppers are responsible for this, but the tax relief is, indeed, something of a one-time phenomenon. The mailing out of the checks for the child tax credit put more money in the hands of parents just before back-to-school shopping, and that showed up in the shopping figures.

Furthermore, the combination of the lowering of withholding rates along with the child tax credits causes people to go out and make some very significant purchases. New cars went up as a significant part of this performance in the third quarter, and you don't buy a new car every quarter. Undoubtedly, you will see some tapering off of some of these major purchases. So we can say that the fourth quarter will not be at the 7.2 percent level as far as GDP is concerned.

One of the newspapers says it will fall all the way down to 4 percent. Madam President, 4 percent on an annual basis is very robust and wonderful growth for an economy as mature as ours. If we could maintain a 4 percent average for the next 2 or 3 years, we

would all be very happy about that. So those who are saying the 7.2 won't last and we will fall all the way down to 4 percent should remember there was a time not far distant in our history when we would have been very happy with 3.5 percent. I will take 4 percent any day as a steady, stable growth in the economy.

Let's go back to the business investment number, the number that did not get as much attention as the 7.2 percent GDP number. Business investment grew at 11.1 percent, up from 7.3 percent the previous quarter. The thing to remember is that 7.3 percent is, in and of itself, considered a very strong indication of further growth, and this is the number that holds the promise of future jobs because if business is investing, business eventually is going to have to start hiring.

Let me put the 7.3 percent number in some perspective. As I say, in historic terms, 7.3 percent would be a good number, but we have seen business investment go down, not a positive number of any kind, a negative number for 9 out of the last 11 quarters. To have it come out of negative territory, be so strongly positive as to be at 7.4 percent, and then see the next quarter come in at 11.1, this is as strong a signal as we are going to get that the economy, which has been in recovery but struggling ever since the recession ended, is now in a period of takeoff for sustained growth for the coming year.

One of the other numbers the economists always look at is the question of inventories: How many goods do you have on the shelf, Mr. or Mrs. business person? How many goods do you have that are waiting to be sold? If the shelves are full, you are probably not going to be buying any more until they start to come down, until your inventories start to fall. Usually when you have a period of growth like we have experienced in the third quarter, your inventories go up because people are stocking their shelves as the sales are strong.

Inventories went down in the third quarter. The sales were so strong that they not only took everything we could produce but they reduced inventories that were already low even further, which means that for the fourth quarter and into the next year—first, second, and third quarters—businesses have a major challenge to restock those depleted inventories, which is another sign that there will be growth, another sign that there will be jobs, another sign that this recovery is well underway and has firm traction.

Take the three numbers and put them together: 7.2 percent increase in GDP, substantially more than anybody anticipated; 11.1 percent increase in business investment, substantially more than anybody had anticipated; and a reduction in inventory of .67 percent from the previous level, and you have the profile of a recovery that is very robust.

What caused this recovery? Certainly, one can say it was due. Cer-

tainly one can say this was part of the business cycle reasserting itself. We had the excesses of the 1990s that felt so wonderful while we were in them but that were so excessive that the reaction to them felt painful when it came.

It now appears we have worked through most of those excesses. We have paid the price for the bubble of the late 1990s and we are beginning to get back on solid footing. However, one must credit President Bush's initiative in pushing tax cuts at the right time and at the right level to accelerate this growth.

Virtually every one of these papers I have gone through at one place or another in the story will admit, triumphantly in the case of the Washington Times, grudgingly in the case of the New York Times, that the Bush tax cut made a significant contribution to this growth.

I have already recited how it works with respect to consumer spending, but the consumer spending could be a one-time phenomenon and not hold if it is indeed tied to the receipt of checks such as the child credit. However, if the consumer spending has been accelerated by virtue of the reduction in withholding rates, something President Bush insisted on over and over again and that had the greatest resistance in this Chamber, we can say that portion of the tax cuts will, in fact, have a permanent impact on the growth; that that is a gift that will, in fact, keep on giving and we will see continued consumer spending as people have more money left in their paychecks.

What is the outlook in terms of the other political number we hear over and over again in this Chamber, which is the deficit? One of the greatest arguments that was made as we were debating the Bush tax cut was it would make the deficit swell and soar beyond all comprehension and ultimately leave us bankrupt as a nation.

There is another interesting number, one that has not received this kind of headline throughout the country but that is very important. At one point, as the economists were making their projections with respect to the deficit, they said the deficit for this fiscal year, the year that ended September 30, 2003, would be as high as \$455 billion. That was a number that came out of the Office of Management and Budget at one point, as they made their guess as to what the economy would be doing and how much money would be available.

We have heard that \$455 billion figure repeatedly, particularly from those who were opposed to the President's tax cut and who have been opposed to the supplemental appropriation for Iraq. They are saying we have a \$455 billion deficit and we are going to try to add \$87 billion on top of it; that is irresponsible; we cannot possibly do that.

Well, an interesting thing happened on the way to the closing of the books. With a stronger economy and with

spending coming in at lower levels, we began to see higher revenues and, therefore, lower estimates. As the year got nearer to its close, some economists were saying the deficit might even be as low as \$400 billion instead of the \$455 billion; we might even be below the magic \$400 billion number. I do not know what is magic about the \$400 billion number, but it sounds good to pick that number.

Then we began to hear from the Congressional Budget Office: yes, the deficit will clearly be below \$400 billion. How much? It could be as much as \$20 billion below \$400 billion. It could be as low as \$380 billion.

The numbers are now in. The books have been tentatively closed, and it is \$374 billion. It is \$26 billion below the \$400 billion mark and it is \$81 billion below the \$455 billion that was being talked about just a few months ago.

It is purely a coincidence—there is no connection whatsoever—but it is interesting that the actual number below the highest amount that was forecast is almost identical to the \$87 billion of the Iraq supplemental. In other words, if we take the actual number of \$374 billion and add the \$87 billion, we come to the theoretical number close to the \$455 billion we were talking about.

All of us would love to sponsor legislation that could cut \$80 billion a year out of the deficit. We would stand before our constituents and take enormous credit. We would say, are we not wonderful? We have eliminated \$80 billion of the deficit.

The economy did it for us. I think we have to credit the combination of the Bush tax cuts with the growth of the economy in the business cycle, with making us a little bit humble, of telling the politicians we do not control the events nearly as much as we pretend to in our speeches.

The most important thing to remember is it is the economy itself that creates all Federal revenue. Money does not come from the budget. Money comes from the economy. Our job is to do whatever we can to get out of the way of intelligent market forces and allow the economy to grow as strongly as it can on its own. I think that is what Alan Greenspan has done at the Federal Reserve. I think that is what President Bush has led us to do in the Congress with the tax cuts, and I think the unanimous statements out of all of the papers today indicate it is working.

I send my congratulations to Chairman Greenspan, my congratulations to President Bush, and my best wishes for all of us that this will, in fact, continue.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAFEE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. 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. BIDEN. Mr. President, I send a resolution to the desk and ask it be appropriately referred.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

(The remarks of Mr. BIDEN pertaining to the submission of S. Res. 256 are printed in today's RECORD under "Submitted Resolutions.")

Mr. BIDEN. 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. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECENT ACCOMPLISHMENTS IN THE SENATE

Mr. FRIST. Mr. President, I wanted to take this opportunity while we are in the quorum call to come to the floor and comment briefly on what we have done in the last several days and look ahead as to next week. We won't actually be closing here for a little bit as we are working on a couple of issues.

I want to thank everybody formally for the hard work they put forward this week. It was an aggressive week in terms of what we set out to accomplish, and we were able to finish everything we said we were going to do, with one exception, and that is set up to complete at the end of next week. People worked very late last night, with 14 rollcall votes, finishing close to midnight. I thank everybody for that commitment manifested over the last several days.

The days have been very long. Everybody's schedules are full with activities not just on the floor. There is this constant balancing act. We had to deal with three or four issues and bills at the same time. It seems to individual schedulers of Senators that things are somewhat discombobulated. Despite all that, we were able to finish a number of issues.

The Healthy Forests legislation was accelerated into the schedule because we had not planned exactly when we were going to do that. That took a lot of cooperation. We were able to take it to the floor and complete it, which is especially important with the recent fires that are and have been burning in California. As we have watched those images, we could not help but extend our prayers to the families, for the individuals who are so directly affected in that part of the country and also by fires in other States. With those images now that we see every morning, every night, and over the course of the day, we extend our heartfelt prayers to those affected.

On the Foreign Operations bill, our majority whip did a tremendous job in ushering that bill through. We had the bill on the floor. We came to a point

where we had certain challenges in terms of funding and paying for a particular very important amendment on HIV/AIDS, and the cooperation there on both sides of the aisle in being able to move off that bill for a period of time while that was resolved with the President pro tempore, chairman of the Appropriations Committee, Senator TED STEVENS, coming forward and working out a proposal that allowed us to reach out and send a strong message across the world that this little virus, HIV/AIDS, is something we are going to beat over time; and then, with all that cooperation, coming back to the floor and passing that amendment, and ultimately the Foreign Operations bill last night, gives me a great deal of satisfaction because it shows cooperation, partnership, working together, and the attention to people's schedules on the floor, an efficient use of everyone's time.

I congratulate Senator MCCONNELL, the majority whip, who did a superb job in that regard.

The nomination of Michael Leavitt, now Administrator of the Environmental Protection Agency, was an issue we addressed, and it took a lot of work both behind the scenes and on the floor of the Senate. We were able to vitiate cloture and we were able to give him an up-or-down vote, which I would like to see more of in other nominations, and we will continue to fight for that. Michael Leavitt, now Administrator, got that up-or-down vote. That stresses the importance of having that sort of process of an up-or-down vote for all of the President's nominees.

In the Leavitt debate, there were disagreements on various policy issues, but we had a qualified nominee at the time. He deserved that vote and he got it, and I was pleased that he was confirmed by a large bipartisan vote.

The Iraq supplemental is coming to a close, and through the agreement last night, we will deliver on the President's request in terms of supporting our military women and men overseas and doing everything we possibly can from a legislative and financial standpoint to ensure their safety, but to maximize the safety of the Iraqi people and the reconstructive efforts promoted aggressively and entirely consistent with what Ambassador Bremer told us was necessary, our military leaders told us was necessary, our Commander in Chief told us was necessary.

There are a number of issues we debated in terms of how we monitor the spending of this money, which has been resolved, and whether it should be grants versus loans. There was a lot of good debate, and the issue was ultimately resolved right where the President said it would be most useful. We will complete that Monday. There will be no rollcall vote because both sides of the aisle have agreed to that, but we will talk further about the issue Monday. By Monday early evening or late afternoon, that bill will pass and that will bring that issue to a close.

We will spend a little time on the Interior conference report on Monday, and we will have a vote on that late Monday afternoon, somewhere between 5 and 6, probably 5:30 to 6 p.m.

We have the fair credit reporting bill on which we have agreement to bring to the floor, and that will probably be Tuesday.

Then we have the Internet tax moratorium which, as I said earlier this morning, I would have liked to have addressed today or last night, but because there are a number of Members who feel very strongly that we have to have a different time for debate, we all agree we will be doing that bill probably Thursday of next week. As I expressed this morning, my intention is to finish that either Thursday or Friday.

Last night, we did act on the continuing resolution, and that will fund our Governmental operations until November 7, and that will allow us to continue our work on the remaining business.

I also spoke earlier this morning about the urgency that I feel, which I want to express to my colleagues, to stay focused, to complete the appropriations process, as well as the work in the various conferences so we can adjourn at a reasonable time.

All of this work—again, most of this is just from the last several days—means that we have had to work throughout the day each day this past week and into the evening.

Also, because a lot of things we handle in wrap-up, and people are not generally aware because they are not done with a lot of fanfare but are done by unanimous consent of the entire body, I find it useful each evening when I close, but especially at the end of the week, to look at some of those bills.

This week the Senate passed S. 1194, Senator MIKE DEWINE's Mentally Ill Offender Treatment and Crime Reduction Act. I mentioned earlier that Senator DEWINE was instrumental in putting together the amendment on HIV/AIDS to the foreign operations bill, which we passed as well.

The bill S. 1768, the National Flood Insurance Program Reauthorization Act, which was introduced by Senator BUNNING, was passed.

We are still hoping today to make progress on the military tax fairness bill. This bill is intended to hopefully level the playing field with respect to tax policy for many members of the Armed Forces. I know there is currently an objection, but I encourage those people who objected to in the next few minutes or hours, whatever it takes, look at that bill and hopefully be able to clear that as soon as possible.

Senator INHOFE's bill, S. 1757 relating to the Kennedy Center reauthorization, was just cleared by both sides. There was another bill from Senator SPECTER and the Veterans' Committee, S. 1132, the veterans benefits bill, an important



bill that we need to finish as we approach November 11. That will be finalized shortly.

The point is, we are able to proceed in a bipartisan manner, and we are making progress. We must continue to do that to get the needed work done as we try to work out or work through the host of complicated issues which are inevitable when we deal with legislation.

We will continue to work across the aisle to do the necessary work of this body as we move through these final days.

Again, we will not close the Senate until we work through a few remaining items of business, but I say thanks to my colleagues. We are making progress. We have a lot of work to do over the coming days, but we are going to be able to adjourn in a reasonable period of time if we stay focused and stay disciplined as we go forward.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PLASTIC GUN OR TOY GUN

Mr. LEVIN. Mr. President, yesterday the Cannon House Office Building was temporarily evacuated when a staff member apparently carried a toy plastic gun past a Capitol Police security check point. This incident reminds us of how important it is that we maintain adequate security in our public buildings. Even though I raised this issue last week, I want to take this opportunity to highlight the importance of the Terrorist Firearms Detection Act, a bill introduced last week by Senator KENNEDY. Originally passed in 1988, and sometimes called the "plastic gun" law, this Federal law makes it illegal for any person to manufacture, import, ship, deliver, possess, transfer or receive any firearm that is not detectable by walk-through metal detectors or the type of x-ray machines commonly used at airports.

Since September 11, 2001, Congress has worked hard to improve the security of our borders, airports, Government buildings, and communities. In just over a month, on December 10, the plastic gun law is set to expire. The Terrorist Firearms Detection Act would permanently reauthorize this law. I support this bill because plastic guns, whose production has been endorsed by the National Rifle Association, should only be used by our military and intelligence agencies.

This legislation has the support of major gun safety organizations, including the Brady Campaign to Prevent Violence United with the Million Mom March, Americans for Gun Safety, and the Violence Policy Center. The De-

partment of Justice, while failing to endorse Senator KENNEDY's permanent ban, has indicated its support for extending the current ban.

I urge my colleagues in Congress to act quickly to pass the Terrorist Firearms Detection Act, so that hopefully President Bush can sign it into law.

#### THE BATTLE OF MIDWAY IN 1942

Mr. INOUE. Mr. President, I would like to share with my colleagues a fascinating article by Dr. James Schlesinger, who served our Nation in a number of prestigious positions, such as Secretary of Defense, Secretary of Energy, and Director of the Central Intelligence Agency. The article, "Underappreciated Victory," was published in the October 2003, issue of the Naval History magazine, a publication of the Naval Institute Proceedings. The article calls for the recognition of the world-historic significance of the Battle of Midway in 1942 because it was the turning point in our Nation's war in the Pacific, which, in turn, proved critical to our efforts in the European theater of war. Yet the Battle of Midway, which played such a crucial strategic role for both the European and Pacific war, scarcely gets mentioned in the history books. I wish to submit a copy of Dr. Schlesinger's article to be printed in the RECORD. This brilliant article sets the record straight.

I ask unanimous consent the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Naval History Magazine, Oct. 2003]

#### UNDERAPPRECIATED VICTORY

(By James Schlesinger)

As we honor those who turned the tide of World War II with a victory over ostensibly overwhelming force at the Battle of Midway in 1942—61 years ago—too few of us understand the battle's world-historic significance. It is essential, therefore, for us to go forth and proselytize.

I continue to be puzzled over the fact that it comes as something of a revelation to many people that this battle played such a crucial strategic role for the war in Europe. So the question before us is: Why is Midway not recognized as the crucial battle for the West in World War II, just as Stalingrad is recognized as a crucial battle for the Soviet Union? The comparative neglect of Midway is a great historical puzzle and, in a sense, a great injustice.

In relation to what British Prime Minister Winston Churchill and others called Grand Strategy, Midway was far more than a decisive naval victory. It was far more than the turning of the tide in the Pacific war. In a strategic sense, Midway represents one of the great turning points of world history. And in that role, the battle remains underappreciated.

Consider the Grand Strategy of the Allies, which Churchill naturally preferred and President Franklin D. Roosevelt was eager to endorse. It was, quite simply, to deal with Adolf Hitler and with the German threat in Europe first. It has been embraced shortly after the Japanese attack on Pearl Harbor, at the Arcadia Conference. President Roosevelt clearly recognized and acted on the

conviction that the Third Reich was the greater menace. Dramatic as the Japanese advance after Pearl Harbor had been, it was into slightly developed colonial regions—to be sure, those possessing rubber and tin. Yet, at its base, it was far less dangerous than Hitler's continuing advance, crushing and then organizing the industrial nations of Europe, while to that point almost entirely obliterating far more formidable resistance. But it was Japan that had attacked the United States, and it was Japan on which the anger of the American people had focused.

Though Churchill could almost automatically concentrate on Europe, it required considerable courage for President Roosevelt to carry through on the Grand Strategy. Germany's declaration of war on the United States on 8 December 1941 provided a small opening. Yet, had it not been for Midway, President Roosevelt could not have persevered with a Europe-first policy. Public opinion would not have allowed it. Indeed, even after Midway, he paid a substantial political price. In the mid-term election of 1942, the Democrats lost 44 seats in the House of Representatives, barely retaining control, with comparable losses elsewhere. In a subsequent poll of all the Democratic congressional candidates, the principal reason given for the debacle: "frustration" and fury at Roosevelt's Germany-first strategy, which translated into failure to punish the Japanese more aggressively for Pearl Harbor.

Nonetheless, despite the inclinations of the public, President Roosevelt recognized that the larger threat lay elsewhere, and he was prepared to pay the domestic political price for that larger national objective, defined by his Grand Strategy.

Consider the overall military situation in spring 1942. Japan was on a roll. The Philippines had fallen, including the final outposts of Bataan and Corregidor. The Japanese had swept through the Malay Peninsula from French Indochina, and on 15 February the supposedly "impregnable fortress" of Singapore had fallen to numerically inferior Japanese forces. The Dutch East Indies had been captured. Japanese forces were advancing into Burma and threatening India. Even Australia appeared to be a target. U.S. naval forces significantly weakened by the attack at Pearl Harbor, appeared vastly inferior to the armada that Japan was gathering to advance eastward in the Pacific toward Midway—then possibly to the Hawaiian Islands or even to the U.S. West Coast. Additional Japanese victories would have made it politically impossible for President Roosevelt to continue to pursue the Grand Strategy of Europe-first.

Then came Midway. Through an extraordinary combination of the skill and courage of our pilots, splendid intelligence, prudent risk-taking by our commanders that paid off, and sheer good luck, the apparently inferior U.S. forces were victorious. This victory occurred despite inferior aircraft, ineffective torpedoes, the substantial absence of backup surface ships, and our overall numerical inferiority. The rest is well known. Four Japanese carriers had been sunk, confirming the dictum of Otto von Bismarck: "The Lord God has special providence for fools, drunkards, and the United States of America." The Japanese offensive had been blunted. The Japanese fleet turned back toward the home islands, their opportunity for victory lost forever. President Roosevelt could then execute his Grand Strategy, with all that was to imply regarding the condition of postwar Europe.

After Midway, the United States could, to the chagrin of General Douglas MacArthur, turn its primary attention back to the European theater. After the stunning surrender of Tobruk, which appeared to jeopardize both



Cairo and the Suez Canal, President Roosevelt thus could accommodate the somewhat distraught Churchill's request for 300 of the new Sherman tanks to bolster the defenses in Northeast Africa, ultimately leading to the victory at El Alamein. The Battle of the Atlantic gradually turned with the steady improvement in antisubmarine warfare, thereby helping to ease the shipping shortage. By the fall, Operation Torch, the landings in North Africa, initiated offensive operations that ultimately led to the destruction of Field Marshal Erwin Rommel's Afrika Korps. The invasion of Sicily soon followed, succeeded by the invasion of Italy and eventually the landings in Normandy.

Had these events not taken place or been much delayed, it is possible the Soviet Union would not have survived. But if it had, and succeeded in its march westward, the face of postwar Europe would have been vastly different. Soviet forces would have deployed farther to the west. Germany likely would have been occupied in its entirety. The West's foothold in Europe would have shrunk, perhaps dramatically. The ability of France and Italy to survive communist pressures, precarious as it was in 1947, would have been much reduced. In brief, it was Midway, a battle in the distant Pacific, that shaped the face of postwar Europe.

Despite its crucial historic role, Midway gets scarcely more attention in our history books than the War of 1812 naval battles on Lake Champlain or Lake Erie—let alone the scant attention Europeans have paid to it. Let us reflect on a few other notable battles that turned the tide of history.

In 480, B.C., Athens had fallen to the Persian army, but Athens had in a sense survived in the form of its 200 naval vessels that Athens, prodded by Themistocles, an early apostle of naval construction, had created. On 28 September in the straits of Salamis, before the very eyes of the Emperor Xerxes, the combined Greek naval force delivered a devastating blow, sinking some 200 Persian ships, with the loss of only 40 of their own. Xerxes, as Herodotus describes, had wanted to rule Europe as well as Asia. Fearing an attack on its bridges over the Hellespont, the Persian army largely withdrew. Greek (and European) civilization had been preserved. Indeed, begging pardon for a lapse from political correctness, Europe had been saved from Oriental Despotism. It was a naval battle that decided the fate of a civilization, a turning point in history.

Each year, the English-speaking world celebrates Trafalgar. Yet, it is not clear that even in the absence of victory England would not have survived. Midway, at a minimum, was the most decisive naval victory since Trafalgar, and perhaps the most strategically decisive victory since Salamis.

What of the crucial battles here in the United States? The Revolutionary War Battle of Yorktown is, of course, celebrated appropriately. Yet, after the Battle of the Capes, Yorktown was but the frosting on the cake, an almost inevitable triumph. The Battle of Saratoga, by contrast, is seen rightly as the turning point of the Revolution.

One is no doubt obliged to speak also of the Civil War Battle of Gettysburg. Yet, while Gettysburg may have been the high-water mark of the Confederacy, the outcome of the war was never much in doubt. Just recall the remarks of that military logistician, Rhett Butler, at the beginning of *Gone With the Wind*, when he rebukes some Southern hot-heads by pointing to the overwhelming industrial domination of the North.

They why, if Midway had such world-historic strategic significance, has it received so much less attention than it deserves? A recent documentary supposedly detailing the Pacific War, produced by Steven Spielberg

and Stephen Ambrose, moves smoothly from Pearl Harbor to island hopping in the western Pacific, with scarcely a mention of Midway. How could such a momentous victory come to be overshadowed? There are, I believe, three prominent reasons.

First, the Europeans are quite naturally even more Eurocentric than we are. For them, the crucial battle for the European theater had to begin the European theater itself and not some remote spot in the Pacific. There is still little sense in Europe of what a vast enterprise the war in the Pacific was. El Alamein continues to be celebrated in the United Kingdom. Similarly, the Battle of the Bulge is celebrated annually here. But the outcomes of both those battles were almost foreordained by the balance of forces.

Moreover, the most prominent, indeed almost the canonical, history of World War II was written by Winston Churchill himself. And where would Churchill look? Not to some purely American engagement in the distant Pacific. Midway is mentioned only in Churchill's six-volume history, with no indication of how it shaped the outcome in Europe.

Second, Midway always has lain in the shadow of D-Day, which occurred 2 years later, but which has an anniversary that coincides with Midway in the calendar year. D-day, which was truly touch-and-go, deserves all the attention it has received. But it should not come at the detriment of Midway itself. For without Midway, there would have been no D-Day on 6 June 1944, with all that that implies about the condition of postwar Europe.

Third, it is also in a sense the fault of the U.S. Navy itself. The Navy (take no offense) is both too shy in blowing its own horn and too complacent. Naming a carrier after a battle, for example, is considered so high an honor that nothing more needs to be said.

Midway may be the victim of intraservice politics or more exactly, intertribal fights. If one glorifies what was so dramatically a carrier victory, it might be interpreted to the detriment of the surface Navy and/or the submarine force. So tact required a relatively discreet silence. Thus, regarding the crucial significance of Midway in world history, more than the submarine force has been the "Silent Service."

Our British allies perennially have demonstrated a masterly touch in displaying, not to say marketing, their armed forces and their accomplishments. Go to London. See the centrality of Trafalgar Square in the city. Observe that obelisk for Admiral Horatio Nelson towering over the Square. It all provides a setting and reinforcement for the annual celebration of the naval battle itself. By contrast, Farragut Square in Washington is a very dim competitor. And where, pray tell, is Midway? It is, of course, the Midway, a part of Chicago, named after the 1893 World's Fair—or a nearby airport, a transition point halfway across the United States.

Now hear this! It is time to go forth and proselytize and underscore the world-historic role of Midway. The battle and its veterans deserve no less.

#### THE VETERANS BENEFITS ENHANCEMENTS ACT OF 2003

Mr. SPECTER. I have sought recognition today to explain briefly the provisions of S. 1132, the proposed Veterans Benefits Enhancements Act of 2003. This legislation, which was approved by the Committee on Veterans' Affairs on September 30, 2003, incorporates provisions drawn from 13 different bills that were considered by the

Committee on Veterans' Affairs over the course of the first session. S. 1132, as so amended, is a lengthy bill—almost 50 pages—and so I will not endeavor in this statement to explain in detail each and every provision of the bill. Rather, I will discuss the highlights in this statement, and refer my colleagues to the committee report that accompanied approval of the bill for a more extended explanation of the bill.

The starting point for S. 1132, as reported, was S. 1132, the proposed "Veterans' Survivors Benefits Enhancements Act of 2003," which I introduced on May 22, 2003. That bill, as its title indicates, focused on the needs of the surviving families of veterans who were gravely injured or killed in war. It contained provisions to increase widows' and orphans' educational assistance benefits, and to increase dependency and indemnity compensation (so-called "DIC") benefits—benefits provided to the widows and surviving children of service members whose deaths are service related—in cases where the widow has at home at least one dependent child. The bill, as introduced, would have also extended eligibility for burial in a VA national cemetery to all surviving spouses of veterans, including a group now denied eligibility—service members' widows who are remarried at the time of their deaths. And finally, S. 1132, as introduced, would have extended benefits now provided to spina bifida-afflicted children of Vietnam veterans who were exposed to Agent Orange to the children of veterans who served in another area where Agent Orange was widely used in 1967–1969, the Korean demilitarized zone, and who are afflicted with the same birth defect.

I am pleased that the Committee on Veterans' Affairs approved all but one of these provisions; one provision—the proposed increase in DIC benefits for widows with dependent children—was, unfortunately, too costly to proceed with at this time. I am pleased, as well that at mark up, the committee's members approved the addition of a number of other measures which were drawn from other bills that had been referred to the committee for consideration. Among those provisions are the following:

Provisions derived from bills introduced by Senators MURRAY (S. 517), CRAIG (S. 1239), and GRAHAM of Florida (S. 1281) to improve medical care and compensation benefits afforded to former prisoners of war;

Provisions derived from administration-requested legislation (S. 1213) to increase benefits afforded to Filipinos who fought alongside U.S. troops in World War II;

Provisions derived from administration-requested legislation (S. 1133) to improve the VA's educational assistance, life insurance, and State cemetery grant programs; and

Provisions derived from a bill introduced by Committee Ranking Member,

BOB GRAHAM, (S. 1281) to authorize further funding and oversight of the Department of Defense and Institute of Medicine activities to identify the causes of, and treatments for, injuries related to exposures to Agent Orange, radiation, and other environmental dangers by service members.

The bill also contains various measures to assure that, despite the enactment of the significant improvements contained within the bill, the bill will nonetheless be in compliance with Budget Enforcement Act strictures against the enactment of "mandatory account" spending measures without accompanying "pay-go" offsets.

S. 1132, as amended, is good legislation that is supported, on a bipartisan basis, by all of the members of the Committee on Veterans' Affairs. Further, its key provisions are supported by VA Secretary Anthony J. Principi and by the major veterans' service organizations. I ask that the Senate approve it.

#### NOMINATION FOR THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. KENNEDY. Mr. President, the nomination of Mr. Stuart Ishimaru to be a member of the Equal Employment Opportunity Commission in the Department of Labor was approved today by the Health, Education, Labor and Pensions Committee, and I look forward to prompt confirmation of this qualified nominee by the full Senate.

Mr. Ishimaru brings a distinguished legal background and a demonstrated commitment to public service to the position.

For 10 years he served as counsel to the House Judiciary and Armed Services Committees and was a counsel and deputy assistant Attorney General in the Justice Department's Civil Rights Division under Attorney General Janet Reno.

Through these positions he has helped enforce the great civil rights laws we have enacted over the last 50 years, from protections for the elderly, to protections for people with disabilities, to protection from discrimination in the workplace. And he has done so with a sense of fairness, compassion, and integrity that has earned him wide respect. I know he will continue his excellent work by enforcing our Nation's employment laws at the EEOC.

I urge my colleagues to support this well qualified nominee to the EEOC.

#### THE NATION'S HOSPITALS

Mr. ALLARD. Mr. President, hospitals in the United States have enormous responsibility. The Nation's hospitals care for patients, perform surgeries, train interns, research cures to diseases, and provide millions of dollars annually for the uninsured. Their services improve Americans' health and lives and better our communities. I laud their service to Colorado and the Nation.

Recently Solucient, a company that provides health care data to improve health care results, published its list of the Nation's 100 top hospitals. Four of Solucient's designees are Colorado hospitals: Saint Joseph Hospital in Denver, Rose Medical Center in Denver, Swedish Medical Center in Englewood, and Lutheran Medical Center in Wheat Ridge. Solucient determines its selection of top hospitals according to hospitals' consistent and superior quality care, financial performance, and efficient delivery of care. According to Solucient, the Top 100 hospitals treat more, and sicker, patients with better survival rates and fewer complications.

I am pleased to acknowledge Solucient's selection of Colorado hospitals for its quality service, dedication, and commitment to providing quality health care for Colorado, the Nation, and the world. First, Solucient has recognized Saint Joe's Hospital in Denver in its studies of orthopedic and intensive care units. According to the hospital, Saint Joe delivers more babies than any other Colorado hospital, serves more patients in gastroenterology, general surgery, pulmonology, cardiac care, nephrology and rheumatology than any other acute care hospital in the Denver metropolitan area, and for the past 5 years the hospital has cared for more cardiology and open heart surgery patients than any other acute care hospital in the metro area.

Second, Exempla Lutheran Medical Center specializes in cardiology, oncology, orthopedic services, and women's health care. Lutheran Medical also provides special care to the community through its community clinics, special programs and services for the elderly, and hospice care. In addition, Lutheran Medical Center's Emergency Department has the second highest patient load in the Denver metropolitan area.

Third, with a mission of commitment to patients, Rose Medical Center in Denver asserts a reputation for high quality health care and quality customer service. Rose Medical Center specializes in women's health services, general surgery, internal medicine, pediatric care, and emergency services. Rose Medical Center also partners with philanthropic organizations to help offer services to the Colorado community. Further, Rose Medical Center is the official health care provider for the Denver Nuggets professional basketball team and the Colorado Avalanche professional hockey team.

Fourth, Solucient recognized a teaching hospital in Englewood, Colorado, Swedish Medical Center, which has six "Centers of Excellence": the Colorado Neurological Institute, adult & pediatric trauma services, advanced radiology capabilities, cardiology services, cancer treatment services, and women's and children's services. In addition, Swedish is a Level I Trauma Center and is a leading referral center for neurotrauma. Swedish also offers services for the elderly, emergency medical

service education, and has a Family Medicine Residency Program.

I am pleased these Colorado hospitals have been recognized as leaders in quality, efficiency, and financial responsibility in institutional health care. I laud their work and am expectant for their continued high quality of care and progress for Colorado and the Nation.

#### ADDITIONAL STATEMENTS

##### HONORING DR. MARTHA RHODES ROBERTS

• Mr. GRAHAM of Florida. Mr. President, today I pay tribute to a fine humanitarian and Floridian, Dr. Martha Rhodes Roberts, who is retiring on October 31. Throughout her 34-year career with the Florida Department of Agriculture and Consumer Services, Dr. Martha Rhodes Roberts has contributed to Florida's agriculture food safety industry as a scientific authority, industry counselor, strategist, and partner in the endeavors of Florida agricultural producers. She has become an expert on minimizing food contamination for consumers, by helping to develop safer standards in food processing. Dr. Rhodes Roberts' dedication to safe food practices has enriched the lives of Floridians and Americans.

Since beginning her career with the Florida Department of Agriculture and Consumer Services as a microbiologist in the Food Laboratory in 1968, Dr. Roberts has been a tireless advocate to ensure the food Americans eat is safe and abundant while at the same time helping the agricultural community to minimize their impacts on the environment. In addition to these achievements, she has the distinction of serving as the first female Assistant Commissioner of Agriculture for a State agency in the country. During her tenure at the Florida Department of Agriculture and Consumer Services, Dr. Roberts was instrumental in Florida's food safety program becoming one of the preeminent State food safety programs in the country. She also has overseen the divisions of pesticides, fertilizers, seeds, agricultural water policy, soil and water conservation, animal feeds, aquaculture and dairy and animal industries during her long career with the department.

Dr. Roberts has served on several Federal advisory groups for the U.S. Food and Drug Administration, the U.S. Department of Agriculture, and the U.S. Chamber of Commerce and she has served as president of the Association of Food and Drug Officials, comprised of all States, FDA and USDA. She was instrumental in organizing the Conference for Food Protection, a national body to set food safety standards for all States. Dr. Roberts is a member of the Institute of Food Technologists' Science Advisory Board, which provides scientific review and analysis of issues in food safety, food processing

and human health. Dr. Roberts has utilized her expertise in food safety to assist producers, packers and processors in implementing new technologies designed to minimize food contamination, ensuring the highest quality and safest food products for consumers.

In 1996, recognizing that natural resource management was critical for Florida agriculture's long term viability, Dr. Roberts advocated the creation of the Office of Agricultural Water Policy within the Department of Agriculture and Consumer Services. Today it remains the only water policy office housed within a State department of agriculture. She also spearheaded the formation of the Suwannee River Basin Nutrient Management Working Group, a 26-member public-private partnership formed to assess nutrient loadings to the Suwannee River Watershed and effect reductions via voluntary, incentive-based programs. This innovative approach has resulted in dramatic environmental benefits to the watershed as a whole. Dr. Roberts was instrumental in the establishment of the Commissioner of Agriculture's Ag-Environmental Leadership Awards Program. This program, now in its ninth year, annually recognizes those Florida growers and ranchers who employ innovative management practices designed to optimize the protection of wildlife, effectively manage pesticides and nutrients, protect water quality, and conserve soil and water.

Dr. Roberts has been recognized with numerous awards and commendations for her efforts. In 2003, she received Florida's agriculture industry's highest honor when she was inducted into the Florida Agricultural Hall of Fame. Dr. Roberts has been a strong advocate of using a common sense approach when implementing a regulatory program. She helped win passage of Florida's country of origin labeling law in 1979 and worked to see this law become a Federal reality in 2002. For her many years of service ensuring the food Americans eat is safe, abundant and affordable, I am proud to acknowledge the work of Dr. Martha Rhodes Roberts.●

#### MESSAGE FROM THE PRESIDENT

A message for the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

#### EXECUTIVE MESSAGE REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

#### MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House of Representatives, delivered by Mr. Hays, one its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3289) making emergency supplemental appropriations for defense and for the reconstruction of Iraq and Afghanistan for the fiscal year ending September 30, 2004, and for other purposes.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker of the House has signed the following enrolled bills:

H.R. 1610. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marceline, Missouri, as the "Walt Disney Post Office Building";

H.R. 1882. An act to designate the facility of the United States Postal Service located at 440 South Orange Blossom Trail in Orlando, Florida, as the "Arthur 'Pappy' Kennedy Post Office";

H.R. 1883. An act to designate the facility of the United States Postal Service located at 1601-1 Main Street in Jacksonville, Florida, as the "Eddie Mae Steward Post Office";

H.R. 2075. An act to designate the facility of the United States Postal Service located at 1905 West Blue Heron Boulevard in West Palm Beach, Florida, as the "Judge Edward Rodgers Post Office Building";

H.R. 2254. An act to designate the facility of the United States Postal Service located at 1101 Colorado Street in Boulder City, Nevada, as the "Bruce Woodbury Post Office Building";

H.R. 2309. An act to designate the facility of the United States Postal Service located at 2300 Redondo Avenue in Signal Hill, California, as the "Stephen Horn Post Office Building";

H.R. 2328. An act to designate the facility of the United States Postal Service located at 2001 East Willard Street in Philadelphia, Pennsylvania, as the "Robert A. Borski Post Office Building";

H.R. 2396. An act to designate the facility of the United States Postal Service located at 1210 Highland Avenue in Duarte, California, as the "Francisco A. Martinez Flores Post Office";

H.R. 2452. An act to designate the facility of the United States Postal Service located at 339 Hicksville Road in Bethpage, New York, as the "Brian C. Hickey Post Office Building";

H.R. 2533. An act to designate the facility of the United States Postal Service located at 10701 Abercorn Street in Savannah, Georgia, as the "J.C. Lewis, Jr. Post Office Building";

H.R. 2746. An act to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building"; and

H.R. 3011. An act to designate the facility of the United States Postal Service located at 135 East Olive Avenue in Burbank, California, as the "Bob Hope Post Office Building".

The enrolled bills, previously signed by the Speaker of the House, was signed on today, October 31, 2003, by the President pro tempore (Mr. STEVENS).

#### MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1805. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

S. 1806. A bill to prohibit civil liability actions from being brought or continued against manufactures, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4948. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Sault Saint Marie, MI" (MB Doc. No. 02-83) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4949. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b), Table of Allotments, DTV Broadcast Stations, Conway, SC" (MB Doc. No. 03-110) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4950. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.622(b) and 73.606(b), Table of Allotments, DTV and TV Broadcast Stations, Pittsburgh, PA" (MM Doc. No. 01-276) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4951. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b) and 73.622(b), Table of Allotments, DTV and TV Broadcast Stations, Asheville, NC and Greenville, SC" (MB Doc. No. 02-363) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4952. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Farmington, Grass Valley, Jackson, Lindon, Placerville, and Fair Oaks, CA, and Carson City and Sun Valley, NV)" (MM Doc. No. 90-189) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4953. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations, Macon, Mississippi" (MM Doc. No. 01-38) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4954. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Wapanucka, OK, Comanche, TX, Hollis, OK, Santa Anna, TX, Mooreland, OK, Junction, TX, Alton, MO, Taos, NM, McCamey, Dickens, and Hamlin, TX)" (MM Doc. No. 01-181, -190, -217, -220, -226, -228, -233, -282, -283, -284, -285) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4955. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Auburn, Northport, Tuscaloosa, Camp Hill, Gardendale, Homewood, Birmingham, Dadeville, Orrville, Goodwater, Pine Level, Jemison, and Thomaston, AL)" (MM Doc. No. 01-104) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4956. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Depoe Bay, Garibaldi, Cottage Grove, Veneta, and Toledo, Oregon)" (MM Doc. No. 02-255) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4957. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Roundup, Montana)" (MB Doc. No. 02-127) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4958. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Sugar Hill and Taccoa, GA)" (MM Doc. No. 98-162) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4959. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Archer City, Texas)" (MM Doc. No. 03-116) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4960. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Othello and Basin City, Washington)" (MB Doc. No. 03-25) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4961. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Orange, Midlothian, and South Hill, VA and Reidsville, NC)" (MB Doc. No. 03-47) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4962. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Glens Falls, Indian Lake, Malta and Queensbury, New York)" (MB Doc. No. 03-105) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4963. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Magnolia, Arkansas, and Oil City, Louisiana)" (MB Doc. No. 02-199) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4964. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Okmulgee and Glenpool, OK)" (MB Doc. No. 02-15) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4965. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Cadiz and Oak Grove, KY)" (MB Doc. No. 93-314) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4966. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Old Fort, Fletcher, and Asheville, NC; Surgoinsville, TN and Augusta, GA)" (MB Doc. No. 01-175) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4967. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Washington and Watkinsville, GA)" (MB Doc. No. 01-281) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4968. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Kernville, CA)" (MB Doc. No. 03-111) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4969. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Marion and Johnston City, IL)" (MB Doc. No. 03-13) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4970. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM

Broadcast Stations (Savannah, Springfield, and Tybee Island, GA)" (MB Doc. No. 03-119) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4971. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Cedar Bluff, Virginia and Gary, West Virginia)" (MB Doc. No. 02-316) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4972. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Quartzite, AZ)" (MB Doc. No. 03-131) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4973. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Saint Joseph, Clayton, Ruston, and Wisner, LA)" (MB Doc. No. 01-19) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4974. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Daisy, AR, Trona, CA, Muldrow, OK, and Rattan, OK)" (MB Doc. No. 03-42) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4975. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Ozone and Iraan, TX)" (MB Doc. No. 02-261) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4976. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Buffalo, OK)" (MB Doc. No. 02-383) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4977. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Crisfield, MD; Belle Haven, Exmore, Nassawadox, and Poquoson, VA)" (MM Doc. No. 02-76) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4978. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (Broken Bow, OK)" (MM Doc. No. 01-209) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4979. A communication from the Senior Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.606(b), Table of Allotments, FM Broadcast Stations (DeRidder, DeQuincy, and Merryville, LA and Newton, TX)" (MM Doc. No. 02-56) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4980. A communication from the Deputy Division Chief, Policy Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Section 68.4 of the Commission's Rules Governing Hearing Aid-Compatible Telephones" (FCC03-168) received on October 27, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4981. A communication from the Chief of Staff, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, Order on Reconstruction" (FCC03-46) received on October 20, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4982. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2 and 25 of the Commission's Rules to Permit Operation of NGSO FSS Systems Co Frequency with GSO and Terrestrial Systems in the Ku Band Frequency Range (Second Memorandum Opinion and Order)" (FCC03-25) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

EC-4983. A communication from the Chief, Policy and Rules Division, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Parts 2, 25, and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz" (FCC03-69) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.

#### DISCHARGED NOMINATIONS

The Senate Committee on Rules and Administration was discharged from further consideration of the following nominations and the nominations were:

Paul S. DeGregorio, of Missouri, to be a Member of the Election Assistance Commission for a term of two years.

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term of two years.

Raymundo Martinez III, of Texas, to be a Member of the Election Assistance Commission for a term of four years.

Deforest B. Soaries, Jr., of New Jersey, to be a Member of the Election Assistance Commission for a term of four years.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CRAIG:

S. 1805. A bill to prohibit civil liability actions from being brought or continued

against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; read the first time.

By Mr. CRAIG:

S. 1806. A bill to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others; read the first time.

By Mr. MCCAIN (for himself, Mr. REED, Mr. DEWINE, Mr. LIEBERMAN, Mr. CHAFEE, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 1807. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. SHELBY, Mr. COCHRAN, Mrs. DOLE, Mr. EDWARDS, Mr. INHOFE, and Mrs. HUTCHISON):

S. 1808. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

By Mr. DASCHLE (for Mr. EDWARDS):

S. 1809. A bill to provide grants for mental health and substance abuse services for women and children who have been victims of domestic or sexual violence; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mr. EDWARDS):

S. 1810. A bill to amend the Public Health Service Act to improve treatment for the mental health abuse and substance abuse needs of women with histories of trauma, including domestic and sexual violence; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for Mr. EDWARDS):

S. 1811. A bill to expand research for women in trauma; to the Committee on Health, Education, Labor, and Pensions.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. BROWNBACK, Mr. DODD, and Mr. HAGEL):

S. Res. 256. A resolution observing the 50th anniversary of the Mutual Defense Treaty between the United States and the Republic of Korea, affirming the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea, and thanking the Republic of Korea for its contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq; to the Committee on Foreign Relations.

#### ADDITIONAL COSPONSORS

S. 59

At the request of Mr. INOUE, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 59, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and

to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 1245

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1245, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1353

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1353, a bill to establish new special immigrant categories.

S. 1612

At the request of Ms. COLLINS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1612, a bill to establish a technology, equipment, and information transfer within the Department of Homeland Security.

S. 1630

At the request of Mrs. CLINTON, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1630, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral services, and for other purposes.

S. 1664

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1664, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. REED, Mr. DEWINE, Mr. LIEBERMAN, Mr. CHAFEE, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 1807. A bill to require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN. Mr. President, I take a backseat to no one in my support of Second Amendment rights. But this right, which Americans have fought and died for, does not extend to terrorists, criminals and illegal aliens. That is why I am pleased to announce today a landmark agreement on gun show legislation that I have reached with Senators JACK REED, MIKE DEWINE, and JOE LIEBERMAN.

The bill accomplishes two critical goals: It protects gun shows as a viable business and ongoing enterprise, and it slams the door on criminals, terrorists and illegal aliens who have successfully exploited a loophole in our gun

safety laws to acquire firearms at gun shows for nefarious purposes.

I know the gun safety issue is controversial in Congress and that there is a great deal of passion on both sides. This legislation replaces passion with pragmatism. It stakes out a sensible middle ground to solve the real problem of criminals and terrorists getting guns at gun shows without burdening gun show operators with punishing paperwork or treating enthusiasts who attend these shows as pariahs.

For gun rights advocates like myself, this bill does not retreat one inch in the battle to protect our Second Amendment rights. It treats gun show operators and patrons with respect and requires simply that background checks be performed on all firearms sales at gun shows. For those who are rightly concerned about gun violence, this bill simply and straightforwardly accomplishes the goal of closing a loophole that has fueled illegal gun trafficking in America.

I am a gun owner and I have attended many gun shows in my state of Arizona. More than most people, I know that the majority of gun show patrons and sellers are honest, law abiding citizens. But I also know that there is a sinister element that attends these shows and exploits this loophole.

Defenders of gun shows, like myself, cannot ignore the staggering statistic that gun shows are the second leading source of firearms recovered in illegal gun trafficking investigations conducted by ATF. Just this week, the St. Louis Post-Dispatch reported that ATF agents seized 572 firearms from five unlicensed sellers who were exploiting the gun show loophole in ways that threaten the safety of American citizens. The same article quoted an ATF agent saying "crime guns do originate at gun shows. That's been documented."

The fact that gun shows are a leading source of crime guns is reason enough to close the gun show loophole, but we also know of at least three cases where alleged terrorists used the gun show loophole to purchase firearms and that makes closing this loophole imperative.

On September 10, 2001, a Federal court in Detroit convicted Ali Boumelhem, a known member of the terrorist group Hezbollah on seven counts of weapons charges for smuggling shotguns, ammunition, flash suppressors, and assault weapons parts to Lebanon.

FBI agents followed Boumelhem to at least three Michigan gun shows in October 2000. According to the Middle East Intelligence Bulletin, the shipment in which he was finally arrested was part of a pattern—Boumelhem "traveled frequently to gun shows to buy arms and then hid them in cargo crates bound for Lebanon." According to the Associated Press, "Federal agents say they watched Boumelhem, a resident of Detroit and Beirut, travel to gun shows to buy gun parts and ammunition for shipment overseas."

On October 30, 2001, Muhammad Asrar, a Pakistani national with suspected al-Qaeda ties, pleaded guilty in Federal court in Texas to firearms-related charges. He was convicted of illegally possessing 50 rounds of 9mm ammunition. He was also convicted on an immigration charge—illegally overstaying his student visa since 1988.

Asrar was arrested after an anonymous informant told authorities that Asrar had asked him whether he would smuggle a foreign national across the border from Mexico. Asrar also allegedly asked the informant if he would take pictures of tall buildings for him during his travels. Police seized several photos of tall buildings from Asrar's store.

Asrar admitted to authorities that he had bought and sold a variety of guns at Texas gun shows over the previous 7 years, including a copy of a Sten sub-machine gun, a Ruger Mini-14 rifle, two handguns, and a hunting rifle.

Despite the final adjudication of the ammunition and immigration charges, which can carry a penalty of up to 10 years in prison, Asrar remains under investigation by a Federal grand jury. According to the New York Times, Asrar is being investigated for possible links to al-Qaeda.

Connor Claxton is an Irish national and an admitted member of the Irish Republican Army who is currently serving a prison term for attempting to smuggle guns bought in Florida to Ireland. At his trial he testified about how he came to the United States on IRA orders to buy weapons and ammunition for shipment back to Ireland and that he chose to come to Florida because "we don't have gun shows in Ireland, and you see things here like you never imagined."

According to his co-conspirator Siobhan Browne, Claxton "spent more than \$100,000 off the books on semi- and fully automatic weapons in sales from private dealers" who are not required to perform background checks. Browne also said that Mickey Couples, a senior IRA leader, told her that "the gunrunning mission had been going on for four years and that there were 50 IRA volunteers involved."

In an era where America is right to be concerned about security, it is absolutely imperative that we close this dangerous loophole that allows criminals, terrorists, and illegal aliens to claim a right that they don't deserve.

The McCain-Reed-DeWine-Lieberman bill requires instant criminal background checks for all firearm sales at gun shows. For licensed dealers selling at gun shows, this bill creates no new burdens. For unlicensed sellers, they will simply need to have an instant background check performed before they transfer a firearm. The instant check could be performed by a licensed dealer, local law enforcement, or by a new entity created by this bill called a special licensee—an individual or gun show employee who may perform instant background checks at gun shows only.

The bill also defines a gun show in a fair and rational way. Any public event where 75 or more firearms are offered for sale is defined in the legislation as a gun show. Collectors who sell their own guns from their own homes are exempt. In addition, private hunt clubs that buy, sell, or trade firearms between members are also free from the requirements of this bill.

Paperwork requirements under the bill are the minimum necessary to ensure compliance with the law. I made sure that gun show operators would not be buried under an avalanche of paper.

Finally, the bill allows States to seek a waiver to make the instant check even quicker for unlicensed sellers at gun shows once that State has automated the records necessary to make the check as accurate as possible. I am aware that some sellers are concerned that the law allowing up to three business days to complete a background check is burdensome for weekend gun shows.

Currently, because of improvements made by Attorney General John Ashcroft, 91 percent of all background checks are completed within five minutes and 95 percent are completed within two hours. For all intents and purposes, we now have a viable instant check system. But I would like to get that 95 percent success rate up to 100 percent and this bill will help entice States to get their felony, domestic violence and mental health records in order so that no one has to wait days to be approved or denied a firearm under instant check.

This legislation should appeal to all but those who either hate guns and believe that no one should own them or those who believe that even terrorists, criminals and illegal aliens are protected under the Second Amendment. In 1999, every member of the Senate voted for some form of a bill to close the gun show loophole, but neither side was willing to compromise for the sake of America. Let's stop playing politics with guns and support a bill that closes a serious loophole while respecting the rights of those who enjoy gun shows. This is our chance.

Mr. REED. Mr. President, I rise to join my colleague Senator MCCAIN in introducing the Gun Show Loophole Closing Act of 2003. We offer this legislation to strengthen our Nation's gun laws by closing a loophole that has allowed criminals to buy firearms at gun shows for far too long. I look forward to working with Senator MCCAIN and our fellow cosponsors to offer this legislation to the first appropriate vehicle that comes before the Senate. In particular, it is our intention to offer this bill as an amendment to the gun industry immunity bill, S. 659. If the Senate is going to consider granting immunity from civil liability to the firearms industry—an industry that Congress already exempted from the consumer product safety laws that apply to virtually every other product sold in this country—it is critical that we protect



the American people by improving law enforcement oversight of commerce in firearms.

The Bureau of Alcohol, Tobacco and Firearms reported to Congress in 2000 that gun shows are a major gun trafficking channel responsible for more than 26,000 illegal firearms sales during the 18-month period ATF studied. The FBI and ATF tell us again and again that convicted felons, domestic abusers, and other prohibited purchasers are taking advantage of the gun show loophole. At least three suspected terrorists that we know of have also exploited this loophole to acquire firearms, including one suspected al Qaeda member.

Under Federal law, Federal Firearms Licensees are required to maintain careful records of their sales, and under the Brady Act, to check a purchaser's background with the National Instant Criminal Background Check System before transferring any firearm. However, a person does not need a Federal firearms license—and the Brady Act does not apply—if the person is not “engaged in the business” of selling firearms pursuant to Federal law. These unlicensed sellers make up one quarter or more of the sellers of firearms at thousands of gun shows in America each year. Consequently, felons and other prohibited persons who want to avoid Brady Act checks and records of their purchases buy firearms at gun shows.

Four years ago, Eric Harris and Dylan Klebold killed 13 people at Columbine High School with weapons purchased from an unlicensed seller at a gun show. The woman who purchased those guns on behalf of Harris and Klebold testified to the Colorado legislature that she never would have purchased the weapons had she been required to undergo a background check.

We have united behind this bipartisan legislation—which brings together provisions from several previous gun show bills—to make gun show transactions safer for all Americans. The bill would require Brady Law background checks on all firearms transactions at any event where 75 or more guns are offered for sale. Three years after enactment, States could apply to the Attorney General for certification for a 24-hour background check for unlicensed sellers at gun shows. In order to be eligible for 24-hour certification, a State would be required to have 95 percent of its disqualifying records automated and searchable under NICS, including 95 percent of all domestic violence misdemeanor and restraining order records dating back 30 years. Before certifying any State for 24-hour background checks, the Attorney General would be required to establish a toll-free telephone number to enable State and local courts to immediately notify the NICS system any time a domestic violence restraining order is filed, and courts within a certified State would be required to use the telephone num-

ber immediately upon the filing of such an order. The bill also directs the Attorney General to work with States to encourage the development of computer systems that would allow courts to provide electronic records to NICS immediately. The Bureau of Justice Statistics would conduct an annual review of all certified States to ensure they continue to meet the conditions for 24-hour background check certification.

Some will say that this legislation is an attempt to end gun shows, but the experience of States that have closed the gun show loophole proves otherwise. California, for example, requires not only background checks at gun shows but a 10-day waiting period for all gun sales, yet gun shows continue to thrive there. No, we are not trying to end gun shows. What we are trying to end is the free pass we're giving to terrorists and convicted felons that allows them to simply walk into a gun show, find a private dealer, buy whatever weapons they want and walk out without a Brady background check.

In overwhelming numbers, the American people believe that background checks should be required for all gun show sales. The people of Colorado confirmed this after the Columbine tragedy when they approved a ballot initiative to close the gun show loophole. I urge my colleagues to support the Gun Show Loophole Closing Act of 2003 so that we can finally close this loophole in every State and make sure that convicted felons, domestic abusers, and other prohibited persons do not use gun shows to purchase firearms without a Brady background check.

Mr. DEWINE. Mr. President, I rise today as an original co-sponsor of the Gun Show Loophole Closing Act of 2003. I would like to thank Senators MCCAIN, LIEBERMAN and REED for also sponsoring this common sense piece of legislation that aims to keep guns out of the hands of criminals and out of the hand of kids. It is a good bill—an important bill.

Gun ownership rights are clearly established in the United States Constitution. And, I am a firm supporter of the Second Amendment. I also strongly believe that we have an obligation to protect the safety of law-abiding citizens and the safety of our most precious resource, our children.

As a former county prosecutor, I learned that the best way to reduce the illegal and often fatal use of guns is to pass and enforce tough laws that severely punish criminals who use them. That is why I consistently have supported measures that keep firearms from getting into the wrong hands in the first place and that increase the punishment of those who use firearms in the commission of a crime. The Gun Show Loophole Closing Act helps achieve that goal.

Under the existing Brady law, when a purchaser buys a gun from a licensed dealer, he or she must undergo a background check through the Federal Gov-

ernment's National Instant Criminal Background Check System (“NICS”), into which States feed records of certain criminals and others not qualified to own a gun. NICS has up to three days to inform the dealer as to whether the buyer is qualified to purchase a gun. If the dealer receives no response by the end of the three-day period, the dealer is allowed to sell the gun to that buyer. Ninety-five percent of NICS checks, however, do not take three days. They come up with an instant or near instant response.

This bill we are introducing today simply applies the same common-sense checks to gun show sales. Right now, there is no statute requiring that all sellers at gun shows run NICS checks on potential gun buyers; however, according to Federal officials, gun shows are the second leading source of illegal guns recovered from gun trafficking investigations. By leaving this loophole open—by not requiring all gun show sellers to run NICS checks—we are presenting gun traffickers and other criminals with a prime opportunity to acquire firearms. This is terrifying and this is unacceptable. Only last week, Federal authorities arrested a Georgian man who sold large quantities of firearms at Georgia gun shows. These firearms have been recovered in subsequent crimes in New York, New Jersey, Michigan, and here in Washington, DC.

Furthermore, following the attacks on September 11th, it came to light that Al Qaeda produced a handbook in which it advised terrorists to purchase firearms at gun shows in the United States. In fact, at least three suspected terrorists have exploited this loophole to acquire firearms. Therefore, it is imperative, now more than ever, to enact legislation to protect our citizens from this potential area of terrorist exploitation.

This bill is common sense. The laws for purchasing firearms at gun shows and stores should be the same. We have the same responsibility to make sure that gun owners are qualified—regardless of where they buy their guns. This bill closes the gun show loophole in a way that respects the Second Amendment and honest, law-abiding Americans' right to buy and sell guns and attend gun shows. That's good law. That's good policy. That's why we should pass this bill.

Mr. LIEBERMAN. Mr. President, I am proud to join Senators MCCAIN, REED, DEWINE, LAUTENBERG, SCHUMER and CHAFEE in introducing this important legislation. This bill aims to build common ground on gun violence—a problem that has too often divided Members of Congress. As citizens of this great Democracy, we have rights and we have responsibilities. We have the right to own guns, but we have a responsibility not to sell them to criminals. That is the simple but important set of values on which the legislation we introduce today is founded.

For several decades, our Nation has had a clear policy against allowing



convicted felons to buy guns, because we know that mixing criminals and guns far too often yields violent results. Through the Brady law, we established what seems like an obvious corollary to that policy—a requirement that those selling guns determine whether someone trying to buy a firearm isn't supposed to get one before they sell it to them. The Brady law has been an enormous success. Since its enactment, background checks have stopped almost one million gun sales to those who by law aren't allowed to own guns—convicted felons, spouse abusers, fugitives from justice, among others. This has saved an untold number of our citizens from the violence, injury or death the sale of many of these guns would have brought.

But the Brady law contained an unfortunate loophole that has since been exploited to allow convicted felons and other people who shouldn't own guns to evade the background check requirement by buying their guns at gun shows. The problem is that Brady applies only to Federal Firearms Licensees, so-called FFLs—people who are in the business of selling guns. Brady explicitly exempts from the background check requirement anyone “who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms.” As a result, any person selling guns as a hobby or only occasionally, whether at a gun show, flea market or elsewhere, need not obtain a Federal license and therefore has no obligation to conduct a background check. This means that any person wanting to avoid a background check can go to a gun show, find out which vendors are not FFLs, and buy a gun. This situation is dangerous not only because it allows convicted felons and other prohibited persons to buy guns, but also because—in contrast to FFLs—non-FFLs have no obligation to keep records of the transaction, thereby depriving law enforcement of the ability to trace the gun if it later turns up at a crime scene.

Our bill will change that. We will make sure that no one will be able to buy a gun at a gun show without it first being determined whether that person is a convicted felon, a spouse abuser or a member of one of the other categories of people we all agree should not be allowed to buy guns.

Our bill does this, though, by taking into account some of the concerns that were expressed about previous efforts to close this loophole.

First, our bill has a simple definition of a gun show—an event where 75 or more guns are offered or exhibited for sale—and we make clear that that definition doesn't include sales from a private collection by nonlicensed sellers out of their homes.

Second, to respond to the argument that previous proposals made it too difficult for nonlicensed sellers to fulfill the background check requirement, our

bill makes sure that nonlicensed sellers will have easy access to someone who can initiate background checks for them, by creating a new class of licensee whose sole purpose will be to initiate background checks at gun shows.

Third, we have tried to respond to those who say that a three-day check is too long for gun shows, because those events only last a couple of days. It is worth noting that the length allowed for the check doesn't affect the overwhelming majority of gun purchasers, because over 90 percent of checks are completed almost instantly. But to allay the concerns that have been expressed, we have come up with a compromise that authorizes a State to move to a 24-hour check for nonlicensed dealers at gun shows when the State can prove that a 24-hour check is feasible. A State can prove that by showing that 95 percent of the records that would disqualify people in that State from buying guns are computerized and searchable by the NICS system. And, because of the particular need to keep guns out of the hands of spouse abusers, the bill specifically provides that a State must have computerized 95 percent of its domestic violence misdemeanor and restraining order records dating back 30 years before it is eligible to go to a 24-hour check at gun shows.

One significant difference between the bill Senator MCCAIN and I introduced last Congress and the one we introduce today is that my colleague from Rhode Island, Senator REED, has worked with us to craft a single gun show loophole closing bill. I am truly pleased that we can now all go forward together in a unified effort to bring greater responsibility to our gun laws.

Now I know that there are many, including President Bush, who argue that what we need to solve the gun violence problem are not new laws but the enforcement of existing ones. I agree with part of that statement, and firmly support efforts to crack down on those who violate our gun laws. But I believe we must go farther than that, because we will never be able to enforce existing laws unless we close the loopholes in them that criminals exploit. And we all know that there is a big loophole in the provision saying that felons and spouse abusers aren't supposed to buy guns, and that is that criminals know that if they go to a gun show, they will be able to avoid the background check that was set up to keep them from getting guns.

Gun crime remains a critical public safety problem. For too long, differences over finding a solution to that problem have unnecessarily divided the Congress, and the American people have been left to suffer the violent consequences. But the reality is that most of us agree on most of the critical questions. We agree that the laws on the books should be enforced, that the rights of law-abiding gun owners should be protected, and that convicted

felons and spouse abusers shouldn't be able to get guns. The bill we are introducing today would write those principles into law. I hope all of my colleagues support it.

By Mr. SESSIONS (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. SHELBY, Mr. COCHRAN, Mrs. DOLE, Mr. EDWARDS, Mr. INHOFE, and Mrs. HUTCHISON):

S. 1808. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges and universities; to the Committee on Energy and Natural Resources.

Mr. SESSIONS. Mr. President, today I rise to re-introduce legislation to help preserve the heritage of seven historic women's colleges and universities. The legislation would authorize the Secretary of Housing and Urban Development to provide restoration and preservation grants for historic buildings and structures at seven historically women's public colleges or universities. The bill directs the Secretary to award \$14 million annually from fiscal years 2004 through 2008 to the seven institutions.

The sweeping changes of the industrial revolution prompted Congress in 1862, with further action in 1887 and 1890, to provide Federal support for the establishment of agricultural and mechanical colleges with growing emphasis on industrial and technical education. Unfortunately, these “land-grant” schools were only for men, leaving women untrained as they entered the expanded work force. Women's advocates, such as Miss Julia Tutwiler in Alabama, immediately recognized the need for institutions where women could receive an equal education. Beginning in 1884, seven institutions in seven separate States were established as industrial schools for women. These institutions include the Mississippi University for Women, the University of Montevallo in Alabama, Georgia College and State University, Winthrop University in South Carolina, University of North Carolina at Greensboro, Texas Women's University, and the University of Science and Arts of Oklahoma. These seven institutions remain open, providing a liberal arts education for both men and women, but retain significant historical and academic features of those pioneering efforts to educate women. Despite their continued use, many of the structures located on these campuses are facing destruction or closure because preservation funds are not available. My legislation would enable these buildings to be preserved and maintained by providing funding for the historic buildings located at the colleges and universities I have identified. No more than \$14 million would be available and would be distributed in equal amounts to the seven institutions. My bill also requires a 20 percent matching contribution from non-Federal sources and assures that alterations to the properties using the funds

are subject to approval from the Secretary of Housing and Urban Development and reasonable public access for interpretive and educational purposes.

These historically women's colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for women, many of whom would not have had the opportunity otherwise. I believe it is our duty to do all we can to preserve these historic institutions, and I ask my colleagues for their support.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 256—OBSERVING THE 50TH ANNIVERSARY OF THE MUTUAL DEFENSE TREATY BETWEEN THE UNITED STATES AND THE REPUBLIC OF KOREA, AFFIRMING THE DEEP COOPERATION AND FRIENDSHIP BETWEEN THE PEOPLE OF THE UNITED STATES AND THE PEOPLE OF THE REPUBLIC OF KOREA, AND THANKING THE REPUBLIC OF KOREA FOR ITS CONTRIBUTIONS TO THE GLOBAL WAR ON TERRORISM AND TO THE STABILIZATION AND RECONSTRUCTION OF AFGHANISTAN AND IRAQ

Mr. BIDEN (for himself, Mr. LUGAR, Mr. KERRY, Mr. BROWNBACK, Mr. DODD, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 256

Whereas October 1, 2003, marked the 50th anniversary of the signing of the Mutual Defense Treaty between the United States of America and the Republic of Korea, signed at Washington October 1, 1953, and entered into force November 17, 1954 (hereinafter referred to as the "Mutual Defense Treaty");

Whereas the United States and the Republic of Korea have formed a bond through the common struggle against communist aggression;

Whereas more than 34,000 Americans lost their lives fighting in the Korean War, and approximately 37,000 men and women of the United States Armed Forces are still deployed on the Korean peninsula, enduring separation from their families and other hardships in the defense of freedom;

Whereas the Mutual Defense Treaty has been instrumental in securing peace on the Korean peninsula and providing an environment in which the Republic of Korea has become an economically vibrant, free, democratic society;

Whereas the foundation of the Mutual Defense Treaty rests not only on a common adversary, but more importantly on a shared interest in, and commitment to, peace, democracy, and freedom on the Korean peninsula, in Asia, and throughout the world;

Whereas the United States and the Republic of Korea are working closely together to find a diplomatic solution to the threat posed by North Korea's pursuit of nuclear weapons and the export by North Korea of ballistic missiles;

Whereas the Republic of Korea is making valuable contributions to the global war on terrorism, including the contribution of logistics support for international forces operating in Afghanistan;

Whereas the Republic of Korea has pledged \$260,000,000 and has already sent 700 military engineers and medical personnel to assist in the United States-led effort to stabilize and reconstruct Iraq; and

Whereas South Korea President Roh Moo-hyun pledged on October 18, 2003, to dispatch additional troops to work alongside United States and coalition forces in Iraq: Now, therefore, be it

*Resolved*, That the Senate—

(1) observes the 50th anniversary of the Mutual Defense Treaty between the United States of America and the Republic of Korea, signed at Washington October 1, 1953, and entered into force November 17, 1954;

(2) reaffirms the deep cooperation and friendship between the people of the United States and the people of the Republic of Korea; and

(3) thanks the Republic of Korea for its contributions to the global war on terrorism and to the stabilization and reconstruction of Afghanistan and Iraq.

Mr. BIDEN. Mr. President, this resolution is cosponsored by my distinguished colleague, the chairman of the Committee on Foreign Relations, Senator LUGAR, as well as Senators KERRY, BROWNBACK, DODD, and HAGEL. It recognizes the 50th anniversary of the United States-Republic of Korea Mutual Defense Treaty and is thanking the Republic of Korea for its contributions to the global war on terrorism.

The United States has no better friend in Asia than the Republic of Korea. South Koreans have been there for us time and again, just as we have been for them.

Our alliance has paid dividends on and off the Korean Peninsula. Most recently, South Korea has aided the U.S. effort in Afghanistan and Iraq. South Korea has already sent 700 military engineers and medical personnel to Iraq, and President Roh pledged on October 18 to dispatch additional troops to work alongside U.S. forces there. South Korea has also pledged \$260 million in grants to help reconstruct Iraq.

The resolution I offer today observes the 50th anniversary of our alliance, thanks South Korea for its contributions to the global war on terrorism, and reaffirms the deep cooperation and friendship that exists between our two countries.

That cooperation and friendship are sorely needed now, given the challenges posed by North Korea. North Korea today is on the verge of becoming a nuclear bomb factory. The United States needs to redouble its diplomatic efforts to persuade North Korea to change its course.

President Bush, I note, has repeatedly called for a "peaceful, diplomatic" solution to this crisis, and has worked with our friends and allies in that region toward that goal. I believe President Bush's instincts are correct on this issue.

Last week President Bush told the leaders of Asia that the United States is prepared to provide security assurances to North Korea if North Korea takes tangible steps to dismantle its nuclear program. I find that very encouraging. But in my view we need to

do more. That is essentially where we left off at the end of the last administration, when we were working within the Agreed Framework.

What we need to do is have more contact with North Korea. There were only 40 minutes of one-on-one dialog with North Korea last August in Beijing. That, with the translation requirements in such an exchange, is barely enough time to clear one's throat.

Second, we should use the combination of carrots and sticks to convince North Korea to change its course. The sticks are in play, including the proliferation security initiative and a coordinated crackdown on the North's illicit activities, including narcotics trafficking and counterfeiting, among others.

We need to identify as well some incentives for the good behavior that would come if, in fact, there is a verifiable North Korean effort along the path toward nuclear disarmament. This is not giving in to blackmail. It is a positive reinforcement, and there is a huge difference between the two.

Third, we need to sustain and consider increasing humanitarian food and medical aid to North Korea. Nothing about this crisis will be improved by having more hungry or sick North Korean children. This year, the United States provided only 40,000 tons of food aid to the North a generous donation, to be sure, but a pittance against the world program appeal of more than 600,000 tons is needed, and far below the food aid levels the United States has provided in previous years.

I note there is some dispute about the access of this food aid to the people of North Korea, people we need to help. The fact is the World Food Program and the director have reported significant progress towards monitoring delivery of food and ensuring that the aid reaches those most in need. Further, the food aid we have provided we seem fairly well assured is in fact getting where it is intended.

Finally, we need to speak with one voice. The administration has yet to fully resolve the deep internal divisions over the direction of the President's policy. Some senior officials in the administration continue to argue against this policy of engagement. As a matter of fact, they seem to occasionally look forward to tweaking the North Koreans. I might add there is very little social redeeming value in the policies of Kim Jong Il in North Korea. I am not arguing he is a particularly reasonable man, but it seems to me there should be one voice and one policy coming out of the administration. Prospects for diplomatic solutions are in direct proportion to one voice.

To state the obvious, as I know the Presiding Officer knows, time is not our ally in this crisis. The United States needs to communicate both the risks of North Korea's current path and the benefits North Korea could enjoy if it chooses to verifiably abandon its

pursuit of nuclear weapons and its export of ballistic missiles. Since the United States first confronted North Korea with allegations about its illegal program to produce highly enriched uranium last October, the North has ended its safeguards agreement with the International Atomic Energy Agency, withdrawn from the Nuclear Non-Proliferation Treaty, taken its plutonium reprocessing plant out of mothballs, begun to reprocess at least some of its 8,000 spent-fuel rods, and has activated its Yongbyon nuclear reactor to produce still more spent fuel.

I am not suggesting we should not have pointed out their violation. I am not suggesting their response is remotely approaching anything rational. What I am suggesting is a sense of urgency and a requirement for us to be on the same page with our South Korean and Japanese friends as well as continuing to engage the Chinese and the Russians in attempting to come to a resolution here.

The North's pursuit of nuclear weapons poses a great threat to the interests not only of the United States but to the entire region. As the North's stockpile of fissile material grows, the likelihood the North will test a nuclear weapon and prove the viability of its design increases, as does the difficulty of securing the North's fissile material in any crisis. Moreover, we have no guarantee North Korea will not export fissile material. All we know for certain is if the North puts a nuke on the auction block, the bidders are not likely to be our friends.

Finally, the North's nuclear ambitions could prompt other countries in the region—notably Japan and South Korea—to rethink their own opposition to nuclear arms. I don't only think that is probable but I think that is likely. As we all know, once Japan made that decision, it would be a matter of months before Japan would be a nuclear armed power. We think that would be a very bad idea. That, in my view, is why the Chinese have become so engaged now in helping us put some pressure on these multilateral talks with South Korea to get them to change their behavior. I believe China understands that if North Korea continues down this path, there is almost a certainty Japan will. Japan becoming a nuclear power would change the dynamic and the equation for the Chinese, and the race will be on.

The President has the right goal—to complete verifiable and irreversible dismantlement of the North's nuclear weapons program. The only debate is how do we get there. I think the way we get there is the President should either endow Assistant Secretary of State James Kelly with more authority to drive North Korean policy or, alternatively, appoint a special envoy with access to the President to represent the United States in future negotiations. Second, we should strive for a noncoercive negotiating environment.

This means that North Korea should freeze its reactor, cease all reprocess-

ing and uranium enrichment activities, and place under safeguards any fissile material that it has acquired since the Agreed Framework of 1994 was signed. For our part, the United States should reiterate that it has no hostile intent toward North Korea and pledge not to launch any military strikes or seek new sanctions so long as the freeze remains in place and talks to resolve the crisis continue.

Finally, we should pursue a phased, reciprocal, verifiable agreement to eliminate North Korea's nuclear weapons program, terminate its export of ballistic missiles, and more closely integrate the North into the community of nations.

Some say North Korea cannot be trusted. They are right. Modifying President Reagan's maxim, we should mistrust, and verify.

But the alternatives to negotiating are grim. Our current approach leads to one of two undesirable outcomes: Either the United States will essentially acquiesce to the North's serial production of nuclear weapons or we may find ourselves in a military confrontation with a desperate, nuclear-armed regime. Any preemptive military strike option would place millions of South Koreans and tens of thousands of Americans at risk.

How do we go to war with the North if the South does not support it, if that were the second option?

Negotiations with North Korea are not easy, but they offer us the best chance—I believe the only chance—to avoid a nuclear nightmare on the Korean peninsula.

I would like to submit a bipartisan staff report by the members of the Senate Foreign Relations Committee who traveled to North Korea immediately following the six-party talks in Beijing in August. I ask unanimous consent that it be printed in the RECORD following my marks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BIDEN. Mr. President, let me conclude by saying today's paper carries the news that the quixotic and unreliable and often inscrutable actions of the North Koreans have brought the Supreme Leader of North Korea to the position where he is now saying he will engage in multilateral talks again and resume those talks, and that he is ready to consider what has been rejected before.

That is the sense of the article.

I have no inherent faith that we can rely upon the President of North Korea. But it seems to me we have everything to gain and nothing to lose by continuing to pursue these talks. We give nothing, and at a minimum what we do is put ourselves in the position where the most isolated remaining country in the world at least is exposed to the notions of other major nations in the world, including China, Russia, South Korea, Japan, and the United States as to what we consider to be ap-

propriate behavior. Hopefully, that will have a salutary impact on the willingness to negotiate an end to these programs.

The alternative of not pursuing that is bleak. Therefore, I encourage the President of the United States to continue down this path and to continue down the path more quickly than we have thus far.

#### EXHIBIT 1

#### SIX PARTY TALKS AND THE NORTH KOREAN NUCLEAR ISSUE

OCTOBER 14, 2003.

Hon. RICHARD LUGAR,

*Chairman, Committee on Foreign Relations.*

Hon. JOSEPH R. BIDEN,

*Ranking Member, Committee on Foreign Relations.*

DEAR SENATORS LUGAR AND BIDEN: In late August, Keith Luse and Frank Jannuzzi traveled to China and North Korea, and Mr. Jannuzzi traveled to South Korea, to examine the prospects for a peaceful negotiated solution to the North Korean nuclear issue and to follow-up on an earlier set of visits to North Korea in an effort to gain greater transparency on food aid issues. Throughout the course of the visit, the staff delegation received commendable support from U.S. Diplomatic personnel. The delegation enjoyed high level access to Chinese, North Korean, and South Korean government officials, and also met with numerous academics, think tank specialists, and employees of non-governmental organizations concerned with developments on the Korean Peninsula. Our key findings, including some recommendations for next steps on the Korean Peninsula, are reported below.

Sincerely,

KEITH LUSE,

*Professional Staff  
Member, Majority  
Staff, East Asian  
and Pacific Affairs,  
Senate Foreign Relations  
Committee.*

FRANK JANNUZI,

*Professional Staff  
Member, Minority  
Staff, East Asian  
and Pacific Affairs,  
Senate Foreign Relations  
Committee.*

#### SUMMARY

Senate Foreign Relations Committee (SFRC) staff members Keith Luse and Frank Jannuzzi traveled to Northeast Asia August 21-September 2 to examine the prospects for a peaceful negotiated solution to the North Korean nuclear issue and to follow-up on their earlier set of visits to North Korea designed to push for greater North Korean transparency and accountability on food aid and humanitarian relief. The delegation expresses its appreciation to U.S. diplomatic personnel at Embassies Beijing and Seoul who helped set up productive meetings and coped with the vagaries of arranging travel to and from the Democratic People's Republic of Korea (DPRK).

Over the course of three days in Pyongyang, the delegation held a variety of meetings with officials representing the DPRK, the United Nations, and non-governmental organizations (see list of interlocutors, attached). The delegation told senior DPRK officials that the United States views North Korea's nuclear ambitions as a grave threat to international peace and stability and urged the DPRK to seek a peaceful, negotiated solution to the crisis through multilateral dialogue. The delegation visited select humanitarian relief operations, making

the point that such efforts are tangible proof that the United States has no hostile intent toward North Korea. SFRC staff strongly advised DPRK officials that they should permit greater transparency for food aid deliveries under the auspices of the World Food Program and various non-governmental organizations. The delegation pressed DPRK officials to adhere to international standards of human rights, including respect for religious freedom, and emphasized that the United States' concern for the human rights situation in North Korea reflects the deeply held convictions of the American people.

#### KEY FINDINGS

Six party talks in Beijing helped improve coordination among the five nations trying to reign in North Korea's nuclear ambitions, but DPRK officials left the talks unconvinced that the United States genuinely seeks a peaceful, negotiated solution to the crisis. DPRK officials told the staff delegation that they believe the true aim of the United States is "regime change," and that de-nuclearization is just the first step toward that objective.

Under pressure from China, the DPRK probably will come to another round of multilateral talks. However, China's encouragement for DPRK's participation will be contingent on the United States outlining specific steps it will take once the DPRK pledges to dismantle/eliminate its nuclear program. Talks could easily be derailed should North Korea decide to launch a ballistic missile or even test a nuclear weapon. Moreover, North Korea might scuttle the talks in response to the appropriate and necessary U.S. efforts to enforce the Proliferation Security Initiative (PSI) and the Illicit Activities Initiative, both of which the North interprets as attempts to "strangle" the regime.

Some North Korean officials believe that the United States continues to station nuclear weapons in South Korea.

Decision-making in the DPRK is centralized and ultimate authority rests with Kim Jong-il.

Top officials in North Korea are carefully monitoring polling data reflecting opinion on domestic politics in the United States, Japan and South Korea.

The World Food Program has taken some small, but significant steps in recent months to enhance its operations in the DPRK and reduce the likelihood of diversion of food aid. The significant reduction in U.S. food aid to North Korea (from a high of more than 300,000 tons/year to this year's 40,000 tons) may have undercut United States leverage in pressing for greater transparency on food aid. North Korean officials are convinced the United States is using food as a weapon.

Humanitarian operations run by non-governmental organizations—such as the Nautilus Institute's Village Wind Power Pilot Project and the Eugene Bell Foundation's tuberculosis treatment programs—are making important contributions to the welfare of the North Korean people and help allay DPRK suspicions about the intentions of the United States, thereby contributing to an overall political environment conducive to resolution of sensitive security issues.

After extensive discussion with the delegation, Vice Minister Kim Gye Gwan advised the DPRK would allow NGO access to some prison camps on a "case by case" basis.

There were two key differences to our earlier trips. While we were not allowed to make purchases, street vendors were present throughout Pyongyang and in Nampo, selling food and other small items. Additionally, the DPRK military appeared to be at a higher state of alert. More soldiers were armed than during our previous visits.

#### DISCUSSION

##### *North Korea isolated . . .*

Over the course of three days in North Korea, the staff delegation found DPRK officials to be disappointed by the six party Beijing talks, which they described as "five against one." In both formal meetings and informal settings, DPRK officials described the Beijing talks as "pointless" and cast doubt upon whether the North would be willing to engage in future rounds of multiparty dialogue. DPRK officials were critical of the fact that they had only 40 minutes of "direct" dialogue with U.S. Assistant Secretary of State James Kelly over the course of three days of talks in Beijing, and said they had been misled into believing the multilateral talks would provide a venue for substantive one-on-one discussions with the U.S. envoy.

In one particularly blunt exchange, DPRK Vice Foreign Minister Kim Gye Gwan told the staff delegation that the Beijing talks had "confirmed" the North's assessment that the United States has no intention of changing its "hostile policy." Kim said the DPRK, "had no choice but to maintain and reinforce its nuclear deterrent."

The SFRC delegation conveyed their personal views that a North Korean decision to enhance its nuclear weapons capabilities would be viewed by the United States as a grave threat to international peace and security and would be interpreted by Americans as a hostile act. The delegation urged the DPRK to proceed with multiparty dialogue and to refrain from any provocative actions.

DPRK officials were non-committal with respect to any future dialogue, but after the staff delegation's departure, the DPRK Foreign Ministry issued a statement claiming that the North remains "equally prepared for dialogue and for a war." This statement represented a slight softening of the stance articulated immediately after the Beijing talks, and certainly leaves the door open to another round of multi-party talks in Beijing or some other venue.

With strong encouragement from China (a senior delegation from China visited the DPRK in late September), the DPRK may agree to another round of six-party talks, if only to avoid being held directly responsible for a breakdown of the diplomatic process. It remains unclear what stance the DPRK will take at any future talks, and at what level they will be represented. Decision-making in the DPRK is highly centralized, with Kim Jong-il wielding the ultimate authority. Junior level DPRK officials such as Kim Yong-il, who represented the DPRK in Beijing in August, often are unable to engage in substantive dialogue, a fact which argues for the United States to try to elevate the talks to engage officials with real authority and the ear of Kim Jong-il.

##### *. . . and wary of U.S. intentions*

The difficult of communicating with the North Koreans was evident throughout the staff delegation's visit to Pyongyang, highlighting the risk that conflict could arise from miscalculation or mis-communication. North Korean officials with whom we met had an imperfect understanding of United States security policy, especially the recently issued National Security Strategy and Nuclear Force Posture Review. They repeatedly expressed their belief that both documents called for pre-emptive nuclear strikes against North Korea, and said the North's own nuclear program was necessary to counter this United States "nuclear threat."

Sometimes, confusion arose out of the imprecision of different English terms. DPRK officials asked the staff delegation to clarify the different meanings "simultaneous," "synchronous," "phased," and "reciprocal."

Attention to such detail suggests the DPRK is actively studying how the nuclear issue might be resolved given what they characterized as the "zero trust" which exists between the two parties.

DPRK officials took note of recent U.S. efforts to curtail North Korean involvement in narcotics trafficking, counterfeiting, and other illicit activities. DPRK officials flatly denied North Korean involvement in such illicit activities, and alleged that the United States had trumped up the charges as part of a more general campaign to "stifle" the DPRK.

##### *Food aid: slow progress on transparency and accountability*

The staff delegation met with the Flood Damage Rehabilitation Committee (FDRC) director Jong Yun-hyong, who oversees agricultural reconstruction as well as foreign food aid programs. The delegation explained to Yum that it is essential for the DPRK to enhance transparency for food aid, to open up counties currently off-limits, and to provide random access to WFP monitors seeking to verify food aid deliveries. The delegation told Yum that the level of monitoring requested by WFP was consistent with international norms, and that the DPRK could not expect donors and potential donors to contribute food aid if they did not have high confidence that the aid was reaching its intended recipients.

Yun said that security issues are paramount for the DPRK, and that the military would not permit international access to certain sensitive regions of the country. He also said that monitoring had greatly improved since food aid began to flow during the North Korean famine of the mid-1990's. Yun specifically cited the recent U.N. nutritional survey, and reported that "security officials" had initially objected to the survey, but that FDRC officials had prevailed in an inter-agency battle in order to permit the survey to be conducted. Yun argued that recent significant reductions in WFP food aid—just 300,000 metric tons in 2002, down from 811,000 tons in 2001—had made it more difficult for him to push for greater numbers of monitors and greater access for international observers. Nonetheless, Yun promised progress on monitoring in the future, and invited the international community to shift its humanitarian aid strategy away from food donations and toward "sustainable development," including agricultural reforms, new seed varieties and planting techniques, and "food for work."

The delegation met with World Food Program country director Rick Corsino, who reported slow, but significant progress toward enhanced monitoring of food aid and ensuring that aid reaches those most in need. These are the highlights:

First, WFP has terminated food aid to 17 of 21 districts of the capital city of Pyongyang after concluding that residents of the capital are on average better fed than those of outlying areas. This is an important step, both symbolically, and substantively.

Second, with the full knowledge and support of DPRK authorities, WFP is conducting Korean language training for food aid personnel stationed inside the DPRK. The DPRK continues to object to WFP bringing in Korean-speaking experts from overseas, but the growing language facility of WFP's foreign staff allows for smoother interaction with DPRK officials and higher quality monitoring in the field.

Third, WFP has increased the number of monthly inspection visits and now has approximately 50 international staff in residence in Pyongyang and at five sub-offices located in Sinuiju, Wonsan, Hamhung, Chongjin, and Hyesan. WFP is the only

international agency working in the country with international staff permanently placed outside the capital.

Fourth, WFP has sustained its access to 162 of 206 total counties in North Korea. WFP does not deliver food aid to those counties that remain off limits, most of which are concentrated along the sparsely populated mountainous "spine" of the country and along the DMZ (see attached map).

Finally, through its inspection visits, WFP is gradually building a detailed database of schools, hospitals, orphanages, and other institutions receiving WFP assistance. Although the DPRK still has not provided a comprehensive list of aid recipients—a list long requested by WFP officials—the WFP is essentially building its own list with each inspection visit.

#### *NGO's making contribution to welfare of average North Koreans*

Although WFP is the largest humanitarian organization working in North Korea, they are not the only international organization operating in North Korea. The staff delegation made a point of visiting two humanitarian operations supported by U.S. non-governmental organizations; the Village Wind Power Pilot Project run by the Nautilus Institute (with significant financial support provided by the W. Alton Jones Foundation) and a tuberculosis treatment hospital and mobile van sponsored by the Eugene Bell Foundation. These initiatives have fostered good will on a "people-to-people" basis, and have measurably improved the quality of life for the North Korean beneficiaries.

#### *Wind power*

The US-DPRK Village Wind Power Pilot Project was the first attempt by a United States NGO to work side-by-side with North Koreans in cooperative development. Previously, non-governmental organizations had been limited by both Washington and Pyongyang to delivering food aid to North Korea. The project installed seven technologically advanced wind turbine towers in a rural village on the west coast of North Korea near the port of Nampo. This region is known as a bread basket for North Korea, rich in arable land and other natural resources, including steady breezes off of the Korea Bay. The turbines provide clean, renewable energy to the village's medical clinic, kindergarten, and 67 households. In addition, a wind-powered water pump irrigates the village's fields, and has significantly boosted yields, according to villagers. The combined generating capacity of the turbines is 11.5kW.

Since the wind power project was completed in 1999, it has had its share of ups and downs. At present, the delegation found that the facility was not operating at full capacity due to maintenance problems with two inverters and damaged batteries. North Korea lacks adequately trained technicians to service the equipment, and the nuclear stand-off has disrupted visits by foreign experts needed to assess the maintenance requirements and make needed repairs.

Despite these difficulties, the DPRK participants in the project remain enthusiastic about it as a model for rural electrification, and hope to press ahead with a major wind-power survey project along the west coast in coming months. DPRK authorities told the visiting Senate staff delegation that deciding to proceed with the wind power survey requires approval from military officials worried about the collection of militarily sensitive meteorological information. Notwithstanding the sensitive nature of the data to be collected, DPRK officials believe the project will move ahead. Wind power projects could alleviate severe shortages of power in rural areas, and have the advantage

of not requiring major upgrades in North Korea's electric power grid—a grid that experts have found to be in need of major overhaul before it could accommodate the introduction of large new power plants such as the light water nuclear reactors contemplated under the Agreed Framework.

#### *Tuberculosis treatment*

Since 1995, the Eugene Bell Foundation has been working inside North Korea to fight deadly diseases like tuberculosis (TP). Eugene Bell foundation currently coordinates the delivery of TB medication, diagnostic equipment, and supplies to 1/3 of the North Korean population and approximately 50 North Korean treatment facilities (hospitals and care centers). The staff delegation visited one such hospital in Pyongyang, and also inspected one of the 17 mobile x-ray vehicles designed to navigate the North's antiquated road network.

The delegation found the Eugene Bell project to be characterized by high standards of transparency and efficiency. The foundation conducts regular site visits (more than 60 since 1995) and is able to donate goods directly to recipients rather than through third parties or government intermediaries. Staff at the hospital we visited appeared well trained and highly motivated. They were deeply appreciative of the support they receive from the United States and recognized that this humanitarian outreach occurs even at a time when the two nations do not maintain normal diplomatic relations. The Eugene Bell foundation supports 16 TB hospitals and 64 TB care centers in the DPRK. More than 200,000 patients have been treated. Moreover, serving as a conduit, the Eugene Bell foundation is currently responsible for sending tuberculosis medicine, medical aid, and equipment for approximately 1/3 of the North Korean population.

#### *Joint recovery operations*

The staff delegation met with Sr. Col. Kwak Chol-hui of the Korean People's Army, the director of the Joint Recovery Operation searching for the remains of U.S. servicemen left behind after the Korean War. The United States estimates that as many as 8,000 remains of U.S. servicemen are on DPRK soil. So far, only 378 of these remains have been recovered. More than 200 remains were found as the result of unilateral DPRK searches and returned to the United States. Just over 170 sets of remains have been recovered through the joint recovery operation.

The recovery operations are laborious. Historical records can indicate likely search areas, but only eye witnesses can pinpoint the possible locations for remains. As the population ages and the terrain of North Korea is shaped by construction, erosion, flooding, and other forces, it is becoming increasingly difficult to locate remains. Even after likely sites are identified, time-consuming excavations and careful forensic work are necessary to find and identify remains. U.S. and North Korean military personnel work side by side in the field during the recovery operations. According to U.S. participants in the operation, this interaction in the field has been constructive, deepening our understanding of the Korean People's Army.

Colonel Kwak told the delegation that the DPRK would like to expand the joint recovery operation, employing as many as 2,700 investigators to scour the country to conduct interviews with those elderly North Korean who might have knowledge of the location of U.S. remains. He indicated that the DPRK's commitment to the recovery operations is independent of the nuclear issue, and, in his opinion, should remain so. It is unclear, however, what role the DPRK envisions for U.S. forces in such an expanded operation. The

staff delegation believes that any expansion should be made contingent on greater U.S. access to those North Korean citizens claiming to have first-hand knowledge of the whereabouts of remains.

#### STAFF CONCLUSIONS

So as to reduce what we believe is a significant risk of conflict arising out of miscalculation or miscommunication, the United States should greatly expand dialogue with North Korea, both within the framework of multi-party talks, as well as through informal or "Track II" bilateral negotiations.

The United States should appoint a senior official to represent the United States solely on issues related to the Korean Peninsula. Alternatively, the Administration should endow the current negotiator, Assistant Secretary of State James Kelly, with greater authority to direct and coordinate the President's North Korea policy and gain access to more senior North Korean officials.

The United States should acknowledge recent improvements in WFP operations and continue food aid to the DPRK under UN auspices. The United States should also consider funneling a portion of future U.S. food aid through non-governmental organizations, some of which have been able to achieve strong monitoring capability for their humanitarian relief.

The U.S. should search for ways to expand outreach efforts by NGOs in the fields of rural energy development, agriculture, and public health.

The Joint Recovery Operation to identify the remains of U.S. servicemen from the Korean War affords the United States valuable contact inside North Korea. Any expansion of the operation, however, should be made contingent upon greater U.S. access to those North Korean citizens claiming to have first-hand knowledge of the whereabouts of remains.

#### LIST OF INTERLOCUTORS

##### *In Beijing, China*

Michael Green, Director Asian Affairs, National Security Council  
David Straub, Korea Desk, U.S. Department of State  
Wang Yi, Vice Foreign Minister, Chinese Ministry of Foreign Affairs  
Fu Ying, Director General, Asian Department, Chinese Ministry of Foreign Affairs  
He Yafei, Director General, North American Department, Chinese Ministry of Foreign Affairs  
Liu Jinsong, First Secretary, Asian Department, Chinese Ministry of Foreign Affairs  
Piao Jianyi, Executive Director, Center for Korean Peninsula Issues, Chinese Academy of Social Sciences  
Gu Guoliang, Director, Center for Arms Control and Nonproliferation Studies, Deputy Director, Institute of American Studies, Chinese Academy of Social Sciences  
Wang Jisi, Director, Institute of International Strategic Studies, Central Party School  
Wu Baiyi, Deputy Director, Research Division, China Institute of Contemporary International Relations  
Yang Mingjie, Director, Division of Arms Control and Security Studies, China Institute of Contemporary International Relations  
Wei Zonglei, Deputy Director, Center of U.S.-European Studies, China Institute of Contemporary International Relations  
Shi Yinhong, Director, Center for American Studies, People's University  
Ruan Zongze, Vice President, China Institute of International Studies

Liu Xuecheng, Director of American Studies, China Institute of International Studies  
 Shen Dingli, Deputy Director, Center for American Studies, Fudan University  
 Zhu Feng, Director of International Security Program, Beijing University

#### *In North Korea*

Kim Gye Gwan, Vice Minister of Foreign Affairs  
 Jong Dong-hok, First Secretary, United States Department, Ministry of Foreign Affairs  
 Lee Yong Chol and Kim Yong Nam, United States Department, Ministry of Foreign Affairs  
 Jong Yun-hyong, Director Flood Damage, Reconstruction Committee  
 Sr. Col. Kwak Chol-hui, Director, Joint Recovery Operation, Korean People's Army  
 Lt. Col. Li Jong Sop, Deputy Director, Joint Recovery Operation, Korean People's Army  
 Lt. Col. Byon Sol-hok, Joint Recovery Operation  
 Kim Song, Secretary General, Korean National Peace Committee  
 Richard Corsino, Country Director, World Food Program

#### *In South Korea*

Wi Sung-lac, Director General, North American Affairs, Ministry of Foreign Affairs  
 Park Joeong-nam, Deputy Director, North American Affairs, Ministry of Foreign Affairs  
 Yang Chang-suk, Director of International Cooperation, Ministry of Unification  
 Park Ro-Byung, Chief, Policy Coordination Bureau, National Security Council, Blue House  
 Kim Taewoo, Nuclear Policy Specialist, Korean Institute for Defense Analyses  
 Pak Yeong-tae, Korea Institute for Defense Analyses

### HEALTHY FORESTS RESTORATION ACT OF 2003

On Thursday, October 30, 2003, the Senate passed H.R. 1904, as follows:

H.R. 1904

*Resolved*, That the bill from the House of Representatives (H.R. 1904) entitled "An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to plan and conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes," do pass with the following amendments:

Strike out all after the enacting clause and insert:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the "Healthy Forests Restoration Act of 2003".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

Sec. 3. Definitions.

#### **TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND**

Sec. 101. Definitions.

Sec. 102. Authorized hazardous fuel reduction projects.

Sec. 103. Prioritization.

Sec. 104. Environmental analysis.

Sec. 105. Special administrative review process.

Sec. 106. Judicial review in United States district courts.

Sec. 107. Effect of title.

Sec. 108. Authorization of appropriations.

#### **TITLE II—BIOMASS**

Sec. 201. Findings.

Sec. 202. Definitions.

Sec. 203. Grants to improve commercial value of forest biomass for electric energy, useful heat, transportation fuels, compost, value-added products, and petroleum-based product substitutes.

Sec. 204. Reporting requirement.

Sec. 205. Improved biomass use research program.

Sec. 206. Rural revitalization through forestry.

#### **TITLE III—WATERSHED FORESTRY ASSISTANCE**

Sec. 301. Findings and purposes.

Sec. 302. Watershed forestry assistance program.

Sec. 303. Tribal watershed forestry assistance.

#### **TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES**

Sec. 401. Findings and purpose.

Sec. 402. Definitions.

Sec. 403. Accelerated information gathering regarding forest-damaging insects.

Sec. 404. Applied silvicultural assessments.

Sec. 405. Relation to other laws.

Sec. 406. Authorization of appropriations.

#### **TITLE V—HEALTHY FORESTS RESERVE PROGRAM**

Sec. 501. Establishment of healthy forests reserve program.

Sec. 502. Eligibility and enrollment of lands in program.

Sec. 503. Restoration plans.

Sec. 504. Financial assistance.

Sec. 505. Technical assistance.

Sec. 506. Protections and measures

Sec. 507. Involvement by other agencies and organizations.

Sec. 508. Authorization of appropriations.

#### **TITLE VI—PUBLIC LAND CORPS**

Sec. 601. Purposes.

Sec. 602. Definitions.

Sec. 603. Public Land Corps.

Sec. 604. Nondisplacement.

Sec. 605. Authorization of appropriations.

#### **TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM**

Sec. 701. Purpose

Sec. 702. Definitions.

Sec. 703. Rural community forestry enterprise program.

#### **TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT**

Sec. 801. Short Title.

Sec. 802. Monitoring of firefighters in disaster areas.

#### **TITLE IX—DISASTER AIR QUALITY MONITORING ACT**

Sec. 901. Short Title.

Sec. 902. Monitoring of air quality in disaster areas.

#### **TITLE X—HIGHLANDS REGION CONSERVATION**

Sec. 1001. Short title.

Sec. 1002. Findings.

Sec. 1003. Purposes.

Sec. 1004. Definitions.

Sec. 1005. Land conservation partnership projects in the Highlands region.

Sec. 1006. Forest Service and USDA programs in the Highlands region.

Sec. 1007. Private property protection and lack of regulatory effect.

#### **TITLE XI—MISCELLANEOUS PROVISIONS**

Sec. 1101. Forest inventory and management.

Sec. 1102. Program for emergency treatment and reduction of nonnative invasive plants.

Sec. 1103. USDA National Agroforestry Center.

Sec. 1104. Upland Hardwoods Research Center.

Sec. 1105. Emergency fuel reduction grants.

Sec. 1106. Eastern Nevada landscape coalition.

Sec. 1107. Sense of Congress regarding enhanced community fire protection.

Sec. 1108. Collaborative monitoring.

Sec. 1109. Best-value contracting.

Sec. 1110. Suburban and community forestry and open space program; Forest Legacy Program.

Sec. 1111. Wildland firefighter safety.

Sec. 1112. Green Mountain National Forest boundary adjustment.

Sec. 1113. Puerto Rico karst conservation.

Sec. 1114. Farm Security and Rural Development Act.

Sec. 1115. Enforcement of animal fighting prohibitions under the Animal Welfare Act.

Sec. 1116. Increase in maximum fines for violation of public land regulations and establishment of minimum fine for violation of public land fire regulations during fire ban.

#### **SEC. 2. PURPOSES.**

The purposes of this Act are—

(1) to reduce wildfire risk to communities, municipal water supplies, and other at-risk Federal land through a collaborative process of planning, prioritizing, and implementing hazardous fuel reduction projects;

(2) to authorize grant programs to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electric energy, useful heat, transportation fuel, and petroleum-based product substitutes, and for other commercial purposes;

(3) to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape;

(4) to promote systematic gathering of information to address the impact of insect and disease infestations and other damaging agents on forest and rangeland health;

(5) to improve the capacity to detect insect and disease infestations at an early stage, particularly with respect to hardwood forests; and

(6) to protect, restore, and enhance forest ecosystem components—

(A) to promote the recovery of threatened and endangered species;

(B) to improve biological diversity; and

(C) to enhance productivity and carbon sequestration.

#### **SEC. 3. DEFINITIONS.**

In this Act:

(1) **FEDERAL LAND.**—The term "Federal land" means—

(A) land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))) administered by the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)), the surface of which is administered by the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

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

#### **TITLE I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND**

##### **SEC. 101. DEFINITIONS.**

In this title:

(1) **AT-RISK COMMUNITY.**—The term "at-risk community" means an area—

(A) that is comprised of—

(i) an interface community as defined in the notice entitled "Wildland Urban Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire" issued by



the Secretary of Agriculture and the Secretary of the Interior in accordance with title IV of the Department of the Interior and Related Agencies Appropriations Act, 2001 (114 Stat. 1009) (66 Fed. Reg. 753, January 4, 2001); or

(ii) a group of homes and other structures with basic infrastructure and services (such as utilities and collectively maintained transportation routes) within or adjacent to Federal land;

(B) in which conditions are conducive to a large-scale wildland fire disturbance event; and

(C) for which a significant threat to human life or property exists as a result of a wildland fire disturbance event.

(2) **AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECT.**—The term “authorized hazardous fuel reduction project” means the measures and methods described in the definition of “appropriate tools” contained in the glossary of the Implementation Plan, on Federal land described in section 102(a) and conducted under sections 103 and 104.

(3) **COMMUNITY WILDFIRE PROTECTION PLAN.**—The term “community wildfire protection plan” means a plan for an at-risk community that—

(A) is developed within the context of the collaborative agreements and the guidance established by the Wildland Fire Leadership Council and agreed to by the applicable local government, local fire department, and State agency responsible for forest management, in consultation with interested parties and the Federal land management agencies managing land in the vicinity of the at-risk community;

(B) identifies and prioritizes areas for hazardous fuel reduction treatments and recommends the types and methods of treatment on Federal and non-Federal land that will protect 1 or more at-risk communities and essential infrastructure; and

(C) recommends measures to reduce structural ignitability throughout the at-risk community.

(4) **CONDITION CLASS 2.**—The term “condition class 2”, with respect to an area of Federal land, means the condition class description developed by the Forest Service Rocky Mountain Research Station in the general technical report entitled “Development of Coarse-Scale Spatial Data for Wildland Fire and Fuel Management” (RMRS-87), dated April 2000 (including any subsequent revision to the report), under which—

(A) fire regimes on the land have been moderately altered from historical ranges;

(B) there exists a moderate risk of losing key ecosystem components from fire;

(C) fire frequencies have increased or decreased from historical frequencies by 1 or more return intervals, resulting in moderate changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been moderately altered from the historical range of the attributes.

(5) **CONDITION CLASS 3.**—The term “condition class 3”, with respect to an area of Federal land, means the condition class description developed by the Rocky Mountain Research Station in the general technical report referred to in paragraph (4) (including any subsequent revision to the report), under which—

(A) fire regimes on land have been significantly altered from historical ranges;

(B) there exists a high risk of losing key ecosystem components from fire;

(C) fire frequencies have departed from historical frequencies by multiple return intervals, resulting in dramatic changes to—

(i) the size, frequency, intensity, or severity of fires; or

(ii) landscape patterns; and

(D) vegetation attributes have been significantly altered from the historical range of the attributes.

(6) **DAY.**—The term “day” means—

(A) a calendar day; or

(B) if a deadline imposed by this title would expire on a nonbusiness day, the end of the next business day.

(7) **DECISION DOCUMENT.**—The term “decision document” means—

(A) a decision notice (as that term is used in the Forest Service Handbook);

(B) a decision record (as that term is used in the Bureau of Land Management Handbook); and

(C) a record of decision (as that term is used in applicable regulations of the Council on Environmental Quality).

(8) **FIRE REGIME I.**—The term “fire regime I” means an area—

(A) in which historically there have been low-severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low elevation forests of pine, oak, or pinyon juniper.

(9) **FIRE REGIME II.**—The term “fire regime II” means an area—

(A) in which historically there are stand replacement severity fires with a frequency of 0 through 35 years; and

(B) that is located primarily in low- to mid-elevation rangeland, grassland, or shrubland.

(10) **FIRE REGIME III.**—The term “fire regime III” means an area—

(A) in which historically there are mixed severity fires with a frequency of 35 through 100 years; and

(B) that is located primarily in forests of mixed conifer, dry Douglas fir, or wet Ponderosa pine.

(11) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means the Implementation Plan for the Comprehensive Strategy for a Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment, dated May 2002, developed pursuant to the conference report to accompany the Department of the Interior and Related Agencies Appropriations Act, 2001 (House Report 106-64) (and subsequent revisions).

(12) **MUNICIPAL WATER SUPPLY SYSTEM.**—The term “municipal water supply system” means the reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water.

(13) **RESOURCE MANAGEMENT PLAN.**—The term “resource management plan” means—

(A) a land and resource management plan prepared for 1 or more units of land of the National Forest System described in section 3(1)(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); or

(B) a land use plan prepared for 1 or more units of the public land described in section 3(1)(B) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(14) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(B) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(15) **THREATENED AND ENDANGERED SPECIES HABITAT.**—The term “threatened and endangered species habitat” means Federal land identified in—

(A) a determination that a species is an endangered species or a threatened species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(B) a designation of critical habitat of the species under that Act; or

(C) a recovery plan prepared for the species under that Act.

(16) **WILDLAND-URBAN INTERFACE.**—The term “wildland-urban interface” means—

(A) an area within or adjacent to an at-risk community that is identified in recommenda-

tions to the Secretary in a community wildfire protection plan; or

(B) in the case of any area for which a community wildfire protection plan is not in effect—

(i) an area extending ½-mile from the boundary of an at-risk community;

(ii) an area extending more than ½-mile from the boundary of an at-risk community, if the land adjacent to the at-risk community—

(I) has a sustained steep slope that creates the potential for wildfire behavior endangering the at-risk community; or

(II) has a geographic feature that aids in creating an effective fire break, such as a road or ridge top, within ¾-mile of the nearest at-risk community boundary; and

(iii) an area that is adjacent to an evacuation route for an at-risk community that the Secretary determines, in cooperation with the at-risk community, requires hazardous fuel reduction to provide safer evacuation from the at-risk community.

#### SEC. 102. AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.

(a) **AUTHORIZED PROJECTS.**—As soon as practicable after the date of enactment of this Act, the Secretary shall implement authorized hazardous fuel reduction projects, consistent with the Implementation Plan, on—

(1) Federal land in wildland-urban interface areas;

(2) condition class 3 Federal land, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(3) condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water supply system or a stream feeding such a system within a municipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;

(4) Federal land on which windthrow or blow-down, ice storm damage, or the existence of disease or insect infestation, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adjacent non-Federal land;

(5) Federal land not covered by paragraphs (1) through (4) that contains threatened and endangered species habitat, if—

(A) natural fire regimes on that land are identified as being important for, or wildfire is identified as a threat to, an endangered species, a threatened species, or habitat of an endangered species or threatened species in a species recovery plan prepared under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), or a notice published in the Federal Register determining a species to be an endangered species or a threatened species or designating critical habitat;

(B) the authorized hazardous fuel reduction project will provide enhanced protection from catastrophic wildfire for the endangered species, threatened species, or habitat of the endangered species or threatened species; and

(C) the Secretary complies with any applicable guidelines specified in any management or recovery plan described in subparagraph (A).

(b) **RELATION TO AGENCY PLANS.**—An authorized hazardous fuel reduction project shall be conducted consistent with the resource management plan and other relevant administrative policies or decisions applicable to the Federal land covered by the project.

(c) **ACREAGE LIMITATION.**—Not more than a total of 20,000,000 acres of Federal land may be treated under authorized hazardous fuel reduction projects.



(d) **EXCLUSION OF CERTAIN FEDERAL LAND.**—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—

(1) a component of the National Wilderness Preservation System;

(2) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(3) a Wilderness Study Area.

(e) **OLD GROWTH STANDS.**—

(1) **DEFINITIONS.**—In this subsection and subsection (f):

(A) **COVERED PROJECT.**—The term “covered project” means an authorized hazardous fuel reduction project carried out under paragraph (1), (2), (3), or (5) of subsection (a).

(B) **OLD GROWTH STAND.**—The term “old growth stand” has the meaning given the term under standards used pursuant to paragraphs (3) and (4), based on the structure and composition characteristic of the forest type, and in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(C) **STANDARDS.**—The term “standards” means definitions, designations, standards, guidelines, goals, or objectives established for an old growth stand under a resource management plan developed in accordance with applicable law, including section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(2) **PROJECT REQUIREMENTS.**—In carrying out a covered project, the Secretary shall fully maintain, or contribute toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health, and retaining the large trees contributing to old growth structure.

(3) **NEWER STANDARDS.**—

(A) **IN GENERAL.**—If the standards for an old growth stand were established during the 10-year period ending on the date of enactment of this Act, the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the standards.

(B) **AMENDMENTS OR REVISIONS.**—Any amendment or revision to standards for which final administrative approval is granted after the date of enactment of this Act shall be consistent with paragraph (2) for the purpose of carrying out covered projects.

(4) **OLDER STANDARDS.**—

(A) **IN GENERAL.**—If the standards for an old growth stand were established before the 10-year period described in paragraph (3)(A), the Secretary shall meet the requirements of paragraph (2) in carrying out a covered project by implementing the standards—

(i) during the 2-year period beginning on the date of enactment of this Act; or

(ii) if the Secretary is in the process of revising a resource management plan as of the date of enactment of this Act, during the 3-year period beginning on the date of enactment of this Act.

(B) **REVIEW REQUIRED.**—During the applicable period described in subparagraph (A) for the standards for an old growth stand under a resource management plan, the Secretary shall—

(i) review the standards, taking into account any relevant scientific information made available since the adoption of the standards; and

(ii) revise the standards to be consistent with paragraph (2), if necessary to reflect relevant scientific information the Secretary did not consider in formulating the resource management plan.

(C) **REVIEW NOT COMPLETED.**—

(i) **IN GENERAL.**—If the Secretary does not complete the review of the standards in accordance with subparagraph (B), during the appli-

cable period described in subparagraph (A), the Secretary shall not carry out any portion of a covered project in a stand that is identified as an old growth stand (based on substantial supporting evidence) by any person during scoping.

(ii) **PERIOD.**—Clause (i) applies during the period—

(I) beginning on the termination of the applicable period for the standards described in subparagraph (A); and

(II) ending on the earlier of—

(aa) the date the Secretary completes the action required by subparagraph (B) for the standards; or

(bb) the date on which the acreage limitation specified in subsection (c) (as that limitation may be adjusted by subsequent Act of Congress) is reached.

(f) **LARGE TREE RETENTION.**—Except in old growth stands where the standards are consistent with subsection (e)(2), the Secretary shall carry out a covered project in a manner that—

(1) focuses largely on small diameter trees, thinning, strategic fuel breaks, and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(2) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands and the purposes of section 6(g)(3)(B) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(g)(3)(B)).

(g) **MONITORING AND ASSESSING FOREST AND RANGELAND HEALTH.**—

(1) **IN GENERAL.**—For each Forest Service administrative region and each Bureau of Land Management State Office, the Secretary shall—

(A) monitor the results of the projects authorized under this section; and

(B) not later than 5 years after the date of enactment of this Act, and each 5 years thereafter, issue a report that includes—

(i) an evaluation of the progress towards project goals; and

(ii) recommendations for modifications to the projects and management treatments.

(2) **CONSISTENCY OF PROJECTS WITH RECOMMENDATIONS.**—An authorized hazardous fuel reduction project approved following the issuance of a monitoring report shall, to the maximum extent practicable, be consistent with any applicable recommendations in the report.

(3) **SIMILAR VEGETATION TYPES.**—The results of a monitoring report shall be made available in, and (if appropriate) used for, a project conducted in a similar vegetation type on land under the jurisdiction of the Secretary.

(4) **MONITORING AND ASSESSMENTS.**—From a representative sample of authorized hazardous fuel reduction projects, for each management unit, monitoring and assessment shall include a description of the effects on changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing end results to—

(A) pretreatment conditions;

(B) historical fire regimes; and

(C) any applicable watershed or landscape goals or objectives in the resource management plan or other relevant direction.

(5) **TRACKING.**—For each management unit, the Secretary shall track acres burned, by the degree of severity, by large wildfires (as defined by the Secretary).

(6) **MONITORING AND MAINTENANCE OF TREATED AREAS.**—The Secretary shall, to the maximum extent practicable, develop a process for monitoring the need for maintenance of treated areas, over time, in order to preserve the forest health benefits achieved.

**SEC. 103. PRIORITIZATION.**

(a) **IN GENERAL.**—In accordance with the Implementation Plan, the Secretary shall develop an annual program of work for Federal land

that gives priority to authorized hazardous fuel reduction projects that provide for the protection of at-risk communities or watersheds or that implement community wildfire protection plans.

(b) **COLLABORATION.**—

(1) **IN GENERAL.**—The Secretary shall consider recommendations under subsection (a) that are made by at-risk communities that have developed community wildfire protection plans.

(2) **EXEMPTION.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the planning process and recommendations concerning community wildfire protection plans.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—Federal agency involvement in a community wildfire protection plan, or a recommendation made in a community wildfire protection plan, shall not be considered a Federal agency action under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **COMPLIANCE.**—In implementing authorized hazardous fuel reduction projects on Federal land, the Secretary shall, in accordance with section 104, comply with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(d) **FUNDING ALLOCATION.**—

(1) **FEDERAL LAND.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall use not less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(B) **APPLICABILITY AND ALLOCATION.**—The funding allocation in subparagraph (A) shall apply at the national level, and the Secretary may allocate the proportion of funds differently than is required under subparagraph (A) within individual management units as appropriate, in particular to conduct authorized hazardous fuel reduction projects on land described in section 102(a)(4).

(2) **NON-FEDERAL LAND.**—In providing financial assistance under any provision of law for hazardous fuel reduction projects on non-Federal land, the Secretary shall consider recommendations made by at-risk communities that have developed community wildfire protection plans.

**SEC. 104. ENVIRONMENTAL ANALYSIS.**

(a) **AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS.**—Except as otherwise provided in this title, the Secretary shall conduct authorized hazardous fuel reduction projects in accordance with—

(1) the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.); and

(2) other applicable laws.

(b) **ENVIRONMENTAL ASSESSMENT OR IMPACT STATEMENTS.**—

(1) **IN GENERAL.**—The Secretary shall prepare an environmental assessment or an environmental impact statement (pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2))) for any authorized hazardous fuel reduction project.

(2) **ALTERNATIVES.**—In the environmental assessment or environmental impact statement prepared under paragraph (1), the Secretary shall study, develop, and describe—

(A) the proposed agency action;

(B) the alternative of no action; and

(C) an additional action alternative, if the additional alternative—

(i) is proposed during scoping or the collaborative process; and

(ii) meets the purpose and need of the project, in accordance with regulations promulgated by the Council on Environmental Quality.

(3) **MULTIPLE ADDITIONAL ALTERNATIVES.**—If more than 1 additional alternative is proposed under paragraph (2)(C), the Secretary shall—

(A) select which additional alternative to consider; and

(B) provide a written record describing the reasons for the selection.

(c) PUBLIC NOTICE AND MEETING.—

(1) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized hazardous fuel reduction project in accordance with applicable regulations and administrative guidelines.

(2) PUBLIC MEETING.—During the preparation stage of each authorized hazardous fuel reduction project, the Secretary shall—

(A) conduct a public meeting at an appropriate location proximate to the administrative unit of the Federal land on which the authorized hazardous fuel reduction project will be conducted; and

(B) provide advance notice of the location, date, and time of the meeting.

(d) PUBLIC COLLABORATION.—In order to encourage meaningful public participation during preparation of authorized hazardous fuel reduction projects, the Secretary shall facilitate collaboration among State and local governments and Indian tribes, and participation of interested persons, during the preparation of each authorized fuel reduction project in a manner consistent with the Implementation Plan.

(e) ENVIRONMENTAL ANALYSIS AND PUBLIC COMMENT.—In accordance with section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) and the applicable regulations and administrative guidelines, the Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement for an authorized hazardous fuel reduction project.

(f) DECISION DOCUMENT.—The Secretary shall sign a decision document for authorized hazardous fuel reduction projects and provide notice of the final agency actions.

#### SEC. 105. SPECIAL ADMINISTRATIVE REVIEW PROCESS.

(a) INTERIM FINAL REGULATIONS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate interim final regulations to establish a predecisional administrative review process for the period described in paragraph (2) that will serve as the sole means by which a person can seek administrative review regarding an authorized hazardous fuel reduction project on Forest Service land.

(2) PERIOD.—The predecisional administrative review process required under paragraph (1) shall occur during the period—

(A) beginning after the completion of the environmental assessment or environmental impact statement; and

(B) ending not later than the date of the issuance of the final decision approving the project.

(3) EFFECTIVE DATE.—The interim final regulations promulgated under paragraph (1) shall take effect on the date of promulgation of the regulations.

(b) FINAL REGULATIONS.—The Secretary shall promulgate final regulations to establish the process described in subsection (a)(1) after the interim final regulations have been published and reasonable time has been provided for public comment.

(c) ADMINISTRATIVE REVIEW.—

(1) IN GENERAL.—A person may bring a civil action challenging an authorized hazardous fuel reduction project in a Federal district court only if the person has challenged the authorized hazardous fuel reduction project by exhausting—

(A) the administrative review process established by the Secretary of Agriculture under this section; or

(B) the administrative hearings and appeals procedures established by the Department of the Interior.

(2) ISSUES.—An issue may be considered in the judicial review of an action under section 106 only if the issue was raised in an administrative review process described in paragraph (1).

(3) EXCEPTION.—An exception to the requirement of exhausting the administrative review

process before seeking judicial review shall be available if a Federal court finds that the futility or inadequacy exception applies to a specific plaintiff or claim.

#### SEC. 106. JUDICIAL REVIEW IN UNITED STATES DISTRICT COURTS.

(a) VENUE.—Notwithstanding section 1391 of title 28, United States Code, or other applicable law, an authorized hazardous fuels reduction project conducted under this title shall be subject to judicial review only in the United States district court for the district in which the Federal land to be treated under the authorized hazardous fuels reduction project is located.

(b) EXPEDITIOUS COMPLETION OF JUDICIAL REVIEW.—In the judicial review of an action challenging an authorized hazardous fuel reduction project under subsection (a), Congress encourages a court of competent jurisdiction to expedite, to the maximum extent practicable, the proceedings in the action with the goal of rendering a final determination on jurisdiction, and (if jurisdiction exists) a final determination on the merits, as soon as practicable after the date on which a complaint or appeal is filed to initiate the action.

(c) INJUNCTIONS.—

(1) IN GENERAL.—Subject to paragraph (2), the length of any preliminary injunctive relief and stays pending appeal covering an authorized hazardous fuel reduction project carried out under this title shall not exceed 60 days.

(2) RENEWAL.—

(A) IN GENERAL.—A court of competent jurisdiction may issue 1 or more renewals of any preliminary injunction, or stay pending appeal, granted under paragraph (1).

(B) UPDATES.—In each renewal of an injunction in an action, the parties to the action shall present the court with updated information on the status of the authorized hazardous fuel reduction project.

(3) BALANCING OF SHORT- AND LONG-TERM EFFECTS.—As part of its weighing the equities while considering any request for an injunction that applies to an agency action under an authorized hazardous fuel reduction project, the court reviewing the project shall balance the impact to the ecosystem likely affected by the project of—

(A) the short- and long-term effects of undertaking the agency action; against

(B) the short- and long-term effects of not undertaking the agency action.

#### SEC. 107. EFFECT OF TITLE.

(a) OTHER AUTHORITY.—Nothing in this title affects, or otherwise biases, the use by the Secretary of other statutory or administrative authority (including categorical exclusions adopted to implement the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.)) to conduct a hazardous fuel reduction project on Federal land (including Federal land identified in section 102(d)) that is not conducted using the process authorized by section 104.

(b) NATIONAL FOREST SYSTEM.—For projects and activities of the National Forest System other than authorized hazardous fuel reduction projects, nothing in this title affects, or otherwise biases, the notice, comment, and appeal procedures for projects and activities of the National Forest System contained in part 215 of title 36, Code of Federal Regulations, or the consideration or disposition of any legal action brought with respect to the procedures.

#### SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated \$760,000,000 for each fiscal year to carry out—

(1) activities authorized by this title; and

(2) other hazardous fuel reduction activities of the Secretary, including making grants to States for activities authorized by law.

### TITLE II—BIOMASS

#### SEC. 201. FINDINGS.

Congress finds that—

(1) (A) thousands of communities in the United States, many located near Federal land, are at risk of wildfire;

(B) more than 100,000,000 acres of land managed by the Secretary of Agriculture and the Secretary of the Interior are at risk of catastrophic fire in the near future; and

(C) the accumulation of heavy forest and rangeland fuel loads continues to increase as a result of fire exclusion, disease, insect infestations, and drought, further raising the risk of fire each year;

(2) (A) more than 70,000,000 acres across all land ownerships are at risk of higher than normal mortality during the 15-year period beginning on the date of enactment of this Act because of insect infestation and disease; and

(B) high levels of tree mortality from insects and disease result in—

(i) increased fire risk;

(ii) loss of older trees and old growth;

(iii) degraded watershed conditions;

(iv) changes in species diversity and productivity;

(v) diminished fish and wildlife habitat;

(vi) decreased timber values; and

(vii) increased threats to homes, businesses, and community watersheds;

(3) (A) preventive treatments (such as reducing fuel loads, crown density, ladder fuels, and hazard trees), planting proper species mix, restoring and protecting early successional habitat, and completing other specific restoration treatments designed to reduce the susceptibility of forest and rangeland to insect outbreaks, disease, and catastrophic fire present the greatest opportunity for long-term forest and rangeland health, maintenance, and enhancement by creating a mosaic of species-mix and age distribution; and

(B) those vegetation management treatments are widely acknowledged to be more successful and cost-effective than suppression treatments in the case of insects, disease, and fire;

(4) (A) the byproducts of vegetative management treatment (such as trees, brush, thinnings, chips, slash, and other hazardous fuels) removed from forest and rangeland represent an abundant supply of—

(i) biomass for biomass-to-energy facilities; and

(ii) raw material for business; and

(B) there are currently few markets for the extraordinary volumes of by-products being generated as a result of the necessary large-scale preventive treatment activities; and

(5) the United States should—

(A) promote economic and entrepreneurial opportunities in using by-products removed through vegetation treatment activities relating to hazardous fuels reduction, disease, and insect infestation;

(B) develop and expand markets for traditionally underused wood and biomass as an outlet for by-products of preventive treatment activities; and

(C) promote research and development to provide, for the by-products, economically and environmentally sound—

(i) management systems;

(ii) harvest and transport systems; and

(iii) utilization options.

#### SEC. 202. DEFINITIONS.

In this title:

(1) BIOMASS.—The term “biomass” means trees and woody plants (including limbs, tops, needles, other woody parts, and wood waste) and byproducts of preventive treatment (such as wood, brush, thinnings, chips, and slash) that are removed—

(A) to reduce hazardous fuels;

(B) to reduce the risk of or to contain disease or insect infestation; or

(C) to improve forest health and wildlife habitat conditions.

(2) PERSON.—The term “person” includes—

(A) an individual;

(B) a community (as determined by the Secretary);

(C) an Indian tribe;

(D) a small business, microbusiness, or a corporation that is incorporated in the United States; and

(E) a nonprofit organization.

(3) **PREFERRED COMMUNITY.**—The term “preferred community” means—

(A) any town, township, municipality, Indian tribe, or other similar unit of local government (as determined by the Secretary) that—

(i) has a population of not more than 50,000 individuals; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land that—

(I) is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) suffers from disease or insect infestation; or

(B) any area or unincorporated area represented by a nonprofit organization approved by the Secretary, that—

(i) is not wholly contained within a metropolitan statistical area; and

(ii) the Secretary, in the sole discretion of the Secretary, determines contains or is located near, or with a water supply system that contains or is located near, land—

(I) the condition of which is at significant risk of catastrophic wildfire, disease, or insect infestation; or

(II) that suffers from disease or insect infestation.

(4) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Federal land under the jurisdiction of the Secretary of the Interior (including land held in trust for the benefit of an Indian tribe).

**SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRIC ENERGY, USEFUL HEAT, TRANSPORTATION FUELS, COMPOST, VALUE-ADDED PRODUCTS, AND PETROLEUM-BASED PRODUCT SUBSTITUTES.**

(a) **BIOMASS COMMERCIAL UTILIZATION GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary may make grants to any person that owns or operates a facility that uses biomass as a raw material to produce electric energy, sensible heat, transportation fuels, substitutes for petroleum-based products, wood-based products, pulp, or other commercial products to offset the costs incurred to purchase biomass for use by the facility.

(2) **GRANT AMOUNTS.**—A grant under this subsection may not exceed \$20 per green ton of biomass delivered.

(3) **MONITORING OF GRANT RECIPIENT ACTIVITIES.**—

(A) **IN GENERAL.**—As a condition of a grant under this subsection, the grant recipient shall keep such records as the Secretary may require to fully and correctly disclose the use of the grant funds and all transactions involved in the purchase of biomass.

(B) **ACCESS.**—On notice by a representative of the Secretary, the grant recipient shall afford the representative—

(i) reasonable access to the facility that purchases or uses biomass; and

(ii) an opportunity to examine the inventory and records of the facility.

(b) **VALUE-ADDED GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary—

(A) may make grants to persons to offset the cost of projects to add value to biomass; and

(B) in making a grant under subparagraph (A), shall give preference to persons in preferred communities.

(2) **SELECTION.**—The Secretary shall select a grant recipient under paragraph (1)(A) after giving consideration to—

(A) the anticipated public benefits of the project;

(B) opportunities for the creation or expansion of small businesses and microbusinesses resulting from the project; and

(C) the potential for new job creation as a result of the project.

(3) **GRANT AMOUNT.**—A grant under this subsection shall not exceed \$100,000.

(c) **RELATION TO OTHER ENDANGERED SPECIES AND RIPARIAN PROTECTIONS.**—

(1) **IN GENERAL.**—The Secretary shall comply with applicable endangered species and riparian protections in making grants under this section.

(2) **PROJECTS.**—Projects funded using grant proceeds shall be required to comply with the protections.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$25,000,000 for each of fiscal years 2004 through 2008.

**SEC. 204. REPORTING REQUIREMENT.**

(a) **REPORT REQUIRED.**—Not later than October 1, 2008, the Secretary of Agriculture, in consultation with the Secretary of the Interior, shall submit to the Committee on Resources and the Committee on Agriculture of the House of Representatives and the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the grant programs authorized by section 203.

(b) **CONTENTS OF REPORT.**—The report shall include—

(1) an identification of the source, size, type, and the end-use of biomass by persons that receive grants under section 203;

(2) the haul costs incurred and the distance between the land from which the biomass was removed and the facilities that used the biomass;

(3) the economic impacts, particularly new job creation, resulting from the grants to and operation of the eligible operations; and

(4) the environmental effects of the activities described in this section.

**SEC. 205. IMPROVED BIOMASS USE RESEARCH PROGRAM.**

(a) **USES OF GRANTS, CONTRACTS, AND ASSISTANCE.**—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106-224) is amended—

(1) in paragraph (3), by striking “or” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(5) research to integrate silviculture, harvesting, product development, processing information, and economic evaluation to provide the science, technology, and tools to forest managers and community developers for use in evaluating forest treatment and production alternatives, including—

“(A) to develop tools that would enable land managers, locally or in a several-State region, to estimate—

“(i) the cost to deliver varying quantities of wood to a particular location; and

“(ii) the amount that could be paid for stumpage if delivered wood was used for a specific mix of products;

“(B) to conduct research focused on developing appropriate thinning systems and equipment designs that are—

“(i) capable of being used on land without significant adverse effects on the land;

“(ii) capable of handling large and varied landscapes;

“(iii) adaptable to handling a wide variety of tree sizes;

“(iv) inexpensive; and

“(v) adaptable to various terrains; and

“(C) to develop, test, and employ in the training of forestry managers and community developers curricula materials and training programs on matters described in subparagraphs (A) and (B).”

(b) **FUNDING.**—Section 310(b) of the Biomass Research and Development Act of 2000 (7 U.S.C.

7624 note; Public Law 106-224) is amended by striking “\$49,000,000” and inserting “\$54,000,000”.

**SEC. 206. RURAL REVITALIZATION THROUGH FORESTRY.**

Section 2371 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6601) is amended by adding at the end the following:

“(d) **RURAL REVITALIZATION TECHNOLOGIES.**—

“(1) **IN GENERAL.**—The Secretary of Agriculture, acting through the Chief of the Forest Service, in consultation with the State and Private Forestry Technology Marketing Unit at the Forest Products Laboratory, and in collaboration with eligible institutions, may carry out a program—

“(A) to accelerate adoption of technologies using biomass and small-diameter materials;

“(B) to create community-based enterprises through marketing activities and demonstration projects; and

“(C) to establish small-scale business enterprises to make use of biomass and small-diameter materials.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2004 through 2008.”

**TITLE III—WATERSHED FORESTRY ASSISTANCE**

**SEC. 301. FINDINGS AND PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that the proper stewardship of forest land is essential to sustaining and restoring the health of watersheds;

(3) forests can provide essential ecological services in filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, which makes forest restoration worthy of special focus; and

(4) strengthened education, technical assistance, and financial assistance for nonindustrial private forest landowners and communities, relating to the protection of watershed health, is needed to realize the expectations of the general public.

(b) **PURPOSES.**—The purposes of this title are—

(1) to improve landowner and public understanding of the connection between forest management and watershed health;

(2) to encourage landowners to maintain tree cover on property and to use tree plantings and vegetative treatments as creative solutions to watershed problems associated with varying land uses;

(3) to enhance and complement forest management and buffer use for watersheds, with an emphasis on community watersheds;

(4) to establish new partnerships and collaborative watershed approaches to forest management, stewardship, and conservation;

(5) to provide technical and financial assistance to States to deliver a coordinated program that enhances State forestry best-management practices programs, and conserves and improves forested land and potentially forested land, through technical, financial, and educational assistance to qualifying individuals and entities; and

(6) to maximize the proper management and conservation of wetland forests and to assist in the restoration of those forests.

**SEC. 302. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

**“SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.**

“(a) **DEFINITION OF NONINDUSTRIAL PRIVATE FOREST LAND.**—In this section, the term ‘non-industrial private forest land’ means rural land, as determined by the Secretary, that—

"(1) has existing tree cover or that is suitable for growing trees; and

"(2) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decisionmaking authority over the land.

"(b) GENERAL AUTHORITY AND PURPOSE.—The Secretary, acting through the Chief of the Forest Service, may provide technical, financial, and related assistance to State foresters, equivalent State officials, and officials of the Cooperative State Research, Education, and Extension Service for the purpose of expanding State forest stewardship capacities and activities through State forestry best-management practices and other means at the State level to address watershed issues on non-Federal forested land and potentially forested land.

"(c) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

"(1) IN GENERAL.—The Secretary, in cooperation with State foresters, officials of the Cooperative State Research, Education, and Extension Service, or equivalent State officials, shall engage interested members of the public, including nonprofit organizations and local watershed councils, to develop a program of technical assistance to protect water quality described in paragraph (2).

"(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

"(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, and local levels;

"(B) to provide State forestry best-management practices and water quality technical assistance directly to owners of nonindustrial private forest land;

"(C) to provide technical guidance to land managers and policymakers for water quality protection through forest management;

"(D) to complement State and local efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal and State agencies charged with responsibility for water and watershed management; and

"(E) to provide enhanced forest resource data and support for improved implementation and monitoring of State forestry best-management practices.

"(3) IMPLEMENTATION.—In the case of a participating State, the program of technical assistance shall be implemented by State foresters or equivalent State officials.

"(d) WATERSHED FORESTRY COST-SHARE PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a watershed forestry cost-share program—

"(A) which shall be—

"(i) administered by the Forest Service; and

"(ii) implemented by State foresters or equivalent State officials in participating States; and

"(B) under which funds or other support provided to participating States shall be made available for State forestry best-management practices programs and watershed forestry projects.

"(2) WATERSHED FORESTRY PROJECTS.—The State forester, State Research, Education and Extension official, or equivalent State official of a participating State, in coordination with the State Forest Stewardship Coordinating Committee established under section 19(b) (or an equivalent committee) for that State, shall make awards to communities, nonprofit groups, and owners of nonindustrial private forest land under the program for watershed forestry projects described in paragraph (3).

"(3) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to watershed health and condition through—

"(A) the use of trees as solutions to water quality problems in urban and rural areas;

"(B) community-based planning, involvement, and action through State, local and nonprofit partnerships;

"(C) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

"(D) watershed-scale forest management activities and conservation planning; and

"(E)(i) the restoration of wetland (as defined by the States) and stream-side forests; and

"(ii) the establishment of riparian vegetative buffers.

"(4) COST-SHARING.—

"(A) FEDERAL SHARE.—

"(i) FUNDS UNDER THIS SUBSECTION.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

"(ii) OTHER FEDERAL FUNDS.—The percentage of the cost of a project described in clause (i) that is not covered by funds made available under this subsection may be paid using other Federal funding sources, except that the total Federal share of the costs of the project may not exceed 90 percent.

"(B) FORM.—The non-Federal share of the costs of a project may be provided in the form of cash, services, or other in-kind contributions.

"(5) PRIORITIZATION.—The State Forest Stewardship Coordinating Committee for a State, or equivalent State committee, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

"(6) WATERSHED FORESTER.—Financial and technical assistance shall be made available to the State Forester or equivalent State official to create a State watershed or best-management practice forester position to—

"(A) lead statewide programs; and

"(B) coordinate watershed-level projects.

"(e) DISTRIBUTION.—

"(1) IN GENERAL.—Of the funds made available for a fiscal year under subsection (g), the Secretary shall use—

"(A) at least 75 percent of the funds to carry out the cost-share program under subsection (d); and

"(B) the remainder of the funds to deliver technical assistance, education, and planning, at the local level, through the State Forester or equivalent State official.

"(2) SPECIAL CONSIDERATIONS.—Distribution of funds by the Secretary among States under paragraph (1) shall be made only after giving appropriate consideration to—

"(A) the acres of agricultural land, nonindustrial private forest land, and highly erodible land in each State;

"(B) the miles of riparian buffer needed;

"(C) the miles of impaired stream segments and other impaired water bodies where forestry practices can be used to restore or protect water resources;

"(D) the number of owners of nonindustrial private forest land in each State; and

"(E) water quality cost savings that can be achieved through forest watershed management.

"(f) WILLING OWNERS.—

"(1) IN GENERAL.—Participation of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section is voluntary.

"(2) WRITTEN CONSENT.—The watershed forestry assistance program shall not be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definitive decisionmaking over, the nonindustrial private forest land.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$15,000,000 for each of fiscal years 2004 through 2008."

#### SEC. 303. TRIBAL WATERSHED FORESTRY ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary"), acting through the Chief of the Forest Service, shall provide technical, financial, and related assistance to Indian tribes for the purpose of expanding tribal stewardship capacities and activities through tribal forestry best-management

practices and other means at the tribal level to address watershed issues on land under the jurisdiction of or administered by the Indian tribes.

(b) TECHNICAL ASSISTANCE TO PROTECT WATER QUALITY.—

(1) IN GENERAL.—The Secretary, in cooperation with Indian tribes, shall develop a program to provide technical assistance to protect water quality, as described in paragraph (2).

(2) PURPOSE OF PROGRAM.—The program under this subsection shall be designed—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, regional, tribal, and local levels;

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes;

(C) to provide technical guidance to tribal land managers and policy makers for water quality protection through forest management;

(D) to complement tribal efforts to protect water quality and provide enhanced opportunities for consultation and cooperation among Federal agencies and tribal entities charged with responsibility for water and watershed management; and

(E) to provide enhanced forest resource data and support for improved implementation and monitoring of tribal forestry best-management practices.

(c) WATERSHED FORESTRY PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a watershed forestry program to be administered by Indian tribes.

(2) PROGRAMS AND PROJECTS.—Funds or other support provided under the program shall be made available for tribal forestry best-management practices programs and watershed forestry projects.

(3) ANNUAL AWARDS.—The Secretary shall annually make awards to Indian tribes to carry out this subsection.

(4) PROJECT ELEMENTS AND OBJECTIVES.—A watershed forestry project shall accomplish critical forest stewardship, watershed protection, and restoration needs within land under the jurisdiction of or administered by an Indian tribe by demonstrating the value of trees and forests to watershed health and condition through—

(A) the use of trees as solutions to water quality problems;

(B) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;

(C) watershed-scale forest management activities and conservation planning;

(D) the restoration of wetland and stream-side forests and the establishment of riparian vegetative buffers; and

(E) tribal-based planning, involvement, and action through State, tribal, local, and nonprofit partnerships.

(5) PRIORITIZATION.—An Indian tribe that participates in the program under this subsection shall prioritize watersheds in land under the jurisdiction of or administered by the Indian tribe to target watershed forestry projects funded under this subsection.

(6) WATERSHED FORESTER.—The Secretary may provide to Indian tribes under this section financial and technical assistance to establish a position of tribal forester to lead tribal programs and coordinate small watershed-level projects.

(d) DISTRIBUTION.—The Secretary shall devote—

(1) at least 75 percent of the funds made available for a fiscal year under subsection (e) to the program under subsection (c); and

(2) the remainder of the funds to deliver technical assistance, education, and planning on the ground to Indian tribes.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$2,500,000 for each of fiscal years 2004 through 2008.

#### TITLE IV—INSECT INFESTATIONS AND RELATED DISEASES

##### SEC. 401. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) high levels of tree mortality resulting from insect infestation (including the interaction between insects and diseases) may result in—

- (A) increased fire risk;
- (B) loss of old trees and old growth;
- (C) loss of threatened and endangered species;
- (D) loss of species diversity;
- (E) degraded watershed conditions;
- (F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and

(G) decreased timber values;

(2)(A) forest-damaging insects destroy hundreds of thousands of acres of trees each year;

(B) in the West, more than 21,000,000 acres are at high risk of forest-damaging insect infestation, and in the South, more than 57,000,000 acres are at risk across all land ownerships; and

(C) severe drought conditions in many areas of the South and West will increase the risk of forest-damaging insect infestations;

(3) the hemlock woolly adelgid is—

(A) destroying streamside forests throughout the mid-Atlantic and Appalachian regions;

(B) threatening water quality and sensitive aquatic species; and

(C) posing a potential threat to valuable commercial timber land in northern New England;

(4)(A) the emerald ash borer is a nonnative, invasive pest that has quickly become a major threat to hardwood forests because an emerald ash borer infestation is almost always fatal to affected trees; and

(B) the emerald ash borer pest threatens to destroy more than 692,000,000 ash trees in forests in Michigan and Ohio alone, and between 5 and 10 percent of urban street trees in the Upper Midwest;

(5)(A) epidemic populations of Southern pine beetles are ravaging forests in Alabama, Arkansas, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; and

(B) in 2001, Florida and Kentucky experienced 146 percent and 111 percent increases, respectively, in Southern pine beetle populations;

(6) those epidemic outbreaks of Southern pine beetles have forced private landowners to harvest dead and dying trees, in rural areas and increasingly urbanized settings;

(7) according to the Forest Service, recent outbreaks of the red oak borer in Arkansas and Missouri have been unprecedented, with more than 1,000,000 acres infested at population levels never seen before;

(8) much of the damage from the red oak borer has taken place in national forests, and the Federal response has been inadequate to protect forest ecosystems and other ecological and economic resources;

(9)(A) previous silvicultural assessments, while useful and informative, have been limited in scale and scope of application; and

(B) there have not been sufficient resources available to adequately test a full array of individual and combined applied silvicultural assessments;

(10) only through the full funding, development, and assessment of potential applied silvicultural assessments over specific time frames across an array of environmental and climatic conditions can the most innovative and cost effective management applications be determined that will help reduce the susceptibility of forest ecosystems to attack by forest pests;

(11)(A) often, there are significant interactions between insects and diseases;

(B) many diseases (such as white pine blister rust, beech bark disease, and many other diseases) can weaken trees and forest stands and predispose trees and forest stands to insect attack; and

(C) certain diseases are spread using insects as vectors (including Dutch elm disease and pine pitch canker); and

(12) funding and implementation of an initiative to combat forest pest infestations and associated diseases should not come at the expense

of supporting other programs and initiatives of the Secretary.

(b) **PURPOSES.**—The purposes of this title are—

(1) to require the Secretary to develop an accelerated basic and applied assessment program to combat infestations by forest-damaging insects and associated diseases;

(2) to enlist the assistance of colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions), State agencies, and private landowners to carry out the program; and

(3) to carry out applied silvicultural assessments.

#### **SEC. 402. DEFINITIONS.**

In this title:

(1) **APPLIED SILVICULTURAL ASSESSMENT.**—

(A) **IN GENERAL.**—The term “applied silvicultural assessment” means any vegetative or other treatment carried out for a purpose described in section 403.

(B) **INCLUSIONS.**—The term “applied silvicultural assessment” includes (but is not limited to) timber harvesting, thinning, prescribed burning, pruning, and any combination of those activities.

(2) **1890 INSTITUTION.**—

(A) **IN GENERAL.**—The term “1890 Institution” means a college or university that is eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.).

(B) **INCLUSION.**—The term “1890 Institution” includes Tuskegee University.

(3) **FOREST-DAMAGING INSECT.**—The term “forest-damaging insect” means—

- (A) a Southern pine beetle;
- (B) a mountain pine beetle;
- (C) a spruce bark beetle;
- (D) a gypsy moth;
- (E) a hemlock woolly adelgid;
- (F) an emerald ash borer;
- (G) a red oak borer;
- (H) a white oak borer; and

(I) such other insects as may be identified by the Secretary.

(4) **SECRETARY.**—The term “Secretary” means—

(A) the Secretary of Agriculture, acting through the Forest Service, with respect to National Forest System land; and

(B) the Secretary of the Interior, acting through appropriate offices of the United States Geological Survey, with respect to federally owned land administered by the Secretary of the Interior.

#### **SEC. 403. ACCELERATED INFORMATION GATHERING REGARDING FOREST-DAMAGING INSECTS.**

(a) **INFORMATION GATHERING.**—The Secretary, acting through the Forest Service and United States Geological Survey, as appropriate, shall establish an accelerated program—

(1) to plan, conduct, and promote comprehensive and systematic information gathering on forest-damaging insects and associated diseases, including an evaluation of—

(A) infestation, prevention, and suppression methods;

(B) effects of infestations and associated disease interactions on forest ecosystems;

(C) restoration of forest ecosystem efforts;

(D) utilization options regarding infested trees; and

(E) models to predict the occurrence, distribution, and impact of outbreaks of forest-damaging insects and associated diseases;

(2) to assist land managers in the development of treatments and strategies to improve forest health and reduce the susceptibility of forest ecosystems to severe infestations of forest-damaging insects and associated diseases on Federal land and State and private land; and

(3) to disseminate the results of the information gathering, treatments, and strategies.

(b) **COOPERATION AND ASSISTANCE.**—The Secretary shall—

(1) establish and carry out the program in cooperation with—

(A) scientists from colleges and universities (including forestry schools, land grant colleges and universities, and 1890 Institutions);

(B) Federal, State, and local agencies; and

(C) private and industrial landowners; and

(2) designate such colleges and universities to assist in carrying out the program.

#### **SEC. 404. APPLIED SILVICULTURAL ASSESSMENTS.**

(a) **ASSESSMENT EFFORTS.**—For information gathering and research purposes, the Secretary may conduct applied silvicultural assessments on Federal land that the Secretary determines is at risk of infestation by, or is infested with, forest-damaging insects.

(b) **LIMITATIONS.**—

(1) **EXCLUSION OF CERTAIN AREAS.**—Subsection (a) does not apply to—

(A) a component of the National Wilderness Preservation System;

(B) any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited;

(C) a congressionally-designated wilderness study area; or

(D) an area in which activities under subsection (a) would be inconsistent with the applicable land and resource management plan.

(2) **CERTAIN TREATMENT PROHIBITED.**—Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(3) **PEER REVIEW.**—

(A) **IN GENERAL.**—Before being carried out, each applied silvicultural assessment under this title shall be peer reviewed by scientific experts selected by the Secretary, which shall include non-Federal experts.

(B) **EXISTING PEER REVIEW PROCESSES.**—The Secretary may use existing peer review processes to the extent the processes comply with subparagraph (A).

(c) **PUBLIC NOTICE AND COMMENT.**—

(1) **PUBLIC NOTICE.**—The Secretary shall provide notice of each applied silvicultural assessment proposed to be carried out under this section.

(2) **PUBLIC COMMENT.**—The Secretary shall provide an opportunity for public comment before carrying out an applied silviculture assessment under this section.

(d) **CATEGORICAL EXCLUSION.**—

(1) **IN GENERAL.**—Applied silvicultural assessment and research treatments carried out under this section on not more than 1,000 acres for an assessment or treatment may be categorically excluded from documentation in an environmental impact statement and environmental assessment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(2) **ADMINISTRATION.**—Applied silvicultural assessments and research treatments categorically excluded under paragraph (1)—

(A) shall not be carried out in an area that is adjacent to another area that is categorically excluded under paragraph (1) that is being treated with similar methods; and

(B) shall be subject to the extraordinary circumstances procedures established by the Secretary pursuant to section 1508.4 of title 40, Code of Federal Regulations.

(3) **MAXIMUM CATEGORICAL EXCLUSION.**—The total number of acres categorically excluded under paragraph (1) shall not exceed 250,000 acres.

(4) **NO ADDITIONAL FINDINGS REQUIRED.**—In accordance with paragraph (1), the Secretary shall not be required to make any findings as to whether an applied silvicultural assessment project, either individually or cumulatively, has a significant effect on the environment.

#### **SEC. 405. RELATION TO OTHER LAWS.**

The authority provided to each Secretary under this title is supplemental to, and not in lieu of, any authority provided to the Secretaries under any other law.

**SEC. 406. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this title for each of fiscal years 2004 through 2008.

**TITLE V—HEALTHY FORESTS RESERVE PROGRAM****SEC. 501. ESTABLISHMENT OF HEALTHY FORESTS RESERVE PROGRAM.**

(a) **ESTABLISHMENT.**—The Secretary of Agriculture shall establish the healthy forests reserve program for the purpose of restoring and enhancing forest ecosystems—

(1) to promote the recovery of threatened and endangered species;

(2) to improve biodiversity; and

(3) to enhance carbon sequestration.

(b) **COORDINATION.**—The Secretary of Agriculture shall carry out the healthy forests reserve program in coordination with the Secretary of the Interior and the Secretary of Commerce.

**SEC. 502. ELIGIBILITY AND ENROLLMENT OF LANDS IN PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Agriculture, in coordination with the Secretary of the Interior and the Secretary of Commerce, shall describe and define forest ecosystems that are eligible for enrollment in the healthy forests reserve program.

(b) **ELIGIBILITY.**—To be eligible for enrollment in the healthy forests reserve program, land shall be—

(1) private land the enrollment of which will restore, enhance, or otherwise measurably increase the likelihood of recovery of a species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) private land the enrollment of which will restore, enhance, or otherwise measurably improve the well-being of species that—

(A) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(B) are candidates for such listing, State-listed species, or special concern species.

(c) **OTHER CONSIDERATIONS.**—In enrolling land that satisfies the criteria under subsection (b), the Secretary of Agriculture shall give additional consideration to land the enrollment of which will—

(1) improve biological diversity; and

(2) increase carbon sequestration.

(d) **ENROLLMENT BY WILLING OWNERS.**—The Secretary of Agriculture shall enroll land in the healthy forests reserve program only with the consent of the owner of the land.

(e) **MAXIMUM ENROLLMENT.**—The total number of acres enrolled in the healthy forests reserve program shall not exceed 2,000,000 acres.

(f) **METHODS OF ENROLLMENT.**—

(1) **IN GENERAL.**—Land may be enrolled in the healthy forests reserve program in accordance with—

(A) a 10-year cost-share agreement;

(B) a 30-year agreement; or

(C) an agreement of not more than 99 years.

(2) **PROPORTION.**—The extent to which each enrollment method is used shall be based on the approximate proportion of owner interest expressed in that method in comparison to the other methods.

(g) **ENROLLMENT PRIORITY.**—

(1) **SPECIES.**—The Secretary of Agriculture shall give priority to the enrollment of land that provides the greatest conservation benefit to—

(A) primarily, species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) secondarily, species that—

(i) are not listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); but

(ii) are candidates for such listing, State-listed species, or special concern species.

(2) **COST-EFFECTIVENESS.**—The Secretary of Agriculture shall also consider the cost-effec-

tiveness of each agreement, and associated restoration plans, so as to maximize the environmental benefits per dollar expended.

**SEC. 503. RESTORATION PLANS.**

(a) **IN GENERAL.**—Land enrolled in the healthy forests reserve program shall be subject to a restoration plan, to be developed jointly by the landowner and the Secretary of Agriculture.

(b) **PRACTICES.**—The restoration plan shall require such restoration practices as are necessary to restore and enhance habitat for—

(1) species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) animal or plant species before the species reach threatened or endangered status, such as candidate, State-listed species, and special concern species.

**SEC. 504. FINANCIAL ASSISTANCE.**

(a) **AGREEMENTS OF NOT MORE THAN 99 YEARS.**—In the case of land enrolled in the healthy forests reserve program using an agreement of not more than 99 years described in section 502(f)(1)(C), the Secretary of Agriculture shall pay the owner of the land an amount equal to not less than 75 percent, nor more than 100 percent, of (as determined by the Secretary)—

(1) the fair market value of the enrolled land during the period the land is subject to the agreement, less the fair market value of the land encumbered by the agreement; and

(2) the actual costs of the approved conservation practices or the average cost of approved practices carried out on the land during the period in which the land is subject to the agreement.

(b) **30-YEAR AGREEMENT.**—In the case of land enrolled in the healthy forests reserve program using a 30-year agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 75 percent of the fair market value of the land, less the fair market value of the land encumbered by the agreement; and

(2) 75 percent of the actual costs of the approved conservation practices or 75 percent of the average cost of approved practices.

(c) **10-YEAR AGREEMENT.**—In the case of land enrolled in the healthy forests reserve program using a 10-year cost-share agreement, the Secretary of Agriculture shall pay the owner of the land an amount equal to not more than (as determined by the Secretary)—

(1) 50 percent of the actual costs of the approved conservation practices; or

(2) 50 percent of the average cost of approved practices.

(d) **ACCEPTANCE OF CONTRIBUTIONS.**—The Secretary of Agriculture may accept and use contributions of non-Federal funds to make payments under this section.

**SEC. 505. TECHNICAL ASSISTANCE.**

(a) **IN GENERAL.**—The Secretary of Agriculture shall provide landowners with technical assistance to assist the owners in complying with the terms of plans (as included in agreements) under the healthy forests reserve program.

(b) **TECHNICAL SERVICE PROVIDERS.**—The Secretary of Agriculture may request the services of, and enter into cooperative agreements with, individuals or entities certified as technical service providers under section 1242 of the Food Security Act of 1985 (16 U.S.C. 3842), to assist the Secretary in providing technical assistance necessary to develop and implement the healthy forests reserve program.

**SEC. 506. PROTECTIONS AND MEASURES**

(a) **PROTECTIONS.**—In the case of a landowner that enrolls land in the program and whose conservation activities result in a net conservation benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances and protection under—

(1) section 7(b)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(b)(4)); or

(2) section 10(a)(1) of that Act (16 U.S.C. 1539(a)(1)).

(b) **MEASURES.**—If protection under subsection (a) requires the taking of measures that are in addition to the measures covered by the applicable restoration plan agreed to under section 503, the cost of the additional measures, as well as the cost of any permit, shall be considered part of the restoration plan for purposes of financial assistance under section 504.

**SEC. 507. INVOLVEMENT BY OTHER AGENCIES AND ORGANIZATIONS.**

In carrying out this title, the Secretary of Agriculture may consult with—

(1) nonindustrial private forest landowners;

(2) other Federal agencies;

(3) State fish and wildlife agencies;

(4) State forestry agencies;

(5) State environmental quality agencies;

(6) other State conservation agencies; and

(7) nonprofit conservation organizations.

**SEC. 508. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title—

(1) \$25,000,000 for fiscal year 2004; and

(2) such sums as are necessary for each of fiscal years 2005 through 2008.

**TITLE VI—PUBLIC LAND CORPS****SEC. 601. PURPOSES.**

The purposes of this title are—

(1) to carry out, in a cost-effective and efficient manner, rehabilitation, enhancement, and beautification projects;

(2) to offer young people, ages 16 through 25, particularly those who are at-risk or economically disadvantaged, the opportunity to gain productive employment and exposure to the world of work;

(3) to give those young people the opportunity to serve their communities and their country; and

(4) to expand educational opportunities by rewarding individuals who participate in the Public Land Corps with an increased ability to pursue higher education or job training.

**SEC. 602. DEFINITIONS.**

In this title:

(1) **ALASKA NATIVE CORPORATION.**—The term “Alaska Native Corporation” means a Regional Corporation or Village Corporation, as defined in section 101(11) of the National and Community Service Act of 1990 (42 U.S.C. 12511(11)).

(2) **CORPS.**—The term “Corps” means the Public Land Corps established under section 603(a).

(3) **HAWAIIAN HOME LANDS.**—The term “Hawaiian home lands” means that term, within the meaning of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

(4) **INDIAN LANDS.**—The term “Indian lands” has the meaning given the term in section 101 of the National and Community Service Act of 1990 (42 U.S.C. 12511).

(5) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(6) **SERVICE AND CONSERVATION CORPS.**—The term “service and conservation corps” means any organization established by a State or local government, nonprofit organization, or Indian tribe that—

(A) has a demonstrable capability to provide productive work to individuals;

(B) gives participants a combination of work experience, basic and life skills, education, training, and support services; and

(C) provides participants with the opportunity to develop citizenship values through service to their communities and the United States.

(7) **STATE.**—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands;



- (G) the Federated States of Micronesia;  
 (H) the Republic of the Marshall Islands;  
 (I) the Republic of Palau; and  
 (J) the United States Virgin Islands.

**SEC. 603. PUBLIC LAND CORPS.**

(a) **ESTABLISHMENT.**—There is established a Public Land Corps.

(b) **PARTICIPANTS.**—The Corps shall consist of individuals who are enrolled as members of a service or conservation corps.

(c) **CONTRACTS OR AGREEMENTS.**—The Secretaries may enter into contracts or cooperative agreements—

(1) directly with any service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects; or

(2) with a department of natural resources, agriculture, or forestry (or an equivalent department) of any State that has entered into a contract or cooperative agreement with a service and conservation corps to perform appropriate rehabilitation, enhancement, or beautification projects.

(d) **PROJECTS.**—

(1) **IN GENERAL.**—The Secretaries may use the members of a service and conservation corps to perform rehabilitation, enhancement, or beautification projects authorized by law.

(2) **INCLUDED LAND.**—In addition to Federal and State lands, the projects may be carried out on—

(A) Indian lands, with the approval of the applicable Indian tribe;

(B) Hawaiian home lands, with the approval of the relevant State agency in the State of Hawaii; and

(C) Alaska native lands, with the approval of the applicable Alaska Native Corporation.

(e) **PREFERENCE.**—In carrying out this title, the Secretaries shall give preference to projects that will—

(1) provide long-term benefits by reducing hazardous fuels on Federal land;

(2) instill in members of the service and conservation corps—

(A) a work ethic;

(B) a sense of personal responsibility; and

(C) a sense of public service;

(3) be labor intensive; and

(4) be planned and initiated promptly.

(f) **SUPPORTIVE SERVICES.**—The Secretaries may provide such services as the Secretaries consider necessary to carry out this title.

(g) **TECHNICAL ASSISTANCE.**—To carry out this title, the Secretaries shall provide technical assistance, oversight, monitoring, and evaluation to—

(1) State Departments of Natural Resources and Agriculture (or equivalent agencies); and

(2) members of service and conservation corps.

**SEC. 604. NONDISPLACEMENT.**

The nondisplacement requirements of section 177(b) of the National and Community Service Act of 1990 (42 U.S.C. 12637(b)) shall apply to activities carried out by the Corps under this title.

**SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this title \$15,000,000 for each of fiscal years 2004 through 2008.

**TITLE VII—RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM****SEC. 701. PURPOSE**

The purpose of this title is to assist in the economic revitalization of rural forest resource-dependent communities through incentives and collaboration to promote investment in private enterprise and community development by—

(1) the Department of Agriculture;

(2) the Department of the Interior;

(3) the Department of Commerce;

(4) the Small Business Administration;

(5) land grant colleges and universities; and

(6) 1890 Institutions.

**SEC. 702. DEFINITIONS.**

In this title:

(1) **1890 INSTITUTION.**—The term “1890 Institution” has the meaning given the term in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601).

(2) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

(A) a unit of State or local government;

(B) an Indian tribe;

(C) a nonprofit organization;

(D) a small forest products business;

(E) a rural forest resource-dependent community;

(F) a land grant college or university; or

(G) an 1890 institution.

(3) **ELIGIBLE PROJECT.**—The term “eligible project” means a project described in section 703 that will promote the economic development in rural forest resource-dependent communities based on—

(A) responsible forest stewardship;

(B) the production of sustainable forest products; or

(C) the development of forest related tourism and recreation activities.

(4) **FOREST PRODUCTS.**—The term “forest products” means—

(A) logs;

(B) lumber;

(C) chips;

(D) small-diameter finished wood products;

(E) energy biomass;

(F) mulch; and

(G) any other material derived from forest vegetation or individual trees or shrubs.

(5) **NONPROFIT ORGANIZATION.**—The term “nonprofit organization” means an organization that is—

(A) described in section 501(c) of the Internal Revenue Code of 1986; and

(B) exempt from taxation under 501(a) of that Code.

(6) **PROGRAM.**—The term “program” means the rural community forestry enterprise program established under section 703.

(7) **SMALL FOREST PRODUCTS BUSINESS.**—The term “small forest products business” means a small business concern (as defined under section 3 of the Small Business Act (15 U.S.C. 632)) that is classified under subsector 113 or code number 115310 of the North American Industrial Classification System.

(8) **RURAL FOREST RESOURCE-DEPENDENT COMMUNITY.**—

(A) **IN GENERAL.**—The term “rural forest resource-dependent community” means a community located in a rural area of the United States that is traditionally dependent on forestry products as a primary source of community infrastructure.

(B) **INCLUSIONS.**—The term “rural forest resource-dependent community” includes a community described in subparagraph (A) located in—

(i) the northern forest land of Maine;

(ii) New Hampshire;

(iii) New York;

(iv) Vermont;

(v) the Upper Peninsula of Michigan;

(vi) northern California; and

(vii) eastern Oregon.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

**SEC. 703. RURAL COMMUNITY FORESTRY ENTERPRISE PROGRAM.**

(a) **IN GENERAL.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish within the Forest Service a program to be known as the “Rural Community Forestry Enterprise Program”.

(2) **CONSULTATION.**—In carrying out the program, the Secretary shall consult with—

(A) the Small Business Administration;

(B) the Economic Development Administration;

(C) land grant colleges and universities;

(D) 1890 institutions;

(E) research stations and laboratories of the Forest Service;

(F) other agencies of the Department of Agriculture that administer rural development programs; and

(G) private nonprofit organizations.

(b) **PURPOSES.**—The purposes of the program are—

(1) to enhance technical and business management skills training;

(2) to organize cooperatives and marketing programs;

(3) to establish and maintain timber worker skill pools;

(4) to establish and maintain forest product distribution networks and collection centers;

(5) to facilitate technology transfer for processing small diameter trees and brush into useful products;

(6) to develop, where support exists, a program to promote science-based technology implementation and technology transfer that expands the capacity for small forest product businesses to work within market areas;

(7) to promote forest-related tourism and recreational activities;

(8) to enhance the rural forest business infrastructure needed to reduce hazardous fuels on public and private land; and

(9) to carry out related programs and activities, as determined by the Secretary.

(c) **FOREST ENTERPRISE CENTERS.**—

(1) **IN GENERAL.**—The Secretary shall establish Forest Enterprise Centers to provide services to rural forest-dependent communities.

(2) **LOCATION.**—A Center shall be located within close proximity of rural forest-dependent communities served by the Center, with at least 1 center located in each of the States of California, Idaho, Oregon, Montana, New Mexico, Vermont, and Washington.

(3) **DUTIES.**—A Center shall—

(A) carry out eligible projects; and

(B) coordinate assistance provided to small forest products businesses with—

(i) the Small Business Administration, including the timber set-aside program carried out by the Small Business Administration;

(ii) the Rural Utilities Service, the Rural Housing Service, and the Rural Business-Cooperative Service of the Department of Agriculture;

(iii) the Economic Development Administration, including the local technical assistance program of the Economic Development Administration; and

(iv) research stations and laboratories of the Forest Service.

(d) **FOREST ENTERPRISE TECHNICAL ASSISTANCE AND GRANT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary, acting through the Forest Enterprise Centers established under subsection (c), shall establish a program to provide technical assistance and grants to eligible entities to carry out eligible projects.

(2) **CRITERIA.**—The Secretary shall work with each Forest Enterprise Center to develop appropriate program review and prioritization criteria for each Research Station.

(3) **MATCHING FUNDS.**—Grants under this section shall—

(A) not exceed 50 percent of the cost of an eligible project; and

(B) be made on the condition that non-Federal sources pay for the remainder of the cost of an eligible project (including payment through in-kind contributions of services or materials).

(4) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this subsection \$15,000,000 for each of fiscal years 2004 through 2008.

**TITLE VIII—FIREFIGHTERS MEDICAL MONITORING ACT****SEC. 801. SHORT TITLE.**

This title shall be referred to as the “Firefighters Medical Monitoring Act of 2003”.

**SEC. 802. MONITORING OF FIREFIGHTERS IN DISASTER AREAS.**

(a) **IN GENERAL.**—The National Institute for Occupational Safety and Health shall monitor



the long-term medical health of those firefighters who fought fires in any area declared a disaster area by the Federal Government.

(b) **HEALTH MONITORING.**—The long-term health monitoring referred to in subsection (a) shall include, but not be limited to, pulmonary illness, neurological damage, and cardiovascular damage, and shall utilize the medical expertise in the local areas affected.

(c) **AUTHORIZATION.**—To carry out this title, there are authorized to be appropriated such sums as may be necessary in each of fiscal years 2004 through 2008.

#### **TITLE IX—DISASTER AIR QUALITY MONITORING ACT**

##### **SEC. 901. SHORT TITLE.**

This title shall be referred to as the "Disaster Air Quality Monitoring Act of 2003".

##### **SEC. 902. MONITORING OF AIR QUALITY IN DISASTER AREAS.**

(a) **IN GENERAL.**—No later than six (6) months after the enactment of this legislation, the Environmental Protection Agency shall provide each of its regional offices a mobile air pollution monitoring network to monitor the emissions of hazardous air pollutants in areas declared a disaster as referred to in subsection (b), and publish such information on a daily basis on its web site and in other forums, until such time as the Environmental Protection Agency has determined that the danger has subsided.

(b) **DISASTER AREAS.**—The areas referred to in subsection (a) are those areas declared a disaster area by the Federal Government.

(c) **CONTINUOUS MONITORING.**—The monitoring referred to in subsection (a) shall include the continuous and spontaneous monitoring of hazardous air pollutants, as defined in Public Law 95-95, section 112(b).

(d) **AUTHORIZATION.**—To carry out this title, there are authorized to be appropriated \$8,000,000.

#### **TITLE X—HIGHLANDS REGION CONSERVATION**

##### **SEC. 1001. SHORT TITLE.**

This title may be cited as the "Highlands Conservation Act".

##### **SEC. 1002. FINDINGS.**

Congress finds the following:

(1) The Highlands region is a physiographic province that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) The Highlands region is an environmentally unique area that—

(A) provides clean drinking water to over 15,000,000 people in metropolitan areas in the States of Connecticut, New Jersey, New York, and Pennsylvania;

(B) provides critical wildlife habitat, including habitat for 247 threatened and endangered species;

(C) maintains an important historic connection to early Native American culture, colonial settlement, the American Revolution, and the Civil War;

(D) contains recreational resources for 14 million visitors annually;

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits; and

(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy;

(3) An estimated 1 in 12 citizens of the United States live within a 2-hour drive of the Highlands region.

(4) More than 1,400,000 residents live in the Highlands region.

(5) The Highlands region forms a greenbelt adjacent to the Philadelphia-New York City-Hartford urban corridor that offers the opportunity to preserve water, forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustain-

able economic growth and development in a fiscally and environmentally sound manner.

(6) Continued population growth and land use patterns in the Highlands region—

(A) reduce the availability and quality of water;

(B) reduce air quality;

(C) fragment the forests;

(D) destroy critical migration corridors and forest habitat; and

(E) result in the loss of recreational opportunities and scenic, historic, and cultural resources;

(7) The water, forest, wildlife, recreational, agricultural, and cultural resources of the Highlands region, in combination with the proximity of the Highlands region to the largest metropolitan areas in the United States, make the Highlands region nationally significant.

(8) The national significance of the Highlands region has been documented in—

(A) the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990;

(B) the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service;

(C) the bi-State Skylands Greenway Task Force Report;

(D) the New Jersey State Development and Re-development Plan;

(E) the New York State Open Space Conservation Plan;

(F) the Connecticut Green Plan: Open Space Acquisition FY 2001-2006;

(G) the open space plans of the State of Pennsylvania; and

(H) other open space conservation plans for States in the Highlands region;

(9) The Highlands region includes or is adjacent to numerous parcels of land owned by the Federal Government or federally designated areas that protect, conserve, or restore resources of the Highlands region, including—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawanagunk Grasslands Wildlife Refuge;

(C) the Morristown National Historical Park;

(D) the Delaware and Lehigh Canal Corridors;

(E) the Hudson River Valley National Heritage Area;

(F) the Delaware River Basin;

(G) the Delaware Water Gap National Recreation Area;

(H) the Upper Delaware Scenic and Recreational River;

(I) the Appalachian National Scenic Trail;

(J) the United States Military Academy at West Point, New York;

(K) the Highlands National Millenium Trail;

(L) the Great Swamp National Wildlife Refuge;

(M) the proposed Crossroads of the Revolution National Heritage Area;

(N) the proposed Musconetcong National Scenic and Recreational River in New Jersey; and

(O) the Farmington River Wild and Scenic Area in Connecticut;

(10) It is in the interest of the United States to protect, conserve, and restore the resources of the Highlands region for the residents of, and visitors to, the Highlands region.

(11) The States of Connecticut, New Jersey, New York, and Pennsylvania, and units of local government in the Highlands region have the primary responsibility for protecting, conserving, preserving, restoring and promoting the resources of the Highlands region.

(12) Because of the longstanding Federal practice of assisting States in creating, protecting, conserving, and restoring areas of significant natural and cultural importance, and the national significance of the Highlands region, the Federal Government should, in partnership with the Highlands States and units of local government in the Highlands region, pro-

tect, restore, and preserve the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands region.

##### **SEC. 1003. PURPOSES.**

The purposes of this title are as follows:

(1) To recognize the importance of the water, forest, agricultural, wildlife, recreational and cultural resources of the Highlands, and the national significance of the Highlands region to the United States.

(2) To authorize the Secretary of Interior to work in partnership with the Secretary of Agriculture to provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

(3) To continue the ongoing Forest Service programs in the Highlands region to assist the Highlands States, local units of government and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

##### **SEC. 1004. DEFINITIONS.**

In this title:

(1) **HIGHLANDS REGION.**—The term "Highlands region" means the physiographic province, defined by the Reading Prong and ecologically similar adjacent upland areas, that encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

(2) **HIGHLANDS STATE.**—The term "Highlands State" means—

(A) the State of Connecticut;

(B) the State of New Jersey;

(C) the State of New York;

(D) the State of Pennsylvania; and

(E) any agency or department of any Highlands State.

(3) **LAND CONSERVATION PARTNERSHIP PROJECT.**—The term "land conservation partnership project" means a land conservation project located within the Highlands region identified as having high conservation value by the Forest Service in which a non-Federal entity acquires land or an interest in land from a willing seller for the purpose of permanently protecting, conserving, or preserving the land through a partnership with the Federal Government.

(4) **NON-FEDERAL ENTITY.**—The term "non-Federal entity" means any Highlands State, or any agency or department of any Highlands State with authority to own and manage land for conservation purpose, including the Palisades Interstate Park Commission.

(5) **STUDY.**—The term "study" means the New York-New Jersey Highlands Regional Study conducted by the Forest Service in 1990.

(6) **UPDATE.**—The term "update" means the New York-New Jersey Highlands Regional Study: 2002 Update conducted by the Forest Service.

##### **SEC. 1005. LAND CONSERVATION PARTNERSHIP PROJECTS IN THE HIGHLANDS REGION.**

(a) **SUBMISSION OF PROPOSED PROJECTS.**—Annually, the Governors of the Highlands States, with input from pertinent units of local government and the public, may jointly identify land conservation partnership projects in the Highlands region that shall be proposed for Federal financial assistance and submit a list of those projects to the Secretary of the Interior.

(b) **CONSIDERATION OF PROJECTS.**—The Secretary of the Interior, in consultation with the Secretary of Agriculture, shall annually submit to Congress a list of those land conservation partnership projects submitted under subsection (a) that are eligible to receive financial assistance under this section.

(c) **ELIGIBILITY CONDITIONS.**—To be eligible for financial assistance under this section for a land conservation partnership project, a non-Federal entity shall enter into an agreement with the Secretary of the Interior that—

(1) identifies the non-Federal entity that shall own or hold and manage the land or interest in land;

(2) identifies the source of funds to provide the non-Federal share required under subsection (d);

(3) describes the management objectives for the land that will assure permanent protection and use of the land for the purpose for which the assistance will be provided;

(4) provides that, if the non-Federal entity converts, uses, or disposes of the land conservation partnership project for a purpose inconsistent with the purpose for which the assistance was provided, as determined by the Secretary of the Interior, the United States may seek specific performance of the conditions of financial assistance in accordance with paragraph (3) in Federal court and shall be entitled to reimbursement from the non-Federal entity in an amount that is, as determined at the time of conversion, use, or disposal, the greater of—

(A) the total amount of the financial assistance provided for the project by the Federal Government under this section; or

(B) the amount by which the financial assistance increased the value of the land or interest in land; and

(5) provides that land conservation partnership projects will be consistent with areas identified as having high conservation value in the following:

(A) Important Areas portion of the Forest Service study.

(B) Conservation Focal Areas portion of the Forest Service update.

(C) Conservation Priorities portion of the update.

(D) Lands identified as having higher or highest resource value in the Conservation Values Assessment portion of the update.

(d) NON-FEDERAL SHARE REQUIREMENT.—The Federal share of the cost of carrying out a land conservation partnership project under this section shall not exceed 50 percent of the total cost of the land conservation partnership project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior from the general funds of the Treasury or the Land and Water Conservation Fund to carry out this section \$10,000,000 for each of the fiscal years 2005 through 2014. Amounts appropriated pursuant to this authorization of appropriations shall remain available until expended.

#### SEC. 1006. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—In order to meet the land resource goals of, and the scientific and conservation challenges identified in, the study, update, and any future study that the Forest Service may undertake in the Highlands region, the Secretary of Agriculture, acting through the Chief of the Forest Service and in consultation with the Chief of the Natural Resource Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in the conservation of lands and natural resources in the Highlands region.

(b) DUTIES.—The Forest Service shall—

(1) in consultation with the Highlands States, undertake other studies and research as appropriate in the Highlands region consistent with the purposes of this title;

(2) communicate the findings of the study and update and maintain a public dialogue regarding implementation of the study and update; and

(3) assist the Highland States, local units of government, individual landowners, and private organizations in identifying and using Forest Service and other technical and financial assistance programs of the Department of Agriculture.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out this section \$1,000,000 for each of the fiscal years 2005 through 2014.

#### SEC. 1007. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to—

(1) require any private property owner to permit public access (including Federal, State, or local government access) to such private property; and

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private lands.

(b) LIABILITY.—Nothing in this title shall be construed to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on such private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this title shall be construed to modify any authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS.—Nothing in this title shall be construed to require the owner of any private property located in the Highlands region to participate in the land conservation, financial, or technical assistance or any other programs established under this title.

(e) PURCHASE OF LANDS OR INTERESTS IN LANDS FROM WILLING SELLERS ONLY.—Funds appropriated to carry out this title shall be used to purchase lands or interests in lands only from willing sellers.

#### TITLE XI—MISCELLANEOUS PROVISIONS

#### SEC. 1101. FOREST INVENTORY AND MANAGEMENT.

Section 17 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 note; Public Law 95313) is amended to read as follows:

#### “SEC. 17. FOREST INVENTORY AND MANAGEMENT.

“(a) IN GENERAL.—The Secretary shall carry out a program using geospatial and information management technologies (including remote sensing imaging and decision support systems) to inventory, monitor, characterize, assess, and identify forest stands and potential forest stands on—

“(1) units of the National Forest System; and

“(2) private forest land, with the consent of the owner of the land.

“(b) MEANS.—The Secretary shall carry out the program through the use of—

“(1) remote sensing technology of the National Aeronautics and Space Administration and the United States Geological Survey;

“(2) emerging geospatial capabilities in research activities;

“(3) validating techniques, including coordination and reconciliation with existing data through field verification, using application demonstrations; and

“(4) integration of results into pilot operational systems.

“(c) ISSUES TO BE ADDRESSED.—In carrying out the program, the Secretary shall address issues including—

“(1) early detection, identification, and assessment of environmental threats (including insect, disease, invasive species, fire, acid deposition, and weather-related risks and other episodic events);

“(2) loss or degradation of forests;

“(3) degradation of the quality forest stands caused by inadequate forest regeneration practices;

“(4) quantification of carbon uptake rates;

“(5) management practices that focus on preventing further forest degradation; and

“(6) characterization of vegetation types, density, fire regimes, post-fire effects, and condition class.

“(d) EARLY WARNING SYSTEM.—In carrying out the program, the Secretary shall develop a comprehensive early warning system for potential catastrophic environmental threats to forests to increase the likelihood that forest managers will be able to—

“(1) isolate and treat a threat before the threat gets out of control; and

“(2) prevent epidemics, such as the American chestnut blight in the first half of the twentieth century, that could be environmentally and economically devastating to forests.

“(e) ADMINISTRATION.—To carry out this section, the Secretary shall—

“(1) designate a facility within Forest Service Region 8 that—

“(A) is best-suited to take advantage of existing resources to coordinate and carry out the program through the means described in subsection (b); and

“(B) will address the issues described in subsection (c), with a particular emphasis on hardwood forest stands in the Eastern United States; and

“(2) designate a facility in the Ochoco National Forest headquarters within Forest Service Region 6 that will address the issues described in subsection (c), with a particular emphasis on coniferous forest stands in the Western United States.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.”

#### SEC. 1102. PROGRAM FOR EMERGENCY TREATMENT AND REDUCTION OF NON-NATIVE INVASIVE PLANTS.

(a) DEFINITIONS.—In this section:

(1) INTERFACE COMMUNITY.—The term “interface community” has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(2) INTERMIX COMMUNITY.—The term “intermix community” has the meaning given the term in the notice published at 66 Fed. Reg. 751 (January 4, 2001) (including any subsequent revision to the notice).

(3) PLANT.—The term “plant” includes—

(A) a tree;

(B) a shrub; and

(C) a vine.

(4) PROGRAM.—The term “program” means the program for emergency treatment and reduction of nonnative invasive plants established under subsection (b)(1).

(5) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior, acting jointly.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretaries shall establish a program for emergency treatment and reduction of nonnative invasive plants to provide to State and local governments and agencies, conservation districts, tribal governments, and willing private landowners grants for use in carrying out hazardous fuel reduction projects to address threats of catastrophic fires that have been determined by the Secretaries to pose a serious threat to—

(A) property;

(B) human life; or

(C) the ecological stability of an area.

(2) COORDINATION.—In carrying out the program, the Secretaries shall coordinate with such Federal agencies, State and local governments and agencies, and conservation districts as are affected by projects under the program.

(c) ELIGIBLE LAND.—A project under the program shall—

(1) be carried out only on land that is located—

(A) in an interface community or intermix community; or

(B) in such proximity to an interface community or intermix community as would pose a significant risk in the event of the spread of a fire disturbance event from the land (including a risk that would threaten human life or property in proximity to or within the interface community or intermix community), as determined by the Secretaries;

(2) remove fuel loads determined by the Secretaries, a State or local government, a tribal government, or a private landowner to pose a serious threat to—

(A) property;  
 (B) human life; or  
 (C) the ecological stability of an area; and  
 (3) involve the removal of nonnative invasive plants.

(d) **USE OF FUNDS.**—Funds made available for a project under the program shall be used only for—

(1) the removal of plants or other potential fuels that are—

(A) adjacent to or within the wildland urban interface; or

(B) adjacent to a municipal watershed, river, or water course;

(2) the removal of erosion structures that impede the removal of nonnative plants; or

(3) the replanting of native vegetation to reduce the reestablishment of nonnative invasive plants in a treatment area.

(e) **REVOLVING FUND.**—

(1) **IN GENERAL.**—In the case of a grant provided to a willing owner to carry out a project on non-Federal land under this section, the owner shall deposit into a revolving fund established by the Secretaries any proceeds derived from the sale of timber or biomass removed from the non-Federal land under the project.

(2) **USE.**—The Secretaries shall use amounts in the revolving fund to make additional grants under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

#### **SEC. 1103. USDA NATIONAL AGROFORESTRY CENTER.**

(a) **IN GENERAL.**—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101-624) is amended—

(1) by striking the section heading and inserting the following:

**“SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.”;**

and

(2) in subsection (a)—

(A) by striking “SEMIARID” and inserting “USDA NATIONAL”; and

(B) by striking “Semiarid” and inserting “USDA National”.

(b) **PROGRAM.**—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101-624) is amended—

(1) by inserting “local governments, community organizations, the Institute of Tropical Forestry and the Institute of Pacific Islands Forestry of the Forest Service,” after “entities,”;

(2) in paragraph (1), by striking “on semiarid lands”;

(3) in paragraph (3), by striking “from semiarid land”;

(4) by striking paragraph (4) and inserting the following:

“(4) collect information on the design, installation, and function of forested riparian and upland buffers to—

“(A) protect water quality; and

“(B) manage water flow;”;

(5) in paragraphs (6) and (7), by striking “on semiarid lands” each place it appears;

(6) by striking paragraph (8) and inserting the following:

“(8) provide international leadership in the worldwide development and exchange of agroforestry practices;”;

(7) in paragraph (9), by striking “on semiarid lands”;

(8) in paragraph (10), by striking “and” at the end;

(9) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(10) by adding at the end the following:

“(12) quantify the carbon storage potential of agroforestry practices such as—

“(A) windbreaks;

“(B) forested riparian buffers;

“(C) silvopasture timber and grazing systems; and

“(D) alley cropping; and

“(13) modify and adapt riparian forest buffer technology used on agricultural land for use by communities to manage stormwater runoff.”.

#### **SEC. 1104. UPLAND HARDWOODS RESEARCH CENTER.**

(a) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall establish an Upland Hardwood Research Center.

(b) **LOCATION.**—The Secretary of Agriculture shall locate the Research Center in an area that, as determined by the Secretary of Agriculture, would best use and study the upland hardwood resources of the Ozark Mountains and the South.

(c) **DUTIES.**—The Upland Hardwood Research Center shall, in conjunction with the Southern Forest Research Station of the Department of Agriculture—

(1) provide the scientific basis for sustainable management of southern upland hardwood forests, particularly in the Ozark Mountains and associated mountain and upland forests; and

(2) conduct research in all areas to emphasize practical application toward the use and preservation of upland hardwood forests, particularly—

(A) the effects of pests and pathogens on upland hardwoods;

(B) hardwood stand regeneration and reproductive biology;

(C) upland hardwood stand management and forest health;

(D) threatened, endangered, and sensitive aquatic and terrestrial fauna;

(E) ecological processes and hardwood ecosystem restoration; and

(F) education and outreach to nonindustrial private forest landowners and associations.

(d) **RESEARCH.**—In carrying out the duties under subsection (c), the Upland Hardwood Research Center shall—

(1) cooperate with the Center for Bottomland Hardwood Research of the Southern Forest Research Station of the Department of Agriculture, located in Stoneville, Mississippi; and

(2) provide comprehensive research in the Mid-South region of the United States, the Upland Forests Ecosystems Unit of the Southern Forest Research Station of the Department of Agriculture, located in Monticello, Arkansas.

(e) **PARTICIPATION OF PRIVATE LANDOWNERS.**—The Secretary of Agriculture shall encourage and facilitate the participation of private landowners in the program under this section.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000 for each fiscal year.

#### **SEC. 1105. EMERGENCY FUEL REDUCTION GRANTS.**

(a) **IN GENERAL.**—The Secretary of Agriculture shall establish an emergency fuel reduction grant program under which the Secretary shall provide grants to State and local agencies to carry out hazardous fuel reduction projects addressing threats of catastrophic fire that pose a serious threat to human life, as determined by the Forest Service.

(b) **ELIGIBLE PROJECTS.**—To be eligible to be carried out with a grant under the program, a hazardous fuel reduction project shall—

(1) be surrounded by or immediately adjacent to the boundary of a national forest;

(2) be determined to be of paramount urgency, as indicated by declarations to that effect by both local officials and the Governor of the State in which the project is to be carried out; and

(3) remove fuel loading that poses a serious threat to human life, as determined by the Forest Service.

(c) **USES OF GRANTS.**—A grant under the program may be used only—

(1) to remove trees, shrubs, or other potential fuel adjacent to a primary evacuation route;

(2) to remove trees, shrubs, or other potential fuel that are adjacent to an emergency response center, emergency communication facility, or site designated as a shelter-in-place facility; or

(3) to conduct an evacuation drill or preparation.

(d) **REVOLVING FUND.**—

(1) **IN GENERAL.**—In the case of a grant under the program that is used to carry out a project on private or county land, the grant recipient shall deposit in a revolving fund maintained by the Secretary any proceeds from the sale of timber or biomass as a result of the project.

(2) **USE.**—The Secretary shall use amounts in the revolving fund to make other grants under this section, without further appropriation.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Agriculture to carry out this section \$50,000,000 for each fiscal year.

#### **SEC. 1106. EASTERN NEVADA LANDSCAPE COALITION.**

(a) **IN GENERAL.**—(1) The Secretary of Agriculture and the Secretary of the Interior are authorized to make grants to the Eastern Nevada Landscape Coalition for the study and restoration of rangeland and other lands in Nevada's Great Basin in order to help assure the reduction of hazardous fuels and for related purposes.

(2) Notwithstanding sections 6301 through 6308 of title 31, United States Code, the Director of the Bureau of Land Management shall enter into a cooperative agreement with the Eastern Nevada Landscape Coalition for the Great Basin Restoration Project, including hazardous fuels and mechanical treatments and related work.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section.

#### **SEC. 1107. SENSE OF CONGRESS REGARDING ENHANCED COMMUNITY FIRE PROTECTION.**

It is the sense of Congress to reaffirm the importance of enhanced community fire protection program, as described in section 10A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2106c) (as added by section 8003(b) of the Farm Security and Rural Investment Act of 2002 (Public Law 107-171; 116 Stat. 473)).

#### **SEC. 1108. COLLABORATIVE MONITORING.**

(a) **IN GENERAL.**—The Secretaries shall establish a collaborative monitoring, evaluation, and accountability process in order to assess the positive or negative ecological and social effects of a representative sampling of projects implemented pursuant to title I and section 404 of this Act. The Secretaries shall include diverse stakeholders, including interested citizens and Indian tribes, in the monitoring and evaluation process.

(b) **MEANS.**—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, nonprofit organizations, Youth Conservation Corps work crews or related partnerships with State, local, and other non-Federal conservation corps.

(c) **FUNDS.**—Funds to implement this section shall be derived from hazardous fuels operations funds.

#### **SEC. 1109. BEST-VALUE CONTRACTING.**

To conduct a project under this Act, the Secretaries may use best value contracting criteria in awarding contracts and agreements. Best-value contracting criteria includes—

(1) the ability of the contractor to meet the ecological goals of the projects;

(2) the use of equipment that will minimize or eliminate impacts on soils; and

(3) benefits to local communities such as ensuring that the byproducts are processed locally.

**SEC. 1110. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM; FOREST LEGACY PROGRAM.**

(a) SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.—The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

**“SEC. 21. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE PROGRAM.**

“(a) DEFINITIONS.—In this section:

“(1) COMMITTEE.—The term ‘Committee’ means a State Forest Stewardship Coordinating Committee established under section 19(b).

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a unit of local government or a nonprofit organization that—

“(A) the Secretary determines, in accordance with the criteria established under subsection (c)(1)(A)(ii)(II) is eligible to receive a grant under subsection (c)(2); and

“(B) the State forester, in consultation with the Committee, determines—

“(i) has the abilities necessary to acquire and manage interests in real property; and

“(ii) has the resources necessary to monitor and enforce any terms applicable to the eligible project.

“(3) ELIGIBLE PROJECT.—The term ‘eligible project’ means a fee purchase, easement, or donation of land to conserve private forest land identified for conservation under subsection (c)(1)(A)(ii)(I).

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

“(5) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means any organization that is—

“(A) described in section 501(c) of the Internal Revenue Code of 1986; and

“(B) exempt from taxation under 501(a) of the Internal Revenue Code of 1986.

“(6) PRIVATE FOREST LAND.—The term ‘private forest land’ means land that is—

“(A) capable of producing commercial forest products; and

“(B) owned by—

“(i) a private entity; or

“(ii) an Indian tribe.

“(7) PROGRAM.—The term ‘program’ means the Suburban and Community Forestry and Open Space Program established by subsection (b).

“(8) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—There is established within the Forest Service a program to be known as the ‘Suburban and Community Forestry and Open Space Program’.

“(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out eligible projects in States in which less than 25 percent of the land is owned by the United States to—

“(A) conserve private forest land and maintain working forests in areas threatened by significant suburban sprawl or by conversion to nonforest uses; and

“(B) provide communities a means by which to address significant suburban sprawl.

“(c) GRANT PROGRAM.—

“(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

“(A) CRITERIA.—

“(i) NATIONAL CRITERIA.—The Secretary shall establish national eligibility criteria for the identification of private forest land that may be conserved under this section.

“(ii) STATE CRITERIA.—The State forester, in consultation with the Committee, shall, based on the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

“(I) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

“(II) the identification of eligible entities.

“(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(ii)(I) shall be land that—

“(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

“(ii) as determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

“(I) is located in an area that is affected, or threatened to be affected, by significant suburban sprawl, taking into account housing needs in the area; and

“(II) is threatened by present or future conversion to nonforest use.

“(2) GRANTS.—

“(A) ELIGIBLE PROJECTS.—

“(i) IN GENERAL.—In carrying out this section, the Secretary shall award competitive grants to eligible entities to carry out eligible projects.

“(ii) PUBLIC ACCESS.—Eligible entities are encouraged to provide public access to land on which an eligible project is carried out.

“(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit to the State forester—

“(i) at such time and in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant and a description of the extent of the threat of conversion to nonforest use); and

“(ii) a stewardship plan that describes the manner in which—

“(I) any private forest land to be conserved using funds from the grant will be managed in accordance with this section;

“(II) the stewardship plan will be implemented; and

“(III) the public benefits to be achieved from implementation of the stewardship plan.

“(C) ASSESSMENT OF NEED.—With respect to an application submitted under subparagraph (B), the State forester shall—

“(i) assess the need for preserving suburban forest land and open space and containing suburban sprawl in the State, taking into account the housing needs of the area in which the eligible project is to be carried out; and

“(ii) submit to the Secretary—

“(I) the application submitted under subparagraph (B); and

“(II) the assessment of need.

“(D) APPROVAL OR DISAPPROVAL.—

“(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (C)(ii) or a resubmission under subclause (II)(bb)(BB), the Secretary shall—

“(I) review the application; and

“(II)(aa) award a grant to the applicant; or

“(bb)(AA) disapprove the application; and

“(BB) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

“(ii) CONSIDERATIONS; PRIORITY.—In awarding grants under this section, the Secretary shall—

“(I) consider the need for the eligible project based on the assessment of need submitted under subparagraph (C) and subject to any criteria under paragraph (1); and

“(II) give priority to applicants that propose to fund eligible projects that promote—

“(aa) the preservation of suburban forest land and open space;

“(bb) the containment of suburban sprawl;

“(cc) the sustainable management of private forest land;

“(dd) community involvement in determining the objectives for eligible projects that are funded under this section; and

“(ee) community and school education programs and curricula relating to sustainable forestry.

“(3) COST SHARING.—

“(A) IN GENERAL.—The amount of a grant awarded under this section to carry out an eligible project shall not exceed 50 percent of the total cost of the eligible project.

“(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each eligible project that is not funded by the grant awarded under this section has been secured.

“(C) FORM.—The share of the cost of carrying out any eligible project described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind (including a donation of land).

“(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

“(1) PURCHASES.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

“(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

“(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

“(A) a State;

“(B) a unit of local government; or

“(C) a nonprofit organization.

“(3) TERMINATION OF EASEMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), all right, title, and interest of a unit of local government or nonprofit organization in and to a conservation easement shall terminate and vest in the State if the State determines that—

“(i) the unit of local government or nonprofit organization is unable or unwilling to enforce the terms of the conservation easement; or

“(ii) the conservation easement has been modified in a way that is inconsistent with the purposes of the program.

“(B) CONVEYANCE TO ANOTHER UNIT OF LOCAL GOVERNMENT OR NONPROFIT ORGANIZATION.—If the State makes a determination under subparagraph (A), the State may convey or authorize the unit of local government or nonprofit organization to convey the conservation easement to another unit of local government or nonprofit organization.

“(e) ADMINISTRATIVE COSTS.—The State, on approval of the Secretary and subject to any regulations promulgated by the Secretary, may use amounts made available under subsection (g) to pay the administrative costs of the State relating to the program.

“(f) REPORT.—The Secretary shall submit to Congress a report on the eligible projects carried out under this section in accordance with section 8(c) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1606(c)).

“(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

“(1) \$50,000,000 for fiscal year 2004; and

“(2) such sums as are necessary for each fiscal year thereafter.”.

(b) FOREST LEGACY PROGRAM.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (i), by striking “subsection (b)” and inserting “this section”;

(3) in subsection (j)(1), by inserting “(other than by donation)” after “acquired”;

(4) in subsection (k)(2), by striking "the United States or its" and inserting "the United States, a State, or other entity, or their"; and

(5) in subsection (l), by adding at the end the following:

"(3) STATE AUTHORIZATION.—

"(A) DEFINITION OF STATE FORESTER.—The term 'State forester' has the meaning given the term in section 4(k).

"(B) IN GENERAL.—Notwithstanding subsection (c) and paragraph (2)(B), the Secretary shall, on request by a State, authorize the State to allow a qualified organization (as defined in section 170(h)(3) of the Internal Revenue Code of 1986) and that is organized for at least 1 of the purposes described in section 170(h)(4)(A) of that Code, using amounts granted to a State under this paragraph, to acquire 1 or more conservation easements to carry out the Forest Legacy Program in the State.

"(C) ELIGIBILITY.—To be eligible to acquire and manage conservation easements under this paragraph, a qualified organization described in subparagraph (B) shall, as determined by the Secretary, acting through the State forester, demonstrate the abilities necessary to acquire, monitor, and enforce interests in forest land consistent with the Forest Legacy Program and the assessment of need for the State.

"(D) MONITORING AND ENFORCEMENT.—

"(i) IN GENERAL.—A qualified organization that acquires a conservation easement under this paragraph shall be responsible for monitoring and enforcing the terms of the conservation easement and any of the costs of the qualified organization associated with such monitoring and enforcement.

"(ii) CONTINGENT RIGHTS.—If a qualified organization that acquires a conservation easement under this paragraph fails to enforce the terms of the conservation easement, as determined by the State, the State or the Secretary shall have the right to enforce the terms of the conservation easement under Federal or State law.

"(iii) AMENDMENTS.—Any amendments to a conservation easement that materially affect the terms of the conservation easement shall be subject to approval by the Secretary or the State, as appropriate.

"(E) TERMINATION OF EASEMENT.—

"(i) IN GENERAL.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) in and to a conservation easement shall terminate and vest in the State or a qualified designee if the State determines that—

"(I) the qualified organization fails to enforce the terms of the conservation easement;

"(II) the conservation easement has been modified in a way that is inconsistent with the purposes of the Forest Legacy Program or the assessment of need for the State; or

"(III) the conservation easement has been conveyed to another person (other than to a qualified organization).

"(ii) CONVEYANCE TO ANOTHER QUALIFIED ORGANIZATION.—If the State makes a determination under clause (i), the State may convey or authorize the qualified organization to convey the conservation easement to another qualified organization.

"(F) IMPLEMENTATION.—The Secretary, acting through the State forester, shall implement this paragraph in accordance with the assessment of need for the State as approved by the Secretary."

#### SEC. 1111. WILDLAND FIREFIGHTER SAFETY.

(a) DEFINITION OF SECRETARY.—In this section, the term "Secretary" means—

(1) the Secretary of Agriculture, with respect to land of the National Forest System described in section 3(1)(A); and

(2) the Secretary of the Interior, with respect to public lands described in section 3(1)(B).

(b) FIREFIGHTER SAFETY AND TRAINING BUDGET.—The Secretary shall—

(1) track funds expended for firefighter safety and training programs and activities; and

(2) include a line item for such expenditures in each budget request submitted after the date of enactment of this Act.

(c) ANNUAL REPORT TO CONGRESS.—The Secretaries shall, on an annual basis, jointly submit to Congress a report on the implementation and efficacy of wildland firefighter safety and training programs and activities.

(d) SAFETY QUALIFICATION OF PRIVATE CONTRACTORS.—

(1) IN GENERAL.—The Secretaries shall ensure that any Federal contract or agreement entered into with a private entity for wildland firefighting services requires the entity to provide firefighter training that is consistent with qualification standards established by the National Wildfire Coordinating Group.

(2) COMPLIANCE.—The Secretaries shall develop a program to monitor and enforce compliance with the requirements of paragraph (1).

#### SEC. 1112. GREEN MOUNTAIN NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—The boundaries of the Green Mountain National Forest are modified to include all parcels of land depicted on the forest maps entitled "Green Mountain Expansion Area Map I" and "Green Mountain Expansion Area Map II", each dated February 20, 2002, which shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) MANAGEMENT.—Federally owned land delineated on the maps acquired for National Forest purposes shall continue to be managed in accordance with the laws (including regulations) applicable to the National Forest System.

(c) LAND AND WATER CONSERVATION FUND.—For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460–9), the boundaries of the Green Mountain National Forest, as adjusted by this Act, shall be considered to be the boundaries of the national forest as of January 1, 1965.

#### SEC. 1113. PUERTO RICO KARST CONSERVATION.

(a) SHORT TITLE.—This section may be cited as the "Puerto Rico Karst Conservation Act of 2003".

(b) FINDINGS.—Congress finds that—

(1) in the Karst Region of the Commonwealth of Puerto Rico there are—

(A) some of the largest areas of tropical forests in Puerto Rico, with a higher density of tree species than any other area in the Commonwealth; and

(B) unique geological formations that are critical to the maintenance of aquifers and watersheds that constitute a principal water supply for much of the Commonwealth;

(2) the Karst Region is threatened by development that, if unchecked, could permanently damage the aquifers and cause irreparable damage to natural and environmental assets that are unique to the United States;

(3) the Commonwealth has 1 of the highest population densities in the United States, which makes the protection of the Karst Region imperative for the maintenance of the public health and welfare of the citizens of the Commonwealth;

(4) the Karst Region—

(A) possesses extraordinary ecological diversity, including the habitats of several endangered and threatened species and tropical migrants; and

(B) is an area of critical value to research in tropical forest management; and

(5) coordinated efforts at land protection by the Federal Government and the Commonwealth are necessary to conserve the environmentally critical Karst Region.

(c) PURPOSES.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forest areas of the Karst Region, with particular emphasis on water quality and the protection of the aquifers that are vital to the

health and wellbeing of the citizens of the Commonwealth; and

(2) to promote cooperation among the Commonwealth, Federal agencies, corporations, organizations, and individuals in those conservation efforts.

(d) DEFINITIONS.—In this section:

(1) COMMONWEALTH.—The term "Commonwealth" means the Commonwealth of Puerto Rico.

(2) FOREST LEGACY PROGRAM.—The term "Forest Legacy Program" means the program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(3) FUND.—The term "Fund" means the Puerto Rico Karst Conservation Fund established by subsection (f).

(4) KARST REGION.—The term "Karst Region" means the areas in the Commonwealth generally depicted on the map entitled "Karst Region Conservation Area" and dated March 2001, which shall be on file and available for public inspection in—

(A) the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) the Office of the Chief of the Forest Service.

(5) LAND.—The term "land" includes land, water, and an interest in land or water.

(6) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(e) CONSERVATION OF THE KARST REGION.—

(1) FEDERAL COOPERATION AND ASSISTANCE.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Karst Region and in implementing related natural resource conservation strategies, the Secretary may—

(A) make grants to and enter into contracts and cooperative agreements with the Commonwealth, other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.);

(ii) section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318); and

(iii) section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(2) FUNDING SOURCES.—The activities authorized by this subsection may be carried out using—

(A) amounts in the Fund;

(B) amounts in the fund established by section 4(b) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1643(b));

(C) funds appropriated from the Land and Water Conservation Fund;

(D) funds appropriated for the Forest Legacy Program; and

(E) any other funds made available for those activities.

(3) MANAGEMENT.—

(A) IN GENERAL.—Land acquired under this subsection shall be managed, in accordance with the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.), in a manner to protect and conserve the water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Karst Region.

(B) FAILURE TO MANAGE AS REQUIRED.—In any deed, grant, contract, or cooperative agreement implementing this subsection and the Forest Legacy Program in the Commonwealth, the Secretary may require that, if land acquired by the Commonwealth or other cooperating entity under this section is sold or conveyed in whole or part, or is not managed in conformity with subparagraph (A), title to the land shall, at the discretion of the Secretary, vest in the United States.

(4) WILLING SELLERS.—Any land acquired by the Secretary in the Karst Region shall be acquired only from a willing seller.

(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—

(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage land and natural resources in the Commonwealth; or

(B) exempts the Federal Government from Commonwealth water laws.

(f) PUERTO RICO KARST CONSERVATION FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury an interest-bearing account to be known as the "Puerto Rico Karst Conservation Fund".

(2) CREDITS TO FUND.—There shall be credited to the Fund—

(A) amounts appropriated to the Fund;

(B) all amounts donated to the Fund;

(C) all amounts generated from the Caribbean National Forest that would, but for this paragraph, be deposited as miscellaneous receipts in the Treasury of the United States, but not including amounts authorized by law for payments to the Commonwealth or authorized by law for retention by the Secretary for any purpose;

(D) all amounts received by the Administrator of General Services from the disposal of surplus real property in the Commonwealth under subtitle I of title 40, United States Code; and

(E) interest derived from amounts in the Fund.

(3) USE OF FUND.—Amounts in the Fund shall be available to the Secretary until expended, without further appropriation, to carry out subsection (e).

(g) MISCELLANEOUS PROVISIONS.—

(1) DONATIONS.—

(A) IN GENERAL.—The Secretary may accept donations, including land and money, made by public and private agencies, corporations, organizations, and individuals in furtherance of the purposes of this subsection.

(B) CONFLICTS OF INTEREST.—The Secretary may accept donations even if the donor conducts business with or is regulated by the Department of Agriculture or any other Federal agency.

(C) APPLICABLE LAW.—Public Law 95-442 (7 U.S.C. 2269) shall apply to donations accepted by the Secretary under this paragraph.

(2) RELATION TO FOREST LEGACY PROGRAM.—

(A) IN GENERAL.—All land in the Karst Region shall be eligible for inclusion in the Forest Legacy Program.

(B) COST SHARING.—The Secretary may credit donations made under paragraph (1) to satisfy any cost-sharing requirements of the Forest Legacy Program.

(h) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated such sums as are necessary to carry out this section.

#### SEC. 1114. FARM SECURITY AND RURAL INVESTMENT ACT.

Section 10806(b)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d; 116 Stat. 526), is deemed to have first become effective 15 days after the date of the enactment of this Act.

#### SEC. 1115. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS UNDER THE ANIMAL WELFARE ACT.

(a) IN GENERAL.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i), respectively;

(2) by inserting after subsection (b) the following:

"(c) SHARP INSTRUMENTS.—It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.";

(3) in subsection (e) (as redesignated by paragraph (1)), by striking "(c)" and inserting "(d)";

(4) in subsection (f) (as redesignated by paragraph (1))—

(A) by striking "(a), (b), or (c)" and inserting "(a), (b), (c), or (d)"; and

(B) by striking "1 year" and inserting "2 years";

(5) by striking subsection (g) (as redesignated by paragraph (1)) and inserting the following:

"(g) INVESTIGATIONS.—

"(I) IN GENERAL.—The Secretary or any person authorized by the Secretary shall make such investigations as the Secretary considers necessary to determine whether any person has violated or is violating any provision of this section.

"(2) ASSISTANCE.—Through cooperative agreements, the Secretary may obtain the assistance of the Federal Bureau of Investigation, the Department of the Treasury, and other law enforcement agencies of the United States and of State, tribal, and local governmental agencies in the conduct of an investigation under paragraph (1).

"(3) WARRANTS.—

"(A) ISSUANCE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in the district in which is located an animal, paraphernalia, instrument, or other property or thing that there is probable cause to believe was involved, is about to be involved, or is intended to be involved in a violation of this section shall issue a warrant to search for and seize the animal or other property or thing.

"(B) APPLICATION; EXECUTION.—A United States marshal or any person authorized under this section to conduct an investigation may apply for and execute a warrant issued under subparagraph (A), and any animal, paraphernalia, instrument, or other property or thing seized under such a warrant shall be held by the authorized person pending disposition of the animal, paraphernalia, instrument, or other property or thing by a court in accordance with this subsection.

"(4) STORAGE OF ANIMALS.—

"(A) IN GENERAL.—An animal seized by a United States marshal or other authorized person under paragraph (3) shall be taken promptly to an animal housing facility in which the animal shall be stored humanely.

"(B) NO FACILITY AVAILABLE.—If there is not available a suitable animal storage facility sufficient in size to hold all of the animals involved in a violation, a United States marshal or other authorized person shall—

"(i) seize a representative sample of the animals for evidentiary purposes to be transported to an animal storage facility in which the animals shall be stored humanely; and

"(ii) (I) keep the remaining animals at the location where the animals were seized;

"(II) provide for the humane care of the animals; and

"(III) cause the animals to be banded, tagged, or marked by microchip and photographed or videotaped for evidentiary purposes.

"(5) CARE.—While a seized animal is held in custody, a United States marshal or other authorized person shall ensure that the animal is provided necessary care (including housing, feeding, and veterinary treatment).

"(6) FORFEITURE.—

"(A) IN GENERAL.—Any animal, paraphernalia, instrument, vehicle, money, or other property or thing involved in a violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal, paraphernalia, instrument, vehicle, money, or other property or thing is found.

"(B) DISPOSITION.—On entry of a judgment of forfeiture, a forfeited animal shall be disposed of by humane means, as the court may direct.

"(C) COSTS.—Costs incurred by the United States for care of an animal seized and forfeited

under this section shall be recoverable from the owner of the animal—

"(i) in the forfeiture proceeding, if the owner appears in the forfeiture proceeding; or

"(ii) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.

"(D) CLAIM TO PROPERTY.—

"(i) IN GENERAL.—The owner, custodian, or other person claiming an interest in a seized animal may prevent disposition of the animal by posting, or may be ordered by any United States district court or other court of the United States, or by any tribal court, for any jurisdiction in which the animal is found to post, not later than 10 days after the animal is seized, a bond with the court in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

"(ii) RENEWAL.—The owner, custodian, or other person claiming an interest in a seized animal may renew a bond, or be ordered to renew a bond, by posting a new bond, in an amount sufficient to provide for the care of the animal for at least an additional 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted.

"(iii) DISPOSITION.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (A).

"(7) EUTHANIZATION.—Notwithstanding paragraphs (1) through (6), an animal may be humanely euthanized if a veterinarian determines that the animal is suffering extreme pain."; and

(6) in subsection (h) (as redesignated by paragraph (1))—

(A) in subparagraphs (A) and (B) of paragraph (2), by inserting before the semicolon the following: "(including a movement to, from, or within land under the jurisdiction of an Indian tribe)"; and

(B) in paragraph (3), by striking "telephone, radio, or television" and inserting "telephone, the Internet, radio, television, or any technology".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 23 of the Animal Welfare Act (7 U.S.C. 2153) is amended—

(1) by striking "SEC. 23. The Secretary" and inserting the following:

"SEC. 23. FEES; AUTHORIZATION OF APPROPRIATIONS.

"(a) FEES.—The Secretary"; and

(2) by striking the third sentence and inserting the following:

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the later of—

(1) the date of enactment of this Act; or

(2) May 13, 2003.

#### SEC. 1116. INCREASE IN MAXIMUM FINES FOR VIOLATION OF PUBLIC LAND REGULATIONS AND ESTABLISHMENT OF MINIMUM FINE FOR VIOLATION OF PUBLIC LAND FIRE REGULATIONS DURING FIRE BAN.

(a) LANDS UNDER JURISDICTION OF BUREAU OF LAND MANAGEMENT.—Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a)) is amended—

(1) in the second sentence, by striking "no more than \$1,000" and inserting "as provided in title 18, United States Code,"; and

(2) by inserting after the second sentence the following: "In the case of a regulation issued under this section regarding the use of fire by individuals on the public lands, if the violation of the regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than \$500.".

(b) NATIONAL PARK SYSTEM LANDS.—

(1) FINES.—Section 3 of the Act of August 25, 1916 (popularly known as the National Park Service Organic Act; 16 U.S.C. 3) is amended—



(A) by striking "That the Secretary" at the beginning of the section and inserting "(a) REGULATIONS FOR USE AND MANAGEMENT OF NATIONAL PARK SYSTEM; ENFORCEMENT.—The Secretary";

(B) by striking "\$500" and inserting "\$10,000"; and

(C) by inserting after the first sentence the following: "In the case of a rule or regulation issued under this subsection regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than \$500."

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) by striking "He may also" the first place it appears and inserting the following:

(b) SPECIAL MANAGEMENT AUTHORITIES.—The Secretary of the Interior may";

(B) by striking "He may also" the second place it appears and inserting "The Secretary may"; and

(C) by striking "No natural," and inserting the following:

"(c) LEASE AND PERMIT AUTHORITIES.—No natural".

(c) NATIONAL FOREST SYSTEM LANDS.—The eleventh undesignated paragraph under the heading "SURVEYING THE PUBLIC LANDS" of the Act of June 4, 1897 (16 U.S.C. 551), is amended—

(1) by striking "\$500" and inserting "\$10,000"; and

(2) by inserting after the first sentence the following: "In the case of such a rule or regulation regarding the use of fire by individuals on such lands, if the violation of the rule or regulation was the result of reckless conduct and occurred in an area subject to a complete ban on open fires, the fine may not be less than \$500."

Amend the title so as to read: "An Act to improve the capacity of the Secretary of Agriculture and the Secretary of the Interior to conduct hazardous fuels reduction projects on National Forest System lands and Bureau of Land Management lands aimed at protecting communities, watersheds, and certain other at-risk lands from catastrophic wildfire, to enhance efforts to protect watersheds and address threats to forest and rangeland health, including catastrophic wildfire, across the landscape, and for other purposes."

#### UNANIMOUS CONSENT REQUEST— H.R. 3365

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3365, the Fallen Patriot's Tax Relief Act; that the McCain-Baucus-Grassley amendment, which is at the desk, be agreed to; the bill, as amended, be read the third time and passed; the title amendment be agreed to; the motions to reconsider be laid upon the table en bloc; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, this is H.R. 3365, is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, Senator LANDRIEU has objected to this. I am told that she has been working with the committee on a sense-of-the-Senate resolution that should resolve this. I hope that can be done quickly.

I ask that people direct their attention to Senator LANDRIEU. I object.

The PRESIDING OFFICER. Objection is heard.

#### UNANIMOUS CONSENT REQUEST— H.R. 7

Mr. MCCONNELL. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 7, the charitable choice bill. I further ask unanimous consent that all after the enacting clause be stricken; that the Snowe amendment and the Grassley-Baucus amendment, which are at the desk, be agreed to en bloc; that the substitute amendment, which is the text of S. 476, the Senate-passed version of the charitable choice bill as amended by the Snowe and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table; further, that the Senate insist upon its amendments and request a conference with the House; and lastly, that the Chair be authorized to appoint conferees with a ratio of 3 to 2, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, as some will remember, we on this side are ready to pass this bill with the amendments and send it over to the House for their consideration. The majority insists on going to conference and we object to this part of the consent only. Therefore, I object for the reasons previously stated.

The PRESIDING OFFICER. The objection is heard.

#### EXECUTIVE SESSION

##### EXECUTIVE CALENDAR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's calendar: Calendar Nos. 430, 431, 432. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term ending July 1, 2005.

Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2008.

Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2007.

#### NOMINATIONS DISCHARGED

Mr. MCCONNELL. Mr. President, I also ask consent that the following nominations be discharged from the Rules Committee and be placed on the calendar: Paul S. DeGregorio, Gracie Hillman, Raymundo Martinez, Deforest Soaries, Jr., and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

#### MEASURE READ THE FIRST TIME—S. 1805

Mr. MCCONNELL. I understand S. 1805, which was introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1805) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Mr. MCCONNELL. I now ask for its second reading and object to further proceedings on the matter.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

#### MEASURE READ THE FIRST TIME—S. 1806

Mr. MCCONNELL. Mr. President, I understand S. 1806, introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1806) to prohibit civil liability actions from being brought or continued against manufacturers, distributors, dealers, or importers of firearms or ammunition for damages resulting from the misuse of their products by others.

Mr. MCCONNELL. I now ask for its second reading and object to further proceeding on the matter.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

#### FOREIGN OPERATIONS APPROPRIATIONS

##### VITIATION OF ACTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the agreement to amendments numbered 1995 and 2004 to H.R. 2800 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.



# OCEAN AND COASTAL OBSERVATION SYSTEMS ACT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 319, S. 1400.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1400) to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1400

*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 "Ocean Observation and Coastal Systems Act".]

## SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—The Congress finds the following:

[(1) The 95,000-mile coastline of the United States is vital to the Nation's homeland security, transportation, trade, environmental and human health, recreation and tourism, food production, scientific research and education, historical and cultural heritage, and energy production.

[(2) More than half the Nation's population lives and works in coastal communities that together make up 11 percent of its land and its most ecologically and economically important regions, supporting approximately 190 sea ports, containing most of our largest cities, and providing access to coastal waters rich in natural resources.

[(3) More than 95 percent of the Nation's trade moves by sea and nearly half of all goods, including energy products, carried in maritime commerce are hazardous materials.

[(4) The rich biodiversity of marine organisms provides society with essential food resources, a promising source of marine products with commercial and medical potential, and an important contribution to the national economy.

[(5) The oceans drive climate and weather factors causing severe weather events and threatening the health of coastal ecosystems and communities by creating or affecting both natural and man-made coastal hazards such as hurricanes, tsunamis, erosion, oil spills, harmful algal blooms, and pollution, which can pose threats to human health.

[(6) Each year, the United States Coast Guard relies on ocean information to save 4,380 people, conducts over 65,000 rescue missions, and carries out more than 11,680 environmental cleanups and responses to pollution.

[(7) Safeguarding homeland security requires improved monitoring of the Nation's ports and coastline, including the ability to track vessels and to provide rapid response teams with real-time environmental conditions necessary for their work.

[(8) Advances in ocean technologies and scientific understanding have made possible

long-term and continuous observation from space and in situ of ocean characteristics and conditions.

[(9) Many elements of an ocean and coastal observing system are in place, though in a patchwork manner that is fragmented, intermittent, incomplete, and not integrated.

[(10) Important coastal uses, such as tourism, recreation, and fishing, require assurance of healthy coastal waters, and while the interagency National Coast Condition Report provides an annual assessment of the status and quality of coastal waters, substantial data gaps exist that could be reduced through measurement of coastal quality through a coordinated observing system that incorporates Federal, State, and local monitoring programs.

[(11) National investment in a sustained and integrated ocean and coastal observing system and in coordinated programs of research would assist this Nation and the world in understanding the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen management of marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.

[(b) PURPOSES.—The purposes of this Act are to provide for—

[(1) development and maintenance of an integrated system that provides for sustained ocean and coastal observations from in situ, remote, and vessel platforms, and that promotes the national goals of assuring national security, advancing economic development, conserving living marine resources, protecting quality of life and the marine environment, and strengthening science education and communication through improved knowledge of the ocean;

[(2) implementation of a research and development program to enhance security at United States ports and minimize security risks; and

[(3) implementation of a data and information system required by all components of an integrated ocean and coastal observing system and related research.

## SEC. 3. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

[(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, (hereinafter referred to as the "Council"), shall establish and maintain an integrated system of marine monitoring, data communication and management, data analysis, and research designed to provide data and information for the rapid and timely detection and prediction of changes occurring in the marine environment that impact the Nation's social, economic, and ecological systems. Such an integrated ocean and coastal observing system shall provide for long-term and continuous observations of the oceans and coasts for the following purposes:

[(1) Strengthening homeland security.

[(2) Improving weather forecasts and public warnings of natural disasters and coastal hazards and mitigating such disasters and hazards.

[(3) Understanding, assessing, and responding to human-induced and natural processes of global change.

[(4) Enhancing the safety and efficiency of marine operations.

[(5) Supporting efforts to protect, maintain, and restore the health of and manage coastal and marine ecosystems and living resources.

[(6) Enhancing public health.

[(7) Monitoring and evaluating the effectiveness of ocean and coastal environmental policies.

[(8) Conducting focused research to enhance the national understanding of coastal and global ocean systems.

[(9) Providing information that contributes to public awareness of the condition and importance of the oceans.

[(b) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

[(1) serve as the lead entity providing oversight of Federal ocean and coastal observing requirements and activities;

[(2) adopt and maintain plans for the design, operation, and improvement of such system;

[(3) establish an interagency planning office to carry out the duties described in subsection (c);

[(4) coordinate and administer a program of research and development under the National Oceanographic Partnership Program (10 U.S.C. 7901) to support the operation of an integrated ocean and coastal observing system and advance the understanding of the oceans;

[(5) establish a joint operations center to be maintained by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with other Federal agencies; and

[(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs and in consultation with the Secretary of State to coordinate relevant Federal activities with those of other nations.

[(c) INTERAGENCY PROGRAM OFFICE.—There is established under the Council an interagency planning office. It shall—

[(1) promote collaboration among agencies;

[(2) promote collaboration among regional coastal observing systems established pursuant to subsection (f);

[(3) prepare annual and long-term plans for consideration by the Council for the design and implementation of an integrated ocean and coastal observing system, including the regional coastal observing systems and taking into account the science and technology advances considered ready for operational status;

[(4) provide information for the development of agency budgets;

[(5) identify requirements for a common set of measurements to be collected and distributed;

[(6) establish standards and protocols for quality control and data management and communications, in consultation with the Joint Operations Center established pursuant to subsection (d);

[(7) work with regional coastal observing entities, the National Sea Grant College Program, and other bodies as needed to assess user needs, develop data products, make effective use of existing capabilities, and incorporate new technologies, as appropriate; and

[(8) coordinate program planning and implementation.

[(d) JOINT OPERATIONS CENTER.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Oceanographer of the Navy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Commandant of the Coast Guard, the Under Secretary for Science and Technology of the Department of Homeland Security, and any other member of the National Ocean Research Leadership Council as the Council may, by memorandum of agreement, select—

[(1) shall report to the National Ocean Research Leadership Council;

[(2) shall maintain a joint operations center that reports to the Council; and

[(3) is authorized, without limitation—

[(A) to acquire, integrate, and deploy required technologies and provide support for an ocean and coastal observing system based on annual long-term plans developed by the interagency planning office;

[(B) to implement standards and protocols developed in consultation with the interagency planning office for—

[(i) network operations and data access;

[(ii) quality control and assessment of data and design;

[(iii) data access and management, including data transfer protocols and archiving;

[(iv) testing and employment of forecast models for ocean conditions; and

[(v) system products;

[(C) to migrate science and technology advancements from research and development to operational deployment based on the annual and long-term plans of the interagency program office;

[(D) to integrate and extend existing programs into an operating coastal and ocean and coastal observing system based on the annual and long-term plans of the interagency program office;

[(E) to coordinate the data communication and management system;

[(F) to provide products and services as specified by national, regional, and international users;

[(G) to certify that regional coastal observing systems meet the standards established in subsection (f) and to ensure a periodic process for review and recertification of the regional coastal observing systems; and

[(H) to implement standards to ensure compatibility and interoperability among existing and planned system components.

[(e) SYSTEM ELEMENTS.—

[(1) IN GENERAL.—The integrated ocean and coastal observing system shall consist of the following closely linked components:

[(A) A global ocean system to make observations in all oceans (including chemical, physical, and biological observations) for the purpose of documenting, at a minimum, long-term trends in sea level change, ocean carbon sources and sinks, and heat uptake and release by the ocean; and to monitor ocean locations for signs of abrupt or long-term changes in ocean circulation leading to changes in climate.

[(B) The national network of observations and data management that establishes reference and sentinel stations, links the global ocean system to local and regional observations, and provides data and information required by multiple regions.

[(C) Regional coastal observing systems that provide information through the national network and detect and predict conditions and events on a regional scale through the measurement and dissemination of a common set of ocean and coastal observations and related products in a uniform manner and according to sound scientific practice using national standards and protocols.

[(2) SUBSYSTEM LINKAGE.—The integrated ocean and coastal observing system shall link 3 subsystems for rapid access to data and information:

[(A) An observing subsystem to measure, manage, and serve a common set of chemical, physical, geological, and biological variables required to achieve the purpose of this Act on time scales required by users of the system.

[(B) An ocean data management and assimilation subsystem that provides for organization, cataloging, and dissemination of data and information to ensure full use and long term archival.

[(C) A data analysis and applications subsystem to translate data into products and

services in response to user needs and requirements.

[(3) RESEARCH AND DEVELOPMENT.—A research and development program for the integrated ocean and coastal observing system shall be conducted under the National Oceanographic Partnership Program and shall consist of the following elements:

[(A) Coastal, relocatable, and cabled sea floor observatories.

[(B) Focused research projects to improve understanding of the relationship between the oceans and human activities.

[(C) Applied research to develop new observing technologies and techniques, including data management and dissemination.

[(D) Large scale computing resources and research to improve ocean processes modeling.

[(E) Programs to improve public education and awareness of the marine environment and its goods and services.

[(f) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration, through the Joint Operations Center, shall work with representatives of entities in each region that provide ocean data and information to users to form regional associations. The regional associations shall be responsible for the development and operation of observing systems in the coastal regions extending to the seaward boundary of the United States Exclusive Economic Zone, including the Great Lakes. Participation in a regional association may consist of legal entities including, research institutions, institutions of higher learning, for-profit corporations, non-profit corporations, State, local, and regional agencies, and consortia of 2 or more such institutions or organizations that—

[(1) have demonstrated an organizational structure capable of supporting and integrating all aspects of a coastal ocean observing system within a region or subregion;

[(2) have prepared an acceptable business plan including research components and gained documented acceptance of its intended regional or sub-regional jurisdiction by users and other parties of interest within the region or sub-region with the objectives of—

[(A) delivering an integrated and sustained system that meets national goals;

[(B) incorporating into the system existing and appropriate regional observations collected by Federal, State, regional, or local agencies;

[(C) responding to the needs of the users, including the public, within the region;

[(D) maintaining sustained, 24-hour-a-day operations and disseminating observations in a manner that is routine, predictable and, if necessary, in real-time or near real-time;

[(E) providing services that include the collection and dissemination of data and data management for timely access to data and information;

[(F) creating appropriate products that are delivered in a timely fashion to the public and others who use, or are affected by, the oceans;

[(G) providing free and open access to the data collected with financial assistance under this Act; and

[(H) adhering to national standards and protocols to ensure that data and related products can be fully exchanged among all of the regional coastal systems and will be accessible to any user in any part of the nation.

[(3) For purposes of determining the civil liability under section 2671 of title 28, United States Code, any regional observing system and any employee thereof that is designated part of a regional association under this subsection shall be deemed to be an instrumen-

tality of the United States with respect to any act or omission committed by any such system or any employee thereof in fulfilling the purposes of this Act.

[(g) PILOT PROJECTS.—

[(1) IN GENERAL.—The Administrator, in consultation with the interagency planning office, shall initiate pilot projects through the National Oceanographic Partnership Program. A pilot project is an organized, planned set of activities designed to provide an evaluation of technology, methods, or concepts within a defined schedule and having the goal of advancing the development of the sustained, integrated ocean observing system. The pilot projects will—

[(A) develop protocols for coordinated implementation of the full system;

[(B) design and implement regional coastal ocean observing systems;

[(C) establish mechanisms for the exchange of data between and among regions and Federal agencies;

[(D) specify products and services and related requirements for observations, data management, and analysis in collaboration with user groups; and

[(E) develop and test new technologies and techniques to improve all three subsystems to more effectively meet the needs of users of the system.

[(2) INFRASTRUCTURE CAPITAL PROJECTS.—The pilot projects shall include one or more projects to capitalize the infrastructure for the collection, management, analysis, and distribution of data and one or more projects where the basic infrastructure and institutional mechanisms already exist for ongoing coastal observations, to fund the operations necessary for the collection of the common set of observations approved by the interagency planning office.

#### [(SEC. 4. INTERAGENCY FINANCING.)

[(The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program (10 U.S.C. 7901), including support for a common infrastructure and system integration for an ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.)

#### [(SEC. 5. AUTHORIZATION OF APPROPRIATIONS.)

[(a) OBSERVING SYSTEM AUTHORIZATION.—For development and implementation of an integrated ocean and coastal observing system under section 3, including financial assistance to regional coastal ocean observing systems and in addition to any amounts previously authorized, there are authorized to be appropriated to—

[(1) the National Oceanic and Atmospheric Administration, \$83,000,000 in fiscal year 2004, \$87,250,000 in fiscal year 2005, \$91,500,000 in fiscal year 2006, \$96,000,000 in fiscal year 2007, and \$100,000,000 in fiscal year 2008;

[(2) the National Science Foundation, \$25,000,000 in fiscal year 2004, \$26,250,000 in fiscal year 2005, \$27,500,000 in fiscal year 2006, \$29,000,000 in fiscal year 2007, and \$30,500,000 in fiscal year 2008;

[(3) the National Aeronautics and Space Administration, \$30,000,000 in fiscal year 2004, \$31,500,000 in fiscal year 2005, \$33,000,000 in fiscal year 2006, and \$34,750,000 in each of fiscal years 2007 and 2008;

[(4) the United States Coast Guard, \$8,000,000 in fiscal year 2004, \$8,400,000 in fiscal year 2005, \$9,700,000 in fiscal year 2006,

\$9,500,000 in fiscal year 2007, and \$9,750,000 in fiscal year 2008;

[(5) the Office of Naval Research, \$25,000,000 in fiscal year 2004, \$26,250,000 in fiscal year 2005, \$27,500,000 in fiscal year 2006, \$29,000,000 in fiscal year 2007, and \$30,500,000 in fiscal year 2008;

[(6) the Office of the Oceanographer of the Navy, \$30,000,000 in fiscal year 2004, \$31,500,000 in fiscal year 2005, \$33,000,000 in fiscal year 2006, \$34,750,000 in fiscal year 2007, and \$36,500,000 in fiscal year 2008; and

[(7) other Federal agencies with operational coastal or ocean monitoring systems or which provide funds to States for such systems, \$15,000,000 in each of fiscal years 2004 through 2008.

[(b) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration shall make at least 51 percent of the funds appropriated pursuant to subsection (a)(1) available as grants for the development and implementation of the regional coastal observing systems based on the plans adopted by the Council and may be used to leverage non-Federal funds.

[(c) AVAILABILITY.—Sums authorized to be appropriated by this section shall remain available until expended.]

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean and Coastal Observation Systems Act”.

#### SEC. 2. FINDINGS AND PURPOSES.

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

(1) The 95,000-mile coastline of the United States is vital to the Nation’s homeland security, transportation, trade, environmental and human health, recreation and tourism, food production, scientific research and education, historical and cultural heritage, and energy production.

(2) More than half the Nation’s population lives and works in coastal communities that together make up 11 percent of its land and its most ecologically and economically important regions, supporting approximately 190 sea ports, containing most of our largest cities, and providing access to coastal waters rich in natural resources.

(3) More than 95 percent of the Nation’s trade moves by sea and nearly half of all goods, including energy products, carried in maritime commerce are hazardous materials.

(4) The rich biodiversity of marine organisms provides society with essential food resources, a promising source of marine products with commercial and medical potential, and an important contribution to the national economy.

(5) The oceans drive climate and weather factors causing severe weather events and threatening the health of coastal ecosystems and communities by creating or affecting both natural and man-made coastal hazards such as hurricanes, tsunamis, erosion, oil spills, harmful algal blooms, hypoxia, and pollution, which can pose threats to human health.

(6) Each year, the United States Coast Guard relies on ocean information to save 4,380 people, conducts over 65,000 rescue missions, and carries out more than 11,680 environmental cleanups and responses to pollution.

(7) Safeguarding homeland security requires improved monitoring of the Nation’s ports and coastline, including the ability to track vessels and to provide rapid response teams with real-time environmental conditions necessary for their work.

(8) Advances in ocean technologies and scientific understanding have made possible long-term and continuous observation from space and in situ of ocean characteristics and conditions.

(9) Many elements of an ocean and coastal observing system are in place, though in a patchwork manner that is fragmented, intermittent, incomplete, and not integrated.

(10) Important coastal uses, such as tourism, recreation, and fishing, require assurance of healthy coastal waters, and while the interagency National Coast Condition Report provides an annual assessment of the status and quality of coastal waters, substantial data gaps exist that could be reduced through measurement of coastal quality through a coordinated observing system that incorporates Federal, State, and local monitoring programs.

(11) National investment in a sustained and integrated ocean and coastal observing system and in coordinated programs of research would assist this Nation and the world in understanding the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen management of marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.

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

(1) development and maintenance of an integrated system that provides for sustained ocean and coastal observations from in situ, remote, and vessel platforms, and that promotes the national goals of assuring national security, advancing economic development, conserving living marine resources, protecting quality of life and the marine environment, and strengthening science education and communication through improved knowledge of the ocean;

(2) implementation of a research and development program to enhance security at United States ports and minimize security risks; and

(3) implementation of a data and information system required by all components of an integrated ocean and coastal observing system and related research.

#### SEC. 3. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, (hereinafter referred to as the “Council”), shall establish and maintain an integrated system of marine monitoring, data communication and management, data analysis, and research designed to provide data and information for the rapid and timely detection and prediction of changes occurring in the marine environment that impact the Nation’s social, economic, and ecological systems. Such an integrated ocean and coastal observing system shall provide for long-term and continuous observations of the oceans and coasts for the following purposes:

(1) Strengthening homeland security.

(2) Improving weather forecasts and public warnings of natural disasters and coastal hazards and mitigating such disasters and hazards.

(3) Understanding, assessing, and responding to human-induced and natural processes of global change.

(4) Enhancing the safety and efficiency of marine operations.

(5) Supporting efforts to protect, maintain, and restore the health of and manage coastal and marine ecosystems and living resources.

(6) Enhancing public health.

(7) Monitoring and evaluating the effectiveness of ocean and coastal environmental policies.

(8) Conducting focused research to enhance the national understanding of coastal and global ocean systems.

(9) Providing information that contributes to public awareness of the condition and importance of the oceans.

(b) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

(1) serve as the lead entity providing oversight of Federal ocean and coastal observing requirements and activities;

(2) adopt and maintain plans for the design, operation, and improvement of such system;

(3) establish an interagency planning office to carry out the duties described in subsection (c);

(4) coordinate and administer a program of research and development under the National Oceanographic Partnership Program (10 U.S.C. 7901) to support the operation of an integrated ocean and coastal observing system and advance the understanding of the oceans;

(5) establish a joint operations center to be maintained by the Administrator of the National Oceanic and Atmospheric Administration, in consultation with other Federal agencies; and

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs and in consultation with the Secretary of State to coordinate relevant Federal activities with those of other nations.

(c) INTERAGENCY PROGRAM OFFICE.—There is established under the Council an interagency planning office. It shall—

(1) promote collaboration among agencies;

(2) promote collaboration among regional coastal observing systems established pursuant to subsection (f);

(3) prepare annual and long-term plans for consideration by the Council for the design and implementation of an integrated ocean and coastal observing system, including the regional coastal observing systems and taking into account the science and technology advances considered ready for operational status;

(4) provide information for the development of agency budgets;

(5) identify requirements for a common set of measurements to be collected and distributed;

(6) establish standards and protocols for quality control and data management and communications, in consultation with the Joint Operations Center established pursuant to subsection (d);

(7) work with regional coastal observing entities, the National Sea Grant College Program, and other bodies as needed to assess user needs, develop data products, make effective use of existing capabilities, and incorporate new technologies, as appropriate; and

(8) coordinate program planning and implementation.

(d) JOINT OPERATIONS CENTER.—The Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Oceanographer of the Navy, the Administrator of the National Aeronautics and Space Administration, the Director of the National Science Foundation, the Commandant of the Coast Guard, the Under Secretary for Science and Technology of the Department of Homeland Security, and any other member of the Council as the Council may, by memorandum of agreement, select—

(1) shall operate and maintain a joint operations center that reports to the Council; and

(2) is authorized—

(A) to acquire, integrate, and deploy required technologies and provide support for an ocean and coastal observing system based on annual long-term plans developed by the interagency planning office;

(B) to implement standards and protocols developed in consultation with the interagency planning office for—

(i) network operations and data access;

(ii) quality control and assessment of data and design;

(iii) data access and management, including data transfer protocols and archiving;

(iv) testing and employment of forecast models for ocean conditions; and

(v) system products;

(C) to migrate science and technology advancements from research and development to operational deployment based on the annual and long-term plans of the interagency program office;

(D) to integrate and extend existing programs into an operating ocean and coastal observing system based on the annual and long-term plans of the interagency program office;

(E) to coordinate the data communication and management system;

(F) to provide products and services as specified by national, regional, and international users;

(G) to certify that regional coastal observing systems meet the standards established in subsection (f) and to ensure a periodic process for review and recertification of the regional coastal observing systems; and

(H) to implement standards to ensure compatibility and interoperability among existing and planned system components.

(e) **SYSTEM ELEMENTS.**—

(1) **IN GENERAL.**—The integrated ocean and coastal observing system shall consist of the following closely linked components:

(A) A global ocean system to make observations in all oceans (including chemical, physical, and biological observations) for the purpose of documenting, at a minimum, long-term trends in sea level change, ocean carbon sources and sinks, and heat uptake and release by the ocean; and to monitor ocean locations for signs of abrupt or long-term changes in ocean circulation leading to changes in climate.

(B) The national network of observations and data management that establishes reference and sentinel stations, links the global ocean system to local and regional observations, and provides data and information required by multiple regions.

(C) Regional coastal observing systems that provide information through the national network and detect and predict conditions and events on a regional scale through the measurement and dissemination of a common set of ocean and coastal observations and related products in a uniform manner and according to sound scientific practice using national standards and protocols.

(2) **SUBSYSTEM LINKAGE.**—The integrated ocean and coastal observing system shall link 3 subsystems for rapid access to data and information:

(A) An observing subsystem to measure, manage, and serve a common set of chemical, physical, geological, and biological variables required to achieve the purpose of this Act on time scales required by users of the system.

(B) An ocean and coastal data management and assimilation subsystem that provides for organization, cataloging, and dissemination of data and information to ensure full use and long term archival.

(C) A data analysis and applications subsystem to translate data into products and services in response to user needs and requirements.

(3) **INTEGRATION OF EXISTING CENTERS.**—The integrated ocean and coastal observing system shall integrate the capabilities of the Coast Services Center and the National Coastal Data Development Center of the National Oceanic and Atmospheric Administration, and other appropriate centers.

(4) **RESEARCH AND DEVELOPMENT.**—A research and development program for the integrated ocean and coastal observing system shall be conducted under the National Oceanographic Partnership Program and shall consist of the following elements:

(A) Coastal, relocatable, and cabled sea floor observatories.

(B) Focused research projects to improve understanding of the relationship between the oceans and human activities.

(C) Applied research to develop new observing technologies and techniques, including data management and dissemination.

(D) Large scale computing resources and research to improve ocean processes modeling.

(E) Programs to improve public education and awareness of the marine environment and its goods and services.

(f) **REGIONAL COASTAL OBSERVING SYSTEMS.**—The Administrator of the National Oceanic and Atmospheric Administration, through the Joint Operations Center, shall work with representatives of entities in each region that provide ocean data and information to users to form re-

gional associations. The regional associations shall be responsible for the development and operation of observing systems in the coastal regions extending to the seaward boundary of the United States Exclusive Economic Zone, including the Great Lakes. Participation in a regional association may consist of legal entities including, research institutions, institutions of higher learning, for-profit corporations, non-profit corporations, State, local, and regional agencies, and consortia of 2 or more such institutions or organizations that—

(1) have demonstrated an organizational structure capable of supporting and integrating all aspects of a coastal ocean observing system within a region or subregion;

(2) have prepared an acceptable business plan including research components and gained documented acceptance of its intended regional or sub-regional jurisdiction by users and other parties of interest within the region or sub-region with the objectives of—

(A) delivering an integrated and sustained system that meets national goals;

(B) incorporating into the system existing and appropriate regional observations collected by Federal, State, regional, or local agencies;

(C) responding to the needs of the users, including the public, within the region;

(D) maintaining sustained, 24-hour-a-day operations and disseminating observations in a manner that is routine, predictable and, if necessary, in real-time or near real-time;

(E) providing services that include the collection and dissemination of data and data management for timely access to data and information;

(F) creating appropriate products that are delivered in a timely fashion to the public and others who use, or are affected by, the oceans;

(G) providing free and open access to the data collected with financial assistance under this Act; and

(H) adhering to national standards and protocols to ensure that data and related products can be fully exchanged among all of the regional coastal systems and will be accessible to any user in any part of the nation.

(3) For purposes of determining the civil liability under section 2671 of title 28, United States Code, any regional observing system and any employee thereof that is designated part of a regional association under this subsection shall be deemed to be an instrumentality of the United States with respect to any act or omission committed by any such system or any employee thereof in fulfilling the purposes of this Act.

(g) **PILOT PROJECTS.**—

(1) **IN GENERAL.**—The Administrator, in consultation with the interagency planning office, shall initiate pilot projects through the National Oceanographic Partnership Program. A pilot project is an organized, planned set of activities designed to provide an evaluation of technology, methods, or concepts within a defined schedule and having the goal of advancing the development of the sustained, integrated ocean observing system. The pilot projects will—

(A) develop protocols for coordinated implementation of the full system;

(B) design and implement regional coastal ocean observing systems;

(C) establish mechanisms for the exchange of data between and among regions and Federal agencies;

(D) specify products and services and related requirements for observations, data management, and analysis in collaboration with user groups; and

(E) develop and test new technologies and techniques to improve all three subsystems to more effectively meet the needs of users of the system.

(2) **INFRASTRUCTURE CAPITAL PROJECTS.**—The pilot projects shall include one or more projects to capitalize the infrastructure for the collection, management, analysis, and distribution of data and one or more projects where the basic

infrastructure and institutional mechanisms already exist for ongoing coastal observations, to fund the operations necessary for the collection of the common set of observations approved by the interagency planning office.

**SEC. 4. INTERAGENCY FINANCING.**

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program (10 U.S.C. 7901), including support for a common infrastructure and system integration for an ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

(a) **OBSERVING SYSTEM AUTHORIZATION.**—For development and implementation of an integrated ocean and coastal observing system under section 3, including financial assistance to regional coastal ocean observing systems and in addition to any amounts previously authorized, there are authorized to be appropriated to—

(1) the National Oceanic and Atmospheric Administration, \$83,000,000 in fiscal year 2004, \$87,250,000 in fiscal year 2005, \$91,500,000 in fiscal year 2006, \$96,000,000 in fiscal year 2007, and \$100,000,000 in fiscal year 2008;

(2) the National Science Foundation, \$25,000,000 in fiscal year 2004, \$26,250,000 in fiscal year 2005, \$27,500,000 in fiscal year 2006, \$29,000,000 in fiscal year 2007, and \$30,500,000 in fiscal year 2008;

(3) the National Aeronautics and Space Administration, \$30,000,000 in fiscal year 2004, \$31,500,000 in fiscal year 2005, \$33,000,000 in fiscal year 2006, and \$34,750,000 in each of fiscal years 2007 and 2008;

(4) the United States Coast Guard, \$8,000,000 in fiscal year 2004, \$8,400,000 in fiscal year 2005, \$9,700,000 in fiscal year 2006, \$9,500,000 in fiscal year 2007, and \$9,750,000 in fiscal year 2008;

(5) the Office of Naval Research, \$25,000,000 in fiscal year 2004, \$26,250,000 in fiscal year 2005, \$27,500,000 in fiscal year 2006, \$29,000,000 in fiscal year 2007, and \$30,500,000 in fiscal year 2008;

(6) the Office of the Oceanographer of the Navy, \$30,000,000 in fiscal year 2004, \$31,500,000 in fiscal year 2005, \$33,000,000 in fiscal year 2006, \$34,750,000 in fiscal year 2007, and \$36,500,000 in fiscal year 2008; and

(7) other Federal agencies with operational coastal or ocean monitoring systems or which provide funds to States for such systems, \$15,000,000 in each of fiscal years 2004 through 2008.

(b) **REGIONAL COASTAL OBSERVING SYSTEMS.**—The Administrator of the National Oceanic and Atmospheric Administration shall make at least 51 percent of the funds appropriated pursuant to subsection (a)(1) available as grants for the development and implementation of the regional coastal observing systems based on the plans adopted by the Council and may be used to leverage non-Federal funds.

(c) **HIGH-FREQUENCY SURFACE WAVE RADAR.**—The Administrator of the National Oceanic and Atmospheric Administration may make available \$3,000,000 of the funds appropriated pursuant to subsection (a)(1) for fiscal year 2004 to demonstrate the capabilities of shore-based high-frequency surface wave radar to measure real-time wave height, wave velocity, wave period, tidal velocity, and wind speed within and beyond the Exclusive Economic Zone of the United States.

(d) **AVAILABILITY.**—Sums authorized to be appropriated by this section shall remain available until expended.

Ms. SNOWE. Mr. President, I thank you for allowing the Senate to consider

S. 1400, the Ocean and Coastal Observation Systems Act of 2003. I would also like to thank several of my colleagues for co-sponsoring this bill, including Senators KERRY, MCCAIN, HOLLINGS, BREAUX, INOUE, LOTT, BOXER, and COLLINS.

Those familiar with the challenges of trying to monitor and predict ocean and marine environmental conditions—whether for marine science, resource management, and maritime transportation and safety—are aware of our tremendous need for better collection of basic ocean data. This bill, the Ocean and Coastal Observation Systems Act of 2003, would develop and formalize an integrated network of ocean observing systems around our Nation's coastlines, thereby allowing comprehensive and consistent ocean data to be gathered and fulfilling this critical information need. It would revolutionize our Nation's efforts in collecting, processing, and communicating ocean and coastal data.

Like other coastal states, Maine has an enduring connection to the ocean. We are highly dependent on the fisheries resources and other essential services provided to us by the sea, and we understand that our lives and livelihoods are firmly rooted in how well we understand and adapt to ocean conditions. This became much easier to do in 2001, when the Gulf of Maine Ocean Observing System, or GoMOOS, deployed ten observation buoys in the Gulf of Maine. This prototype system has transformed how we gather information about the ocean and track ocean conditions over time. On the surface, these buoys measure currents, temperature, salinity, turbidity, dissolved oxygen, and other key environmental variables. By modifying the instrumentation, other data can be gathered from these platforms.

What sets the GoMOOS observation system apart from the traditional data gathering approach, however, is that it takes all these ocean and surface condition measurements on an hourly basis through a network of linked buoys, and these near real-time measurements can be monitored and accessed by the general public through the internet. GoMOOS thereby provides a tremendous public service.

The need for this type of ocean data gathering and access is not limited to the Gulf of Maine. The U.S. coastline spans 95,000 miles, and all States that border our oceans and Great Lakes would benefit from this service. Ocean and coastal observing systems have been planned or developed for other coastal regions, many in conjunction with the National Oceanic and Atmospheric Administration, State coastal management agencies, universities, and other regional partners. These systems, however, use different approaches for collecting, managing, processing, and communicating data through their network, and these data are often incompatible with data from other regions. As a result, we lose a

valuable opportunity to develop a comprehensive picture of coastal and ocean conditions around the Nation.

S. 1400, the Ocean and Coastal Observation Systems Act, seeks to solve this problem. This bill would coordinate ocean and coastal observation efforts with the support of the Federal Government. It would help develop regional observation systems, link them through a nationwide network, and provide public access to the information so anyone can better understand and track ocean and coastal conditions. It would call on the National Ocean Research Leadership Council to design, operate, and improve a Nationwide observation system, as well as administer an ocean data research and development program. This Council would plan these activities through a collaborative interagency planning office and carry them out through a joint operations center.

The American public—over half of which lives along our coastlines—will be very well served through the many uses and applications of this system. Fisheries, scientists, and managers can use this information to predict ocean conditions that affect productivity and utilize this information in resource management. Fishermen, sailors, Coast Guard search-and-rescue units, the military, and others who traverse the ocean can better predict safe sea conditions, and shippers can transport goods more efficiently. Ocean scientists and regulators can better understand, predict, and rapidly respond to marine pollution. Educators and students can learn more about marine science. Clearly, anyone who relies upon the ocean stands to benefit from this Nationwide observation system.

Mr. President, as Chair of the Subcommittee on Oceans, Fisheries, and Coast Guard and as a coastal State Senator, I am extremely proud to sponsor and support this bill. Considering the tremendous public good and services that these systems provide, it is imperative that we in Congress facilitate the development and funding of a national, integrated, and sustained ocean observation network. We can do this by passing the Ocean and Coastal Observation Systems Act. Following action by the Senate, I encourage the House of Representatives to take action on this bill to facilitate its passage into law. I am confident that this bill, once enacted, will serve the public well by facilitating better understanding of our Nation's oceans and coasts, and I thank my colleagues for supporting it.

Mr. McCONNELL. Mr. President, I ask unanimous consent the committee amendment be agreed to, the bill be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The bill (S. 1400), as amended, was passed.

#### AUTHORIZING APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 348, S. 1757.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1757) to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with an amendment, as follows:

[Strike the part shown in the black brackets and insert the part shown in *italic*.]

S. 1757

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

#### SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

“(1) \$17,000,000 for fiscal year 2004; and

“(2) \$18,000,000 for each of fiscal years 2005 through 2008.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section (4)(a)(1)—

“(1) \$16,000,000 for fiscal year 2004; and

“(2) \$18,000,000 for each of fiscal years 2005 through 2008.”]

“(1) \$16,000,000 for fiscal year 2004;

“(2) \$18,000,000 for each of fiscal years 2005 and 2006; and

“(3) \$12,000,000 for fiscal years 2007 and 2008.”

Mr. McCONNELL. Mr. President, I ask unanimous consent that the committee amendment be agreed to the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1757), as amended, was read the third time and passed, as follows:

S. 1757

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

#### SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1)(H)—

“(1) \$17,000,000 for fiscal year 2004; and

“(2) \$18,000,000 for each of fiscal years 2005 through 2008.

“(b) CAPITAL PROJECTS.—There are authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1)—

“(1) \$16,000,000 for fiscal year 2004;

“(2) \$18,000,000 for each of fiscal years 2005 and 2006; and

“(3) \$12,000,000 for fiscal years 2007 and 2008.”.

### CAPTIVE WILDLIFE SAFETY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 320, S. 269.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 269) to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Environment and Public Works, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 269

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Captive Wildlife Safety Act”.

#### SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

“(k) PROHIBITED WILDLIFE SPECIES.—The term ‘prohibited wildlife species’ means any live lion, tiger, leopard, cheetah, jaguar, or cougar.”.

“(g) PROHIBITED WILDLIFE SPECIES.—The term ‘prohibited wildlife species’ means—

“(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

“(B) any live hybrid of any of those species.”.

#### SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “, or” at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting “or” after the semicolon at the end; and

(iii) by adding at the end the following:

“(C) any prohibited wildlife species (subject to subsection (e));”;

(B) in paragraph (3)(B), by inserting “or” after the semicolon at the end; and

(C) in paragraph (4), by striking “paragraphs (1) through (4)” and inserting “paragraphs (1) through (3)”;

(2) by adding at the end the following:

“(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

“(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

“(A) any [zoo, circus,] exhibitor or research facility licensed or registered and inspected by a Federal agency[, or aquarium];

“(B) any person accredited by the Association of Sanctuaries or the American Sanctuary Association;]

“(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

“(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

“(II) is an organization described in section 170(b)(1)(A)(vi) of that Code;

“(ii) does not engage in commercial trade of animals listed in section 2(k) (including any sale of animals, animal parts, byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

“(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

“(iv) does not—

“(I) allow unescorted public visitation or direct contact between the public and wild animals; or

“(II) take animals from a sanctuary or enclosure for exhibition; and

“(v) maintains exceptional standards of animal care;

“(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

“(D) any incorporated humane society, animal shelter, or society for the prevention of cruelty to animals;

“(E) any federally-licensed and inspected breeder or dealer that is conducting any breeding or dealing activity with a person referred to in this paragraph; or]

“(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

“(F) (E) any person having custody of a wild animal solely for the purpose of expeditiously transporting the animal to a person referred to in this paragraph.

“(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in cooperation with the Director of the Animal and Plant Health Inspection Service and in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

“(3) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.”.

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc, the bill, as amended, be read three times and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 269), as amended, was read the third time and passed, as follows:

S. 269

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Captive Wildlife Safety Act”.

#### SEC. 2. DEFINITION OF PROHIBITED WILDLIFE SPECIES.

Section 2 of the Lacey Act Amendments of 1981 (16 U.S.C. 3371) is amended—

(1) by redesignating subsections (g) through (j) as subsections (h) through (k), respectively; and

(2) by inserting after subsection (f) the following:

“(g) PROHIBITED WILDLIFE SPECIES.—The term ‘prohibited wildlife species’ means—

“(A) any live species of lion, tiger, leopard, cheetah, jaguar, or cougar; and

“(B) any live hybrid of any of those species.”.

#### SEC. 3. PROHIBITED ACTS.

(a) IN GENERAL.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking “, or” at the end and inserting a semicolon;

(ii) in subparagraph (B), by inserting “or” after the semicolon at the end; and

(iii) by adding at the end the following:

“(C) any prohibited wildlife species (subject to subsection (e));”;

(B) in paragraph (3)(B), by inserting “or” after the semicolon at the end; and

(C) in paragraph (4), by striking “paragraphs (1) through (4)” and inserting “paragraphs (1) through (3)”;

(2) by adding at the end the following:

“(e) NONAPPLICABILITY OF PROHIBITED WILDLIFE SPECIES OFFENSE.—

“(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—

“(A) any exhibitor or research facility licensed or registered and inspected by a Federal agency;

“(B) any sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals that—

“(i)(I) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; and

“(II) is an organization described in section 170(b)(1)(A)(vi) of that Code;

“(ii) does not engage in commercial trade of animals listed in section 2(k) (including any sale of animals, animal parts, byproducts, or offspring, exhibition of animals for photograph opportunities, or conduct of public events with live animals for financial profit or any other entertainment purpose);

“(iii) does not propagate animals in a facility of the sanctuary, humane society, animal shelter, or society for the prevention of cruelty to animals;

“(iv) does not—

“(I) allow unescorted public visitation or direct contact between the public and wild animals; or

“(II) take animals from a sanctuary or enclosure for exhibition; and

“(v) maintains exceptional standards of animal care;

“(C) any State college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

“(D) any federally-licensed and inspected broker or dealer in a case in which the broker or dealer is conducting any brokering or dealing activity with a person referred to in this paragraph; or

“(E) any person having custody of a wild animal solely for the purpose of expeditiously transporting the animal to a person referred to in this paragraph.



“(2) REGULATIONS.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in cooperation with the Director of the Animal and Plant Health Inspection Service and in consultation with the heads of other relevant Federal agencies, shall promulgate regulations describing the persons or entities to which paragraph (1) applies.

“(3) STATE AUTHORITY.—Nothing in this subsection preempts or supersedes the authority of a State to regulate wildlife species within that State.”.

(b) APPLICATION.—Section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (as added by subsection (a)(1)(A)(iii)) shall apply beginning on the effective date of regulations promulgated under section 3(e)(2) of that Act (as added by subsection (a)(2)).

## MARINE TURTLE CONSERVATION ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar No. 313, S. 1210.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A bill (S. 1210) to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1210) was read the third time and passed, as follows:

S. 1210

*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 “Marine Turtle Conservation Act of 2003”.

### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) marine turtle populations have declined to the point that the long-term survival of the loggerhead, green, hawksbill, Kemp’s ridley, olive ridley, and leatherback turtle in the wild is in serious jeopardy;

(2) 6 of the 7 recognized species of marine turtles are listed as threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), and all 7 species have been included in Appendix I of CITES;

(3) because marine turtles are long-lived, late-maturing, and highly migratory, marine turtles are particularly vulnerable to the impacts of human exploitation and habitat loss;

(4) illegal international trade seriously threatens wild populations of some marine turtle species, particularly the hawksbill turtle;

(5) the challenges facing marine turtles are immense, and the resources available have not been sufficient to cope with the continued loss of nesting habitats caused by human activities and the consequent diminution of marine turtle populations;

(6) because marine turtles are flagship species for the ecosystems in which marine turtles are found, sustaining healthy popu-

lations of marine turtles provides benefits to many other species of wildlife, including many other threatened or endangered species;

(7) marine turtles are important components of the ecosystems that they inhabit, and studies of wild populations of marine turtles have provided important biological insights;

(8) changes in marine turtle populations are most reliably indicated by changes in the numbers of nests and nesting females; and

(9) the reduction, removal, or other effective addressing of the threats to the long-term viability of populations of marine turtles will require the joint commitment and effort of—

(A) countries that have within their boundaries marine turtle nesting habitats; and

(B) persons with expertise in the conservation of marine turtles.

(b) PURPOSE.—The purpose of this Act is to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries by supporting and providing financial resources for projects to conserve the nesting habitats, conserve marine turtles in those habitats, and address other threats to the survival of marine turtles.

### SEC. 3. DEFINITIONS.

In this Act:

(1) CITES.—The term “CITES” means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(2) CONSERVATION.—The term “conservation” means the use of all methods and procedures necessary to protect nesting habitats of marine turtles in foreign countries and of marine turtles in those habitats, including—

(A) protection, restoration, and management of nesting habitats;

(B) onsite research and monitoring of nesting populations, nesting habitats, annual reproduction, and species population trends;

(C) assistance in the development, implementation, and improvement of national and regional management plans for nesting habitat ranges;

(D) enforcement and implementation of CITES and laws of foreign countries to—

(i) protect and manage nesting populations and nesting habitats; and

(ii) prevent illegal trade of marine turtles;

(E) training of local law enforcement officials in the interdiction and prevention of—

(i) the illegal killing of marine turtles on nesting habitat; and

(ii) illegal trade in marine turtles;

(F) initiatives to resolve conflicts between humans and marine turtles over habitat used by marine turtles for nesting;

(G) community outreach and education; and

(H) strengthening of the ability of local communities to implement nesting population and nesting habitat conservation programs.

(3) FUND.—The term “Fund” means the Marine Turtle Conservation Fund established by section 5.

(4) MARINE TURTLE.—

(A) IN GENERAL.—The term “marine turtle” means any member of the family Cheloniidae or Dermochelyidae.

(B) INCLUSIONS.—The term “marine turtle” includes—

(i) any part, product, egg, or offspring of a turtle described in subparagraph (A); and

(ii) a carcass of such a turtle.

(5) MULTINATIONAL SPECIES CONSERVATION FUND.—The term “Multinational Species Conservation Fund” means the fund established under the heading “MULTINATIONAL SPECIES CONSERVATION FUND” in title I of the

Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 4246).

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

### SEC. 4. MARINE TURTLE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds and in consultation with other Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects for the conservation of marine turtles for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of marine turtles may be submitted to the Secretary by—

(A) any wildlife management authority of a foreign country that has within its boundaries marine turtle nesting habitat if the activities of the authority directly or indirectly affect marine turtle conservation; or

(B) any other person or group with the demonstrated expertise required for the conservation of marine turtles.

(2) REQUIRED ELEMENTS.—A project proposal shall include—

(A) a statement of the purposes of the project;

(B) the name of the individual with overall responsibility for the project;

(C) a description of the qualifications of the individuals that will conduct the project;

(D) a description of—

(i) methods for project implementation and outcome assessment;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(E) an estimate of the funds and time required to complete the project;

(F) evidence of support for the project by appropriate governmental entities of the countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(G) information regarding the source and amount of matching funding available for the project; and

(H) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a project proposal, provide a copy of the proposal to other Federal officials, as appropriate; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria specified in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of funds, the Secretary, after consulting with other Federal officials, as appropriate, shall—

(A) consult on the proposal with the government of each country in which the project is to be conducted;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the project proposal; and

(C) provide written notification of the approval or disapproval to the person that submitted the project proposal, other Federal officials, and each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the project will help recover

and sustain viable populations of marine turtles in the wild by assisting efforts in foreign countries to implement marine turtle conservation programs.

(e) **PROJECT SUSTAINABILITY.**—To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to conservation projects that are designed to ensure effective, long-term conservation of marine turtles and their nesting habitats.

(f) **MATCHING FUNDS.**—In determining whether to approve project proposals under this section, the Secretary shall give preference to projects for which matching funds are available.

(g) **PROJECT REPORTING.**—

(1) **IN GENERAL.**—Each person that receives assistance under this section for a project shall submit to the Secretary periodic reports (at such intervals as the Secretary may require) that include all information that the Secretary, after consultation with other government officials, determines is necessary to evaluate the progress and success of the project for the purposes of ensuring positive results, assessing problems, and fostering improvements.

(2) **AVAILABILITY TO THE PUBLIC.**—Reports under paragraph (1), and any other documents relating to projects for which financial assistance is provided under this Act, shall be made available to the public.

#### SEC. 5. MARINE TURTLE CONSERVATION FUND.

(a) **ESTABLISHMENT.**—There is established in the Multinational Species Conservation Fund a separate account to be known as the "Marine Turtle Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 6; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) **EXPENDITURES FROM FUND.**—

(1) **IN GENERAL.**—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to carry out section 4.

(2) **ADMINISTRATIVE EXPENSES.**—Of the amounts in the account available for each fiscal year, the Secretary may expend not more than 3 percent, or up to \$80,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(c) **INVESTMENT OF AMOUNTS.**—

(1) **IN GENERAL.**—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) **ACQUISITION OF OBLIGATIONS.**—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) **SALE OF OBLIGATIONS.**—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) **CREDITS TO FUND.**—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) **TRANSFERS OF AMOUNTS.**—

(1) **IN GENERAL.**—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund

on the basis of estimates made by the Secretary of the Treasury.

(2) **ADJUSTMENTS.**—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary may accept and use donations to provide assistance under section 4. Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

#### SEC. 6. ADVISORY GROUP.

(a) **IN GENERAL.**—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of marine turtles.

(b) **PUBLIC PARTICIPATION.**—

(1) **MEETINGS.**—The Advisory Group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) **NOTICE.**—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) **MINUTES.**—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

(c) **EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory group.

#### SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Fund \$5,000,000 for each of fiscal years 2005 through 2009.

### AMENDING TITLE XXI OF THE SOCIAL SECURITY ACT

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3288, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3288) to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3288) was read the third time and passed.

### DECLARING EMPORIA, KANSAS, TO BE THE FOUNDING CITY OF THE VETERANS DAY HOLIDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H. Con. Res. 159 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 159) declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the enactment into law of the observance of Veterans Day.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BROWNBACK. Mr. President, I wish to recognize the city of Emporia, KS, for its significant role in the establishment of Veterans Day. The people of Emporia take great pride in their city's contribution to the founding of this national holiday, and, while they may be modest, I would like to trumpet the work of my fellow Kansans.

As all of us in this Chamber are aware, Veterans Day was once Armistice Day, a day set apart by this Congress to commemorate the end of World War I, which our Nation once hoped would be "the war to end all wars." Just a few years after Armistice Day was made a legal holiday, our Nation was engulfed in the Second World War. Shortly thereafter our soldiers were fighting bravely to repel the communist advance on the Korean Peninsula. These two conflicts added millions to the number of war veterans in the United States. Certainly, it seemed appropriate that these new veterans, like the veterans of World War I, should be honored for their service to our country.

The man who initiated the effort to honor all of these veterans was a Kansan. Congressman Ed Rees, a native of Emporia, acted on the call of his constituents, particularly that of his fellow Emporian, Alvin J. King, to introduce legislation to officially change Armistice Day to Veterans Day. In 1954, another Kansan, President Dwight D. Eisenhower, signed this legislation into law.

Since 1954, Veterans Day has been a day set apart to honor the valor and sacrifice of all America's veterans. At all times our Nation relies on the courage and selflessness of the members of our Armed Forces, so I am thankful that Congressman Ed Rees, at the behest of his fellow Emporians, worked so diligently to establish one special day when all our veterans are recognized for their faithful service to the United States. I thank the people of Emporia, and I thank the millions of war veterans who inspired them.

Mr. ROBERTS. Mr. President, this resolution declares Emporia, KS, to be the founding city of Veterans Day. In addition, the resolution recognizes the contributions of Alvin J. King and Representative Ed Rees from Emporia, KS, to the enactment into law of the observance of Veterans Day.

On October 8, 1954, President Dwight D. Eisenhower, also a Kansan, signed

into law a bill changing Armistice Day to Veterans Day. President Eisenhower stated, "On that day let us solemnly remember the sacrifices of all those who fought so valiantly, on the seas, in the air, and on foreign shores, to preserve our heritage of freedom, and let us reconsecrate ourselves to the task of promoting an enduring peace so that their efforts shall not have been in vain."

With the soon-to-be return of our service men and women from the war in Iraq, Veterans Day takes on a new meaning. These men and women who serve in Iraq today, join the other millions that have come before them. I am proud that President Eisenhower, Representative Rees, and Alvin King, all from the great state of Kansas, took the idea for the celebration of Veterans Day from conception to fruition.

Emporia, KS, organized and celebrated Veterans Day in 1953, one year before the rest of the United States. Alvin J. King, the man behind the idea, was a shoe cobbler in Emporia. Mr. KING befriended many veterans, thus realizing that we needed a national holiday to commemorate all veterans of all wars, not just those of World War I. With support from the community of Emporia, Mr. KING took his idea to Washington. There, he found a close ally in Representative Ed Rees, who introduced a bill to change the holiday. Mr. Rees said, "The United States has now been involved in many great military efforts, and each has produced its number of veterans. We all realize that it would not be feasible to establish a national holiday to commemorate the closing of each war. This legislation does not establish a new holiday. Rather it expands an existing holiday so that we may honor all veterans at the same time."

On November 11 of each year, we pay tribute to our veterans. Americans, as in all wars have rallied behind the men and women who went off to defend the American way of life. And, as some of those soldiers returned, we embraced and thanked them for their sacrifice. And for those that did not come home we remembered them in somber ceremonies, silent prayers, and grieving moments. On November 11 we pay reverence to anyone that has wore the uniform. We should, also, recognize the shoe cobbler from Emporia, who had a vision for a national holiday; a representative, who listened to his hometown; and a President, who a veteran himself, saw the completion of this idea.

I urge my colleagues to pass this resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 159) was agreed to.

The preamble was agreed to.

#### VETERANS' BENEFITS ENHANCEMENTS ACT OF 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar item No. 316, S. 1132.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1132) to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 1132

*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 "Veterans' Survivors Benefits Enhancements Act of 2003".]

#### SEC. 2. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

[(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 of title 38, United States Code, is amended—

[(1) in subsection (a)—

[(A) in paragraph (1), by striking "at the monthly rate of" and all that follows and inserting "at the monthly rate of \$985 for full-time, \$740 for three-quarter-time, or \$492 for half-time pursuit."; and

[(B) in paragraph (2), by striking "at the rate of" and all that follows and inserting "at the rate of the lesser of—

[(A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced non-veterans enrolled in the same program to pay; or

[(B) \$985 per month for a full-time course.";

[(2) in subsection (b), by striking "\$670" and inserting "\$985"; and

[(3) in subsection (c)(2), by striking "shall be" and all that follows and inserting "shall be \$795 for full-time, \$596 for three-quarter-time, or \$398 for half-time pursuit.".

[(b) CORRESPONDENCE COURSES.—Section 3534(b) of that title is amended by striking "\$670" and inserting "\$985".

[(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) of that title is amended—

[(1) by striking "\$670" and inserting "\$985"; and

[(2) by striking "\$210" each place it appears and inserting "\$307".

[(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) of that title is amended by striking "shall be \$488 for the first six months" and all that follows and inserting "shall be \$717 for the first six months, \$536 for the second six months, \$356 for the third six months, and \$179 for the fourth and any succeeding six-month period of training.".

[(e) EFFECTIVE DATE.—(1) The amendments made by this section shall take effect on October 1, 2003, and shall apply with respect to

educational assistance allowances payable under chapter 35 and section 3687(b)(2) of title 38, United States Code, for months beginning on or after that date.

[(2) No adjustment in rates of monthly training allowances shall be made under section 3687(d) of title 38, United States Code, for fiscal year 2004.

#### SEC. 3. MODIFICATION OF DURATION OF EDUCATIONAL ASSISTANCE.

[Section 3511(a)(1) of title 38, United States Code, is amended by striking "45 months" and all that follows and inserting "45 months, or 36 months in the case of a person who first files a claim for educational assistance under this chapter after the date of the enactment of the Veterans' Survivors Benefits Enhancements Act of 2003, or the equivalent thereof in part-time training.".

#### SEC. 4. ADDITIONAL DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN.

[(a) ADDITIONAL DEPENDENCY AND INDEMNITY COMPENSATION.—Section 1311 of title 38, United States Code, is amended by adding at the end the following new subsection:

[(e)(1) Subject to paragraphs (2) and (3), if there is a surviving spouse with one or more children below the age of eighteen, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by \$250, regardless of the number of such children.

[(2) Dependency and indemnity compensation shall be increased for a month under this subsection only for months occurring during the five-year period beginning on the date of death of the veteran on which such dependency and indemnity compensation is based.

[(3) The increase in dependency and indemnity compensation of a surviving spouse under this subsection shall cease beginning with the first month commencing after the month in which all children of the surviving spouse have attained the age of eighteen.

[(4) Dependency and indemnity compensation under this subsection is in addition to any other dependency and indemnity compensation payable by law.".

[(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

#### SEC. 5. ELIGIBILITY OF SURVIVING SPOUSES WHO REMARRY FOR BURIAL IN NATIONAL CEMETERIES.

[(a) IN GENERAL.—Section 2402(5) of title 38, United States Code, is amended by striking "(which for purposes of this chapter includes an unremarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)" and inserting "(which for purposes of this chapter includes a surviving spouse who had a subsequent remarriage)".

[(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after January 1, 2000.

#### SEC. 6. BENEFIT FOR CHILDREN WITH SPINA BIFIDA OF VETERANS OF CERTAIN SERVICE IN KOREA.

[(a) IN GENERAL.—Chapter 18 of title 38, United States Code, is amended—

[(1) by redesignating subchapter III, and sections 1821, 1822, 1823, and 1824, as subchapter IV, and sections 1831, 1832, 1833, and 1834, respectively; and

[(2) by inserting after subchapter II the following new subchapter III:

["SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA

["§1821. Benefits for children of certain Korea service veterans born with spina bifida

[(a) BENEFITS AUTHORIZED.—The Secretary may provide to any child of a veteran

of covered service in Korea who is suffering from spina bifida the health care, vocational training and rehabilitation, and monetary allowance required to be paid to a child of a Vietnam veteran who is suffering from spina bifida under subchapter I of this chapter as if such child of a veteran of covered service in Korea were a child of a Vietnam veteran who is suffering from spina bifida under such subchapter I.

["(b) SPINA BIFIDA CONDITIONS COVERED.—This section applies with respect to all forms and manifestations of spina bifida, except spina bifida occulta.

["(c) VETERAN OF COVERED SERVICE IN KOREA.—For purposes of this section, a veteran of covered service in Korea is any individual, without regard to the characterization of that individual's service, who—

["(1) served in the active military, naval, or air service in or near the Korean demilitarized zone (DMZ), as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 1, 1967, and ending on December 31, 1969; and

["(2) is determined by the Secretary, in consultation with the Secretary of Defense, to have been exposed to a herbicide agent during such service in or near the Korean demilitarized zone.

["(d) HERBICIDE AGENT.—For purposes of this section, the term 'herbicide agent' means a chemical in a herbicide used in support of United States and allied military operations in or near the Korean demilitarized zone, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 1, 1967, and ending on December 31, 1969."

["(b) CHILD DEFINED.—Section 1831 of that title, as redesignated by subsection (a), is further amended by striking paragraph (1) and inserting the following new paragraph (1):

["(1) The term 'child' means the following:

["(A) For purposes of subchapters I and II of this chapter, an individual, regardless of age or marital status, who—

["(i) is the natural child of a Vietnam veteran; and

["(ii) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

["(B) For purposes of subchapter III of this chapter, an individual, regardless of age or marital status, who—

["(i) is the natural child of a veteran of covered service in Korea (as determined for purposes of section 1821 of this title); and

["(ii) was conceived after the date on which that veteran first entered service described in subsection (c) of that section."

["(c) NONDUPLICATION OF BENEFITS.—Section 1834(a) of that title, as redesignated by subsection (a), is further amended by adding at the end the following new sentence: "In the case of a child eligible for benefits under subchapter I or II of this chapter who is also eligible for benefits under subchapter III of this chapter, a monetary allowance shall be paid under the subchapter of this chapter elected by the child."

["(d) CONFORMING AMENDMENT.—(1) Section 1811(1)(A) of that title is amended by striking "section 1821(1)" and inserting "section 1831(1)".

["(2) The heading for chapter 18 of that title is amended to read as follows:

**"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS".**

["(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 of that title is amended by striking the items relating to subchapter III and inserting the following new items:

["SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA

["1821. Benefits for children of certain Korea service veterans born with spina bifida.

["SUBCHAPTER IV—GENERAL PROVISIONS

["1831. Definitions.

["1832. Applicability of certain administrative provisions.

["1833. Treatment of receipt of monetary allowance and other benefits.

["1834. Nonduplication of benefits."

["(2) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part II of such title, are each amended by striking the item relating to chapter 18 and inserting the following new item:

**["18. Chapter 18—Benefits for Children of Vietnam Veterans and Certain Other Veterans ..... 1802".]**

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) *SHORT TITLE.*—This Act may be cited as the "Veterans' Benefits Enhancements Act of 2003".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

#### **TITLE I—SURVIVOR BENEFITS**

Sec. 101. Benefits for children with spina bifida of veterans of certain service in Korea.

Sec. 102. Alternative beneficiaries for National Service Life Insurance and United States Government Life Insurance.

Sec. 103. Applicability to certain members of the National Guard of authority for extension of eligibility for survivors' and dependents' educational assistance.

Sec. 104. Increase in rates of survivors' and dependents' educational assistance.

Sec. 105. Repeal of two-year limitation on payment of accrued benefits at death.

#### **TITLE II—BURIAL BENEFITS**

Sec. 201. Burial plot allowance.

Sec. 202. Eligibility of surviving spouses who marry for burial in national cemeteries.

Sec. 203. Permanent authority for State cemetery grants program.

Sec. 204. Provision of markers for privately marked graves.

#### **TITLE III—OTHER MATTERS**

##### **Subtitle A—Miscellaneous Benefits Matters**

Sec. 301. Two-year extension of round-down requirement for compensation cost-of-living adjustments.

Sec. 302. Presumptions of service-connection relating to diseases and disabilities of former prisoners of war.

Sec. 303. Repeal of requirement for minimum period of internment of prisoners of war for dental care.

Sec. 304. Rounding down of certain cost-of-living adjustments on education assistance.

Sec. 305. Termination of education loan program.

Sec. 306. Termination of authority to guarantee loans to purchase manufactured homes and lots.

Sec. 307. Increase in loan fee for subsequent loans closed before October 1, 2011.

Sec. 308. Reinstatement of minimum requirements for sale of vendee loans.

Sec. 309. Operation of Native American Veteran Housing Loan Program.

Sec. 310. Time limitations on receipt of claim information pursuant to requests of Department of Veterans Affairs.

Sec. 311. Clarification of applicability of prohibition on assignment of veterans benefits to agreements requiring payment of future receipt of benefits.

Sec. 312. Three-year extension of income verification authority.

Sec. 313. Forfeiture of benefits for subversive activities.

Sec. 314. Clarification of notice of disagreement for appellate review of Department of Veterans Affairs activities.

##### **Subtitle B—Benefits for Philippine Veterans**

Sec. 321. Rate of payment of benefits for certain Filipino veterans and their survivors residing in the United States.

Sec. 322. Burial benefits for new Philippine Scouts residing in the United States.

Sec. 323. Extension of authority to operate regional office in the Philippines.

##### **Subtitle C—Exposure to Hazardous Substances**

Sec. 331. Radiation Dose Reconstruction Program of Department of Defense.

Sec. 332. Study on disposition of Air Force Health Study.

Sec. 333. Funding of Medical Follow-Up Agency of Institute of Medicine of National Academy of Sciences for epidemiological research on members of the Armed Forces and veterans.

##### **Subtitle D—Other Matters**

Sec. 341. Four-year extension of Advisory Committee on Minority Veterans.

Sec. 342. Veterans' Advisory Committee on Education.

Sec. 343. Temporary authority for performance of medical disabilities examinations by contract physicians.

Sec. 344. Technical amendment.

#### **SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### **TITLE I—SURVIVOR BENEFITS**

##### **SEC. 101. BENEFITS FOR CHILDREN WITH SPINA BIFIDA OF VETERANS OF CERTAIN SERVICE IN KOREA.**

(a) *IN GENERAL.*—Chapter 18 is amended—

(1) by redesignating subchapter III, and sections 1821, 1822, 1823, and 1824, as subchapter IV, and sections 1831, 1832, 1833, and 1834, respectively; and

(2) by inserting after subchapter II the following new subchapter III:

**"SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA**

**"§ 1821. Benefits for children of certain Korea service veterans born with spina bifida**

**"(a) BENEFITS AUTHORIZED.**—The Secretary may provide to any child of a veteran of covered service in Korea who is suffering from spina bifida the health care, vocational training and rehabilitation, and monetary allowance required to be paid to a child of a Vietnam veteran who is suffering from spina bifida under subchapter I of this chapter as if such child of a veteran of covered service in Korea were a child of a Vietnam veteran who is suffering from spina bifida under such subchapter.

**"(b) SPINA BIFIDA CONDITIONS COVERED.**—This section applies with respect to all forms and manifestations of spina bifida, except spina bifida occulta.

**"(c) VETERAN OF COVERED SERVICE IN KOREA.**—For purposes of this section, a veteran

of covered service in Korea is any individual, without regard to the characterization of that individual's service, who—

“(1) served in the active military, naval, or air service in or near the Korean demilitarized zone (DMZ), as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 1, 1967, and ending on December 31, 1969; and

“(2) is determined by the Secretary, in consultation with the Secretary of Defense, to have been exposed to a herbicide agent during such service in or near the Korean demilitarized zone.

“(d) HERBICIDE AGENT.—For purposes of this section, the term ‘herbicide agent’ means a chemical in a herbicide used in support of United States and allied military operations in or near the Korean demilitarized zone, as determined by the Secretary in consultation with the Secretary of Defense, during the period beginning on January 1, 1967, and ending on December 31, 1969.”

(b) CHILD DEFINED.—Section 1831, as redesignated by subsection (a) of this section, is further amended by striking paragraph (1) and inserting the following new paragraph (1):

“(1) The term ‘child’ means the following:

“(A) For purposes of subchapters I and II of this chapter, an individual, regardless of age or marital status, who—

“(i) is the natural child of a Vietnam veteran; and

“(ii) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

“(B) For purposes of subchapter III of this chapter, an individual, regardless of age or marital status, who—

“(i) is the natural child of a veteran of covered service in Korea (as determined for purposes of section 1821 of this title); and

“(ii) was conceived after the date on which that veteran first entered service described in subsection (c) of that section.”

(c) NONDUPLICATION OF BENEFITS.—Section 1834(a), as redesignated by subsection (a) of this section, is further amended by adding at the end the following new sentence: “In the case of a child eligible for benefits under subchapter I or II of this chapter who is also eligible for benefits under subchapter III of this chapter, a monetary allowance shall be paid under the subchapter of this chapter elected by the child.”

(d) CONFORMING AMENDMENTS.—(1) Section 1811(1)(A) is amended by striking “section 1821(1)” and inserting “section 1831(1)”.

(2) The heading for chapter 18 is amended to read as follows:

**“CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS AND CERTAIN OTHER VETERANS”.**

(e) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 is amended by striking the items relating to subchapter III and inserting the following new items:

“SUBCHAPTER III—CHILDREN OF CERTAIN KOREA SERVICE VETERANS BORN WITH SPINA BIFIDA

“1821. Benefits for children of certain Korea service veterans born with spina bifida.

“SUBCHAPTER IV—GENERAL PROVISIONS

“1831. Definitions.

“1832. Applicability of certain administrative provisions.

“1833. Treatment of receipt of monetary allowance and other benefits.

“1834. Nonduplication of benefits.”

(2) The table of chapters at the beginning of title 38, United States Code, and at the beginning of part II, are each amended by striking the item relating to chapter 18 and inserting the following new item:

**“18. Chapter 18—Benefits for Children of Vietnam Veterans and Certain Other Veterans ..... 1802”.**

**SEC. 102. ALTERNATIVE BENEFICIARIES FOR NATIONAL SERVICE LIFE INSURANCE AND UNITED STATES GOVERNMENT LIFE INSURANCE.**

(a) NATIONAL SERVICE LIFE INSURANCE.—Section 1917 is amended by adding at the end the following new subsection:

“(f)(1) Following the death of the insured and in a case not covered by subsection (d)—

“(A) if the first beneficiary otherwise entitled to payment of the insurance does not make a claim for such payment within two years after the death of the insured, payment may be made to another beneficiary designated by the insured, in the order of precedence as designated by the insured, as if the first beneficiary had predeceased the insured; and

“(B) if, within four years after the death of the insured, no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received any notice in writing that any such claim will be made, payment may (notwithstanding any other provision of law) be made to such person as may in the judgment of the Secretary be equitably entitled thereto.

“(2) Payment of insurance under paragraph (1) shall be a bar to recovery by any other person.”

(b) UNITED STATES GOVERNMENT LIFE INSURANCE.—Section 1952 is amended by adding at the end the following new subsection:

“(c)(1) Following the death of the insured and in a case not covered by section 1950 of this title—

“(A) if the first beneficiary otherwise entitled to payment of the insurance does not make a claim for such payment within two years after the death of the insured, payment may be made to another beneficiary designated by the insured, in the order of precedence as designated by the insured, as if the first beneficiary had predeceased the insured; and

“(B) if, within four years after the death of the insured, no claim has been filed by a person designated by the insured as a beneficiary and the Secretary has not received any notice in writing that any such claim will be made, payment may (notwithstanding any other provision of law) be made to such person as may in the judgment of the Secretary be equitably entitled thereto.

“(2) Payment of insurance under paragraph (1) shall be a bar to recovery by any other person.”

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on October 1, 2004.

(d) TRANSITION PROVISION.—In the case of a person insured under subchapter I or II of chapter 19 of title 38, United States Code, who dies before the effective date of the amendments made by subsections (a) and (b), as specified by subsection (c), the two-year and four-year periods specified in subsection (f)(1) of section 1917 of title 38, United States Code, as added by subsection (a), and subsection (c)(1) of section 1952 of such title, as added by subsection (b), as applicable, shall for purposes of the applicable subsection be treated as being the two-year and four-year periods, respectively, beginning on the effective date of such amendments, as so specified.

**SEC. 103. APPLICABILITY TO CERTAIN MEMBERS OF THE NATIONAL GUARD OF AUTHORITY FOR EXTENSION OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Section 3512(h) is amended by inserting “or is involuntarily ordered to full-time National Guard duty under section 502(f) of title 32,” after “title 10.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 11, 2001.

**SEC. 104. INCREASE IN RATES OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.**

(a) SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.—Section 3532 is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “at the monthly rate of” and all that follows and inserting “at the monthly rate of \$788 for full-time, \$592 for three-quarter-time, or \$394 for half-time pursuit.”; and

(B) in paragraph (2), by striking “at the rate of” and all that follows and inserting “at the rate of the lesser of—

“(A) the established charges for tuition and fees that the educational institution involved requires similarly circumstanced nonveterans enrolled in the same program to pay; or

“(B) \$788 per month for a full-time course.”; (2) in subsection (b), by striking “\$670” and inserting “\$788”; and

(3) in subsection (c)(2), by striking “shall be” and all that follows and inserting “shall be \$636 for full-time, \$477 for three-quarter-time, or \$319 for half-time pursuit.”

(b) CORRESPONDENCE COURSES.—Section 3534(b) is amended by striking “\$670” and inserting “\$788”.

(c) SPECIAL RESTORATIVE TRAINING.—Section 3542(a) is amended—

(1) by striking “\$670” and inserting “\$788”; and

(2) by striking “\$210” each place it appears and inserting “\$247”.

(d) APPRENTICESHIP TRAINING.—Section 3687(b)(2) is amended by striking “shall be \$488 for the first six months” and all that follows and inserting “shall be \$574 for the first six months, \$429 for the second six months, \$285 for the third six months, and \$144 for the fourth and any succeeding six-month period of training.”

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2004, and shall apply with respect to educational assistance allowances payable under chapter 35 and section 3687(b)(2) of title 38, United States Code, for months beginning on or after that date.

**SEC. 105. REPEAL OF TWO-YEAR LIMITATION ON PAYMENT OF ACCRUED BENEFITS AT DEATH.**

(a) REPEAL.—Section 5121(a) is amended—

(1) in the matter preceding paragraph (1), by striking “for a period not to exceed two years”; (2) in paragraph (4), by striking “and” at the end;

(3) by redesignating paragraph (5) as paragraph (6); and

(4) by inserting after paragraph (4) the following new paragraph (5):

“(5) Upon the death of a child claiming benefits under chapter 18 of this title, to the surviving parents; and”.

(b) TECHNICAL AMENDMENT.—That section is further amended in the matter preceding paragraph (1) by striking “or decisions,” and inserting “or decisions”.

**TITLE II—BURIAL BENEFITS**

**SEC. 201. BURIAL PLOT ALLOWANCE.**

(a) IN GENERAL.—Section 2303(b) is amended—

(1) in the matter preceding paragraph (1), by striking “a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war” and inserting “burial in a national cemetery under section 2402 of this title”; and

(2) in paragraph (2), by striking “(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)” and inserting “is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air

service for a disability incurred or aggravated in line of duty, and such veteran”.

(b) CONFORMING AMENDMENT.—Section 2307 is amended in the last sentence by striking “and (b)” and inserting “and (b)(2)”.

**SEC. 202. ELIGIBILITY OF SURVIVING SPOUSES WHO REMARRY FOR BURIAL IN NATIONAL CEMETERIES.**

(a) IN GENERAL.—Section 2402(5) is amended by striking “(which for purposes of this chapter includes an unmarried surviving spouse who had a subsequent remarriage which was terminated by death or divorce)” and inserting “(which for purposes of this chapter includes a surviving spouse who had a subsequent remarriage)”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

**SEC. 203. PERMANENT AUTHORITY FOR STATE CEMETERY GRANTS PROGRAM.**

(a) PERMANENT AUTHORITY.—Subsection (a) of section 2408 is amended—

- (1) by striking “(1)”;
- (2) by striking paragraph (2).

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking “Sums appropriated under subsection (a) of this section” and inserting “Amounts appropriated to carry out this section”.

**SEC. 204. PROVISION OF MARKERS FOR PRIVATELY MARKED GRAVES.**

(a) IN GENERAL.—Section 502(d) of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 38 U.S.C. 2306 note) is amended by striking “September 11, 2001” and inserting “November 1, 1990”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of section 502 of the Veterans Education and Benefits Expansion Act of 2001.

**TITLE III—OTHER MATTERS**

**Subtitle A—Miscellaneous Benefits Matters**

**SEC. 301. TWO-YEAR EXTENSION OF ROUND-DOWN REQUIREMENT FOR COMPENSATION COST-OF-LIVING ADJUSTMENTS.**

Sections 1104(a) and 1303(a) are each amended by striking “2011” and inserting “2013”.

**SEC. 302. PRESUMPTIONS OF SERVICE-CONNECTION RELATING TO DISEASES AND DISABILITIES OF FORMER PRISONERS OF WAR.**

Subsection (b) of section 1112 is amended to read as follows:

“(b)(1) For the purposes of section 1110 of this title and subject to the provisions of section 1113 of this title, in the case of a veteran who is a former prisoner of war—

“(A) a disease specified in paragraph (2) which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service; and

“(B) if the veteran was detained or interned as a prisoner of war for not less than thirty days, a disease specified in paragraph (3) which became manifest to a degree of 10 percent or more after active military, naval, or air service shall be considered to have been incurred in or aggravated by such service, notwithstanding that there is no record of such disease during the period of service.

“(2) The diseases specified in this paragraph are the following:

- “(A) Psychosis.
- “(B) Any of the anxiety states.
- “(C) Dysthymic disorder (or depressive neurosis).

“(D) Organic residuals of frostbite, if the Secretary determines that the veteran was detained or interned in climatic conditions consistent with the occurrence of frostbite.

“(E) Post-traumatic osteoarthritis.

“(3) The diseases specified in this paragraph are the following:

- “(A) Avitaminosis.
- “(B) Beriberi (including beriberi heart disease).
- “(C) Chronic dysentery.
- “(D) Helminthiasis.
- “(E) Malnutrition (including optic atrophy associated with malnutrition).
- “(F) Pellagra.
- “(G) Any other nutritional deficiency.
- “(H) Cirrhosis of the liver.
- “(I) Peripheral neuropathy except where directly related to infectious causes.
- “(J) Irritable bowel syndrome.
- “(K) Peptic ulcer disease.”.

**SEC. 303. REPEAL OF REQUIREMENT FOR MINIMUM PERIOD OF INTERNMENT OF PRISONERS OF WAR FOR DENTAL CARE.**

Section 1712(a)(1)(F) is amended by striking “and who was detained or interned for a period of not less than 90 days”.

**SEC. 304. ROUNDING DOWN OF CERTAIN COST-OF-LIVING ADJUSTMENTS ON EDUCATION ASSISTANCE.**

(a) BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—Section 3015(h) is amended by inserting “down” after “rounded”.

(b) SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.—Section 3564 is amended by inserting “down” after “rounded”.

**SEC. 305. TERMINATION OF EDUCATION LOAN PROGRAM.**

(a) TERMINATION OF EDUCATION LOAN PROGRAM.—No loans shall be made under subchapter III of chapter 36 of title 38, United States Code, after the date of the enactment of this Act.

(b) DISCHARGE OF LIABILITIES.—Effective as of the date of the transfer of funds under subsection (c)—

(1) any liability on an education loan under subchapter III of chapter 36 of title 38, United States Code, that is outstanding as of such date shall be deemed discharged; and

(2) the right of the United States to recover an overpayment declared under section 3698(e)(1) of such title that is outstanding as of such date shall be deemed waived.

(c) TERMINATION OF LOAN FUND.—(1) Effective as of the day before the date of the repeal under this section of subchapter III of chapter 36 of title 38, United States Code, all monies in the revolving fund of the Treasury known as the “Department of Veterans Affairs Education Loan Fund” shall be transferred to the Department of Veterans Affairs Readjustment Benefits Account, and the revolving fund shall be closed.

(2) Any monies transferred to the Department of Veterans Affairs Readjustment Benefits Account under paragraph (1) shall be merged with amounts in that account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in that account.

(d) USE OF ENTITLEMENT TO VETERANS EDUCATIONAL ASSISTANCE FOR EDUCATION LOAN PROGRAM.—Section 3462(a) is amended—

- (1) by striking paragraph (2); and
- (2) by redesignating paragraph (4) as paragraph (2).

(e) REPEAL OF EDUCATION LOAN PROGRAM.—Subchapter III of chapter 36 is repealed.

(f) CONFORMING AMENDMENTS.—(1) Section 3485(e)(1) is amended by striking “(other than an education loan under subchapter III)”.

(2) Section 3512 is amended by striking subsection (f).

(g) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 is amended by striking the items relating to subchapter III.

(h) EFFECTIVE DATES.—(1) The amendments made by subsection (d) shall take effect on the date of the enactment of this Act.

(2) The amendments made by subsections (e), (f), and (g) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 306. TERMINATION OF AUTHORITY TO GUARANTEE LOANS TO PURCHASE MANUFACTURED HOMES AND LOTS.**

Section 3712 is amended by adding at the end the following new subsection:

“(m) The authority of the Secretary to guarantee loans under this section shall expire on December 31, 2003.”.

**SEC. 307. INCREASE IN LOAN FEE FOR SUBSEQUENT LOANS CLOSED BEFORE OCTOBER 1, 2011.**

(a) INCREASE IN LOAN FEE.—The loan fee table in section 3729(b)(2) is amended in subparagraph (B)(i), relating to subsequent loans described in section 3701(a) of title 38, United States Code, to purchase or construct a dwelling with 0-down, or any other subsequent loan described in such section (closed on or before October 1, 2011), by striking “3.00” both places it appears and inserting “3.50”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2004.

**SEC. 308. REINSTATEMENT OF MINIMUM REQUIREMENTS FOR SALE OF VENDEE LOANS.**

(a) IN GENERAL.—Section 3733(a) is amended—

(1) by striking paragraph (2) and redesignating paragraphs (3), (4), (5), and (6) as paragraphs (2), (3), (4), and (5), respectively; and

(2) in subparagraph (B)(i) of paragraph (3), as so redesignated, by striking “paragraph (5) of this subsection” and inserting “paragraph (4)”.

(b) INCREASE IN MAXIMUM PERCENTAGE.—Section 3733(a)(1) is amended—

(1) by striking “65 percent” in the first sentence and inserting “85 percent”; and

(2) by striking the second sentence.

(c) STYLISTIC AMENDMENTS.—Section 3733 is further amended by striking “paragraph (1) of this subsection” each place it appears and inserting “paragraph (1)”.

**SEC. 309. 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.

**SEC. 310. TIME LIMITATIONS ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUESTS OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) INFORMATION TO COMPLETE CLAIMS APPLICATIONS.—Section 5102 is amended by adding at the end the following new subsection:

“(c) TIME LIMITATION.—(1) If information that a claimant and the claimant’s representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant’s application.

“(2) This subsection shall not apply to any application or claim for Government life insurance benefits.”.

(b) CONSTRUCTION OF LIMITATION ON INFORMATION TO SUBSTANTIATE CLAIMS.—Section 5103(b) is amended by adding at the end the following new paragraph:



“(3) The limitation in paragraph (1) shall not be construed to prohibit the Secretary from making a decision on a claim before the expiration of the period referred to in that subsection.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106-475; 114 Stat. 2096).

**SEC. 311. CLARIFICATION OF APPLICABILITY OF PROHIBITION ON ASSIGNMENT OF VETERANS BENEFITS TO AGREEMENTS REQUIRING PAYMENT OF FUTURE RECEIPT OF BENEFITS.**

(a) **IN GENERAL.**—Section 5301(a) is amended—

(1) by inserting “(1)” after “(a)”;

(2) by designating the last sentence as paragraph (2) and indenting such paragraph, as so designated, two ems from the left margin; and

(3) by adding at the end the following new paragraph:

“(3)(A) This subsection is intended to clarify that, in any case where a beneficiary entitled to compensation, pension, or dependency and indemnity compensation enters into an agreement with another person under which agreement such other person acquires for consideration the right to receive payment of such compensation, pension, or dependency and indemnity compensation, as the case may be, whether by payment from the beneficiary to such other person, deposit into an account from which such other person may make withdrawals, or otherwise, such agreement shall be deemed to be an assignment and is prohibited.

“(B) Notwithstanding subparagraph (A), nothing in this subsection is intended to prohibit a loan to a beneficiary under the terms of which the beneficiary may use some of the benefits to repay the loan, so long as each of the periodic payments made to repay the loan is separately and voluntarily executed by the beneficiary at the time such periodic payment is made.

“(C) Any agreement or arrangement for collateral for security for an agreement that is prohibited under subparagraph (A) is also prohibited and is void ab initio.”.

(b) **EFFECTIVE DATE.**—Paragraph (3) of section 5301(a) of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to any agreement or arrangement described in that paragraph that is entered into on or after the date of the enactment of this Act.

**SEC. 312. THREE-YEAR EXTENSION OF INCOME VERIFICATION AUTHORITY.**

(a) **IN GENERAL.**—Section 5317(g) is amended by striking “September 30, 2008” and inserting “September 30, 2011”.

(b) **CONFORMING AMENDMENT.**—Section 6103(l)(7)(D) of the Internal Revenue Code of 1986 is amended by striking “September 30, 2008” and inserting “September 30, 2011”.

**SEC. 313. FORFEITURE OF BENEFITS FOR SUBVERSIVE ACTIVITIES.**

(a) **ADDITION OF CERTAIN OFFENSES.**—Section 6105(b)(2) is amended by striking “sections 792, 793, 794, 798, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105 of title 18” and inserting “sections 175, 229, 792, 793, 794, 798, 831, 1091, 2332a, 2332b, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, and chapter 105 of title 18”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply to claims filed after the date of the enactment of this Act.

**SEC. 314. CLARIFICATION OF NOTICE OF DISAGREEMENT FOR APPELLATE REVIEW OF DEPARTMENT OF VETERANS AFFAIRS ACTIVITIES.**

(a) **CLARIFICATION.**—Section 7105(b) is amended by adding at the end the following new paragraph:

“(3) A document that meets the requirements of the second sentence of paragraph (1) and the first sentence of paragraph (2) shall be recognized as a notice of disagreement for purposes of

this section unless the Secretary finds that the claimant has disavowed a desire for appellate review.”.

(b) **EFFECTIVE DATE.**—(1) Except as specifically provided otherwise, paragraph (3) of section 7105(b) of title 38, United States Code (as added by subsection (a) of this section), shall apply to any document—

(A) filed under section 7105 of such title on or after the date of the enactment of this Act; or

(B) filed under section 7105 of such title before the date of the enactment of this Act and not treated by the Secretary of Veterans Affairs as a notice of disagreement pursuant to section 20.201 of title 38, Code of Federal Regulations, as of that date.

(2) In the case of a document described in paragraph (3) of this subsection, the Secretary shall, upon the request of the claimant or the Secretary's own motion, order the document treated as a notice of disagreement under section 7105 of such title as if the document had not been rejected by the Secretary as a notice of disagreement pursuant to section 20.201 of title 38, Code of Federal Regulations.

(3) A document described in this paragraph is a document that—

(A) was filed as a notice of disagreement under section 7105 of such title during the period beginning on March 15, 2002, and ending on the date of the enactment of this Act; and

(B) was rejected by the Secretary as a notice of disagreement pursuant to section 20.201 of title 38, Code of Federal Regulations.

(4) A document may not be treated as a notice of disagreement under paragraph (2) unless a request for such treatment is filed by the claimant, or a motion is made by the Secretary, not later than one year after the date of the enactment of this Act.

**Subtitle B—Benefits for Philippine Veterans**

**SEC. 321. RATE OF PAYMENT OF BENEFITS FOR CERTAIN FILIPINO VETERANS AND THEIR SURVIVORS RESIDING IN THE UNITED STATES.**

(a) **RATE OF PAYMENT.**—Section 107 is amended—

(1) in the second sentence of subsection (b), by striking “Payments” and inserting “Except as provided in subsection (c), payments”; and

(2) in subsection (c)—

(A) by inserting “and subchapter II of chapter 13 (except section 1312(a)) of this title” after “chapter 11 of this title”; and

(B) by striking “in subsection (a)” and inserting “in subsection (a) or (b)”; and

(C) by striking “of subsection (a)” and inserting “of the applicable subsection”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply to benefits paid for months beginning after that date.

**SEC. 322. BURIAL BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.**

(a) **BENEFIT ELIGIBILITY.**—Section 107 is amended—

(1) in subsection (b)(2)—

(A) by striking “and” and inserting a comma; and

(B) by inserting “, 23, and 24 (to the extent provided for in section 2402(8))” after “(except section 1312(a))”;

(2) in the second sentence of subsection (b), as amended by section 321 of this Act, by inserting “or (d)” after “subsection (c)”; and

(3) in subsection (d)(1), by inserting “or (b), as applicable,” after “subsection (a)”; and

(4) in section (d)(2), by inserting “or whose service is described in subsection (b) and who dies after the date of enactment of the Veterans Benefits Enhancements Act of 2003,” after “November 1, 2000.”.

(b) **NATIONAL CEMETERY INTERMENT.**—Section 2402(8) is amended by inserting “or (b)” after “section 107(a)”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to deaths occurring on or after the date of the enactment of this Act.

**SEC. 323. EXTENSION OF AUTHORITY TO OPERATE REGIONAL OFFICE IN THE PHILIPPINES.**

Section 315(b) is amended by striking “December 31, 2003” and inserting “December 31, 2008”.

**Subtitle C—Exposure to Hazardous Substances**

**SEC. 331. RADIATION DOSE RECONSTRUCTION PROGRAM OF DEPARTMENT OF DEFENSE.**

(a) **REVIEW OF MISSION, PROCEDURES, AND ADMINISTRATION.**—(1) The Secretary of Veterans Affairs and the Secretary of Defense shall jointly conduct a review of the mission, procedures, and administration of the Radiation Dose Reconstruction Program of the Department of Defense.

(2) In conducting the review under paragraph (1), the Secretaries shall—

(A) determine whether any additional actions are required to ensure that the quality assurance and quality control mechanisms of the Radiation Dose Reconstruction Program are adequate and sufficient for purposes of the program; and

(B) determine the actions that are required to ensure that the mechanisms of the Radiation Dose Reconstruction Program for communication and interaction with veterans are adequate and sufficient for purposes of the program, including mechanisms to permit veterans to review the assumptions utilized in their dose reconstructions.

(3) Not later than 90 days after the date of the enactment of this Act, the Secretaries shall jointly submit to Congress a report on the review under paragraph (1). The report shall set forth—

(A) the results of the review;

(B) a plan for any actions determined to be required under paragraph (2); and

(C) such other recommendations for the improvement of the mission, procedures, and administration of the Radiation Dose Reconstruction Program as the Secretaries jointly consider appropriate.

(b) **ON-GOING REVIEW AND OVERSIGHT.**—The Secretaries shall jointly take appropriate actions to ensure the on-going independent review and oversight of the Radiation Dose Reconstruction Program, including the establishment of the advisory board required by subsection (c).

(c) **ADVISORY BOARD.**—(1) In taking actions under subsection (b), the Secretaries shall jointly appoint an advisory board to provide review and oversight of the Radiation Dose Reconstruction Program.

(2) The advisory board under paragraph (1) shall be composed of the following:

(A) At least one expert in historical dose reconstruction of the type conducted under the Radiation Dose Reconstruction Program.

(B) At least one expert in radiation health matters.

(C) At least one expert in risk communications matters.

(D) A representative of the Department of Veterans Affairs.

(E) A representative of the Defense Threat Reduction Agency.

(F) At least three veterans, including at least one veteran who is a member of an atomic veterans group.

(3) The advisory board under paragraph (1) shall—

(A) conduct periodic, random audits of dose reconstructions under the Radiation Dose Reconstruction Program and of decisions by the Department of Veterans Affairs on claims for service connection of radiogenic diseases;

(B) assist the Department of Veterans Affairs and the Defense Threat Reduction Agency in communicating to veterans information on the

mission, procedures, and evidentiary requirements of the Radiation Dose Reconstruction Program; and

(C) carry out such other activities with respect to the review and oversight of the Radiation Dose Reconstruction Program as the Secretaries shall jointly specify.

(4) The advisory board under paragraph (1) may make such recommendations on modifications in the mission or procedures of the Radiation Dose Reconstruction Program as the advisory board considers appropriate as a result of the audits conducted under paragraph (3)(A).

**SEC. 332. STUDY ON DISPOSITION OF AIR FORCE HEALTH STUDY.**

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall, in accordance with this section, carry out a study to determine the appropriate disposition of the Air Force Health Study, an epidemiologic study of Air Force personnel who were responsible for conducting aerial spray missions of herbicides during the Vietnam era.

(b) **STUDY THROUGH NATIONAL ACADEMY OF SCIENCES.**—Not later than sixty days after the date of the enactment of this Act, the Secretary shall seek to enter into an agreement with the National Academy of Sciences, or another appropriate scientific organization, to carry out the study required by subsection (a).

(c) **ELEMENTS.**—Under the study under subsection (a), the National Academy of Sciences, or other appropriate scientific organization, shall address the following:

(1) The scientific merit of retaining and maintaining the medical records, other study data, and laboratory specimens collected in the course of the Air Force Health Study after the currently-scheduled termination date of the study in 2006.

(2) Whether or not any obstacles exist to retaining and maintaining the medical records, other study data, and laboratory specimens referred to in paragraph (1), including privacy concerns.

(3) The advisability of providing independent oversight of the medical records, other study data, and laboratory specimens referred to in paragraph (1), and of any further study of such records, data, and specimens, and, if so, the mechanism for providing such oversight.

(4) The advisability of extending the Air Force Health Study, including the potential value and relevance of extending the study, the potential cost of extending the study, and the Federal or non-Federal entity best suited to continue the study if extended.

(5) The advisability of making the laboratory specimens of the Air Force Health Study available for independent research, including the potential value and relevance of such research, and the potential cost of such research.

(d) **REPORT.**—Not later than 60 days after entering into an agreement under subsection (b), the National Academy of Sciences, or other appropriate scientific organization, shall submit to the Secretary and Congress a report on the results of the study under subsection (a). The report shall include the results of the study, including the matters addressed under subsection (c), and such other recommendations as the Academy, or other appropriate scientific organization, considers appropriate as a result of the study.

**SEC. 333. FUNDING OF MEDICAL FOLLOW-UP AGENCY OF INSTITUTE OF MEDICINE OF NATIONAL ACADEMY OF SCIENCES FOR EPIDEMIOLOGICAL RESEARCH ON MEMBERS OF THE ARMED FORCES AND VETERANS.**

(a) **FUNDING BY DEPARTMENT OF VETERANS AFFAIRS.**—(1) The Secretary of Veterans Affairs shall make available to the National Academy of Sciences in each of fiscal years 2004 through 2013, \$250,000 for the Medical Follow-Up Agency of the Institute of Medicine of the Academy for purposes of epidemiological research on members of the Armed Forces and veterans.

(2) The Secretary of Veterans Affairs shall make available amounts under paragraph (1) for

a fiscal year from amounts available for the Department of Veterans Affairs for that fiscal year.

(b) **FUNDING BY DEPARTMENT OF DEFENSE.**—(1) The Secretary of Defense shall make available to the National Academy of Sciences in each of fiscal years 2004 through 2013, \$250,000 for the Medical Follow-Up Agency for purposes of epidemiological research on members of the Armed Forces and veterans.

(2) The Secretary of Defense shall make available amounts under paragraph (1) for a fiscal year from amounts available for the Department of Defense for that fiscal year.

(c) **USE OF FUNDS.**—The Medical Follow-Up Agency shall use funds made available under subsections (a) and (b) for epidemiological research on members of the Armed Forces and veterans.

(d) **SUPPLEMENT NOT SUPPLANT.**—Amounts made available to the Medical Follow-Up Agency under this section for a fiscal year for the purposes referred to in subsection (c) are in addition to any other amounts made available to the Agency for that fiscal year for those purposes.

**Subtitle D—Other Matters**

**SEC. 341. FOUR-YEAR EXTENSION OF ADVISORY COMMITTEE ON MINORITY VETERANS.**

Section 544(e) is amended by striking “December 31, 2003” and inserting “December 31, 2007”.

**SEC. 342. VETERANS’ ADVISORY COMMITTEE ON EDUCATION.**

(a) **MEMBERSHIP.**—Subsection (a) of section 3692 is amended in the second sentence by inserting “, to the maximum extent practicable,” after “The committee shall also”.

(b) **EXTENSION.**—Subsection (c) of that section is amended by striking “December 31, 2003” and inserting “December 31, 2013”.

(c) **TECHNICAL AMENDMENTS.**—That section is further amended—

(1) in subsections (a) and (b), by striking “chapter 106” each place it appears and inserting “chapter 1606”; and

(2) in subsection (b), by striking “chapter 30” and inserting “chapters 30”.

**SEC. 343. TEMPORARY AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITIES EXAMINATIONS BY CONTRACT PHYSICIANS.**

(a) **IN GENERAL.**—Notwithstanding the limitation in section 504(b) the Veterans’ Benefits Improvements Act of 1996 (Public Law 104-275; 110 Stat. 3341; 38 U.S.C. 5101 note) and using funds subject to appropriation (other than funds available for compensation and pension), the Secretary of Veterans Affairs may provide for the conduct of examinations with respect to the medical disabilities of applicants for benefits under laws administered by the Secretary by persons other than Department of Veterans Affairs employees.

(b) **PERFORMANCE BY CONTRACT.**—Examinations under the authority in subsection (a) shall be conducted pursuant to contracts entered into and administered by the Under Secretary for Benefits.

(c) **EXPIRATION.**—The authority in subsection (a) shall expire on December 31, 2009. No examination may be carried out under the authority in that subsection after that date.

(d) **REPORT.**—Not later than four years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the utilization of the authority in subsection (a), including an assessment of the effect of examinations under that authority on the cost, timeliness, and thoroughness of examinations with respect to the medical disabilities of applicants for benefits under laws administered by the Secretary.

**SEC. 344. TECHNICAL AMENDMENT.**

Section 1974(a)(5) is amended by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security”.

**BENEFITS BUY-OUT SCHEMES**

Mr. NELSON of Florida. Mr. President, would the Senator from Florida be willing to engage me in a colloquy?

Mr. GRAHAM of Florida. I would be pleased to engage in a colloquy with my friend from Florida.

Mr. NELSON of Florida. Mr. President, I have come to the floor today to speak about important language included in this year’s veterans benefits bill that must be included in the final conference report. This language addresses a situation that I feel demands our immediate attention—the protection of our veterans and their benefits from the predatory lending practices of some unscrupulous businesses.

Mr. President, over a year ago, a group of disabled veterans in Florida brought to my attention the issue of benefits buy-out schemes that target our most vulnerable disabled veterans. These scams offer to advance to a veteran a lump-sum amount of money for access to the veterans’ future disability compensation often at outrageous interest rates of 30 percent or more.

I thank the Veterans Affairs Committee and the distinguished chairman, ARLEN SPECTER, and the ranking member, Senator BOB GRAHAM, for their leadership in support of this effort. These Senators and their staffs have worked tirelessly to craft this language in a manner that will stop these scams without adversely affecting a veterans’ ability to use credit.

I respectfully request that the distinguished ranking member continue this effort and support this language during conference in the interest of our veterans and the protection of their benefits and pensions.

Mr. GRAHAM of Florida. I would like to add my voice of support and commitment to this important language. I will work to ensure the final conference report includes this language. We can no longer wait to institute these important policies that will serve to protect our veterans from benefits buy-out schemes.

Mr. NELSON of Florida. I would like to thank the distinguished ranking member for his efforts and I look forward to the final conference report on the veterans benefits bill.

Mr. President, I wish to speak about important language included in this year’s veterans benefits bill that must be included in the final conference report. This language addresses a situation that I feel demands our immediate attention—the protection of our veterans and their benefits from the predatory lending practices of some unscrupulous businesses.

Over a year ago, a group of disabled veterans in Florida brought to my attention the issue of benefits buy-out schemes that target our most vulnerable disabled veterans. These scams offer to advance to a veteran a lump sum amount of money for access to the veterans’ future disability compensation, often at outrageous interest rates of 30 percent or more.

In order to avoid Federal laws prohibiting veterans from assigning their benefits to another party, these scams require the veteran to open a joint account from which the lending company automatically withdraws the veterans benefits.

We can all agree that a law preventing veterans from assigning their benefits to another individual should also bar this type of an arrangement—where money is directly withdrawn before the veteran can access their benefits or pension.

Last May the National Consumer Law Center, NCLC, released a report about financial and commercial scams directed at our military, veterans and their families—this report included an examination of these veterans benefits buy-out schemes.

The NCLC concluded that lump sum pension schemes are illegal under a variety of Federal and State truth in lending, usury or consumer laws, and that remedies exist, but require burdensome and costly court action on the part of the veteran.

I was not surprised to see that they agree with my findings that the assignment of veterans benefits is indeed illegal under current law.

But they also agree that due to a lack of clarity in the law and, therefore, the absence of any enforcement efforts, veterans are left open to unscrupulous exploitation and the loss of their benefits.

The analysis and conclusion in the report by the National Consumer Law Center have removed any doubt about the risk to our disabled veterans and the need for congressional action.

I want to make it abundantly clear that we are not trying to deny veterans access to normal credit systems: credit cards, personal loans, or home loans. We are trying to ensure that loans made to veterans are not out of the reach of State usury laws, which protect all types of consumers.

Greater protection is needed for our most vulnerable veterans—the disabled and the elderly. They are among the most needy and, once ensnared by these schemes, intimidated and threatened with lawsuits.

As you know, I introduced similar legislation last year, cosponsored by Senator McCain and others that would tighten our laws and better protect our

veterans from these schemes. Although we adopted this legislation in the Senate as part of last year's veterans benefits bill, the House conferees would not agree to include it in the conference report.

This year, we must ensure that the conference report includes this language and that we are doing all we can to protect veterans from these unscrupulous and predatory practices.

I thank the Veterans Affairs Committee and for Senator SPECTER's and Senator GRAHAM's leadership in support of this effort. I respectfully request that they continue this effort and fight for this language during conference in the interest of our veterans and their benefits.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

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

The bill (S. 1132), as amended, was read the third time and passed.

#### ORDERS FOR MONDAY, NOVEMBER 3, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Monday, November 3. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then proceed to the consideration of the conference report to accompany H.R. 3289, the Iraq-Afghanistan supplemental appropriations bill, as provided under the previous order; provided that following the disposition of the conference report, the Senate proceed to the consideration of the conference report to accompany H.R. 2691, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### PROGRAM

Mr. MCCONNELL. Mr. President, for the information of all Senators, on Monday, the Senate will begin consideration of the conference report to accompany the Iraq-Afghanistan supplemental appropriations bill. There will be 6 hours of debate prior to adopting the conference report; however, that conference report will not require a rollcall vote. Following the disposition of the conference report, the Senate will take up the conference report to accompany H.R. 2691, the Interior appropriations bill. There will be 1 hour of debate prior to a vote on the adoption of the conference report. The vote on the interior appropriations conference report will occur between 5:30 and 6 on Monday, and that vote will be the first vote of Monday's session.

#### ADJOURNMENT UNTIL MONDAY, NOVEMBER 3, 2003, AT 11 A.M.

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:34 p.m., adjourned until Monday, November 3, 2003, at 11 a.m.

#### NOMINATIONS

Executive nomination received by the Senate October 31, 2003:

##### THE JUDICIARY

WALTER D. KELLEY, JR., OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE HENRY C. MORGAN, JR., RETIRING.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate October 31, 2003:

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NAOMI CHURCHILL EARP, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2005.

LESLIE SILVERMAN, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2008.

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2007.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

## EXTENSIONS OF REMARKS

IN HONOR AND IN MEMORY OF  
SPECIALIST PAUL J. BUECHE OF  
DAPHNE, AL

**HON. JO BONNER**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. BONNER. Mr. Speaker, this past Monday the First Congressional District of Alabama and indeed, our entire State and Nation, said goodbye to another casualty of the war in Iraq.

Army Specialist Paul Joseph Bueche, a native of Baton Rouge, Louisiana, and longtime resident of Daphne, Alabama, joined the Army National Guard in 2001 and was assigned to Company E of the 131st Aviation Regiment based in Birmingham.

Earlier this year, Paul's unit was activated and deployed to the Kingdom of Kuwait during Operation Iraqi Freedom. In August of this year, his unit was transferred to its new duty station in Balad, Iraq. It was in Balad that, on October 21, 2003, a tire he was changing on an Army MH-60 Blackhawk helicopter exploded, killing Paul and seriously wounding one of his fellow soldiers.

During his 2-year career in the National Guard, Paul set a standard of excellence and displayed the qualities of discipline, devotion and dedication to country that are the hallmarks of men and women throughout the long and distinguished history of the American military. As a result of his hard work in the Middle Eastern Theater, Paul was recently advanced to the rank of Specialist, and he was posthumously awarded the Bronze Star medal and accompanying citation.

Mr. Speaker, as you can imagine, south Alabama is truly mourning the loss of this fine young man. In conversations with his friends and family, the one characteristic that was mentioned time and again when describing Paul was his love for life. As the Rev. Timothy Deasy noted during Paul's funeral mass, "he lived more in 19 years than many of us live in a lifetime. Paul gave his life for all of us."

A devoted brother, son, and grandson, Paul Bueche never waned in his appreciation for the many wonderful gifts of love and friendship that came his way during his brief 19 years. To a person, his fellow students and teachers from McGill-Toolen High School, his minister and fellow parishioners at Christ the King Catholic Church, and his many other family and friends spoke affectionately of Paul's boundless energy and enthusiasm and the genuinely warm feelings he displayed for his fellow man.

A telling story of his generosity came just days before he died. Recently, Paul had won a lottery held within his unit in Iraq which would have allowed him a 2-week furlough back in the United States in December. However, Paul chose to give that pass to a fellow guardsman from the unit, feeling it was more important that he—a husband and father—be at home with a wife and children who needed him more during the holidays.

Mr. Speaker, it is only right for us to pause and give thanks to God that there are still young men like Paul Joseph Bueche. On his handsome, young face, the world can see the very best America has to offer.

I urge my colleagues to take a moment and pay tribute to Specialist Paul Bueche and his selfless devotion to not only our country and the freedom we enjoy, but to a people who are but now in the infant stages of a new life—a new freedom—in their own land.

We should also remember his parents, Emory Paul and Maria Bueche, his sisters Jessica and Melissa, and his grandparents, Sydney and Doris Bueche and Jose and Ilena Alonso. Our prayer is that God will give them all the strength and courage that only He can provide to sustain them during the difficult days ahead.

It was Joseph Campbell who said, "A hero is someone who has given his or her life to something bigger than oneself." Make no mistake, young Paul Bueche was not only a dedicated soldier who made the ultimate sacrifice serving in the uniform of his country, but he was also a true American hero.

In addition to my statement, I ask that an accompanying article from the October 25th Mobile Register, written by Robert Buchanan, be included in this tribute to Paul. May he rest in peace.

### A TIME TOO SOON TO COMPREHEND

There is a time for everything.  
And a season for every activity under heaven:

A time to be born and a time to die,  
A time to plant and a time to uproot,  
A time to kill and a time to heal,  
A time to tear down and a time to build,  
A time to weep and a time to laugh,  
A time to mourn and a time to dance,  
A time to scatter stones and a time to gather them,

A time to embrace and a time to refrain,  
A time to search and a time to give up,  
A time to keep and a time to throw away,  
A time to tear and a time to mend,  
A time to be silent and a time to speak,  
A time to love and a time to hate,  
A time for war and a time for peace.

—Ecclesiastes 3:1-8

When you cradle your infant in your arms, rocking back and forth while reading to his young ears, more than likely it will be from a book of fairy tales with glorious, happy endings. Surely, though, it's not the time to tell him that the 16 lines from Ecclesiastes sum up the life that he will face. Of course, he couldn't comprehend it, nor would you want him to; life as a baby has its own time for being, for growing and for learning.

A time to be born and a time to die.

It's left to the parents to do the worrying, often quietly, without evidence that there is harm in that infant's way. As he grows to be a toddler, it's the parents who fret about the stumbling boy crashing into furniture, hitting walls, slapping the sofa. The rite of passage into official boyhood comes with its share of nicks and scratches. But a boy he is, and a boy he will be.

The years evaporate, and your baby boy is a man. Your concerns, however, have grown

with him. You watched him waddle in a sand box, not thinking that one day his life could end in the sands of an Iraqi village so small that it would be difficult to spot on a map.

It's too soon for a 19-year-old to die.

We humans comprehend this, lacking the understanding of why someone so young should leave this Earth now. It's even more heartbreaking for parents to have a son die before them.

It's not supposed to be this way.

A time to weep and a time to laugh.

The order of life has turned upside down for Emory and Maria Bueche. They have already told stories—terrific stories—about their son, Paul. They have shared them with family, friends and the media. It's a normal therapeutic exercise to keep their minds clear while preparing for funeral services.

Others will share their stories, bringing more laughter and tears. They'll be proud of the people Paul touched in his short life. They'll be proud he died serving his country. The Bueches won't be able to feel it, yet all the parents of our American babies will share in their pain.

Meanwhile, three more American soldiers die in Iraq. Three more sets of parents are experiencing the trauma of children passing too soon. All of us will be suffering along with them.

There is a time for everything.

Paul was a member of the 2002 graduating class of McGill-Toolen Catholic High School. Local television stations grabbed yearbooks from his days at McGill, showing Paul's smiling portrait in a row of students' photos.

A telephone call went to the cherubic looking youngster in the picture to the left of Paul. He's now a young college man, sans the rounded face.

"Paul Bueche died in Iraq," he's told.

"What?" he answers. "I didn't know he was over there. Oh, my God. What happened?"

He is told about the unfortunate circumstances, but the explanation falls flat. A classmate had died; the first member of the 2002 class was gone. It's too incredible for the student to absorb.

"Man, he was cool. We were in the Model U.N. together. I mean . . . I can't believe it. What happened?"

"Of all the people over there, that accident, it happened to one of us."

The McGill-Toolen senior class of 2002 was close, unusually close. The Bueches recalled how their house was always full of kids, that it wasn't unusual to wake up and find Paul's friends asleep on the den floor.

That was the class of 2002.

From house to house, class members found parents with open doors. Now these same parents are sharing the Bueches' ache, along with their young-adult children who are experiencing a type of grief they were not prepared to handle. It's just too soon.

Eventually, though, they will realize that Paul's death was not in vain, for there are few earthly callings higher than sacrificing for one's country, for one's friends back home.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

In the meantime, they can pray and take solace that there will be a time for peace.

OCTOBER IS NATIONAL BREAST  
CANCER AWARENESS MONTH

**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mrs. CAPITO. Mr. Speaker, I rise today to recognize Breast Cancer Awareness Month on behalf of the Hampshire County Cancer Coalition. October is Breast Cancer Awareness Month, a disease that will kill an estimated thirty-nine thousand, eight hundred women along with four hundred men in the year 2003 alone. It is through the extensive work of medical experts, as well as awareness groups like the Hampshire County Cancer Coalition, that there is hope to extinguish this horrible disease.

I am proud to recognize two Hampshire County residents, Clara Belle Lee and Nellie Lew, who are the two oldest living breast cancer survivors in our state of West Virginia. Ms. Lee has been a survivor for fifty-two years, and Ms. Lew has been a survivor for fifty-seven years. I was honored to have met these women, along with the rest of the Coalition, at the fourth Annual Breast Cancer Survivors Luncheon and wreath hanging ceremony. Their passion and their enthusiasm for life are characteristics of these two incredible women, who have beaten the odds of this fatal disease.

I would like to take some time to recognize the Hampshire County Cancer Coalition and their work. This organization has been instrumental in the state of West Virginia with educating the general public about cancer, as well as striving to initiate the early detection of cancers among women.

The Hampshire County Cancer Coalition was formed in 1993 under the direction of the Appalachia Leadership Initiative on Cancer, a cooperative agreement between the National Cancer Institute and Mary Babb Randolph Cancer Center, to address cancer control issues in our county. The Coalition has sought to increase public awareness and promote early detection of breast, cervical, and colorectal cancer throughout Hampshire County.

The Coalition has collaborated with various community entities in its cancer awareness efforts. Shortly after its formation, the Coalition sponsored two "Friend to Friend Summits," with one held in Romney and one in Capon Bridge. These summits brought together community members, cancer survivors, doctors and nurses for a sharing of the latest information regarding breast cancer awareness, prevention and treatment.

The Coalition has sponsored the Tower of Hope, which is a photo display of county breast cancer survivors dedicated to a charter member of the Coalition who is now deceased. The Tower is displayed in churches, libraries and the courthouse as a testimony to a courageous fight against a powerful disease.

Another focus area has been community education. Placemats with the warning signs of cancer were used in about twenty restaurants around the county. Business owners as well as patrons reported positive feedback.

In addition, the Coalition recently joined forces with the Tobacco Control Coalition to increase opportunities for promoting awareness.

Mr. Speaker, it is with great admiration and pride that I honor this wonderful organization as well as these incredible women and their strides to beat this disease. This disease is the leading cancer sited in women, yet with proper awareness and prevention, this disease does not have to be the leading cause of cancer deaths among women between the ages of forty and fifty-nine years of age. With organizations like the Hampshire County Cancer Coalition, and amazing women survivors, there are rays of hope for people diagnosed with breast cancer.

OCTOBER AS NATIONAL BREAST  
CANCER AWARENESS MONTH

**HON. TODD TIAHRT**

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. TIAHRT. Mr. Speaker, I rise today in support of Breast Cancer Awareness Month. I am proud that October can be dedicated to raising awareness of the need for regular mammograms and doctor's visits. A member of my staff has come face to face with this disease, and I am proud to share her story. Hannah's mother was diagnosed with breast cancer in 1990 at the age of 38. Hannah was only 11 years old, with one older brother and two younger sisters, but she remembers being frightened when her parents told her about her mother's cancer. The doctor had found the lump, which was too small for her to feel. If she had not gone to the doctor, it would have spread fast and deadly.

Fortunately, because of awareness, Hannah's mother's cancer was found early, surgery was performed, and she has done great ever since. Fortunately, because of awareness, Hannah only remembers being frightened, but she doesn't have to remember losing her mother to breast cancer because that did not happen. This story is only one of many which emphasize the need for breast cancer awareness. We all need to insist that our mothers, sisters, aunts, grandmothers, wives, and daughters need to get regular mammograms and talk to their doctors about this disease. It is absolutely essential that the information gets out to these women, and that the cancer is caught early. Hannah is grateful that her mother paid attention and has since fostered this awareness in Hannah and her two sisters.

I support reauthorization for the National Breast and Cervical Cancer Early Detection Program. Breast cancer remains the second highest cause of death for women today. This is a reality that can stop only through awareness.

BREAST CANCER AWARENESS  
MONTH

**HON. DAVID VITTER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. VITTER. Mr. Speaker, I rise today to honor victims, survivors, volunteers, and pro-

fessionals, who combat breast cancer each day.

The facts are grim, every 2½ minutes someone is diagnosed with breast cancer. An estimated 211,300 women and 1,300 men, in the United States will be diagnosed this year with breast cancer. An estimated 40,200 deaths are anticipated this year from breast cancer. In my home state of Louisiana, 3,800 new female breast cancer cases will be diagnosed this year, and 700 hundred women will lose their battle against the disease.

Breast Cancer Awareness Month provides a special opportunity to recognize these valiant fighters and to educate the public about the importance of monthly breast self-examinations and annual mammograms. Early detection greatly increases victims' chances of survival.

There is hope. When breast cancer is found early, the five-year survival rate is 96 percent. Monthly breast self-examinations and mammograms are the key components of early detection. I join my House colleagues in saluting the breast cancer survivors alive today in the United States.

I salute the volunteers across the country, including the Louisiana Breast Cancer Task Force, for their work to help educate people about the important life-saving measures of early detection. Thank you for taking time today to honor all the victims, survivors, volunteers, and professionals, who combat breast cancer each day.

REGARDING BREAST CANCER  
AWARENESS MONTH

**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. ACKERMAN. Mr. Speaker, every 12 minutes a woman in America dies of breast cancer. October is Breast Cancer Awareness Month, but I am not sure that awareness is the right word. Unfortunately, many of us are painfully aware. Many, if not all of us have known someone who has fought against this devastating disease. I would like to express my deep appreciation to the many soldiers in the battle against breast cancer. There are too many to name right now, but their dedication and tireless efforts are critical and so deeply appreciated by us all.

A recent study found that the presence of mutated BRCA-1 or BRCA-2 genes made cancer risk soar. This information proves that passage of legislation such as the Genetic Non-Discrimination in Health Insurance and Employment Act is imperative. Mr. Speaker, I am a cosponsor of this bipartisan legislation, which has 230 cosponsors. By not acting on this legislation, we are placing women's health in jeopardy on a daily basis. Women are not being tested because they fear they will be discriminated against by their insurer should they test positive. This is unconscionable.

This body has begun the job of funding the National Institutes of Health and cancer research over the past five years. However, our work is not done. It is imperative that we are able to fund new research and continue existing research. In order to ensure that progress is not lost and valuable information left uncovered, we must continue to increase funding for the National Institutes of Health.

One of the things I am most proud to have motivated and enacted was the establishment of the Long Island Breast Cancer Study, a comprehensive effort to investigate whether environmental factors are responsible for breast cancer. The historic investigation began in 1993, and was coordinated by the National Cancer Institute and the National Institute of Environmental Health Sciences. When the study was released late last year, I was disappointed to find the study could not identify specific environmental factors from among the three compounds studied as a cause for breast cancer. Many of the other compounds remain to be ruled out; more funding and research are necessary. However, the lessons learned proved very important. Many of the results provided clues for future research. We must build on this information, we must try until we succeed because the alternative is much more costly.

We need to work together to turn "A-wareness" into "A-cure."

#### THE 40TH ANNIVERSARY OF THE ARECIBO OBSERVATORY

**HON. ANÍBAL ACEVEDO-VILÁ**

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. ACEVEDO-VILÁ. Mr. Speaker, this week Puerto Rico is celebrating the 40th Anniversary of the Arecibo Observatory, home of the largest and most sensitive radio telescope in the world. For this occasion, more than 100 scientists from around the world will gather November 1 through the 4th for a series of workshops, including one on the most recent astronomical advances of the giant telescope. For Puerto Rico, there is another reason to celebrate: for the first time since the creation of the observatory in 1963, a Puerto Rican is at its helm. Sixto Gonzalez, who has served as assistant director of special and atmospheric sciences of the observatory since 2001, was named Director of the observatory October 1.

The Arecibo Observatory is part of the National Astronomy and Ionosphere Center (NAIC), a national research center operated by Cornell University under a cooperative agreement with the National Science Foundation (NSF). The NSF is an independent federal agency whose aim is to promote scientific and engineering progress in the United States. NAIC also provides additional support for the National Aeronautics and Space Administration (NASA).

As the site of the world's largest single-dish radio telescope, the Observatory is recognized as one of the most important national centers for research in radio astronomy, planetary radar and terrestrial aeronomy. Use of the Arecibo Observatory is available on an equal, competitive basis to all scientists from throughout the world. Observing time is granted on the basis of the most promising research as ascertained by a panel of independent referees who review the proposals sent to the Observatory by interested scientists. Every year about 200 scientists visit the Observatory facilities to pursue their research project, and numerous students perform observations that lead to their master and doctoral dissertations.

The Arecibo Observatory has its origins as an idea of Professor William E. Gordon, then of Cornell University, who was interested in the study of the ionosphere. Gordon's research during the 1950's led him to the idea of radar back-scatter studies of the ionosphere. Professor Gordon's persistence culminated in the construction of the Arecibo Observatory, which began in the summer of 1960 and three years later the Arecibo Ionospheric Observatory (AIO) was in operation under the direction of Gordon. The formal opening ceremony took place on November 1, 1963.

On October 1, 1969 the National Science Foundation assumed ownership of the facility from the Department of Defense and the Observatory was made a national research center. On September 1971 the AIO became the National Astronomy and Ionosphere Center (NAIC).

The Arecibo Observatory employs about 140 persons in support of the operation. A scientific staff of about 16 divides their time between scientific research and assistance to visiting scientists. Engineers, computer experts, and technicians design and build new instrumentation and keep it in operation.

The Arecibo Observatory is a Puerto Rican landmark. Hundreds of tourists visit it every year and it has been a desired site for recent filming of many movies as well. As this notable landmark appears frequently in films and TV, it is a source of pride for all Puerto Ricans, both as the home of the Arecibo Observatory and as an emblem of the contributions to science from Puerto Rico in general.

Mr. Speaker, today I want to congratulate the people of Puerto Rico, the Arecibo Observatory and its scientists on its 40-year anniversary. Also, congratulations to Director Sixto Gonzalez for his great job and recent ascension to the leadership of the Arecibo Observatory.

#### HONORING THE WORK OF SISTER LECLARE BERES

**HON. RON KIND**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. KIND. Mr. Speaker, I rise today to honor the work of Sister Leclare Beres from La Crosse, Wisconsin, in recognition of her retirement. Sister Leclare has worked tirelessly for many years as a nurse and a nun, aiming to provide all people with access to healthcare.

Sister Leclare grew up in Elroy, Wisconsin. Living on a farm, surrounded by her large family, she learned early the importance of hard work and compassion to others. In the early 90s, Sister Leclare saw the medical needs of refugee immigrants and called upon the four area hospitals to sponsor a free clinic. The Indochinese Screening Clinic later became the St. Clare Health Mission. As the director of the St. Clare Health Mission, Sister Leclare has been a leader in providing health services to the poor in the La Crosse, Wisconsin area. In addition, she has worked in Guam and Jamaica as well as with organizations such as Place of Grace and the Salvation Army.

Moreover, after she retires this fall, her dedication to the poor will live on as she plans to volunteer at the St. Clare Health Mission

where she has served as its only director for ten years. I am pleased that her efforts and giving spirit have earned her multiple honors, including the Pope John XXIII Award from Viterbo College, the YWCA Tribute to Outstanding Women in the Medical Field, and the 2002 La Crosse Tribune Person of the Year.

Aside from her amazing gifts in working with persons who are poor and sick, Sister Leclare has impressive organizational talents. She would regularly coordinate the 200 plus medical professionals and community volunteers who came each Tuesday and Thursday evening to serve at the St. Clare Health Mission. In this feat, Sister Leclare was able to bring together a community to address the needs of its neighbors and sought a solution to the limited access to healthcare that many Americans face.

Mr. Speaker and my fellow Members of Congress, I ask that you join me in honoring the dedication and service of Sister Leclare Beres as she retires. She is a role model of service, compassion, and generosity, and we could all learn from her dedication.

Thus, I would like to leave you with the words of Sister Leclare's successor, Sister Dawn Kutt. "Sister Leclare's compassion for the poor and underserved dwells deep within her heart's desire. Her service to the poor is undertaken with joy and tender love as her gentle presence reflects God's love for each of them. She certainly brings the richness out of the poorest of God's poor."

#### WORLD POPULATION AWARENESS WEEK

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. MICHAUD. Mr. Speaker, the week of October 20–25 has been designated as World Population Awareness Week with the theme of "Water: Our Most Precious Natural Resource." Over the next 20 years the world's population of 6.3 billion is projected to increase to nearly 9 billion before leveling off.

As currently, these 6.3 billion people are dependent on 1 percent of all the water on earth. A recent study revealed that 58 areas of the United States—from Florida and Georgia to western Texas to northern California and southern Oregon, as well as most of heartland U.S.A.—are water stressed. Acting on the global consensus that water scarcity must be a top development priority, the Population Institute has decided to dedicate the 19th World Population Awareness Week to the issue of water and I applaud their efforts.

More than 80 nations, 165 organizations, 127 mayors, and 22 governors, including Governor John Baldacci of Maine, have proclaimed the week of October 20–25 as World Population Awareness Week with the theme "Water: Our Most Precious Natural Resource." I call that proclamation to my colleagues' attention in hopes of promoting the importance of an adequate and safe water supply for future generations.



RECOGNIZING OCTOBER AS NA-  
TIONAL BREAST CANCER  
AWARENESS MONTH

**HON. JUDY BIGGERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize October as National Breast Cancer Month. Today, 3 million American women are living with the disease—2 million who have been diagnosed and 1 million who do not yet know they have it. These women are our sisters, daughters, coworkers, neighbors, and friends.

But there is good news. Due in large part to federally funded research, we know more than ever about what causes breast cancer and how to more effectively treat the disease. In fact, since 1990, we have increased Federal funding for breast cancer research by nearly 600 percent. We also have made tremendous progress in increased access to mammography, which is the most effective way to diagnose breast cancer early. If detected and treated early, breast cancer has one of the highest survival rates.

I also want to pay tribute to the many wonderful organizations that provide support to breast cancer patients and their families, like Y—Me in my home State of Illinois. These organizations offer invaluable services to the millions touched by this disease and have been crucial in bringing this issue to the forefront of the healthcare debate.

October may be National Breast Cancer Awareness Month, but every day of the year this issue deserves our attention. I thank my colleagues for their support, and encourage them to continue to work for the millions touched by this disease.

IN MEMORY OF 1LT DAVID R.  
BERNSTEIN OF THE U.S. ARMY

**HON. CURT WELDON**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today with great sadness and tremendous gratitude to honor the life of a brave young man, First Lieutenant David R. Bernstein, who made the ultimate sacrifice for our country. He died on Saturday, October 18, 2003, when his patrol was ambushed in Taza, Iraq. First Lieutenant Bernstein was just 24 years old.

For me, the news of David's death was particularly shocking and hard to bear. I had the honor and privilege to nominate this fine young man to the United States Military Academy at West Point, a nomination that he accepted and fulfilled with exceptional honor, ability and accomplishment.

First in his class at Phoenixville High School, where he excelled in swimming as well as academics, David was the Valedictorian of his High School Class of 1997. Upon entering West Point, he continued on his path of personal excellence by maintaining an arduous schedule of academics, training and sports, activities that distinguished him, and earned him the respect and admiration of his

superior officers, instructors, and fellow cadets at the Academy. He graduated 5th in his class at West Point, and was one of the brightest stars among an incredible constellation of talent that graduated from the Academy in 2001.

Soon after graduation from West Point, David volunteered for Army Ranger School. He excelled there, acquiring additional skills and advanced training, and became Ranger qualified. Having a pick of assignments based on his standing at West Point, David chose duty close to the hot spots in the world, and joined the Army's 173rd Airborne Infantry Brigade, the storied "911 squad" of Europe, headquartered at Camp Ederle in Italy.

As a member of the 1st of the 508th Regiment of the 173rd, Lieutenant Bernstein, parachuted into Northern Iraq in the early morning darkness on March 27 of this year, one of only approximately 1,000 soldiers from the 173rd sent to secure the Bashur airfield in the north of Iraq. As those who followed the war well know, this small band of soldiers performed magnificently and heroically behind enemy lines to establish the important "second front" in the struggle to liberate Iraq and the world from the grip of Saddam Hussein.

This brave and gifted officer shouldered the burdens of command with uncommon ability, intelligence and grace. He was a natural leader who inspired those in his command, always leading by example and with an unwavering commitment and dedication to his men and to the service of his country.

He last spoke with his parents, Richard and Gail Bernstein, only a week before his death. The call was brief, lasting less than 10 minutes, because of the long line of soldiers waiting their own turn. In that short call David told his parents of the pride he felt for his men and their mission. He also conveyed his own sense of pride in being able to answer the call of duty by serving as an Army officer. As his father has said, David was "a soldier who appreciated serving his country."

In his final moments, even though mortally wounded and under continuous enemy fire, Lieutenant Bernstein maneuvered his way to the driver's seat of his Humvee and moved the vehicle off of a soldier in his command who was trapped under its wheels and badly wounded. His unselfish act of bravery likely saved the life of his comrade.

All of Pennsylvania mourns the loss of this brave and good young man who will be laid to rest this Friday, October 31, 2003 at West Point. Our hearts go out to his parents, Richard and Gail, to his sister Michelle, to his brother Doug, and to all of his friends and loved ones.

Mr. Speaker, First Lieutenant David R. Bernstein, exemplified the spirit of service that has made this nation great. It is proper to remember and honor a man of such worth and character with great respect for what he stood for. Our pride in David shall live on—his life, his courage, his sacrifice and strength of character. The example of his citizenship and dedication to duty will be his enduring legacy. Mr. Speaker, at this time I ask you and my other distinguished colleagues to join me in honoring the memory, life and service of First Lieutenant David R. Bernstein, and in sending our heartfelt condolences to his family, his friends, and community.

MARTIN LUTHER KING, JUNIOR,  
NATIONAL HISTORIC SITE LAND  
EXCHANGE ACT

SPEECH OF

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 2003*

Mr. CUMMINGS. Madam Speaker, I rise to thank my colleagues for their support of the "Martin Luther King, Junior, National Historic Site Land Exchange Act," H.R. 1616 and the bill to extend the authority for the construction of a memorial to Martin Luther King, Jr., S. 470. These bills extend the authority for and make possible the construction of a national memorial commemorating the achievements of the late Dr. Martin Luther King, Jr., and his commitment to the struggle of civil rights for all Americans.

Dr. King dedicated his life to the realization of full equal and civil rights for all Americans irrespective of race, ethnicity, gender, and sexual orientation. He stood on the front lines in the struggle against social injustice, discrimination, and inequality, often at great risk to himself. Despite numerous death threats, Dr. King never wavered in that commitment.

Madam Speaker, the Lewis and Sarbanes bills are a win-win situation for all parties involved. The National Park Service currently owns a vacant lot that does not have any significant historic value. The city of Atlanta would like to acquire this land for the sole purpose of encouraging commercial development within its city limits. In addition, the land on which the National Historic Site Visitor Center and Museum currently sits is land-locked and lacks adequate emergency access. Exchanging this land within the Martin Luther King, Junior, National Historic Site for property in which the National Park Service could establish easy access to the Visitor Center and Museum would be mutually beneficial to both parties. This would simultaneously resolve the National Park Service's access issue and give the city of Atlanta much needed commercial space.

Madam Speaker, once again I am proud to support both bills—the Martin Luther King, Jr., National Historic Site Land Exchange Act and the bill to extend the authority for construction of the MLK Memorial. I would like to give a special thanks to my colleagues Mr. LEWIS and Senator SARBANES for their leadership in sponsoring these important pieces of legislation and in helping to keep the dream alive.

TRIBUTE TO THE GREATER  
WILKES-BARRE CHAMBER OF  
COMMERCE ON CELEBRATING 50  
YEARS OF PROGRESS

**HON. PAUL E. KANJORSKI**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the Greater Wilkes-Barre Chamber of Commerce as they celebrate the region's progress over the past 50 years at their annual dinner Thursday, October 30 at the Wachovia Arena in Wilkes-Barre, Pennsylvania.

Mr. Speaker, as I have said many times before, progress doesn't just happen by accident. From the beginning of the creation of the Industrial Fund 50 years ago, it has taken hard work, vision, dedication, and leadership by those who have transformed the area's economy from an aging coal mining town to a diversified economy with a bright future.

These leaders, whose accomplishments will be recognized at the dinner celebration, set the goals of elevating the economy by encouraging and supporting business growth, increasing capital investment in the region, and enhancing the area's quality of life by serving as a catalyst for key community projects. My colleagues, while we need to continue to strive toward these ambitious goals, I would like to pay tribute to the business leaders who make up this Chamber and this community for their success in moving us closer to these goals over the past 50 years.

Mr. Speaker, this organization has a proud and storied history highlighted by individuals who rose to the occasion and helped transform this region. Charles Weissman, William O. Sword, Frank Burnside, Herbert Morris, Edward Schechter, and many more leaders helped build our economy on a proud tradition of doing what it takes to make northeastern Pennsylvania the best it can be by working in partnership with elected officials and volunteers from the business community.

The Greater Wilkes-Barre Chamber is relentlessly working in partnership with local, State and Federal officials to rebuild our region's economic base from the ground up. Whether it is working to reclaim mine-scarred land, building and managing five business parks in the region like the new Innovation Center, promoting key community projects like the Arena, the levee raising and riverfront redevelopment projects, or working on the Downtown revitalization efforts, The Chamber serves as a vocal leader on issues and initiatives—from transportation to education, and from diversity to the knowledge economy—that help to advance the Greater Wilkes-Barre community.

Most recently, the Chamber deserves commendations for reaching out to neighboring organizations to improve on efforts to bring a more regional approach to economic development, which I strongly support.

It has been a pleasure to work with Chamber leaders on many of these important projects during my tenure in office, and I look forward to many more years of productive partnership for the benefit of northeastern Pennsylvania.

Mr. Speaker, it is my sincere honor to recognize the business and community leaders of the Greater Wilkes-Barre Chamber of Commerce as they celebrate 50 years of progress on Thursday evening.

#### PERSONAL EXPLANATION

#### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from this Chamber on October 28, 2003. I would like the RECORD to show that had I been present, I would have voted "yea" on rollcall vote 569. I also would have

voted "nay" on rollcall vote 570. Further, I would have voted "yea" on rollcall votes 571, 572, and 573.

#### HONORING JOSEPH CARL NORQUIST

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. LEE. Mr. Speaker, I rise today to honor the memory of a fallen soldier and American patriot, 26-year-old Army Specialist Joseph Carl Norquist, for his unstinting service to the community and devotion to the country. On October 9, 2003, Spc. Norquist, a 26-year-old Oakland man, was in a convoy in Baqubah, Iraq when he was killed in a barrage of grenades and bullets.

Norquist was serving with the 588th Engineering Battalion, based in Fort Hood, Texas. In Iraq, the battalion is assigned to the 4th Infantry Division, also of Fort Hood. The 588th is conducting two separate missions in Baqubah; they are searching for weapons and rebuilding schools.

"Joe believed in the job he was doing in Iraq," his parents said in a statement. "He thought it was worth it for the children, who would have better opportunities for a better life. We deeply mourn the loss of our son."

Norquist, a native of Martinez, attended high school in Benicia, where he played on the football team. He received an associate degree from Diablo Valley College in Pleasant Hill and joined the Army in 2001. He served for a year in Korea before being assigned to his unit in Texas, where he was trained in evaluating obstacles and operating conditions for tank maneuvers.

Joseph was a big, broad-shouldered man who liked to watch wrestling on TV. According to his friends, Joseph liked to spend his spare time in the base gym, working out with weights. In the evenings, he would try out wrestling moves on his Army buddies. He was contemplating enrolling in a pro wrestling school in Austin once his Army days were done. He was recognized for his attention to detail and thoroughness, and will posthumously receive the Bronze Star and Purple Heart medals.

Finally, as we remember Spc. Norquist today, I take great pride in joining Joseph's parents, Carl and Sue, his friends and fellow soldiers to recognize and salute the accomplishments and contributions of Joseph Carl Norquist.

#### RECOGNIZING WORLD POPULATION AWARENESS WEEK

#### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. PRICE of North Carolina. Mr. Speaker, the week of October 20–25th has been designated as World Population Awareness Week with the theme of "Water: Our Most Precious Natural Resource." Over the next 20 years, the world's population of 6.3 billion is projected to increase to nearly 9 billion before

leveling off. Since the entire population depends on 1 percent of the earth's water, many fear a future where water scarcity will undermine health and security and lead to political and social unrest. Acting on the global consensus that water scarcity must be a top development priority, the Population Institute has decided to dedicate the nineteenth World Population Awareness Week to the issue of water.

More than 80 nations, 165 organizations, 127 mayors, and 22 governors have proclaimed World Population Awareness Week. Governor Michael Easley of North Carolina is among those doing so, and I am pleased to call that proclamation to my colleagues' attention.

#### BREAST CANCER AWARENESS MONTH

#### HON. LOUISE MCINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SLAUGHTER. Mr. Speaker, Breast Cancer Awareness Month is an opportunity to celebrate the great strides breast cancer education, treatment, and survival that American women enjoy today. It must also serve as a reminder not to take our health for granted—to schedule a mammogram, perform a breast self-exam, and call a friend to urge her to do the same.

In the United States, every 2½ minutes another woman is diagnosed with breast cancer and every 13 minutes another woman dies from this dreadful disease. Almost one-third of these deaths could have been prevented if the disease had been discovered in the early stages. The lives lost are those of wives, mothers, daughters, and friends.

Thankfully, a breast cancer diagnosis is no longer a sure death sentence. When discovered and treated in the early stages, the five-year survival rate is 97 percent. Today, there are more than two million breast cancer survivors in the United States. These women live to celebrate birthdays, holidays, every day with their families and friends.

Early detection opens the door to beating breast cancer, and mammograms are the key to that door. Mammograms can find 40 percent of cancers not detectable during a breast self-exam or a doctor's exam. It is the most effective method of early detection, yet only 63 percent of American women between the ages of 40 and 64 had a mammogram in the past year. Furthermore, we must search diligently for more effective detection technology to improve upon the mammogram.

Sadly, many women cannot pay for essential screenings. I was proud to be an original cosponsor of the National Breast and Cervical Cancer Early Detection program. Due to this program and other initiatives, a lack of insurance is no longer a barrier to breast cancer survival.

Let's make the most of October, Breast Cancer Awareness Month; let's seize this opportunity to take control of our health and our lives. Every one of us is at risk for breast cancer, regardless of age, health, or family history, simply by being women. Let's say goodbye to needless cancer deaths and hello to breast self-exams, clinical breast exams, and mammograms. Let's say hello to the thousands of women who are here today and will

be here tomorrow thanks to early breast cancer detection and treatment.

### FALLEN PATRIOTS TAX RELIEF ACT

SPEECH OF

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 29, 2003*

Mr. SCHIFF. Mr. Speaker, I rise today to call attention to a bill scheduled to be heard today regarding the military death benefit paid to survivors of military personnel killed in the line of duty. Under current law, the military death benefit provides a surviving spouse \$6,000, of which \$3,000 is subject to federal tax.

At the tragic time of a death of a service member, it is an unimaginable loss to the family and represents the greatest sacrifice to our nation. To avoid adding insult to injury, we must make the Military Death Benefit fully tax-exempt. Families of our patriots should not be penalized on a benefit meant to express the nation's gratitude. The death benefit has historically been exempt from this taxation, yet an oversight in the tax code—after the benefit was raised to \$6,000 in 1991—left half of the payment subject to taxation.

The death benefit was designed to assist surviving family with financial needs following the death of the service member. Unfortunately, the current benefit is not sufficient. We should increase this benefit to \$12,000 to cover additional expenses. This bill would make this benefit retroactive for military personnel who have died in battle since September 11, 2001.

As of this morning, 232 American servicemen and women have died in battle in Iraq after the end to major combat operations in Iraq was announced. This represents 232 cases where a grieving family has had to sustain itself financially with limited funds while suffering the loss of a loved one who will not return home. Let us not let partisan politics get in the way of doing what is right for our fallen soldiers.

### WELCOMING PRESIDENT CHEN SHUI-BIAN OF TAIWAN TO UNITED STATES

SPEECH OF

**HON. DAVID WU**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 29, 2003*

Mr. WU. Mr. Speaker, I rise in strong support of H. Con. Res. 302, and urge my colleagues to support this important resolution.

For the past half-century, Taiwan and its people have been one of the United States' most reliable friends and allies in Asia, and around the world. Our two nations have cultivated many mutual interests, including trade, cultural, security in the Western Pacific Ocean, and democratic development.

On October 31st, President Chen Shui-bian will be visiting the United States. On behalf of the American people, I would like to extend my warmest welcome to the President, and

hope that our two nations will continue to deepen various aspects of our relationship.

As we host President Chen, I urge my colleagues to support this important resolution, and urge Congress and the Administration to support Taiwan's efforts to secure meaningful participation in international organizations and forums.

### IN HONOR OF THE 50TH ANNIVERSARY OF PEARL BUCK CENTER, EUGENE, OREGON

**HON. PETER A. DeFAZIO**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. DeFAZIO. Mr. Speaker, it is my distinct privilege and honor to congratulate the Pearl Buck Center in Eugene, Oregon on 50 years of supporting families with special needs in Lane County.

When the Pearl Buck Center opened in 1953, it was one of the only educational programs in Oregon providing educational services to children with mental retardation and other developmental disabilities. The Pearl Buck Center has continued this tradition of leadership in the community, the state, and the nation, providing vocational training, employment, education, and case management services to people with developmental disabilities.

Annually, the Pearl Buck Center provides services to over 400 individuals with developmental disabilities and their children. Since it was founded, the Pearl Buck Center has helped thousands of adults and children meet the challenges of their disabilities and find opportunities to succeed in school and on the job; to succeed as parents and as self-sufficient individuals; and to contribute to the community and society.

I would like to acknowledge the vision and dedication that characterizes this organization. I hope that all Americans will reflect on the commitment of the staff and volunteers of the Pearl Buck Center and on the struggles and successes of the individuals they serve.

October 2003 has been designated as National Disability Employment Awareness Month. In this special month, I extend my deepest appreciation and thanks to the Pearl Buck Center for their efforts, past and present, to help individuals with disabilities more fully realize their abilities, potential, and independence. We are all richer for your half-century of service.

### RECOGNIZING THE 2D ANNUAL YOUTH CONFERENCE OF THE ASIAN LIVER CENTER AT STAN- FORD UNIVERSITY

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. STARK. Mr. Speaker, I rise in recognition of the 2d annual Youth Conference on Asian and Pacific Islanders' Health being organized by the Asian Liver Center at Stanford University on November 7 through November 9, 2003.

During this 3-day conference, more than 100 high school students and their families from throughout California will discuss a variety of health issues of particular concern to the API community. These issues include youth identity, teen smoking and cultural competency in medicine. A major issue to be addressed is the high vulnerability that Asian and Pacific Islanders have to hepatitis B and its related effect of liver cancer.

The Asian and Pacific Islanders community comprise over 11% of my home state of California. Unfortunately, many Americans of Asian and Pacific Island background have no awareness of their heightened risk of acquiring hepatitis B. While the rate of hepatitis B infection for all Americans is less than .5%, for API Americans the rate is 7%—14 times higher.

The symptoms of this illness are often not apparent to the individual until the irreversible effects of liver cancer become evident. This silent killer is often spread from unsuspecting mothers to newborn infants at childbirth. It is also spread through child-to-child infection as result of contact with skin sores, small breaks in the skin or such activities as sharing a toothbrush. Luckily, the spread of this awful disease can be prevented through a simple series of vaccinations. But, people need to be educated about the need for such vaccinations.

A major goal of the Youth Conference is to create a cadre of emissaries to go out into the API community to increase awareness of this vulnerability to hepatitis B and liver cancer and to educate the populace on means of prevention and treatment. Many in the API community are not aware that there is a vaccine that offers full protection from hepatitis B. Many are not vaccinated because they simply are not aware of the problem. The unnecessary deaths from this disease must be stopped now.

The Asian Liver Center has it right—increased knowledge is the key to prevention. I commend the students and their families for taking time out of their busy lives to become more knowledgeable about these important health issues and to help spread their knowledge throughout their communities. I also commend the staff of the Asian Liver Center at Stanford University for organizing this conference and for their mission of addressing the high incidence of hepatitis B in the API population through outreach, education and research. This program is clearly one that should be emulated by many other organizations around the country.

### REGARDING INDIAN RIVER COMMUNITY COLLEGE

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. HASTINGS of Florida. Mr. Speaker, I rise to pay commendation to Indian River Community College, which serves the east coast of Central Florida and many of my constituents. The school has developed an innovative program to combat a local, state and national problem—the critical teacher shortage. Indian River Community College pioneered the "Bridge to Teaching" program to recruit and train college graduates to embark on careers in teaching.

In addition to the praise of local school officials benefiting from the recent graduates, the accelerated teacher certification program has been selected as a national model of "best practices" for colleges throughout the country by the National Council for Continuing Education and Training.

For their commitment to quality programs and responsiveness to the needs of the community, Indian River Community College and its President, Ed Massey, deserve the congratulations of Congress.

#### TRIBUTE TO THE 150TH ANNIVERSARY OF BAUSCH AND LOMB

#### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SLAUGHTER. Mr. Speaker, I rise today to pay tribute to the 150th anniversary of Bausch & Lomb—a community institution, an outstanding corporation, and a global innovator.

In 1853, a German immigrant named John Jacob Bausch started a modest business selling optical goods. He got off to an uneven start, and borrowed \$60 in capital from a close friend, Henry Lomb. Bausch promised to make Lomb a full partner if the business prospered. Indeed, the business grew beyond its founders' wildest dreams. Today, Bausch & Lomb is the premiere name, recognized around the world, for excellence in eye health products.

Headquartered in my district of Rochester, New York, Bausch & Lomb employs over 11,000 people and generates annual revenues of almost \$2 billion. B&L, as it is affectionately known, is also deeply committed to our community and its future. More than 5,000 schools nationwide participate in the Bausch & Lomb Science Award, which is bestowed on selected high school sophomores for excellence in science. Along with a medal, winners are eligible for a Bausch & Lomb scholarship for study at the University of Rochester, and associated paid summer internships in B&L labs. The B&L science awards and scholarships promote science scholarship and foster the next generation of scientists and researchers.

At its facilities in Rochester, B&L has created some of the most innovative optical equipment and goods in the world. During World War I, B&L produced the special sunglasses for military men. B&L researchers invented the first optical-quality glass. And in 1971, Bausch & Lomb introduced the first soft contact lenses, a product that has improved the quality of life for millions of people around the globe. Today, tens of millions depend upon high quality B&L products to improve and maintain one of their most precious assets: their vision.

Mr. Speaker, I am deeply proud of the fine work done by my constituents at Bausch & Lomb every day. One's sight is a precious thing, and it speaks volumes that more people entrust their vision to Bausch & Lomb than to any other company in the world. I salute Bausch & Lomb—company CEO Ronald Zarrella, his leadership team, and every one of his outstanding employees—on their 150th anniversary. We all look forward with great anticipation to seeing what the coming years bring to and from Bausch & Lomb.

#### EULOGY FOR CORINNE MICHEL

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. HOYER. Mr. Speaker, it's with great regret that I come to the floor today to note the untimely passing on October 22 of Corinne Michel, a friend of so many of us privileged to serve in this House, and the wife of former House Minority Leader Bob Michel of Illinois.

As Mike Johnson, a former Chief of Staff for Bob Michel, told Copley News Service: "[Corinne] was never affected by all the limelight. Bob used to say people in politics have their feet planted in midair. Hers were always planted firmly on the ground."

And as Millie Arends, the city treasurer in the Michel's home city of Peoria, Illinois, noted: "She was well-read on everything. Her husband said she was one his best assets."

Corinne Michel was born in Onida, South Dakota, and was raised in St. Paul, Minnesota, Pittsburgh and Peoria, Illinois, where her father managed the Livestock Market News. In 1943, she graduated from Peoria High School, and then met Bob when the two sang in the a cappella choir at Bradley University.

Corinne was an accomplished classical pianist who graduated with two music degrees and then taught music in the Peoria public schools. In 1948, the Michels were married and eight years later Bob was elected to the House, where he served with distinction for 38 years—including 14 as the Republican leader—before retiring in 1995.

While Bob served his constituents and nation in Washington, Corinne raised the couple's four children back in Peoria. She was active in Peoria Players and Central Illinois Youth Symphony and helped bring opera and ballet to Peoria. She also represented Bob at events in his home District.

In Washington, she was active in Congressional spouse organizations and chaired the Republican Women's Federal Forum.

The Michels' son Scott told the Chicago Tribune: "Music played a huge role in her [his mother's] life and she passed it on [to her children]. I would come home from school and there would be classical music on the stereo and she would be playing the piano."

And said our colleague RAY LAHOOD, a former Chief of Staff for Leader Michel and the successor in his seat, said: "She was one of the loveliest persons I have ever met." A sentiment that all who knew her shared.

He continued: "She never sought the limelight . . . but her husband sought her advice and she gave it to him in her own quiet way."

Mr. Speaker, I want to extend my sincerest condolences to my friend, the former Republican Leader, who not only is a great credit to this institution but also an American of unquestioned patriotism and courage.

Bob Michel, who was wounded as an infantryman in World War II and received two Bronze Stars, the Purple Heart and four battle stars, laid his life on the line so that succeeding generations could experience the freedoms that we enjoy—and too often take for granted—today.

Let's recognize today that while Bob Michel soared to great heights throughout his career, he always had a steady, able partner on that

journey—his beloved wife, Corinne, whose loss we mourn today.

I also want to express my condolences to the Michels' sons, Scott, Bruce and Robin; daughter, Laurie; and three grandsons. Our thoughts and prayers are with them.

#### VETERANS HEALTH CARE FACILITIES CAPITAL IMPROVEMENT ACT

SPEECH OF

#### HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. RODRIGUEZ. Mr. Speaker, I rise in strong support of H.R. 1720, the Veterans Health Care Facilities Capital Improvement Act. I would like to recognize the very necessary and hard work of my colleagues on the House Veterans Affairs Committee, from both sides of the aisle, and our Chairman Congressman ROB SIMMONS of Connecticut, on this critical issue.

H.R. 1720, as amended, authorizes a new approach to funding VA construction after the Department addresses a number of compelling needs identified throughout the system. Through this measure we have outlined Congressional priorities for the types of projects VA should fund, but would allow VA to identify the locations where there is the most need.

I am particularly interested in VA's plan to address the needs of veterans in far south Texas. Parts of my district have the worst access to hospital care in the country. I am especially pleased that the amended version of H.R. 1720 contains a section that authorizes the development of a strategy by the Secretary of Veterans Affairs to address the great need for hospital care for veterans who reside in far south Texas. Under H.R. 1720, the Secretary of Veterans Affairs would be required to submit findings to the Senate and House of Representatives no later than January 31, 2004.

Mr. Speaker, it is shameful that veterans in McAllen, Texas, just east of my district, must travel up to 6 hours one-way to reach the San Antonio VA Medical Center. Data collected for VA's Capital Assets Realignment for Enhanced Services (CARES) process showed that veterans in one of the area's markets—the Valley Coastal Bend—have the worst access to acute inpatient hospital care of veterans in any other VA market in the United States.

The time has passed for us to address this crisis in access. This bill will put VA on a sure path for doing that, and I will eagerly await the opportunity to respond to VA's recommendations for increasing access for South Texas veterans. This bill is an important step to ensure that VA keeps its promise to veterans.

#### 80TH ANNIVERSARY OF THE TURKISH REPUBLIC

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. SMITH of New Jersey. Mr. Speaker, this week the Turkish Republic, an original participating State of the Organization for Security

and Cooperation in Europe, will mark its 80th anniversary. The Turkish Government, led by Prime Minister Recep Tayyip Erdoğan, is working hard toward membership in the European Union. The accession of Turkey to the Union would recognize the important reforms that have already been adopted and accelerate the reform process.

The various constitutional reform packages in recent years have addressed, or begun to address, many longstanding human rights concerns. As Chairman of the Helsinki Commission I am pleased to note that much needed change is beginning to take place. For example, the crucial issue of torture is finally receiving the attention necessary to prevent such abuse and address the legacy of this endemic scourge. Perpetrators of torture are facing punishment by a new generation of state prosecutors. For the first time, police who have committed acts of torture are being brought to justice. However the ongoing use of torture in southeast Turkey in the guise of anti-terrorism is an outrage that Turkey must bring to a halt. It is not enough to pass these reforms or to hold a few show trials. No, all transgressors must be arrested and tried. There must be a zero tolerance policy in place on torture.

Other issues of concern have also benefited from the reform package process. For example, religious communities with "foundation" status may now acquire real property, as well as construct new churches and mosques and other structures for religious use. However, there is a considerable gap between the law and its application.

Also, while the problem of allowing the return of internally displaced persons who fled the internal conflict with the PKK terrorist organization remains. Renewed efforts to address this problem are promising, such as inviting the UN Rapporteur on IDPs to visit and the possibility that Turkey may host an international conference on internally displaced persons. While Turkey still has a long way to go to successfully eradicate human trafficking in its borders, the government has taken some positive steps. While I am pleased Turkey has expanded its cooperation with source countries to improve its victim protection efforts, I want to encourage continued improvement to wipe out this modern day slavery.

Unfortunately, Mr. Speaker, other serious concerns remain.

While Turkey works to bring its laws and regulations into conformity with the Copenhagen criteria for EU accession and works toward fulfilling human rights commitments as an OSCE participating State, actions taken by police and other government authorities raise doubts as to the sincerity of these reforms.

The imprisonment this month of Nurcihan and Nurulhak Saatcioglu for attending demonstrations four years ago protesting the prohibition against head scarves in public institutions, is deeply troubling. The fact that the government denies women who choose this religious expression the ability to attend state-run universities and work in public buildings, including schools and hospitals, is counterproductive and an encroachment of their right to freedom of expression. Similarly, authorities severely curb the public sharing of religious belief by either Muslims or Christians with the intent to persuade the listener to another point of view. These limitations on religious clothing and speech stifle freedom of religion and ex-

pression and are contrary to Turkey's OSCE commitments.

At a fundamental level, the inability of religious groups to maintain property holdings is problematic, as the Office of Foundations has closed and seized properties of non-Muslim religious groups for contrived and spurious reasons. Groups most affected by this policy are the Syrian Orthodox, Armenian Apostolic and Greek Orthodox churches, which have also experienced problems when seeking to repair and maintain existing buildings or purchase new ones. I hope the application of the aforementioned reforms will rectify this problem.

The most notable property issue concerns the continued closure of the Orthodox Theological School of Halki on the island of Heybeli in the Sea of Marmara. Considering the reportedly promising conversations between the church and government, I urge Turkey to return full control to the Ecumenical Patriarchate and allow religious training to resume, in keeping with relevant OSCE commitments.

Furthermore, religious groups not envisioned by the Lausanne Treaty have no legal route for purchasing property and building facilities, since the new legal provisions affect only communities with the official status of a "foundation." As no process exists for these other groups to obtain foundation status, they are forced to meet in private apartments. This lack of official status has real consequences, since provincial governorships and the Ministry of Interior have initiated efforts to close these meeting places, leaving the smaller Protestant groups and Jehovah's Witnesses without any options. Churches and their leaders in Diyarbakir, Mersin, Iskenderun and other towns all face troubling government prosecutions and threats of closure. I urge Turkey to create a transparent and straightforward process to grant religious groups so desiring official recognition, so that they too can enjoy the right to establish and freely maintain accessible places of worship of assembly.

The continued incarceration of four Kurdish former parliamentarians: Leyla Zana, Hatip Dicle, Orhan Dogan and Selim Sadak is particularly disturbing. Convicted in 1994, they have won their appeal to the European Court of Human Rights and were granted a retrial under recent Government of Turkey legal reforms. The retrial began March 28, and at each of the eight sessions, most recently October 17, the court has refused to release the defendants. Their continued imprisonment is an outrage.

Mr. Speaker, on the 80th anniversary of the Turkish Republic, the initial legal reforms put in place by the government display Turkey's—or at least the legislators in Ankara's—apparent willingness to address much needed reforms in human rights practices. But actions speak louder than words. We need to see implementation of these reforms seriously carried out before we can rest assured that Turkey has met minimal OSCE human rights commitments. As Turkey strives to enter the European Union, I applaud the efforts that have been made to date and urge Ankara to intensify the reform process.

PAYING TRIBUTE TO JOE SKUFCA

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the contributions of a fine citizen from my district, Joe Skufca of Pueblo, Colorado. Joe is a man who has dedicated his life to the betterment of his country and community. As a decorated war veteran, and the devoted owner of what has been called "Pueblo's friendliest grocery store," Joe is certainly a shining example for all of us.

Upon graduating from high school, Joe answered his country's call to duty and entered the United States Army during World War II. The day before Joe was to take part in the invasion of Ie Shima, he was injured aboard his ship by a Japanese missile attack. Despite being injured, Joe bravely took part in the invasion the next day. This was not Joe's only act of personal sacrifice during the war. After the fall of Okinawa, Joe contracted malaria. After three months in the hospital, the Army told Joe it was time for him to go home, but he refused and stayed with his company for the invasion of Japan. This extraordinary bravery and dedication to his country did not go unnoticed, and Joe was awarded two bronze stars for his service.

Upon his honorable discharge, Joe returned to his home in Pueblo to begin a new life. He went to work at the Star Grocery Mart and began a career which has served him well for many years. Fifty-six years ago, Joe became the owner of Star Mart, which he still owns to this day. Joe is widely known as Pueblo's "friendliest grocer."

Mr. Speaker, it is my great honor to pay tribute to Joe Skufca before this body of Congress and this great nation. After bravely fighting and sacrificing for his country, Joe returned to my district where he has maintained a successful business, spreading joy to his customers, family, and friends. It is with great pride that I echo the praises Joe has received from his country and the Pueblo community. Thanks, Joe, for your service.

THE "DOMESTIC VIOLENCE PREVENTION, EDUCATION AND AWARENESS ACT"

**HON. HILDA L. SOLIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Ms. SOLIS. Mr. Speaker, I rise today to introduce a piece of legislation I believe will help empower women who are victims of domestic violence to seek help in ending and recovering from its effects.

With the United States becoming increasingly multicultural, we need to ensure all women, regardless of language, culture or income are aware and are able to access the services they are entitled to. In order to carry this out, it is imperative we are culturally sensitive, attentive and pro-active to effectively reach out to all communities. There have been major gains by advocates, researchers and practitioners to end domestic violence, but

there continues to be a lack of focus on a culturally specific domestic violence outlook. Studies have found that minority and immigrant communities face additional barriers to seek help, such as cultural beliefs and lack of resources in agencies like translators and bilingual materials.

The "Domestic Violence Prevention, Education and Awareness Act" would amend the Violence Against Women Act to provide grants and develop informational public media campaigns specifically targeting racial and ethnic minority and immigrant communities. This will bring much needed attention to racial and ethnic minority and immigrant communities, communities that are often overlooked and underserved.

While there are services out there designed to help women combat domestic violence, how do these services help those women who are not able to communicate with the counselors at these services, are afraid of being discriminated against for accessing these services, or who don't know what services are available to them?

It is so important in this fight against domestic violence to offer these women all the support we possibly can. We need to create the avenues necessary to increase the number of survivors of domestic violence and make sure they are able to move on and rebuild their lives.

ARNOLD SAAVEDRA

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an extraordinary educator and patriot, Arnold Saavedra. The product of a strong family, he was raised with his three siblings to understand the importance of education.

His parents taught their children that teachers have a mighty impact on the lives of the students they teach. His father taught in a one-room schoolhouse in Duval County. The lessons of his family were not lost on any of the children; each one became a teacher, on a mission to make the lives of children better through education.

One day when he was in the 7th grade, Mr. Saavedra glanced out the classroom window and saw the football coach out in the field with the players. At that moment, he knew he wanted to be a coach and teacher.

He taught and coached at a number of Corpus Christi Independent School District schools from 1973 through this year. In July 2003, he moved to the Adult Learning Center as the Lead Administrator to apply lessons in learning to adults.

In those years when he taught classes and coached young athletes on fields of play, he taught the same lesson he'd learned in his parents' home . . . the key to success in life begins with an education. For 30 years he has shared those lessons with the young people of Corpus Christi. His legacy is in the success of his students.

While at Texas A&I College, Mr. Saavedra met and married his college sweetheart, Ida Ortega Saavedra, and she has been his most constant source of support. They have two children, Tricia Dunlap and Arnold Andrew

Saavedra, and a granddaughter, Sage Elizabeth Dunlap.

Mr. Saavedra will retire on November 25, 2003, after more than 30 years with the Corpus Christi Independent School District. I ask my colleagues to join me in commending him for his life's work.

# EXPRESSING GRATITUDE TO MEMBERS OF THE U.S. ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 28, 2003

Mr. PAUL. Mr. Speaker, I voted in favor of this legislation because I do believe it is important to express our gratitude to our armed forces, and particularly to remember those who lost their lives in Somalia in Operation Restore Hope. Indeed, members of our armed forces have been asked to make extraordinary sacrifices in this post Cold War era, as US military presence across the globe has, despite what many of us hoped, increased significantly and military deployments into hostile situations have also increased.

Mr. Speaker, while I do want to join those praising members of our armed forces, I must point out that legislation like H. Con. Res. 291 is dishonest and actually disrespectful to our military. It is obvious that praising the soldiers is only one small part of this legislation. Under cover of this praise is an attempt to re-write history and to praise a foreign policy that sends our military into useless and meaningless battle zones, like Somalia, where they are asked to fight and die for a cause completely unrelated to the US national interest. It is shameful for legislators to wrap themselves in the sacrifice of our troops in praise of a policy that does not serve the United States and ends up getting these same troops killed and maimed.

The legislation states, falsely, that our failed Somali nation-building fiasco was somehow related to the war against terrorism. This attempt at revisionist history is more than dishonest: it is likely interventions like these actually increased resentment of the US and may have even led to more recruits to terrorist organizations.

This legislation expresses gratitude for our troops' "provid[ing] humanitarian assistance to the people of Somalia in 1993." I see nowhere in our Constitution a provision that allows the United States armed forces to be used for the purpose of "provid[ing] humanitarian assistance" to any foreign country or people. Our armed forces are to be used in defense of our homeland. Period. So I am deeply disturbed by legislation such as this. Yes, we must honor troops, but we cannot honor a foreign policy that sends them into harm's way for "nation-building" or "humanitarian assistance" or any other reason not directly related to the defense of the United States. I hope the next time we see legislation congratulating the brave service of our armed forces it is more honest. Our servicemembers deserve at least this, do they not?

PAYING TRIBUTE TO SUSY ELLISON

HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. MCINNIS. Mr. Speaker, I rise before you today to pay tribute to the adventurous spirit of a citizen from my district. Susy Ellison of Carbondale, Colorado has begun her journey to Antarctica with a group of teachers and research scientists, charged with studying a unique seal population found exclusively in that region. As Susy braves the extreme climate of Antarctica, I would like to recognize her courage and commitment to science and education before this body of Congress today.

Susy is a high school teacher at Yampah Mountain High School in Glenwood Springs, Colorado and has experience working with the Forest Service, the Bureau of Land Management and the National Park Service. The program with which she will travel to Antarctica is called Teachers Experiencing Antarctica and the Arctic, or TEA. TEA allows teachers an opportunity to gain experience and knowledge that can be applied in the classroom when they return. Susy will be in the field in Antarctica for approximately eight weeks, braving the elements in the name of science.

When Susy returns to the classroom, I am certain her students will be filled with wonder and excitement as she recounts her experiences from the far off land of Antarctica. I commend Susy on her adventurous spirit and wish her the best for a safe and successful journey.

# THE DOMESTIC VIOLENCE COURTS ASSISTANCE ACT

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SOLIS. Mr. Speaker, I rise today in an effort to help end the cycle of violence against women.

I have introduced the "Domestic Violence Courts Assistance Act" because it is important to recognize the prevalence of domestic violence in our community and take the necessary steps to eradicate this problem. A study released earlier this year estimated that nearly half of the adult population in my home state of California reported knowing a victim of domestic violence. In the United States, nearly 2 million women are victims of domestic violence. While there have been great strides to build upon and improve domestic violence legislation, the high rate of domestic violence victims is evidence for the continuing need for attention to this problem.

This bill will help provide grant money from the Violence Against Women Act to be used to establish domestic violence courts. Because many local court systems are overwhelmed with the number of cases that come before them everyday, many domestic violence cases are not given the attention and time sensitivity that is crucial in raising the conviction rate of offenders. The bill also makes clear that funds can be used for translation and interpretation services, which is critical for domestic violence victims who are limited English proficient.



We all need to contribute in this effort to end violence against women. Violence against women has far ranging affects. It affects the victim herself, the batterer, the children who are witness to the battering, and friends and family of the victim.

It is our responsibility to give a voice to those who cannot speak out for themselves and provide strength and support to those who need it. I urge my colleagues to help make a difference in the struggle to combat domestic violence by supporting the "Domestic Violence Courts Assistance Act".

#### PERSONAL EXPLANATION

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. ORTIZ. Mr. Speaker, due to official business, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below:

Rollcall No. 576, "yes;" rollcall No. 577, "yes;" rollcall No. 578, "yes;" and rollcall No. 579, "yes."

#### ENCOURAGING PEOPLE'S REPUBLIC OF CHINA TO FULFILL COMMITMENTS UNDER INTERNATIONAL TRADE AGREEMENTS, SUPPORT UNITED STATES MANUFACTURING SECTOR, AND ESTABLISH MONETARY AND FINANCIAL MARKET REFORMS

SPEECH OF

### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 29, 2003*

Mr. PAUL. Mr. Speaker, like all Americans, I am concerned about the loss of jobs in America's manufacturing sector and the role currency manipulation plays in that loss. For many years, I have warned my colleagues that America's monetary policy is endangering America's economy. The economic difficulties currently facing this country are a classic example of the harm resulting from a boom-and-bust cycle caused by an inflationary monetary policy. An open debate on monetary issues is therefore long overdue.

However, instead of debating America's monetary policy, we are debating China's monetary policy. Specifically, the goal of this resolution is to pressure China to change the valuation of its currency. Whatever short-term benefit our manufacturers may gain from this action, the policies urged today are not in the long-term interest of the American people.

In arguing for fluctuating rates, the backers of H. Res. 414 are demanding that the Chinese Government adopt an irrational policy. A sound economy requires a sound and dependable unit of economic measurement. Yet, by definition, under fluctuating rates the currency, which serves as the basic unit of economic measurement, will not be sound and dependable. Instead, that value will change depending on the whims of politicians and the perceived economic needs of politically powerful special interests.

China, in fact, has done very well with a fixed measurement of value. China's economic growth rate is high; China is also exporting many products into our market while our domestic producers are suffering. Therefore, China makes a good scapegoat for our economic problems. Demanding that the Chinese government adjust its currency is a convenient distraction from addressing the real economic problems facing our country.

Instead of having fluctuating currency exchange rates and the inevitable instability that accompanies them, we should be working to establish a gold-backed currency whose value is determined by the market. This would provide an objective measurement of the value of economic goods and services and thus strengthen the economy by freeing it from the negative effects of our unstable monetary policy.

I would also urge my colleagues to consider the benefits we receive from our relationship with China. Of course, consumers benefit from lower-priced goods. Adopting the policy urged by supporters of this bill would cause consumer prices to increase, thus reducing consumers wealth. Other producers would suffer as a result of the consumers decreased purchasing power.—While there is not an organized lobby arguing against the policy recommendations of H. Res. 414, I doubt many of our constituents want us to increase the prices they pay for goods and services.

Congress should also consider how the Chinese benefit the United States Government by holding our debt. The dollars the Chinese acquire by selling us goods and services must be returned to the United States. Since the Chinese are not buying an equivalent amount of American goods and services, they are using the dollars to finance our extravagant spending.

In fact, Mr. Speaker, our ability to continue to fund the welfare-warfare state without destroying the American economy depends on foreigners buying our debt. Perhaps we should think twice before we start bullying and browbeating our foreign creditors to change their economic or other policies to our liking.

H. Res. 414's underlying premise is that sovereign countries have a duty to fashion economic policies that benefit the United States and it is a proper concern of Congress if these countries fail to do so. H. Res. 414 attempts to justify Congressional interference in the internal economic affairs of China by claiming that China is not living up to its obligations as a member of the World Trade Organization (WTO). I would remind my colleagues that the WTO has oftentimes ruled against the United States and Congress is right now changing United States tax laws to please the WTO. Ceding control over United States tax and trade policy to this international organization violates the United States Constitution and is contrary to the interests of American citizens. Therefore, it is not wise to endorse the WTO process by encouraging other countries to submit to WTO control.

Instead of promoting global economic government, the United States Congress should reform those policies that reduce our manufacturers' competitiveness. Recently, a financial journalist visited with businessmen who are launching new enterprises in China. When he asked them why they chose to invest in China, they answered: "It is so much easier to start a business in China than in the United States,

especially in places like Massachusetts and California." This answer should send a clear message to every lawmaker in America: the taxes and regulations imposed on American businesses are damaging economic growth and killing jobs. If we were serious about creating jobs, we would be working on an aggressive agenda of cutting taxes and repealing needless regulations.

Congress can also improve America's competitive position by ending the practice of forcing American workers to subsidize their foreign competitors through organizations such as the Export-Import Bank and the International Monetary Fund. I have introduced the Steel Financing Fairness Act (H.R. 3072) to accomplish this goal. H.R. 3072 prevents taxpayer funds from being sent to countries, such as China, that subsidize their steel industries. Of course, our ultimate goal should be to end all taxpayer subsidies of foreign corporations and governments.

In conclusion, Mr. Speaker, I remind my colleagues that stability in currencies is something we should seek, not something we should condemn. Instead of urging China to adopt a floating rate, Congress should be working to adopt a stable, commodity-backed currency whose value is determined by the market and encourage other countries to also adopt a market-based currency. This will benefit American workers, entrepreneurs, and consumers. Congress should also strengthen America's economy by reducing taxes and repealing unnecessary and unconstitutional regulations and stop forcing American taxpayers to subsidize their foreign competitors.

#### PAYING TRIBUTE TO BILL BULLOCK

### HON. SCOTT MCINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of my friend Bill Bullock, who recently passed away after a long and courageous fight with cancer. Bill, who lived in Glenwood Springs, will long be remembered for his service to our country, his contributions to his community and his unyielding love for his family.

Bill was born and raised in the neighboring state of Wyoming. It was there, while attending the University of Wyoming, that he met and married his wife Doris in 1942. Following his marriage, Bill answered his country's call to duty and joined the Army to fight in World War II, serving honorably as a gunner on a B-24 bomber.

Following the war, Bill moved to Glenwood Springs, where he entered the retail business with his father and established himself as a leader in the Colorado business community. Under Bill's guidance, "Bill Bullock's" apparel stores spread throughout Western Colorado. Because of his dedication to his business, and commitment to excellence, Bill was named Colorado's "Apparel Retailer of the Year" in 1974.

Despite his business success, Bill never lost sight of the importance of the people who shopped in his stores. Bill's love for people was clearly illustrated by his eagerness to get

to work each day, looking forward to friendly conversations with his friends, neighbors and customers.

Mr. Speaker, the dedication and selflessness demonstrated throughout Bill's life certainly deserves the recognition of this body of Congress and this nation. There is no question that Bill will be remembered as a great businessman. However, he will best be remembered as a selfless person, a great friend and dedicated family man. It is my privilege to pay tribute to a man who dedicated his life to his country, family and community. Bill's life was the embodiment of all that makes this country great and I consider it an honor to have been Bill's friend.

WELCOMING PRESIDENT CHEN  
SHUI-BIAN OF TAIWAN TO  
UNITED STATES

SPEECH OF

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, October 29, 2003*

Mr. BURTON of Indiana. Mr. Speaker, I rise today in strong support of H. Con. Res. 302. I also want to urge my colleagues to join me in supporting this resolution that expresses the sense of Congress welcoming President Chen Shui-bian of Taiwan to the United States on October 31, 2003.

Taiwan is a beacon of liberty and democracy in a region of the world where human rights and personal freedoms are routinely denied, and I believe that this Chamber should recognize Taiwan's achievements and congratulate President Chen on his outstanding leadership.

I ask my colleagues to consider the following facts: Taiwan has become one of the world's freest nations, and is now one of the most successful models of rapid reform in the region. Fifty years ago, Taiwan was a closed authoritarian society with no freedom of speech, no freedom of assembly, and no right to vote. Today, Taiwan is a full-fledged democracy. It has robust political parties, and virtually every office in Taiwan is contested through free and fair elections.

Taiwan supports the same democratic, economic and security values, which we as a Nation cherish. Taiwan shares our belief in free-market economics, which has resulted in Taiwan providing its people with one of the highest standards of living in Asia. Furthermore, U.S. strategic interests in the region are closely intertwined with Taiwan's security in the region. In addition, Taiwan and the U.S. share the same respect for human rights. In fact, I would like to take this opportunity to congratulate President Chen Shui-bian for receiving the Human Rights Award from the International League for Human Rights.

H. Con. Res. 302 provides us with a golden opportunity to affirm our friendship and support for the free people of Taiwan. Because Taiwan is such a steadfast ally of the U.S., I am a proud cosponsor of H. Con. Res. 302. I also wish to thank my colleague from Florida, Mr. WEXLER, for introducing this resolution and the House Leadership for scheduling a vote on it. I believe that Congress should extend a warm and public welcome to President Chen of Taiwan upon his arrival in the United States

on October 31, 2003. President Chen's visit will serve to broaden and deepen the strong alliance between the United States and Taiwan. Also, his visit is of tremendous importance to all Americans who join me in recognizing the value of a longstanding friendship between the U.S. and Taiwan.

Once again, Mr. Speaker, I ask that my colleagues join me in support of this resolution, and I offer a hearty welcome to President Chen and wish him great success upon his visit to the U.S.

SALUTING JESSIE ROBERSON

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. DUNCAN. Mr. Speaker, I rise today to salute and congratulate Jessie Roberson, Department of Energy's (DOE) Assistant Secretary for Environmental Management, and Gerald Boyd, DOE's Oak Ridge Operations Manager, his team and their many partners, for recently winning the prestigious Phoenix Award from the Environmental Protection Agency—for their outstanding local reindustrialization program and for excellence in brownfield redevelopment.

This Phoenix Award, which is comparable to winning a Hollywood Oscar in the brownfield development world, was recently presented at the International Brownfields 2003 Conference in Portland, Oregon.

The Department of Energy's office in Oak Ridge, along with the Community Reuse Organization of East Tennessee and the Bechtel Jacobs reindustrialization team, has worked on remediating and redeveloping the former K-25 Gaseous Diffusion Plant in Oak Ridge, now called the East Tennessee Technology Park, into a thriving new economic development model celebrated by brownfield developers around the world.

Sixty years ago, the K-25 facility was constructed to help America win a war. From 1943 through most of the Cold War, this facility served as an example to the world of our Nation's technological capabilities. This technology played an essential role in our Nation's security. I believe it is a great testament to the men and women who made this work possible that today, the East Tennessee Technology Park is once again an example of American ingenuity. From preserving our Nation's freedoms to helping restore our Nation's environment, those working at the East Tennessee Technology Park are recognized as leaders.

They have taken dirty, abandoned government facilities and cleaned them up and turned them into available commercial properties to help create new jobs in our region. To date, more than 1,200 jobs have been created, with over \$40 million in new annual payroll.

As chairman of the Water Resources and Environment Subcommittee of the House Transportation and Infrastructure Committee, I am proud that EPA's region 4 office has recognized this outstanding example right in the heart of the Tennessee Valley Science and Technology Corridor of how we can work to transform abandoned industrial properties into productive new economic development projects that help create new jobs and new opportunities for more Americans.

I ask the entire House to join me in thanking and congratulating DOE and their partners for their innovation and this outstanding achievement.

INTRODUCTION OF LEGISLATION  
CALLING FOR THE FEDERAL  
GOVERNMENT TO BUY RECREATIONAL LAND FROM THE  
CITY OF CRAIG, ALASKA

**HON. DON YOUNG**

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. YOUNG of Alaska. Mr. Speaker, the legislation I am introducing today calls for the federal government to buy 349 acres of recreational land from the City of Craig, Alaska. The land includes a trail leading to Mount Sunnahae, its trailhead, a parking area, and mountaintop property. The legislation requires an appraisal before purchase. The bill also allows for a \$250,000 appropriation to the U.S. Forest Service for trail maintenance and property rehabilitation.

I am introducing the bill at the request of Prince of Wales Island residents. The City of Craig is the economic center of Prince of Wales Island—which is the third largest island in the country. The town contains the major retail shopping and service outlets on the island. Craig also has the most active and largest commercial fishing harbor and fleet on the island. But the local economy, like many other parts of South East Alaska, has suffered from a downturn in the timber industry. In the early 1980's, the city and Prince of Wales Island were the center of a solid timber economy that provided thousands of direct and indirect jobs to the Island. Much of that is now gone as a result of terrible Federal forest management policies. According to the Alaska Department of Labor, unemployment rates in Craig regularly exceed 20 percent. This is more than twice the national average. This bill will help community expansion and development as well as facilitate Forest Service land management.

One of the Forest Service's main administrative facilities, the Craig Ranger District Station, is located in Craig. The Craig Ranger has management authority over approximately one million acres on Prince of Wales Island. Right now, there is not any Forest Service land near the Ranger Station. In an unusual situation for Alaska, the Ranger Station is an in-holding among private, state, and City owned land. So when visitors come to the Craig Ranger Station to orient themselves to the Forest, there is no onsite recreation. However, the city of Craig owns almost 350 acres of prime recreational land including a dedicated trail in the immediate vicinity from the Ranger Station. The Forest Service should own this land so that it can integrate the parcel into its land management plans.

The property to be acquired by the city of Craig is a cannery site dating from the early 1900's which has not been used since the early 1980's. It is prime land for the city to redevelop in order to provide economic stimulus in Craig. The parcel could be used by Craig to develop a good port and harbor and to provide first class land for retail merchants and other community services.

The Federal Government will receive equal value in land from the city. The passage of this Act is good for the public and for the residents of Craig.

#### PAYING TRIBUTE TO ARTHUR MOSS

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise before this body of Congress and this nation today to pay tribute to the life and memory of an outstanding citizen and community leader. Arthur Moss of Grand Junction, Colorado recently passed away at the age of eighty-four. Art was very active in his community and leaves a legacy in Grand Junction worthy of praise. As his family and friends mourn his loss, I am honored to pay tribute to his life and accomplishments here today.

Born in Canada and raised in Michigan, Art moved to Grand Junction in 1955. He was a community leader from the beginning, serving as the first Director of Club 20, an organization dedicated to representing the concerns and interests of the communities of Western Colorado. Art helped bring Grand Valley Daybreak, an adult daycare program, to Grand Junction. In addition, he served as President of the Western Colorado American Boy Scouts and Chairman of Mesa County Republicans. An endless list of organizations have benefited from Art's influence, from the Masonic Lodge to the United Fund. No matter what the cause, Art always helped get the job done.

Mr. Speaker, Arthur Moss was a true community leader. Unconcerned with seeking credit for his work, Art worked tirelessly to improve his community. He was a dedicated and driven man who wanted the best for his friends and neighbors. While Art has passed on, his legacy is sure to live for many years to come. I am honored to join with my colleagues in remembering the life and accomplishments of Arthur Moss here today, and my thoughts are with his family during this difficult time.

#### SUPPORT OF NATIONAL BREAST CANCER AWARENESS MONTH

#### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Ms. BORDALLO. Mr. Speaker, today I join my colleagues in support of the fight against breast cancer. I am told that this year 211,300 new cases of breast cancer will be diagnosed. A few years ago, two of those cases were my nieces, Donna and Catherine.

I will never forget their experiences in fighting the disease, the pain and side effects of treatment. I will never forget the feelings of fear and helplessness that their parents and the rest of our family felt because we could not take away their suffering.

So today as we celebrate the progress made in the fight against breast cancer, I want

to express my gratitude to those who work to raise awareness and who encourage self-testing and early screening. I also commend those involved in research, those who fight to fund that research, and the survivors of breast cancer and their families for the strength and support they provide to other victims. Without your efforts, Donna, Catherine, and many other breast cancer victims would not be here today.

To my colleagues in Congress, I urge you to do your part in the fight against breast cancer: let us ensure that when the reauthorization of the Mammography Quality Standards Act and the National Breast and Cervical Cancer Early Detection Program comes before us, we provide the necessary funding so that one day there will be no need for Breast Cancer Awareness Month.

#### MEDICAID PSYCHIATRIC HOSPITAL FAIRNESS ACT OF 2003

#### HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. McCRERY. Mr. Speaker, last week, I introduced H.R. 3633 a bill of great importance. Federal law generally allows states to use matching federal Medicaid funds to pay for inpatient psychiatric care. There is, however, a key exception that poses risks both to patients in need of services and the facilities that serve them. Specifically, federal law does not permit the use of federal matching funds to provide acute inpatient psychiatric services at free-standing non-governmental psychiatric hospitals, the so-called Institutions for Mental Diseases (IMDs). The exclusion applies only to patients between the ages of 21 and 65 who are on Medicaid.

That is not to say the federal government is not willing to pay for this population's acute inpatient psychiatric care. To the contrary, Medicaid funds can be used to pay for the care of these patients in general hospitals that provide psychiatric services. The difference has nothing to do with the patient or the care. It has everything to do with the type of facility.

States are free to spend their own money on these patients when services are delivered in an IMD. They have been reluctant to do so, however, because there is no federal match and, perhaps more importantly, the patients are already getting the care without the state having to spend a dime.

How is that possible?

Simple. Under the Emergency Medical Treatment and Labor Act, better known as EMTALA, patients presenting themselves to a hospital which provides emergency services must be assessed and stabilized before they can be discharged.

With many hospitals emergency rooms full to capacity and with a shrinking number of acute psychiatric beds in the U.S., patients with psychiatric problems and their families either seek emergency services in a non-governmental psychiatric hospital or are transferred from a general hospital to an IMD. Once the patient comes into the IMD's emergency room, the hospital is legally obligated under EMTALA to provide treatment to stabilize the patient, which can take several days or more.

If the patient is on Medicare or private insurance, the IMD can be paid for the services rendered. But if the patient is on Medicaid and happens to be between the ages of 21 and 65, the psychiatric hospital generally has to render care for which they will not be reimbursed.

Consider the unfairness. Washington has passed a law requiring a hospital to provide medical care for an entire class of patients and simultaneously refused to make Medicaid matching payments for those services.

Required to take these patients, IMDs are placed under tremendous financial pressure. Those with a particularly high number of these EMTALA Medicaid cases may find their only option is to close their doors, creating a real access problem in local communities.

In Shreveport, Louisiana, for example, there is one non-governmental IMD whose continued financial viability is tenuous. Over the past year, this facility has taken emergency transfers from over 70 hospitals throughout the state and from as far away as 300 miles. If this psychiatric hospital closes its doors as a result of their unreimbursed Medicaid costs, these mentally ill patients will lose their only access to care in North Louisiana.

In order to address this unfair conflict in two federal laws—the IMD exclusion and EMTALA—I introduced H.R. 3363, the Medicaid Psychiatric Hospital Fairness Act of 2003. This measure would allow states to use federal matching funds to pay for the care of Medicaid recipients between the ages of 21 and 65 in IMDs if the patient was admitted pursuant to EMTALA or as a result of a transfer from another hospital and required immediate, inpatient hospitalization.

The measure is supported by the National Alliance for the Mentally Ill—the country's largest advocacy organization for the mentally ill, the National Association of Psychiatric Health Systems, the American Hospital Association, the American Psychiatric Association, and the National Association of County Behavioral Healthcare Directors.

Mr. Speaker, I urge swift action on this legislation that will help ensure nongovernmental psychiatric hospitals remain open to serve one of our most vulnerable populations, individuals with serious and persistent mental illness.

#### PAYING TRIBUTE TO BERNICE TOONEN COOPER

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. McINNIS. Mr. Speaker, I rise before this body of Congress and this nation today to pay tribute to the life and memory of an outstanding woman from my state. Bernice "Bernie" Toonen Cooper of Durango, Colorado passed away recently at the age of 90. As her family and friends mourn their loss, I would like to tell my colleagues about this remarkable woman here today.

Born in 1913 in Wisconsin and raised in California, Bernie moved to Colorado in 1940. Trained as a nurse, she devoted 40 years to her profession, and many Durango residents chose to receive care in the hospital where she worked simply to have Bernie be their nurse. Several physicians with whom she regularly worked regarded her as the best nurse in town.

Bernie was also known to have one of the biggest hearts in town. She had an infectious love for people and always had a hot meal ready when her many friends stopped by to visit. Known for her bright, loving eyes and scintillating smile, even people Bernie had met decades before in the hospital would stop to greet her on the street.

Mr. Speaker, although Bernice Toonen Cooper is no longer with us, her charitable, loving spirit left an indelible mark on countless residents in Durango. Bernie was a true credit to her profession and her community, and I am honored to tell her story here today. My thoughts and prayers are with her family and friends during this difficult time.

TRIBUTE TO ROBERT AND SHIRLEY FORTINSKY FOR BEING HONORED AS "AMUDEI TZIBOR"—"PILLARS OF THE COMMUNITY" BY TEMPLE ISRAEL

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to Robert and Shirley Fortinsky as they are honored as "Amudei Tzibor" or "Pillars of the Community" at the 81st Annual Dinner Meeting of Temple Israel on Sunday, November 2nd at the Woodlands Inn and Resort in Wilkes-Barre, Pennsylvania.

Mr. Speaker, Bob and Shirley Fortinsky have built successful businesses and have continued what is a family tradition of hard work and success, commitment to their community, and a focus on the value of education. They both have been long involved in Temple Israel and are noted for their philanthropy and community activism.

Robert is a Past President and Chairman of the Board of Trustees of Temple Israel. He was the Chairman of the 1972 United Jewish Appeal campaign, the 1985 Israel Bond campaign, and the 1989 Pennsylvania drive for the Chair of Jewish Studies at Penn State University. Bob is a past recipient of the B'nai B'rith Lodge Community Service Award and the Anti-Defamation League Distinguished Community Service Award.

Shirley is affiliated with organizations focusing on community service, health and the arts. She serves on the Boards of Directors of the Association for the Blind, Family Service Association, the F. M. Kirby Center for the Performing Arts, and the Domestic Violence Service Center. The Wilkes-Barre Jewish Federation presented Shirley with a Distinguished Service Award in 1993.

Bob and Shirley, with their deep respect for education, have donated Fortinsky Hall to Wilkes University, helped to create the Center for Technology, and provided the Fortinsky Auditorium to the Penn State Wilkes-Barre campus.

A graduate of Penn State following service in the United States Army, Bob presently serves as a member of the Board of Trustees of Penn State University and is a past Chairman of the Board of the Penn State Wilkes-Barre campus. He is a member of the King's College Century Club, Wilkes University's

John Wilkes Society, and the Mount Nittany Society of Penn State. Bob is also affiliated with The Luzerne National Bank, the International Textile Society, the Wyoming Business Club, and the Luzerne Foundation.

They have two daughters, Jill Fortinsky Schwartz and Judith Null, who are lifelong members of Temple Israel. Shirley and Bob's seven grandchildren attended Temple Israel Religious School and celebrated their respective Bar and Bat Mitzvahs at the Temple.

Mr. Speaker, it is an honor and privilege to represent these community leaders and to recognize their commitment to the community.

TRIBUTE TO DR. PAUL R. JONES

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. BURGESS. Mr. Speaker, I rise today during National Chemistry Week to recognize Dr. Paul R. Jones from the University of North Texas, which is located in my district, for his outstanding career as an educator and researcher in the field of Organic Chemistry.

On Tuesday, Congress voted to pass H. Res. 395 that recognized the importance of national contributions made by those involved with the field of chemistry. I am proud to recognize the work of Dr. Paul R. Jones.

As a student at The University of North Texas, I had the opportunity to take one of Dr. Jones Chemistry courses which helped inspire me to pursue a career in medicine. Dr. Jones received his PhD from Purdue University in 1966 and has taught at The University of North Texas for the last thirty-five years. While educating eager students, Dr. Jones served as an officer in the American Chemistry Society and the Alpha Chi Sigma Professional Chemistry Fraternity.

Dr. Jones once said that the greatest fulfillment he gets out of life is seeing his students succeed; and I am here to say that his work as an educator truly did inspire me, and I'm sure countless other students. Dr. Paul R. Jones should serve as motivation for other educators.

Once again, I'd like to express my gratitude to Dr. Paul R. Jones for his dedication to the field of Chemistry, and for the knowledge he provided to me and thousands of other students over his long, successful career at The University of North Texas.

A PROCLAMATION HONORING  
CLINTON BEAMON JONES IV

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. NEY. Mr. Speaker:

Whereas, Clinton Beamon Jones III is celebrating the arrival of his son, Clinton Beamon Jones IV; and

Whereas, Clinton Beamon was born on the sixteenth Day of August, 2003, and weighed five pounds and ten ounces; and

Whereas, Mr. Jones is proud to welcome his new son into his home; and

Whereas, Clinton Beamon will be a blessed addition to his family, bringing love, joy and happiness for many years to come;

Therefore, I join with Members of Congress and Congressional Staff in celebrating with Clinton Beamon Jones III and wishing Clinton Beamon Jones IV a very Happy Birthday.

CONGRATULATING THE NATIVITY PARISH OF SCRANTON, PENNSYLVANIA ON ITS 100TH ANNIVERSARY

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. KANJORSKI. Mr. Speaker, I rise today to recognize the Nativity Parish in Scranton, Pennsylvania as it celebrates its 100th Anniversary on November 1st. I ask that my colleagues pay tribute to this Parish that has been an integral part of the Scranton community over the last century.

The story of the Nativity Parish begins on February 2, 1902 when Reverend Michael J. Hoban, Bishop of Scranton, announced that a new parish would be built on the corner of Hemlock Street and South Webster Avenue. The Parish, built on the same property where the first Catholic Church in Scranton stood, would be called Nativity of Our Lord.

Led by Father James A. O'Reilly, the Nativity Parish celebrated its first mass on November 1, 1903 at St. John's T.A.B. hall. It is this date that marks the official beginning of the Nativity Parish.

On May 23, 1904, new ground was broken for the present Nativity Church. A few months later, on July 31st, Bishop Hoban laid the first cornerstone. On July 16, 1905, the lower Church was officially dedicated.

After Father O'Reilly's passing in the spring of 1907, Reverend John J. Loughran was appointed Pastor of the Nativity. He would remain with the Church until his own passing in the spring of 1940. During his long and distinguished tenure with the Parish, Dr. Loughran oversaw the expansion of the Nativity Parish, including the additions of the Rectory in 1909, upper Church in 1911, and the school and convent in 1933.

Mr. Speaker, because of the leadership displayed by Bishop Hoban, Reverend O'Reilly, and Reverend Loughran, the Nativity Parish became an exemplary institution in the city of Scranton. The dedication of these men to both their religion and their community resulted in a beautiful Church being built to serve the residents of Scranton.

Today, under the stewardship of Reverend Joseph R. Kelly this congregation remains a vital organization for the city of Scranton and her people. As the new Congressman representing the City of Scranton, it is a privilege to recognize the 100th anniversary of the Nativity Parish.

MOTION TO INSTRUCT CONFEREES  
ON H.R. 6, ENERGY POLICY ACT  
OF 2003

SPEECH OF

### HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 29, 2003

Mr. ISAKSON. Mr. Speaker, I rise today to oppose a motion offered by Representative

EDDIE BERNICE JOHNSON to instruct the House conferees on H.R. 6, The Energy Policy Act of 2003. This motion would strike language in the energy conference draft that would prevent areas of the country from having to bear the economic burden of transported air emissions from other areas.

In 1998 the Environmental Protection Agency (EPA) developed a policy that allowed the EPA to extend the attainment date for moderate or serious ozone non-attainment areas that were affected by transported pollution. That policy was successfully challenged in court in several regions of the country, where courts ruled that the EPA did not have the authority to extend the ozone attainment dates for those areas. The proposal in the energy bill is a good proposal that would simply codify a 5-year old policy designed to prevent an unjust result. I think we can all agree that downwind areas not attaining ozone standards should not be penalized for pollution they do not generate. An area that is "bumped up" to a higher non-attainment classification automatically forces a region into a more stringent and expensive regulatory regimen through no fault of their own.

The codification of the 1998 policy allows the EPA flexibility in remedying this situation but does not let downwind areas off the hook for attainment of the ozone standards. In order to qualify, an area must be a victim of pollution transported from another area that significantly contributes to non-attainment in the downwind area. The EPA must approve a plan that complies with all requirements of the Clean Air Act (CAA) that are currently applicable to the areas, as well as includes any additional measures needed to reach attainment by the date for the upwind area. Finally, the extension of any date must provide for attainment of CAA standards "as expeditiously as practicable" but in no case later than the time in which upwind controls are in place.

In my State of Georgia and, more specifically, the metro Atlanta area, we have been working hard to improve our air quality and I am pleased to report that based upon the last 3 years of air quality data, we are almost in attainment for the 1-hour ozone standard. In fact, one bad air day, at one monitoring station has kept Atlanta from attaining the one-hour standard. As you know to be in compliance, each monitor must not have more than 3 "exceedances" over a 3-year period. The Conyers station reported 4 "exceedances" between 2001 and 2002.

Striking the language in H.R. 6 will roll back years of progress that we have made in the Atlanta region, while at the same time forcing us to adopt a regimen that will only serve to hurt business, commerce, and government through more regulation. The Senate and House energy conferees are working hard to achieve a balanced, long-term energy bill that provides adequate energy supplies at affordable prices. I urge my colleagues to vote against the Eddie Bernice Johnson motion to instruct and to give the EPA the flexibility it needs in implementing its ozone policy.

## COMMITTED TO PROGRESS IN FIGHTING BREAST CANCER

**HON. RUBEN HINOJOSA**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. HINOJOSA. Mr. Speaker I rise today to acknowledge the importance of breast cancer awareness. This year in the U.S. alone, more than 200,000 women and men will be diagnosed with breast cancer, and over 40,000 will die from this devastating disease. Every 3 minutes a woman is diagnosed with breast cancer, and every 13 minutes a woman dies from this disease.

We know that early detection of breast cancer saves lives. Mammography screening remains the best tool available to detect breast cancer at its earliest, most treatable stages. The death rate from breast cancer among women in the U.S. has been decreasing by about 2 percent annually during the past decade, suggesting that public awareness, early detection, and improved therapies are having an impact on the disease. In the past 20 years, the percentage of women in the U.S. receiving mammograms has grown from 13 percent to 60 percent—a significant difference. But we still have a long way to go. Mortality rates in some minority populations have not declined at the same rate as it has in other populations, and we must ensure that all Americans, regardless of race or ethnicity, have access to quality breast health and breast cancer care.

We must continue to fund the programs that enable progress in winning the war on breast cancer, prioritize increased NIH funding, move the reauthorization of the Mammography Quality Standards Act through conference intact, and take action on the 10+ pieces of legislation that have been introduced during the 108th Congress to better the lives of breast cancer victims and survivors, fund research and promote awareness. The 72 people that will be diagnosed with breast cancer today are counting on us.

## THE DIETARY SUPPLEMENT ACCESS AND AWARENESS ACT

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. WAXMAN. Mr. Speaker, today, Representative SUSAN DAVIS, Representative DINGELL, and I are introducing the Dietary Supplement Access and Awareness Act.

Since the passage of the Dietary Supplement Health and Education Act ten years ago, it has become clear that the dietary supplement market includes not just vitamins, minerals, and nutrients that can safely promote health. The market also includes products that can cause harm. Ephedra, for example, is linked to a number of serious adverse events, including heart attack, stroke, and death. Aristolochic acid, which is in some traditional Chinese medicines, can cause kidney failure. Usnic acid, an ingredient in some weight loss supplements, may cause liver toxicity. These safety concerns are serious, and they deserve a serious response.

In the last couple of years, Congress has begun to pay more attention to dietary supplement safety. Senator DURBIN held hearings on ephedra and has introduced comprehensive legislation to ensure that supplements are safe. The House Commerce Committee has also held hearings, and today we are introducing legislation that would enhance FDA's authority to protect consumers from unsafe products. This is a common sense bill that contains many of the same elements as the Durbin bill and responds to concerns raised by consumers, medical groups, parents, and professional and collegiate athletic leagues. They have said it is time to mend the Dietary Supplement Health and Education Act in order to protect consumers from the few dietary supplements—like ephedra—that could pose a real risk to health and safety.

The bill accomplishes this goal in four steps.

First, the bill assures that the Food and Drug Administration has basic information about who makes dietary supplements. If a problem surfaces with a particular product, FDA will know who makes the product and can quickly inspect the plant or take other appropriate action.

Second, the bill assures that FDA receives information about adverse effects associated with supplements. This information will allow the agency to spot signs of danger. The agency can then investigate further. This provision would prevent a repeat of the ephedra disaster, where one manufacturer denied the existence of thousands of adverse event reports for years.

Third, the bill allows FDA to prohibit the sale to minors of supplement products that may cause significant harm. This is a very important power that FDA does not currently have. There are products being targeted to kids for which there is little or no evidence of safety but there is real evidence of risk. Many of these products are sold as performance enhancers and contain ephedra or steroid-like substances.

Fourth, the bill gives FDA the tools to understand whether a potentially risky dietary supplement is dangerous or safe. Imagine a dietary supplement that is linked by physicians to serious illnesses and deaths. Under current law, this product is essentially assumed safe until demonstrated by FDA to be unsafe. This is a burden of proof that literally requires that more and more consumers be seriously injured or killed before the agency can take action. Under our bill, FDA can require that a manufacturer of a product provide evidence of safety if FDA has evidence that the product may pose serious risks to consumers. Most manufacturers say they already have substantiation of safety in their files. If this is true, this requirement should not pose an undue burden on manufacturers.

Let me make one comment about what this bill does not do. This legislation will not in any way affect the regulation of vitamins and minerals. Vitamins and minerals are expressly exempted from this legislation.

If passed, this legislation will address many of the concerns of medical groups, athletic organizations and leagues, and parents while preserving access to low-risk dietary supplements. It is a common sense approach that is urgently needed.

Although this bill does not specifically address stimulants, like ephedra, in dietary supplements, I am very concerned about the risks

associated with these products. These products can raise blood pressure and increase metabolism, which may lead to a number of serious problems, including increased susceptibility to heatstroke, as well as heart attack, stroke, and sudden death. I have written to FDA Commissioner McClellan asking him if there is any evidence that proves that these stimulant ingredients that are being marketed in "ephedra-free" products are any safer than ephedra, and asking him if FDA shares the concern of many experts who believe that stimulants pose particular health risks.

#### TRIBUTE TO JON J. FEY

#### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Jon Fey for his 27 years of dedication to the community of Berwyn, Illinois, located in my District on the southwest side of Chicago. Mr. Fey will be presented with the Berwyn Development Corporation's 2003 "Charles E. Piper Award" at a distinguished ceremony on November 8, 2003.

I am honored to pay tribute to Jon for his dedication and years of service to building a better Berwyn. He is the founder and owner of SWF Products, a national promotional products business on Ogden Avenue in Berwyn. Jon graduated from Miami University, Ohio, earning a degree in Business Administration, and since has joined his family in generations of successful entrepreneurs.

Jon Fey is the current president of the Berwyn Development Corporation, a charitable and educational nonprofit organization that has enhanced the community for twenty years. I salute him for his active involvement in the community and commend the BDC as it celebrates its 20th Anniversary this year. Jon Fey and the BDC are dedicated to improving the overall business climate in the City of Berwyn. Presently, Jon is responsible for the creation of the New Business Taskforce within the BDC, generating business contacts and interest in local opportunities. Past accomplishments also include sitting on the board for two terms, participating over the years as Treasurer, serving as a member and chairman of the organization's Ogden Avenue/South Berwyn Depot District TIF Advisory Commission, and as a member of the Commercial Load Committee.

The commitment and energy given by Jon Fey to his community have been an inspiration to many individuals. Since 1990, he has contributed valuable time and effort as president of the Berwyn Preservation of Historic Route 66. Jon continues his involvement and support of the annual Berwyn Historic Route 66 Car Show Committee, which promotes the Ogden Avenue business district in Berwyn and draws thousands of vintage car enthusiasts to the area.

Mr. Speaker, I ask that my colleagues join me in honoring Jon Fey on his achievements and wish Jon many years of future success.

#### BREAST CANCER AWARENESS MONTH

#### HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mrs. JONES of Ohio. Mr. Speaker, I rise today in support of National Breast Cancer Awareness Month. In October 2003, the National Breast Cancer Awareness Month campaign celebrates 18 years of educating women about breast cancer, especially the importance of detecting the disease in its earliest stages through screening mammography, clinical breast examination, and for women 20 years of age and older, breast self-examination.

The third Friday in October each year is National Mammography Day, first proclaimed by President Clinton in 1993. On this day, or throughout the month, radiologists provide discounted or free screening mammograms.

In 2002, more than 680 American College of Radiology (ACR) accredited facilities took part. In 2003, National Mammography Day was celebrated on October 17.

Ohio ranks as the 6th highest percentage of new cases of breast cancer in the nation. Ohio ties with Illinois for the 6th highest percentage of deaths due to breast cancer in the nation.

All women are at risk for developing breast cancer. The older a woman is, the greater her chances of developing breast cancer. Approximately 77% of breast cancer cases occur in women over 50 years of age.

According to the Surveillance, Epidemiology, and End Results (SEER) Program of the National Cancer Institute:

White, Hawaiian, and African-American women have the highest incidence of invasive breast cancer in the United States (approximately four times higher than the lowest group);

Korean, American Indian, and Vietnamese women have the lowest incidence of invasive breast cancer in the United States.

African-Americans have the highest death rate from breast cancer and are more likely to be diagnosed with a later stage of breast cancer than White women;

In the age groups, 30–54 and 55–69 years, African-American women have the highest death rate from breast cancer, followed by Hawaiian women, and white non-Hispanic women. However, in the 70 year old age group, the death rate from breast cancer for white women is higher than for African-American.

The key to surviving breast cancer is early detection and treatment. According to the American Cancer Society, when breast cancer is confined to the breast, the five-year survival rate is close to 100%. The early detection of breast cancer helps reduce the need for therapeutic treatment and minimizes pain and suffering, allowing women to continue leading happy, productive lives.

Beginning at the age of 20, every woman should practice monthly breast self-exams and begin a routine program of breast health, including scheduling physician performed clinical breast exams at least every three years. As a woman ages, her risk of breast cancer also increases. About 77% of women with breast cancer are over age 50 at the time of diagnosis. Women between the ages of 20 and 29 account for only 0.3% of breast cancer cases.

Beginning at the age of 40, all women should have annual screening, mammograms, receive clinical breast exams each year, and practice breast self-exams every month.

Mr. Speaker, I rise today to reiterate my support for National Breast Cancer Awareness Month. "Making Strides Against Breast Cancer," is a true pink slogan of this year's American Cancer Society campaign to educate women and girls about breast cancer. In 2000, the ACS fought to make the Breast and Cervical Cancer Treatment Act federal law, earmarking \$1,000,000,000 to treat medically underserved women. The reality is that breast cancer spells death for approximately 40,000 women in the U.S. a year. There is an urgency to educate and support early detection, which is critical to prevent this ugly mass.

The cost of breast cancer on women's lives cannot be overstated. As Cleveland "Plain Dealer" columnist Regina Brett stated in 2000: "The approximate cost for surgery for breast cancer is \$6,000. Four cycles of chemotherapy is approximately \$5,000. Six weeks of radiation is \$16,000. Living to see your children grow up: PRICELESS." Day after day, when dollars are not provided for research and or treatment, more women struggle and don't receive the medical assistance that is needed. If you don't have insurance or enough revenue Liz Schulte, president of Northern Ohio Breast Cancer Coalition states, "you quit your job, sell your car, give up your home and go on disability."

#### FILIPINO WORLD WAR II VETERANS

#### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. FILNER. Mr. Speaker and colleagues, I rise today to report on the progress we are making towards the passage of benefits for Filipino World War II veterans.

My colleagues know of the extreme sacrifices made by Filipino soldiers during World War II in the battles of Bataan and Corregidor. They know that Filipino soldiers were instrumental in the successful outcome of this war in the Pacific. And they know, too well, that many of these soldiers were denied their benefits by a law passed by the 1946 Congress.

Today, I am happy to report that the House of Representatives and the Senate Veterans' Affairs Committee have passed legislation to restore health care services, improved disability compensation, and burial benefits to many Filipino World War II veterans living in the United States. We are working to get this legislation passed by the Senate and forwarded to the President to sign into law.

In addition, the President announced during his recent visit to the Philippines that we will be doubling, from \$500,000 to \$1 million in FY2004, the amount of medical supplies and equipment that the United States is sending to the veterans' hospital in Manila.

These are important steps in restoring benefits to the brave Filipino World War II soldiers who have been waiting for sixty years for equity.



INTRODUCTION OF THE SECURITY  
AND FINANCIAL EMPOWERMENT  
ACT (SAFE)

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Ms. ROYBAL-ALLARD. Mr. Speaker, as we near the end of Domestic Violence Awareness Month, I rise today to announce the re-introduction of legislation I authored to truly recognize and help the estimated two million women in this country who are victims of domestic violence.

Victims of domestic violence suffer on many fronts. In addition to the physical and emotional battery, women who are abused also struggle to maintain employment and, as a result, experience tremendous financial hardships. According to a 1998 report of the U.S. General Accounting Office, between one-quarter and one-half of domestic violence victims surveyed in three studies reported losing a job due, wholly or in part, to domestic violence. For victims of sexual assault, the numbers are even more alarming. Nearly 50 percent of survivors say they were forced to leave their jobs because of the crime. Stalking victims also report losing significant time at work.

There are many reasons for this volatile employment picture. Abusers often track down and harass their victims at work and may even follow them home. By creating disturbances on the job and making threats, the perpetrator may force the victim to quit or place her at risk of being fired.

I was told recently of a woman named Nancy who is a victim of domestic violence in my Los Angeles district. She, like so many other women, was forced to quit her job at a fast food restaurant after her husband showed up there, pounded on the door, scratched her car with his keys and repeatedly threatened her. Nancy, whose name has been changed, sought help at a local domestic violence shelter where she received the support she needed for herself and her two-year-old child. Now, she is taking a non-violent parenting class and undergoing counseling. She also receives support in court proceedings to get a restraining order enforced, divorce her husband, and settle a child custody dispute.

For Nancy, quitting her job and seeking help at the shelter gave her the support and the time she needed to get her life back in order. But many victims—especially depending upon the State in which they live—do not feel they have the same choices as Nancy and, as a result, may not be as willing to seek help, placing themselves and their families in greater danger.

That's because Federal law does not specifically allow women who leave work as a result of domestic violence to collect unemployment compensation. Nor does Federal law allow victims of domestic violence to take leave from work to deal with abuse-related priorities, such as getting appropriate medical care, victim services or legal assistance. Without these important added protections, victims of abuse who live in certain States deal with the fear that if they take time off, they risk being fired and left with no way to support themselves or their children. Given this alternative, some women may choose not to seek the help they need—or, even worse, remain in an abusive relationship.

To address the inadequacy of our current laws, I have introduced the Security and Financial Empowerment Act (SAFE Act). This bill ensures that victims of domestic violence are allowed 30 days of unpaid leave from work to make necessary court appearances, contact law enforcement officials or make alternative housing arrangements, without the fear of being fired or demoted. Further, to make sure victims retain financial independence, the SAFE Act would require all States to provide unemployment benefits to women who are forced to leave work (whether they quit or are fired) because of domestic violence. To date, I'm proud to say that more than 30 States have already enacted similar provisions, including my home State of California, but a uniform national policy is needed. The SAFE Act would also provide employers with a workplace safety program tax credit as an incentive to provide employees with domestic violence safety and education programs.

After all, employers also pay a high price in decreased productivity, employee absenteeism and staff turnover because of domestic violence. In fact, it is estimated that domestic violence costs U.S. employers between \$3 billion and \$13 billion annually.

Mr. Speaker, I would urge all of my colleagues to support the SAFE Act and, in doing so, help victims of domestic violence and businesses deal more effectively with this serious problem. Let's pass this needed legislation and help millions of victims of domestic violence to obtain the employment and financial stability they need to do what Nancy is doing—repair their lives and build a safe future for themselves and their families.

HONORING WELDON RUCKER

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Ms. LEE. Mr. Speaker, I rise today to honor a great man and public servant, Mr. Weldon Rucker, for his 31 years of service to the community. Today, Mr. Rucker retires as City Manager of the City of Berkeley in California.

Weldon Rucker is a 42-year resident of Berkeley and proud husband of Jeanie Rucker, a former member of the Berkeley Unified School District Board of Education. They have two adult daughters and two granddaughters. He is a graduate of Saint Mary's College and holds a bachelor's degree in business management. On the national stage, Mr. Rucker serves as Vice President of the National Forum of Black Public Administrators.

Mr. Rucker leaves behind a legacy of outstanding public service and leadership. He began his career with the City of Berkeley in the early 1970s as the City's Director of the Young Adult Project and then as Youth Employment Director. Rucker moved through the ranks of the City's administration, occupying the positions of Director of Human Resources and in the late 1980s and early 1990s as Director of the Health and Human Services Department.

He was appointed to the position of City Manager in February 2001 after having served as acting City Manager following the departure of his predecessor. Rucker previously served as an Interim City Manager in 1995 but de-

clined an appointment to the City's top post at that time.

Under his leadership, the City of Berkeley has taken numerous initiatives to address chronic issues within the City and to firmly establish an open, accessible, and efficient City government.

Mr. Rucker is directly responsible for establishing the Office of Neighborhood Services, a direct link between City staff and the public that works to ensure fast and effective responses to local concerns. Under Neighborhood Services, Weldon set four full-time code enforcement officers to maintain close tabs on problem properties, graffiti, and illegal dumping among many other issues.

In an effort to improve access to city government, he also established the City Center, a one-stop information center for residents to help them navigate City bureaucracies and to provide answers to frequently asked questions and common requests. City Center provides information to thousands of residents and has proved to be an invaluable community resource.

Finally, as we honor Mr. Rucker today, I want to thank him for being an exemplary role model, administrator, and leader. I take great pride in joining the residents of Berkeley, Mr. Rucker's family, friends and colleagues to recognize and salute the accomplishments and contributions of Weldon Rucker.

MINISERIES ON THE REAGANS

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. STARK. Mr. Speaker, I don't know how many people have seen that CBS will soon air a miniseries on the Reagans. I must admit that the only reason I'm aware of it is because our esteemed colleague, JOHN D. DINGELL, was good enough to share the letter below with us.

He's got it right. If CBS is going to commemorate the Reagan years, they should do it accurately. I recommend the letter below as an effective tool for remembering the host of egregious events that occurred during the Reagan Administration.

OCTOBER 29, 2003.

Mr. LESLIE MOONVES,  
President and CEO,  
CBS Television, New York, NY.

DEAR MR. MOONVES: I write to you with regard to your upcoming mini-series "The Reagans." I share the concerns expressed by others that it may not present an accurate depiction of the Reagan administration and America during the 1980s. I trust that CBS will not be a party to a distorted presentation of American history, and that the mini-series will present a fair and balanced portrayal of the Reagans, the 1980s and their legacy.

As someone who served with President Reagan, and in the interest of historical accuracy, please allow me to share with you some of my recollections of the Reagan years that I hope will make it into the final cut of the miniseries: \$640 Pentagon toilet seats; ketchup as a vegetable; union busting; firing striking air traffic controllers; IranContra; selling arms to terrorist nations; trading arms for hostages; retreating from terrorists in Beirut; lying to Congress; financing an illegal war in Nicaragua; visiting Bitburg cemetery; a cozy relationship with Saddam Hussein; shredding documents; Ed Meese; Fawn

Hall; Oliver North; James Watt; apartheid apologia; the savings and loan scandal; voodoo economics; record budget deficits; double digit unemployment; farm bankruptcies; trade deficits; astrologers in the White House; Star Wars; and influence peddling.

I hope you find these facts useful in accurately depicting President Reagan's time in office.

With every good wish,

Sincerely yours,

JOHN D. DINGELL,  
Member of Congress.

# THE HEALTHY CHILDREN THROUGH BETTER NUTRITION ACT OF 2003

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased to be able to introduce along with 20 of my Democratic colleagues on the Education and the Workforce Committee, the Healthy Children Through Better Nutrition Act of 2003.

Since coming to Congress in 1975, I have been a steadfast advocate of child nutrition programs and the significant role they play in meeting the health and educational needs of our nation's children. In my first year in Congress, along with Sen. Hubert H. Humphrey, I authored the Women, Infants and Children supplemental nutrition program, and the role of this program, and other nutrition programs, in improving the health, safe development, and school performance of our nation's children remains as strong as at that time.

I have seen first hand—at school cafeterias, summer programs and WIC clinics—children who receive their only meals through our federal nutrition programs. Today, the challenge to increase access to these programs for low-income children remains, and the programs must meet new demands.

Mr. Speaker, our children face a health threat that requires our immediate attention and response. We know that over the past thirty years, the childhood obesity rate has tripled. Among teenagers, childhood obesity increased from 5 percent in 1970 to 14 percent in 1999. This crisis spans age, race and gender groups and is leading to significant increases in the early onset of traditionally adult diseases such as hypertension, diabetes, and heart disease in young children. Leading medical researchers believe that—in conjunction with expanded exercise and nutritional education—improving the quality of foods served in schools can have a significantly beneficial effect on reducing childhood obesity and its related health effects.

The Healthy Children Through Better Nutrition Act of 2003 offers a multifaceted school- and community-based approach to responding to this dangerous trend in childhood obesity. School- and community-based nutrition programs have been serving the nutritional needs of American children for over 50 years. Today, it is well recognized that schools and communities have an even greater task in responding to the needs of children and families who face daily challenges in securing a healthy and nutritious meal. The Healthy Children Through Better Nutrition Act of 2003 provides schools

and communities with the tools and resources they need to promote a healthy and nutritious environment for children in need.

## SCHOOL-BASED INITIATIVES

Federal school nutrition programs serve about 28 million children daily through school breakfast, school lunch and after-school snack programs. It is not unusual for a child to receive two-thirds of her daily diet while at school.

Meals served under these federal school nutrition programs must meet American Dietary Guidelines, and we congratulate the school food service program that continues to make real progress toward meeting these goals. However, the school cafeteria also plays host to foods that lack any significant nutritional value. These foods, sold side by side with the national school meals menu, are not subject to any dietary guidelines and can have a negative impact on healthy eating and student participation in the school meals program.

The Miller/Woolsey proposal will direct the Institutes of Medicine to recommend nutritional standards for foods sold side-by-side with foods that are offered as part of the federal school meals in the cafeteria. These standards would take into consideration the different dietary requirements of students in elementary, middle and high schools.

These recommendations would be submitted to the Secretary of Agriculture for implementation.

School food directors are in the best position and are most qualified to make decisions about the nutritional quality of foods made available to students. Unfortunately, in many schools, school food directors have little authority to implement policies that encourage a healthy school nutrition environment. The school food director often faces competing interests from school administrators to increase revenues through the sale of foods outside of the federal school meals program, such as soda, high fat and high sodium snacks. These "competitive foods" do not meet the nutritional standards we want for our children. The growing revenue constraints faced by many school districts have increased the proportion of unhealthy competitive foods in the cafeteria and has negatively impacted the school nutrition environment.

The Miller/Woolsey proposal will require schools to establish a nutrition policy and give operation authority to the school food directors. This approach coordinated with new standards for "competitive foods" will strengthen and protect the integrity and nutritional quality of the school meals program.

While school food service authorities have made progress improving the quality of school meals, consumer confidence remains low. Currently menus are reviewed for nutritional quality once every five years, and few schools publish the nutrient quality of their menus.

The Miller/Woolsey proposal will increase the number of nutritional reviews of school menus and require that this information be disclosed to the public. Technical assistance will be offered to schools that need additional assistance in improving the quality of meals.

The Farm Bill established a limited pilot in 4 states to provide for the introduction of more fresh fruits and vegetables into the school meals program. The increased availability of fresh fruits and vegetables produced a dramatic difference in the dietary intake of students in those schools.

The Miller/Woolsey proposal will expand the number of states and schools participating in this successful program, targeting schools in high poverty areas.

Nutrition Education provides students with meaningful information on the importance of good dietary habits as well as professional development for nutritional professionals and teachers. The lack of guaranteed funding for nutrition education has limited states in their ability to provide assistance to LEAs.

The Miller/Woolsey proposal will authorize mandatory funding for a nutrition education program that will fund a Team Nutrition Network State Coordinator in each state and promote a coordinated approach for nutrition education.

The Healthy Children through Better Nutrition Act of 2003 also: Streamlines eligibility requirements for school meals for children who are currently eligible for Food Stamps, TANF and Medicaid; makes homeless children automatically eligible for school nutrition programs; provides startup and expansion grants for school breakfast; provides schools with commodities for the school breakfast program; establishes a demonstration project to evaluate the impact of universal breakfast in high schools; and provides grants to schools for improving the use of technology in the school meals program.

## COMMUNITY-BASED INITIATIVES

The community outside of the schoolhouse is playing an enhanced role in meeting the nutritional needs of children. The Healthy Children Through Better Nutrition Act of 2003 introduces a new program to eliminate paperwork and streamline participation requirements for community-based providers of nutrition programs.

The Year Round Community Child Nutrition program fills a gap in current nutrition services for children in before and after care programs, homeless shelters, and after-school programs. Currently community-based programs, such as after school programs and homeless shelters, serve up to 2 meals and a snack to the children participating in their programs. Some of these programs run only during the summer, other programs run full year but must submit paperwork for two separate programs in order to serve children year round. Under this legislation, the Year Round Community Child Nutrition program will:

Allow community-based non-profit organizations to serve healthy and nutritious meals to children year round.

Offer up to three meals and two snacks to children who participate.

Make 21st Century Community Learning Centers automatically eligible to participate.

Give program providers greater flexibility in when and where meals are served.

The Healthy Children Through Better Nutrition Act of 2003 also:

Allows more states to serve an additional meal to children in full day childcare programs.

Allows homeless children up to 18 years of age to receive meals Through the Child and Adult Care Food Program (CACFP) program.

Provides startup and expansion grants for the summer food program.

Streamlines paperwork for summer food providers.

Eliminates unnecessary paperwork for CACFP providers.

Establishes a demonstration project for streamlining the monitoring of CACFP providers.

WIC

The WIC program continues to be successful in improving the nutritional status of over 7 million low-income women, infants, and children. The Healthy Children Through Better Nutrition Act of 2003 enables WIC to be more flexible in meeting the needs of women and children at risk, while promoting a highly nutritious food package.

This legislation: Emphasizes greater consumption of fruits and vegetables in the WIC program; Allows infants and children to be certified for the WIC program for up to 1 year and allows offices to waive the "physical presence" requirement for infants and children under specific circumstances; and requires a decennial review of the WIC food package.

Mr. Speaker, as the Committee moves forward with the reauthorization of child and school nutrition programs, I encourage my colleagues to review the set of proposals in the Healthy Children Through Better Nutrition Act of 2003. This legislation which has been endorsed by the American School Food Service Association, the Food Research Action Center, America's 2nd Harvest and California Food Policy Advocates, offers a comprehensive means for improving access to child nutrition programs and addressing the troubling rise in childhood obesity rates. The Healthy Children Through Better Nutrition Act of 2003 reflects a commitment to the future by investing in our children's nutrition and overall health. They deserve no less.

#### RIPKEN POST OFFICE BUILDING

#### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. RUPPERSBERGER. Mr. Speaker, today I am introducing legislation to designate the postal facility in Aberdeen, Maryland as the Ripken Post Office Building in honor of the Ripken family and their contributions to this great city in the Maryland 2nd Congressional District.

It is difficult to think of baseball and not think of the Ripken name. The accomplishments of Cal Ripken, Jr. are literally the stuff legends are made of. He appears throughout the record books after 21 seasons with the Baltimore Orioles—as one of only seven players in baseball history to have 400 home runs and 3,000 hits. Of course, few in my home state of Maryland or this nation will ever forget his Iron Man record or the number 2131—signifying when Cal Ripken, Jr. broke Lou Gehrig's record for consecutive games played. Cal ended his own streak in 1998 after playing 2,632 games consecutively.

Bill Ripken had a 12 year major league baseball career as a second baseman with incredible successes including a .927 fielding percentage in 1992—the best of any major league second baseman that season. In the spring of 2002, Bill Ripken was honored for his career accomplishments with an induction into the Maryland Sports Hall of Fame.

Those achievements alone are certainly deserving of admiration and acclamation, but there is so much more to the Ripken family philosophy and that is why this designation is for the Ripken family as a whole. Starting with Cal Ripken, Sr. and his wife Vi, the work ethic

both Cal Jr. and his brother Bill exhibited throughout their professional careers can be attributed to this Ripken philosophy of hard work, dedication, sincerity of effort, and commitment.

Even more, the Ripken Way embodies the memory of Cal Ripken, Sr. and his pure belief in the joy and craft of baseball. For 37 years, Cal Ripken, Sr. played, coached and managed in the Baltimore Orioles organization. He was responsible for developing a method of teaching that shaped the Orioles' minor league system and became known as "The Ripken Way." That way has become the centerpiece of the Cal Ripken Sr. Foundation and its state-of-the-art baseball academy.

This is a family with a history of giving back to the community—both the communities of Baltimore and Aberdeen. Through the Baltimore Reads/Ripken Learning Center to the creation of the Cal Ripken Baseball and the Cal Ripken, Sr. Foundation, the Rippens continue to give of themselves in very tangible ways. The Aberdeen Complex has brought minor league baseball, jobs and prestige to the Aberdeen community. Both Cal and Bill Ripken are actively involved in youth camps, coaches clinics, tournaments and, of course, The Cal Ripken World Series.

In a world when sport and commercialism is so often intertwined, the Ripken family—the individuals and the family as a whole—serve as incredible role models for what baseball means to this nation and what it was meant to be. These are real sports heroes and truly admirable people. Mr. Speaker I am honored to introduce this legislation on behalf of this incredible family from my home state and I urge my colleagues to vote for this bill.

#### COMMEMORATION FOR WALTER EDWARD WASHINGTON

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Ms. NORTON. Mr. Speaker, I arise today to inform the House of the passing of the first Mayor of the District of Columbia in the 20th century. Some members will remember Walter Washington's service or will know him by reputation because no mayor here or, I dare say, elsewhere has enjoyed more respect from this body. Mayor Washington enjoyed the same bipartisan admiration from the two presidents during his tenure, Lyndon Johnson, who appointed Mr. Washington the District's first mayor in 1968 and Richard Nixon who signed the Home Rule Act in 1973 giving the District its current home rule status, complete with an elected mayor and city council.

The conventional wisdom is that home rule for the District depended upon Mayor Washington's performance as appointed mayor. Few would disagree. If home rule was past due then, more than 150 years after the city's founding, surely full self-government, democracy and congressional voting representation are shamefully tardy in coming to the city's approximately 600,000 residents today. Mayor Washington, who did more than any person to bring self-government to the District, deserved to see its full realization before his death. Home rule happened because people made it happen, with Walter Washington as the lead-

er. Freedom and democracy for an entire city is a lot to have on one man's shoulders, but Walter Washington carried the burden easily. His gifts were spectacularly broad—deep integrity and ability that won him enormous professional respect as well as personal and political skills that evoked affection from the people. That combination amounts to the sum total of what it takes to lead. Few leaders have it all. Walter Washington did.

Mr. Speaker, I ask that in addition to my own statement at the time of Mayor Washington's death, I be allowed to place in the RECORD a Washington Post editorial and a personal tribute from Post editorial writer, Colbert King, who was a close friend of Walter Washington and who served on the Senate staff when Mr. Washington was mayor.

I ask the entire House to join me in paying tribute to a man of historic stature in the District of Columbia and in offering the profound respect and condolences of the House of Representatives to Mayor Washington's wife Mary and his family.

#### NORTON SAYS PASSING OF WALTER WASHINGTON MARKS END OF HOME RULE ERA

Congresswoman Eleanor Holmes Norton (D-DC) today released the following statement on the passing of Mayor Walter E. Washington.

"The era of home rule ended today with the passing of Walter Washington. Mayor Washington simultaneously shaped the office of mayor and the practice of home rule governance for a city that had lived without democracy for a hundred years. The District has a strong mayor form of government in no small part because his service as appointed mayor demonstrated that a mayor could lead this city as mayors of other big cities did. His service is significant for far more than the office he held, however; President Lyndon Johnson appointed Walter Washington our first mayor because he wanted a man of great character and ability to pave the way for an elected mayor. The people of the District returned the compliment by electing Walter Washington our first elected mayor. Residents realized he had the "right stuff" to be mayor—not only outstanding ability and integrity but also the indispensable political skills and common touch that make people want to follow the lead of an elected official. That combination of gifts proved mighty useful during the 1968 riots. The mayor was legendary for his way with the President and the Congress, but Walter Washington was appreciated in this town not only because he could talk to power but because he talked equally well to the powerless.

"People who missed his years as mayor often got some sense of his political gifts on the public occasions when his extraordinary wit was in full form as it remained throughout Walter's life.

"With the passing of Mayor Washington, the home rule era he shaped also passes. Perhaps, almost 30 years after Walter Washington was first elected, Congress will now understand that a new era of full democracy, independence and voting rights is overdue.

"Mrs. Mary Cornelia Washington, Walter's daughter, Bennetta Jules-Rosette and his family have my condolences and the sympathy of the city who loved him."

[From the Washington Post, Oct. 28, 2003]

WALTER E. WASHINGTON

"What I would like to be remembered for is that Walter Washington changed the spirit of the people of this city, that he came in as mayor when there was hate and greed and misunderstanding among our people and the

racism were polarized. And in the span of just a little over a decade, he brought people together through love and compassion, he helped bring about home rule . . . and helped people have more meaningful, satisfying and enjoyable lives."

This noble self-remembrance of Walter Edward Washington, who died yesterday at the age of 88, is—like so much that he accomplished for the city he deeply loved—just right. More than anyone in this century, he was the heart, soul, spirit and creator of the capital city as it is enjoyed today. Were it not for his perfect presence at a critical point in the city's history, the people of Washington would not be enjoying even the limited self-government they now have.

To appreciate fully the importance of this most likable and shrewd negotiator-leader, we need only recall a 70-percent-black city in strict colonial bondage, barred from acting on any significant local policy matter without the assent of an indisputably hostile and domineering U.S. House committee of mostly Southern segregationists. For many years before President Johnson pressured Congress to accord home rule to the District of Columbia—only to suffer an embarrassing defeat—Walter Washington had been among the tireless workers on behalf of enfranchising the citizens of the capital. Mr. Johnson, determined to strike back at Congress, used his executive powers to reorganize the District government from an arm of the federal government headed by three appointed commissioners to a new system with a single appointed commissioner and a council. For commissioner—a position whose holder the president unofficially but forcefully dubbed "mayor"—the president chose Mr. Washington, the first African American named to lead a U.S. city.

Thanks to Mr. Washington's keen sense of the politically possible, the knowledge of the bureaucratic ropes that he gained as a federal official and his exquisite abilities to put the most wary people at ease, the city began to enjoy new status on its road to limited home rule. He transformed the face of the District government, placing blacks in key positions that were long the exclusive preserve of whites. Until his arrival, the District Building had been a tomb, barely visited by residents. Powerful local business interests dealt directly with Congress, as did the 80-percent-white police force and other organized employee groups. As Mr. Washington involved more citizens in government activities, the top floor of the building came into its own as a local government center. Congress approved a limited home rule bill in 1973; the next year, Mr. Washington was elected mayor.

Though Mayor Washington was best known for his easygoing, humor-laced manner, he was bold and tough when it mattered. In 1966, when President Johnson first talked to him about a commissioner job with the understanding that another, white, commissioner would supervise the police department, Mr. Washington said no. When he was tapped the next year as lone commissioner, his stance prevailed. It paid off in later years, when Mayor Washington's public safety commissioner, Patrick V. Murphy, and Police Chief Jerry V. Wilson recruited and promoted African Americans and trained a once insensitive force to deal with the protests and riots that came to Washington.

Mr. Washington's ability to gain the confidence of federal leaders extended to President Nixon, who on his first full day in office toured the riot-torn areas of downtown, expressed confidence in the mayor and pledged new federal support for his rebuilding programs. Mr. Washington, as usual, had done his homework and labored behind the scenes to set the stage. He was always the healer,

the pleasant but insistent voice of reason on behalf of the city, able to draw on an unmatched network of sources—from the streets to the businesses, embassies and focal points of federal power.

To a person, Walter Washington's successors sought his counsel. His politics of inclusion, his honesty and civility, and his strengthening of the local fabric were invaluable. He was, in every sense, the city father—whose family across the wards will remember him fondly.

[From the Washington Post, Oct. 28, 2003]

THE END OF AN ERA

(By Colbert I. King)

Tom Eagleton, Missouri Democrat and chairman of the Senate's District of Columbia Committee, was chain-smoking and as keyed up as I had ever seen him. The subcommittee's majority staff director, Robert Harris, on the other hand, was his usual stoic self. I was seated in the customary position of the committee's minority staff director, off to the side. We were in Eagleton's Senate office, and the purpose of the gathering wasn't social.

Sitting on the sofa directly in front of Eagleton was Walter Washington, the presidentially appointed mayor of the District. Next to him sat Julian Dugas, the mayor's longtime friend and director of licenses and inspections. Walter Washington was the most relaxed person in the room.

It was 1973. Congress had just passed the home rule bill and Walter Washington "was positioning himself to run for mayor in the city's first municipal election in 70 years. Eagleton had asked the mayor to come to Capitol Hill because he was going to break some bad news and wanted to do it face to face.

The committee had asked the General Accounting Office to take a look at the city's books. The GAO's preliminary view was that the books weren't auditable. Eagleton was going to call for a reorganization of the city's finances by a public accounting firm, and he expected the timing would be embarrassing to Washington.

"Walter, I don't want to hurt you politically but I won't be able to live with myself if we turn over the D.C. government to the city with the books in a mess," I recall a heavily perspiring Eagleton as saying. "Now you can go out of here and publicly attack me if you want, and I will understand," he said. "But I've got to do this."

Washington merely smiled and, calling Eagleton by his first name, said he recognized the problem. The books were a long-standing mess and had been an albatross around the city's neck since the time when it was governed by three presidentially appointed commissioners and tightly controlled by congressional committees, said Washington. And after a few pleasantries, Washington, accompanied by Dugas, shook hands all around and left. It was as if the mayor had given the senator special dispensation to do his job. And Eagleton seemed appreciative.

I tell the story because it provides a glimpse of the Walter Washington I knew behind the scenes. Unlike the current mayor, Anthony Williams, and the two city chief executives—Marion Barry and Sharon Pratt—who followed Washington in office, Walter Washington operated on Capitol Hill like an impresario, winning small victories here and there for the city in ways that escaped the attention of the average citizen. He managed to get hostile Southern barons to open federal purse strings for city projects long neglected by the three commissioners. And he diplomatically staved off rapacious members of Congress who thought the city was theirs for the taking.

It's fair to say that without Walter Washington, there would not have been home rule, at least not in the year when it was achieved. The road from appointed to elected government had plenty of pitfalls, both on the Hill and in the city, but Washington deftly steered around them. He cajoled when necessary, pleaded when required and schmoozed unceasingly. He stopped at nothing to get for District residents what they wanted most of all, an end to what Washington called an "anachronism of votelessness in our capital city." As he told the Senate District committee when he was making his pitch to pass the bill in 1973: "Whatever you call it, home rule, local suffrage, self-determination or self-government—I am for it."

Much is made of the home rule movement and the people taking to the street to bring about self-government. Much of what you hear about that period is pure, unadulterated myth. It was the work of Walter Washington, moving and shaking behind the scenes on Capitol Hill, that kept alive the drive for home rule. I know. I was there. The thought of an elected District of Columbia government being in Walter Washington's hands probably won as many votes in the Senate and House as any single effort by one individual on the Hill or in the city.

Washington's victory in 1974 as the city's first elected mayor was the first step in transforming this once overwhelmingly African American city from one dominated by southerners and a predominantly white city government leadership and police department to the multiracial and multicultural city we are today. And Mayor Washington pulled it off without polarizing and balkanizing the city.

Although I saw a great deal of Walter Washington when he was both an appointed and elected mayor, I saw even more of him in the past several years, as we shared membership in the same close-knit social club, the DePriest Fifteen. The name's no mistake. About 15 of us, all associated with the city in one form or another, would gather on a Saturday night once a month without our spouses for an evening of eating and drinking whatever we wanted without the presence of overseers and tattletales. We would share complete and unabridged war stories, the kind we are likely to take to our graves. Walter Washington had a storehouse of the best, which he shared with great relish. I can't imagine how we'll do it without him.

With his death, we are witnessing not only the passing of a local icon but also the passing of an era. His was a time when leaders understood the meaning of the words civility and comity. Walter Washington will be remembered as a uniter, not a divider, as a healer, not a destroyer.

And he did it all with a style and a light touch—and out of love for this city and the people in it—that we shall never see the likes of again.

#### TRIBUTE TO MARDY MURIE

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. UDALL of Colorado. Mr. Speaker, I rise today to pay tribute to Margaret "Mardy" Murie, one of America's true heroines.

Born in Seattle, Washington in 1902 and reared in Fairbanks, Alaska when it was truly the western frontier, Mardy and her husband, Olaus, were instrumental in the development of the American conservation and land protection movement. Her passing on October 19 at

102 years old marks the departure of one of this country's most impassioned conservation leaders.

From her early upbringing in Alaska, Mardy gained a deep respect and love of the region's vast rugged terrain—its unspoiled lands and its remarkable wildlife.

As the first woman graduate of the University of Alaska in Fairbanks, she became a tireless advocate for the protection of Alaska as a national treasure. She once said, "When I was a child, Alaska seemed too vast and wild ever to be changed, but now we are coming to realize how vulnerable this land is. I hope we have the sensitivity to protect Alaska's wilderness . . ."

Upon graduation in 1924, Mardy married naturalist Olaus Murie and together they formed a partnership to not only protect this spectacular land, but other parts of the remaining American wilderness.

As an author and a lifelong activist, she inspired her husband, her family and her fellow citizens to build an entire conservation movement. For decades, the Murie family traveled the Alaskan wilderness, and once established in Wyoming, where Olaus served with the U.S. Fish and Wildlife Service, they studied the biology of both regions—its mossy tundra, its streams, grassy sloughs, its elk, coyote and moose, and its wilderness.

While her children were growing up, Mardy became an active community member, serving on the school board, campaigning for education and the local library and promoting activities for local youth. In World War II, she grew a victory garden and managed a dude ranch.

In 1944, the Muries moved to Moose, Wyoming, where their home would become a center of the wilderness movement. Following Olaus' retirement from federal service, he accepted the directorship of the Wilderness Society, later to serve as its president.

Through her wilderness experiences with Olaus, Mardy became a fierce advocate for the protection of the Brooks Range in Alaska. She authored a book, *Two in the Far North*, which chronicled their summer-long adventure to this Alaskan region and inspired countless others to visit the Arctic area and fight for its protection.

Their dedication and effort paid off in 1960, when the Arctic National Wildlife Range—later renamed a National Wildlife Refuge—was created.

In 1964, the Muries and many other conservationists won another major victory when President Lyndon Johnson signed the Wilderness Act into law. Working for the National Park Service, the Sierra Club, the Wilderness Society and the Izaak Walton League at various times in her historic career, Mardy explored additional areas in Alaska and other parts of the country to determine their suitability for wilderness designation.

These continuing efforts helped achieve enactment of the Alaska National Interest Lands Conservation Act in 1980, when President Jimmy Carter signed into law the bill that my father had sponsored in the House of Representatives.

Mardy Murie was the recipient of numerous prestigious awards honoring her outstanding environmental work. She was awarded the Audubon Medal in 1980, the John Muir Award in 1983, the Robert Marshall Conservation Award in 1986, and an honorary Doctor of Hu-

mane Letters from her alma mater, the University of Alaska. As she neared her 100th birthday in 2002, Mardy was honored with the J.N. Ding Darling Conservationist of the Year Award, the National Wildlife Federation's highest tribute.

In 1998, President Clinton awarded Mardy the Presidential Medal of Freedom, our country's highest civilian award. At the event presenting her this distinction, President Clinton said "For Mardy Murie, wilderness is personal. She and her husband, Olaus, spent their honeymoon on a 550-mile dogsled expedition through the Brooks Mountain Range of Alaska. Fitting for a couple whose love for each other was matched only by their love of nature."

Margaret Mardy Murie was a national treasure. As a pioneer of the American conservation movement, she was and will continue to be an inspiration to us all. Her commitment to this country's wilderness sites will be a lasting legacy to the beauty of this nation and the importance and value of preserving our wild landscapes. May her spirit and inspiration live on in all of us for decades to come.

#### INTRODUCING THE JUVENILE VIOLENT GUN CRIME REPORTING ACT

##### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. EMANUEL. Mr. Speaker, I rise today to introduce with Congressman CHRISTOPHER SHAYS and 27 cosponsors the Juvenile Violent Gun Crime Reporting Act. This bipartisan bill would close a loophole in current law and help keep guns out of the hands of individuals with a history of violent crime.

Every year more than 10,000 people are murdered with guns in the United States. In 2001, guns were involved in one third of all violent crimes. Firearms have a particularly damaging effect on America's youth. Of the 1,400 juveniles murdered in 2001, 44 percent were killed with a firearm. During the 1999–2000 school years, 2,837 students were caught bringing a gun to school. In my home state of Illinois, 164 students were expelled for bringing a gun to school between 1999 and 2001. A regrettable but plain fact is that minors are not only the victims of gun crime but the perpetrators as well. According to the Bureau of Alcohol, Tobacco, Firearms, and Explosives, 93,000 gun crimes or 9 percent of the total gun crimes were committed by individuals under the age of 18 between 2000 and 2002.

In an effort to combat America's high rate of gun violence, Congress enacted the Brady Bill in 1994. I was proud to work on passing this landmark bill when I served in the White House. A portion of the Brady law requires any individual wishing to purchase a firearm to undergo a background search. This system, known as the National Instant Criminal Background Check System (NICS), prohibits any individual with a violent criminal history from purchasing a weapon. Through 2001, 38 million background checks were conducted and 840,000 purchases were denied. However, a loophole in the Brady Bill allows violent juvenile criminals to purchase firearms. The Juve-

nile Violent Gun Crime Reporting Act (JVGCRA) would close this loophole once and for all.

Under current law, nearly all juvenile records are expunged once an individual reaches the age of 18. Because the expunged records are not included in the NICS background check, someone who committed a violent crime before the age of 18 can legally purchase a weapon on his or her 18th birthday. In response to this glaring loophole, my legislation amends federal law and requires states to report violent juvenile crime so that it may be utilized by NICS. Further, the bill makes it illegal for anyone to transfer a weapon to someone who has a history of violent juvenile crime.

Mr. Speaker, the Juvenile Violent Gun Crime Reporting Act is a simple and straightforward bill and could go a long way toward making our streets, schools, and cities much safer for our children and our families. It is a good bill and we hope that my colleagues will join us.

#### RECOGNIZING MR. JOSEPH DISHANNI

##### HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to Mr. Joseph DiShanni, Founder, Executive Director and Director Emeritus of the Irwindale Chamber of Commerce, who passed away on October 21, 2003.

Mr. DiShanni received many awards, accolades, and special recognitions throughout his career in acknowledgement of his tireless commitment to his community. He is most revered for his accomplishments in industrial and business development for the City of Irwindale and the San Gabriel Valley. He was affectionately known as "Mr. Irwindale." In addition to his service to the Irwindale Chamber of Commerce, he served on the Los Angeles County Insurance Commission and as a Traffic Safety Commissioner for Los Angeles County.

Born in Walkill, New York, in 1909, Mr. DiShanni immigrated with his mother and two older sisters to Italy after the death of his father. At the age of 18, he returned to the United States in search of the American Dream. His hard work and dedication to his community made him an inspiration to all who knew him.

The Irwindale community, his family and his beloved wife Margaret will miss him dearly. I am pleased and honored to pay tribute to him today.

#### THE ARTICLE "THE 'BUT' ECONOMY"

##### HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. OXLEY. Mr. Speaker, I commend to the attention of my colleagues the following article by former General Electric Chairman and CEO Jack Welch.

Jack Welch provides an important lesson in corporate management to those who don't understand what makes an economy grow. Growth comes from businesses that are constantly striving to make themselves more competitive in a global marketplace.

As the article points out, many in the media believe a story isn't complete unless there is some bad news. Sometimes I think if the modern media had existed in biblical times, it would have written, "Moses laid down the Ten Commandments today, Five of which were immediately denounced by civil rights and environmental activists."

Jack Welch's article makes for instructive reading about why our economy just posted one of its strongest performances in recent memory.

THE 'BUT' ECONOMY  
(By Jack Welch)

Guess what? There is an economic recovery under way, but you never would have known it last week when earnings reports came out. Even though many companies from battered sectors—including some companies left for dead just two or three years ago—recorded positive results, their successes were almost universally reported with the word "BUT" prominently featured. The stories in the papers and on TV went something like this:

Sales were up—but analysts warned that cost cutting explained most of the gains.

Earnings were up—but the mood of optimism was tempered by concerns about global competitiveness.

Cash flow was up—but the company still faces harsh tests in coming months.

Now, I am not claiming that the economy is fixed. It's not. And there are, obviously, challenges ahead if a full recovery is going to occur. It's undeniable, however, that most companies are posting significantly improved results. Not only can millions of hard-working people celebrate—they should. They've earned the right. That's why we can't rain all over the their efforts—their motivation and innovative spirit and can-do attitudes. Those good feelings, as any economist will tell you, are key drivers of company productivity and consumer confidence. The fact is a recovery will be a lot harder if we keep saying "but" about damn good news.

Two particularly glaring "but" stories from last week come to mind—Xerox and Lucent.

Xerox has been through the ringer. It's had accounting difficulties. It's paid millions of dollars in fines. It has experienced market-share erosion from product misses and non-competitive costs, and its employees and shareholders have suffered. Two grueling years later, however, Anne Mulcahy and her team appear to be turning the ship around. The company reported that its earnings grew 18% in the third quarter. From the reporting on it, though, you would have thought the company was still taking on water. The good results, it was reported, mainly came from cost cutting. Of course they did! While innovation is the lifeblood of business, cost competitiveness is a given if you want to win in the global economy.

Lucent is an even more dramatic case. For the first time since March 2000—that's 10 quarters—the company actually posted a profit, thanks to the persistence and creativity of Pat Russo, her top team, and tens of thousands of employees. It was time for a party. But Lucent's turnaround was spray-painted with "but" this and "but" that. The company's good results were subjected to the usual harangue about telecom industry spending and attributed mainly to cost-cutting. Oh no—not that again.

The good news out of other sectors got much the same treatment. Time Warner, which has angered its shareholders for a couple of years now, reported increased revenues and operating income in the third quarter. That news was pretty much lost in commentaries about the continuing saga of the company's Internet activities. Meanwhile, Citicorp and a slew of other banking industry giants were showing sensational results. What did you hear? Reserve provisions for bad loans were down. This "but" could have actually been cast as "because." For instance, "Earnings were sensational because, among other factors, reserve provisions are down as a result of improved risk management and a stronger economy."

Of course, you have to wonder—why all the grumpiness? Why has every cloud got a dingy gray lining? There are probably many reasons but two come right to my mind.

Go back to 1999, the last year that positive results were routinely reported. There was no "but" economy grouching then. And that's exactly the problem. The media (and pretty much everyone else) believed that trees did indeed grow to the sky. Very few asked, "How solid are these results? How long can they last? Will these markets grow forever?"

When the bubble burst, a lot of people got burned—and not just shareholders. Many people in the media had hyped companies that flamed out because they were based on unrealistic business models or turned out to be rotten to the core. They felt burned too. Today, when the media reports good news, it feels safer to stick "but" in every sentence.

The other reason is political. Back in the days of Clinton-bashing, the ideological divide in the country seemed like it couldn't get wider. Well, it has. Bush-hating has pushed it to new levels. Never before have Democrats and Republicans been more vitriolic in their disdain for each other; it feels like war. And frankly, what would be worse for the Democrats right now than an economic recovery? That's an awful big battle to lose as the election approaches.

Now, I'm not suggesting "irrational exuberance" again. First of all, it's not warranted (yet) and giddiness about the economy didn't really help last time. And I'm also not asking that people forget what happened during the boom. Some companies and executives absolutely earned the right to get nothing but disrespect and doubt.

If we are ever to get competitive again, though, we can't indiscriminately put a negative spin on what is legitimately good news. We live in a global economy; India and China get stronger and better every single day. To have a fighting chance, companies need to get every employee, with every idea in their heads and every morsel of energy in their bodies, into the game.

The facts are, companies are not bricks and mortar, but people, with blood and sweat and tears. People are the reason for the recent recovery, and people are the reason it will continue—if it does. That's why we need to tell the people who have earned it not "but," but "Bravo."

EXPRESSING GRATITUDE TO MEMBERS OF U.S. ARMED FORCES DEPLOYED IN OPERATION RESTORE HOPE IN SOMALIA IN 1993

SPEECH OF

**HON. RAHM EMANUEL**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 28, 2003*

Mr. EMANUEL. Madam Speaker, I am proud to rise in strong support of H. Con. Res.

291, expressing gratitude to the members of the United States Armed Forces who demonstrated valor and dedication to the cause of freedom and humanitarian relief during Operation Restore Hope.

This year marks the tenth anniversary of the battle of Mogadishu, and I am very pleased to join with my colleagues in recognizing the courageous actions of the Army's Special Forces, the soldiers of the 10th Mountain Division, and members of the Armed Forces who were deployed to capture the terrorist warlord Mohammed Farah Aidid. Today we remember and honor the sixteen special operations personnel assigned to Task Force Ranger who were killed, and the sacrifices of another eighty-three troops who were wounded during one of the most intense firefighting in modern history.

We cannot forget the sacrifices of these soldiers, sailors, airmen and Marines. Their service should be recognized as a significant contribution to the war against terrorism and oppression. This resolution is important not only because it commemorates their enduring contributions on behalf of the people of Somalia, but also because of its symbolism that continues today in the fight against oppression and terror on the streets of Baghdad, Kabul and other hostile areas where we try to make people's lives better.

Madam Speaker, my thoughts and prayers go out to the families and friends of those who lost a loved one or were wounded in the battle of Mogadishu. I urge my colleagues to join me in expressing our appreciation to all those who volunteer to defend our Nation's freedom and to remember the sacrifices of all those who served.

RECOGNIZING THE HOLY CROSS ARMENIAN APOSTOLIC CATHEDRAL

**HON. HILDA L. SOLIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Ms. SOLIS. Mr. Speaker, I stand before you today to recognize one of the most historically rich institutions in the United States. On November 1, 2003, the Holy Cross Armenian Apostolic Cathedral of Montebello, California will be celebrating its eighty years of service to the Los Angeles Armenian American community under the auspices of their Prelate, His Eminence Archbishop Moushegh Mardirossian.

This historic occasion for the Holy Cross Cathedral is a culmination of leadership, dedication, commitment, and community work. Since its erection in 1922, Holy Cross is the second oldest Armenian Cathedral in the state of California and the oldest in Los Angeles County. For eighty years, Holy Cross has touched the lives of millions of churchgoers and other religious individuals looking for spiritual fulfillment. In addition, it has given positive direction to Armenian children and adolescents through their exceptional Mesrobian school system.

Additionally, Holy Cross's leadership has paved the way for other Armenian Apostolic churches throughout Southern California. Inspired by Holy Cross, over seven churches and congregations have been established. I am happy to note that all of them serve their congregations, youth, community, and country with all their love and energy.



I am proud to say that the Holy Cross Armenian Apostolic Cathedral exemplifies the greatness in our nation's religious and community institutions.

# LET'S NOT BREAK OLD PROMISES TO OUR VETERANS

**HON. CHET EDWARDS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. EDWARDS. Mr. Speaker, there's something wrong when the administration says we can afford to build new hospitals in Iraq, but we cannot afford to keep open six veterans' hospitals here in America.

It would be shameful, during a time of war, to be cutting medical services for American veterans, even as we are improving health care for Iraqi citizens. As we make new promises to Iraqis, let's not break old promises to our veterans.

Vote "yes" on the motion to recommit to increasing VA health care by \$1.3 billion. Our vets deserve no less.

# TRIBUTE TO JOHN M. CORCORAN

**HON. MARTIN T. MEEHAN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. MEEHAN. Mr. Speaker, on Monday, October 27, 2003 I attended a Mass of Christian Burial for John M. Corcoran of Massachusetts. The Mass, held at St. Elizabeth's Church in Milton, Massachusetts celebrated the life of a very special person. I offer my condolences to John's two sons, John and Thomas; his sisters, Mary, Theresa, Claire, Bernadette and Frances, and his two brothers, Joe and Leo. I would also ask unanimous consent to enter into the CONGRESSIONAL RECORD the Boston Globes's obituary, that was so eloquently written by Tom Long.

JOHN CORCORAN, DEVELOPER OF REAL ESTATE, GOOD WILL; AT 80

John M. Corcoran grew up in a triple-decker at the end of the driveway to St. Margaret's Hospital in Dorchester, and he never forgot where he came from. After earning millions as a real estate developer, he contributed time and money in the creation of St. Mary's Women and Infant Center, a multiservice agency for Dorchester residents that was born in 1993 after St. Margaret's closed.

"He knew what it was like to live in poverty, and knew what a difference it could make when you had support around you," Judy Beckler, president of the Women and Infant Center, said yesterday, of Mr. Corcoran, 80, who died Wednesday at Massachusetts General Hospital.

Beckler said she couldn't give a figure for how much money Mr. Corcoran donated to the center. "It's not something he would approve of," she said. "He hoped, in time, people would understand that his time and commitment were more important than any money he donated."

But the total was at least \$500,000, according to a story published in the Globe in 1995.

The center now includes a homeless shelter, has 20 beds for pregnant teenagers and is home to nine nonprofit groups that offer a

number of services from child care to computer training.

"He wanted us to become a vital institution in Dorchester," said Beckler. "He had a commitment and a vision, and really believed that folks could make a difference in other people's lives."

As a member of the center's board of trustees, Mr. Corcoran was always willing to ask the hard questions. "He once told me, 'I learned long ago not to practice trustee etiquette,'" said Beckler.

One of eight children of an Irish-immigrant factory worker, Mr. Corcoran sometimes hawked newspapers as a young man to help his family make ends meet. He shoveled coal at St. Margaret's. And he spent a childhood summer with relatives in Ireland.

He attended Boston English High School. When the United States entered World War II, he answered the call and became a paratrooper.

In the months before the D-Day invasion of France, his family lost contact with him for three months. Every night, the sound of rosary beads rattled through the two-bedroom apartment in Dorchester as his siblings prayed for his safe return.

Finally his mother received a letter. "Mom, I smelled something today that I haven't smelled since I was 7," he wrote, "the sweet smell of turf burning on a fire."

To his family's relief, Mr. Corcoran was alive and well and training in Ireland.

Mr. Corcoran parachuted into France in the early hours of the D-Day invasion.

"I once asked him what D-Day was like," his brother Joe of Milton said yesterday. "He said: 'It was the most exhilarating and most exciting time of my life; unfortunately, some people got killed, and others got hurt.'"

Mr. Corcoran was among the injured. He was awarded a Bronze Star as well as a Purple Heart.

After the war, Mr. Corcoran attended Boston College. He completed his bachelor's degree in three years, even though he was working 40 hours a week shoveling coal at St. Margaret's.

He then began John M. Corcoran & Co., a real estate development firm, which he operated with his brothers Leo and Joe, who later left to start his own firm, Corcoran Jennison Companies.

"We were a lot more confident than our parents were," Mr. Corcoran told The World of Hibernia magazine. "We knew we were at least as smart as anyone else—if not smarter. And you also knew you were an American, and you had that right."

John M. Corcoran & Co. has built or managed more than 15,000 apartment units and a million square feet of suburban properties including Quincy Commons and Weymouth Commons apartment complexes.

Mr. Corcoran contributed to many charities, among them the Christian Jewish Center at Boston College, where he was a trustee.

He had 50 nieces and nephews, and he loved to ski. Every year, he brought his extended family on a ski trip to New Hampshire. For many years, he rented the entire Bartlett Hotel for his family, and children would be running through its hallways for a week.

Each year, Mr. Corcoran took a trip to the Alta Ski Area in Utah. "He was looking forward to going this year," said Joe. "When you reach 80 years old, you get to ski for free. It wasn't the money, but it was a status thing with him."

In addition to his brothers, both of whom are Milton residents, he leaves two sons, John and Thomas, also of Milton; five sisters, Mary of Dorchester, Theresa of Quincy, and Claire Carten, Bernadette Richards, and Frances Richer, all of Milton; and five grandchildren.

A funeral Mass will be said Monday at 10 a.m. in St. Elizabeth's Church in Milton. Burial will be in Milton Cemetery.

# BREAST CANCER AWARENESS MONTH

**HON. DENISE L. MAJETTE**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Ms. MAJETTE. Mr. Speaker, every three minutes a woman in America is diagnosed with breast cancer. One in eight women will develop breast cancer in her lifetime.

Breast cancer is the leading cause of death for women between the ages of 40 and 55.

In my state of Georgia, this year an estimated 5,400 women will be diagnosed with breast cancer, and 1,000 women will die from the disease.

In the two counties I represent, 86 people a year die from breast cancer in DeKalb County and in Gwinnett County, 38 people a year die from breast cancer.

The breast cancer death rate is even higher among African American women—with an estimated 20,000 expected new cases in 2003.

Early detection is the key. Mammography screening can detect the disease before any symptoms occur.

Women must have guaranteed access to mammograms and preventive care, including regular checkups.

We also need to prevent insurers and employers from discriminating against women because they are more likely to get diseases like breast cancer. We must pass the Genetic Information Nondiscrimination in Health Insurance and Employment Act.

But our top priority must be finding a cure.

Too many of our sisters, mothers, daughters and friends die from this disease. Funding early prevention and finding a cure should be national priorities.

# IN RECOGNITION OF NATIONAL DOMESTIC VIOLENCE AWARE- NESS MONTH

**HON. DANNY K. DAVIS**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in honor of October being the month to increase awareness of domestic violence, and educate individuals about the services available to assist victims. Therefore, it is significant that we recognize October as the National Awareness Month for Domestic Violence.

According to the United States Department of Justice, domestic violence can be defined as, a pattern of coercive behavior designed to exert power and control over a person in an intimate relationship through the use of intimidating, threatening, harmful, or harassing behavior. Partners may be married or not married, heterosexual, gay, lesbian, living together, separated or dating.

Over the last thirty years, there has been a radical change in not only the understanding of domestic violence, but also the acknowledgement of responses from individuals and

society. According to the most recent report from the Department of Justice, there were almost 700,000 incidents of domestic violence in 2001. Approximately one-third of women who are murdered each year are killed by their current or former husband or partner. Children who are subjected to domestic violence too often grow up to inflict violence on others, creating a cycle of violence that must be stopped.

Nearly one in every three adult women experiences at least one physical assault by a partner during adulthood. Approximately four million American women experience a serious assault by an intimate partner each year. Six times as many women who experience violence by an intimate partner, 18 percent, as by a stranger, 3 percent, do not report the crime. Several types of violence and abuse usually occur within the family; men who batter their intimate partners are more likely to abuse their children too. Unfortunately, every fifteen seconds in the United States, a woman is brutally battered by her partner. As you hear these words, a woman is being beaten.

Despite the increase reports of domestic violence in Chicago, the police and other related agencies receive an average of 560 domestic violence calls each day. About half the murders involved domestic disputes and approximately fifty percent of homicides are attributed to a domestic situation.

To bring attention to this horrendous issue, October has been designated as the National Domestic Violence Awareness Month. Mr. Speaker, let all of us renew our Nation's commitment to prevent and punish the perpetrators of this despicable crime and bring hope and healing to those affected by it.

#### INDIANA 293RD GUARD SERVED NATION WELL

#### HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Mr. SOUDER. Mr. Speaker, after 10 months of serving our Nation in Iraq, the heroic soldiers of the 293rd National Guard Division of Indiana have returned home.

These brave soldiers left three of their colleagues behind: SFC Craig A. Bolling, SPC Brian M. Clemens, and PFC Anthony R. Wagner. They gave the ultimate sacrifice so the rest of us may be free.

The soldiers of the 293rd are not full-time soldiers. They have other jobs. Their families, and their employers, did not expect them to be gone so long. They too have made sacrifices in the war on terrorism.

Because of their efforts, we are fighting in the streets of Baghdad—not in the streets of Indiana and the United States. Because of their efforts we have at least temporarily disrupted the worldwide terrorist networks. Because of their efforts the people of Iraq at least have a chance to exercise freedom and a life free from terror.

We know not what the future holds. But we do know that because of the soldiers in the 293rd Indiana Guard, as well as all the other brave men and women serving in the Iraq arena, we at least have done what we can in the battle for freedom and against terrorism. We honor them for their sacrifices for us.

The following is a list of all those who served in the 293rd.

#### FALLEN SOLDIERS

SFC BOLING CRAIG A—CO C, 1-293D INF, DECEASED: 8-JUL-03, LOCATION OF DEATH: CAMP WOLF, KUWAIT, INCIDENT REGARDING DEATH: SEIZURE, HOMETOWN: ELKHART, IN.

SPC CLEMENS BRIAN M—CO C, 1-293D INF, DECEASED: 6-FEB-03, LOCATION OF DEATH: ARIFJAN, KUWAIT, INCIDENT REGARDING DEATH: HUMMVEE ROLL-OVER, MULTIPLE TRAUMA INJURIES, HOMETOWN: KOKOMO, IN.

PFC WAGNER ANTHONY R—CO B, 1-293D INF., DECEASED: 21-NOV-02, LOCATION OF DEATH: INDIANAPOLIS (1-70), INCIDENT REGARDING DEATH: POV ACCIDENT, HOMETOWN: SOUTH WHITELY, IN.

#### RANK, NAME, UNIT

SPC ANDERSON JUSTIN J—CO A, 1-293D INF; SPC ANDREWS DONALD L—CO A, 1-293D INF; SPC BAKER CORY L—CO A, 1-293D INF; SPC BAKER STEVEN S—CO A, 1-293D INF; SPC BALL PHILLIP L—CO A, 1-293D INF; SGT BARTELL MARK D—CO A, 1-293D INF; SSG BAUMGARTNER JEFFERY A—CO A, 1-293D INF; PV2 BONNELL BRANDON J—CO A, 1-293D INF; SPC BONTRAGER JUSTIN K—CO A, 1-293D INF; SPC BROWN ADAM D—CO A, 1-293D INF; SSG BUSSARD GREGORY A—CO A, 1-293D INF; SPC BYRD JOSEPH N—CO A, 1-293D INF; PV2 CANTU ADRIAN JR—CO A, 1-293D INF; PFC CANTU JOSHUA—CO A, 1-293D INF; SPC CARLSON HARVEY A—CO A, 1-293D INF; SPC CHURCH DERRICK E—CO A, 1-293D INF; MAJ COOMLER JEFFREY S—CO A, 1-293D INF; SGT CROY KENNETH R—CO A, 1-293D INF; SPC DEETZ LAWRENCE R—CO A, 1-293D INF; SGT DEMOREST DREW A—CO A, 1-293D INF; SPC DIETSCH MATHEW R—CO A, 1-293D INF; SPC DRAKE SCOTT R—CO A, 1-293D INF; SFC ELLERMAN LAWRENCE E—CO A, 1-293D INF; PFC ERWIN CRAIG D—CO A, 1-293D INF; SPC ESPINOZA ALBERTO—CO A, 1-293D INF; SPC EVERSON JOSEPH P—CO A, 1-293D INF; SFC FACE JEFFERY A—CO A, 1-293D INF; SGT FARRINGTON DARRELL L—CO A, 1-293D INF; SPC FATHAUER DALE A—CO A, 1-293D INF; SPC FELKER MICHAEL L—CO A, 1-293D INF; PFC FITTS WILLIAM E—CO A, 1-293D INF.

SPC FOLDS MILTON W—CO A, 1-293D INF; PV2 FULK TRENT A—CO A, 1-293D INF; SGT GARCIA ARTURO—CO A, 1-293D INF; SPC GILLEY BENJAMIN J—CO A, 1-293D INF; SPC GIPSON CHARLES D—CO A, 1-293D INF; SPC GOHEEN ADAM L—CO A, 1-293D INF; SPC GOSS MATTHEW A—CO A, 1-293D INF; SPC GREENAMYER LEE E—CO A, 1-293D INF; SPC GREENTREE JUSTIN K—CO A, 1-293D INF; ILT GUY ROBERT D—CO A, 1-293D INF; SPC HACKWORTH CLIFTON A—CO A, 1-293D INF; PFC HARRINGTON BRIAN K—CO A, 1-293D INF; SPC HARRIS LAWRENCE S—CO A, 1-293D INF; PFC HARTER JOSEPH O—CO A, 1-293D INF; PFC HARTZELL JOSHUA R—CO A, 1-293D INF; PFC HASWELL ROBERT L—CO A, 1-293D INF; SGT HAVILAND WILLIAM F—CO A, 1-293D INF; SGT HAWKINS GLENNIS R—CO A, 1-293D INF; PFC HOCHSTETLER DAVID L—CO A, 1-293D INF; SSG HOLCOMB TRAVIS R—CO A, 1-293D INF; SSG HYGEMA MARCUS A—CO A, 1-293D INF; SPC JEWELL WILLIAM D—CO A, 1-293D INF; PFC JOHNSON RAYMOND B—CO A, 1-293D INF; PFC KING PHILLIP A—CO A, 1-293D INF; SGT KING ROGER D—CO A, 1-293D INF; PFC LANDIS KURT V—CO A, 1-293D INF; SSG LAWRENCE JEFFERY L—CO A, 1-293D INF.

PFC LEWIS JONAS W—CO A, 1-293D INF; PFC LEWIS MICHAEL T—CO A, 1-293D INF; SPC LEWIS STEPHEN B—CO A, 1-293D INF; PVT LLOYD EPHRAIM W—CO A, 1-293D INF; SPC LONG JOHN—CO A, 1-293D INF;

SGT LUNG DANNY K—CO A, 1-293D INF; SPC MANTELL ANTHONY W—CO A, 1-293D INF; MSG MARTINEZ ANDRES E—CO A, 1-293D INF; SSG MCDONALD CHRISTOPHER—CO A, 1-293D INF; PFC MEDLOCK CHARLES K—CO A, 1-293D INF; SSG METZ LEE D—CO A, 1-293D INF; SPC MIDDLETON WILLIAM V—CO A, 1-293D INF; SSG MILLER JEFFREY A—CO A, 1-293D INF.

SPC MILLER KEITH A—CO A, 1-293D INF; SPC MILLER TIMOTHY A—CO A, 1-293D INF; SGT MILLER WILLIAM J—CO A, 1-293D INF; SGT MOONEY MICHAEL T—CO A, 1-293D INF; PV2 MOORE DONALD D—CO A, 1-293D INF; PFC NAFTZGER JACOB R—CO A, 1-293D INF; PVT NICODEMUS MICHAEL J—CO A, 1-293D INF; PFC NOBLE ROSS H—CO A, 1-293D INF; SSG ORICK CHARLES K—CO A, 1-293D INF; SGT OUSLEY KEITH L—CO A, 1-293D INF; SGT PETTIT ROBBIN M—CO A, 1-293D INF; SSG PILIPIAK TRACY A—CO A, 1-293D INF; PFC RAKOCZY JEREMIAH L—CO A, 1-293D INF; PFC RAYMER JUSTIN M—CO A, 1-293D INF; SPC REUTEBUCH RYAN R—CO A, 1-293D INF; PV2 RIDER TRAVIS L—CO A, 1-293D INF; SPC RILEY ANDREW S—CO A, 1-293D INF; SSG RITTER KIRK C—CO A, 1-293D INF; SPC ROBERTS WILLIAM D—CO A, 1-293D INF; SPC ROMERO BENJAMIN—CO A, 1-293D INF; PFC SEROVY JOSEPH L—CO A, 1-293D INF; PVT SHATTO NATHAN E—CO A, 1-293D INF; SPC SIMCOX STEPHEN W—CO A, 1-293D INF; SGT SPENCER MATTHEW S—CO A, 1-293D INF; SGT SPITLER MICHAEL C—CO A, 1-293D INF; SGT SPRATT BRADLEY W—CO A, 1-293D INF; SSG STAHL JON D—CO A, 1-293D INF; SPC STAMPER RAYMOND T—CO A, 1-293D INF; SGT STAYNER JOHN C—CO A, 1-293D INF; SPC STINFER CARLOS—CO A, 1-293D INF.

PVT SUTERA MICHAEL R—CO A, 1-293D INF; SPC SUTTON DONALD L—CO A, 1-293D INF; SPC TODD DAVID W—CO A, 1-293D INF; PFC TROLINGER JAMES A—CO A, 1-293D INF; ILT TROYER AARON W—CO A, 1-293D INF; SPC TRUELOVE BARRY W—CO A, 1-293D INF; SPC TURNER LONNIE D—CO A, 1-293D INF; SSG VANCE PATRICK J—CO A, 1-293D INF; SPC VANWAGNER MATTHEW D—CO A, 1-293D INF; 2LT WEAVER ANDREW M—CO A, 1-293D INF; SPC WEEKS CHARLES B—CO A, 1-293D INF; SGT WILLIS JACK R—CO A, 1-293D INF; PV2 WIRT JEFFERY M—CO A, 1-293D INF; PV2 WITHAM CRAIG E—CO A, 1-293D INF; SPC WOLF KENNETH W—CO A, 1-293D INF; SFC WOOD GENE E—CO A, 1-293D INF; SGT ZICKEFOOSE KEVIN L—CO A, 1-293D INF; SGT ZUELSDORFF MICHAEL D—CO A, 1-293D INF.

PFC AKER JOSHUA K—CO B, 1-293D INF; PFC AMBURGEY JOHN P—CO B, 1-293D INF; SSG ARNOLD MARK E—CO B, 1-293D INF; PFC BABCOCK SHAWN L—CO B, 1-293D INF; SPC BAKER CLINTON P—CO B, 1-293D INF; SPC BALLEW ROBERT N—CO B, 1-293D INF; SSG BECKER DANIEL F—CO B, 1-293D INF; SPC BENTLEY STEVEN D—CO B, 1-293D INF; SPC BOLLHOEFER DEREK R—CO B, 1-293D INF; SPC BOND JASON E—CO B, 1-293D INF; SFC BRASS JOHN J—CO B, 1-293D INF; SGT BRICKER JEREMY J—CO B, 1-293D INF; SSG BRIDGEWATER RYAN S—CO B, 1-293D INF; SPC BROOKS ROBERT E—CO B, 1-293D INF; SPC BUCK MICHAEL S—CO B, 1-293D INF; SPC BUESCHING JOSHUA P—CO B, 1-293D INF; PV2 BURGESS WARREN JR—CO B, 1-293D INF; SPC CAMPBELL COREY R—CO B, 1-293D INF; PFC CASTRO JONATHAN A—CO B, 1-293D INF; PFC CHILDS MATTHEW R—CO B, 1-293D INF; SPC CLOTHIER MATTHEW S—CO B, 1-293D INF; SGT COX QUINN A—CO B, 1-293D INF.

SSG CREE JAMES F—CO B, 1-293D INF; SSG DEMOREST DERRICK T—CO B, 1-293D INF; PFC EDWARDS EVAN L—CO B, 1-293D

INF; SPC ERVIN THOMAS E—CO B, 1-293D INF; SPC FERGUSON ADAM J—CO B, 1-293D INF; SPC FLINSBAUGH SHANNON W—CO B, 1-293D INF; SSG FORBES JAMES G—CO B, 1-293D INF; SSG FRATER BRIAN D—CO B, 1-293D INF; SSG FREEMON LARRY L—CO B, 1-293D INF; SPC GARDNER BRIAN T—CO B, 1-293D INF; SSG GINTER ADAM W—CO B, 1-293D INF; PV2 GONZALES DEREK L—CO B, 1-293D INF; SGT GOOLEY TIMOTHY D—CO B, 1-293D INF; SPC GRABLE EDWARD J—CO B, 1-293D INF; SPC GUTHIER PHILLIP P—CO B, 1-293D INF; PFC HALTON SULLIVAN L—CO B, 1-293D INF; SFC HAMPTON DAVID M—CO B, 1-293D INF; PFC HARRIS JEREMY E—CO B, 1-293D INF; SPC HEATH DERRICK L—CO B, 1-293D INF; SPC HEFNER JASON A—CO B, 1-293D INF; PFC HERRON KYLE W—CO B, 1-293D INF; SSG HEUER BRIAN T—CO B, 1-293D INF; SGT HIGGINS JEREMY M—CO B, 1-293D INF; SPC HILEMAN JASON L—CO B, 1-293D INF; SPC HILL MATTHEW V—CO B, 1-293D INF; SPC HILTON CHARLES A—CO B, 1-293D INF.

PVT HOFFMAN JESSE D—CO B, 1-293D INF; SSG HOLMHANSEN SHAWN J—CO B, 1-293D INF; SPC HTOO HTAW P—CO B, 1-293D INF; SPC HUFF LEON D—CO B, 1-293D INF; PFC HUSTON ROBERT A—CO B, 1-293D INF; ISG IRELAND MARK W—CO B, 1-293D INF; PFC KING NATHAN D—CO B, 1-293D INF; SPC KINNER SHANE A—CO B, 1-293D INF; SPC KLAHN JOSEPH R—CO B, 1-293D INF; SGT KRINER ROGER D—CO B, 1-293D INF; SPC LANTZ WESLEY P—CO B, 1-293D INF; PFC LEON TRAVIS L—CO B, 1-293D INF; SGT LESTER RICHARD K—CO B, 1-293D INF; PFC LITTLE JOSHUA L—CO B, 1-293D INF; SPC LOZA MANUEL—CO B, 1-293D INF; SGT LUCAS TERRY L—CO B, 1-293D INF; SGT LUDY KYLE K—CO B, 1-293D INF; SSG MAIER MARK M—CO B, 1-293D INF; CPT MARCUSON GREGORY—CO B, 1-293D INF; SGT MARTIN JAMES W—CO B, 1-293D INF; SPC MCANINCH KENNETH K—CO B, 1-293D INF; SPC MCCORD JERRY J—CO B, 1-293D INF; SPC MCKINNEY CHRISTOPHER—CO B, 1-293D INF; SPC MEACHAM ERIC C—CO B, 1-293D INF.

SPC MILLER ADAM S—CO B, 1-293D INF; SPC MONTGOMERY JAMES C—CO B, 1-293D INF; SPC MOREY JOHNNY E—CO B, 1-293D INF; SGT MYERS JEFFREY A—CO B, 1-293D INF; SPC NEHER KEITH A—CO B, 1-293D INF; SPC NIERMAN JASON L—CO B, 1-293D INF; SPC ORTIZ JEFFREY J—CO B, 1-293D INF; SPC PALMER JONATHAN A—CO B, 1-293D INF; SPC PAYNE JAMES A—CO B, 1-293D INF; SPC PECK TERRY L—CO B, 1-293D INF; SPC PETZOLD PHILLIP R—CO B, 1-293D INF; PV2 PLATTER STEPHEN P—CO B, 1-293D INF; SPC PRICE JONATHAN D—CO B, 1-293D INF; SPC RAGER CLINT L—CO B, 1-293D INF; SPC RAMER JASON M—CO B, 1-293D INF; SGT RAYBURN GLENN D—CO B, 1-293D INF; PFC REAMES BRADLEY D—CO B, 1-293D INF; SPC REECE JOSHUA A—CO B, 1-293D INF; SGT RICHARD MARK—CO B, 1-293D INF; SPC RICHARDS MALCOLM W—CO B, 1-293D INF; SGT RINKER TIMOTHY N—CO B, 1-293D INF; SPC RITCHEY JAMES R—CO B, 1-293D INF.

SPC RITCHIE BRANDEN D—CO B, 1-293D INF; SPC RITCHIE DAVID E—CO B, 1-293D INF; SPC RIVERA SHAHUA Z—CO B, 1-293D INF; SPC ROARK REX—CO B, 1-293D INF; SPC ROBERTS JOHNNY C—CO B, 1-293D INF; SPC ROBINSON KENNEDY L—CO B, 1-293D INF; SPC ROGERS SCOTT K—CO B, 1-293D INF; SPC ROTH STACEY S—CO B, 1-293D INF; SSG RUMBAAO ARGENIO JR—CO B, 1-293D INF; SFC SCHOTT VICTOR D—CO B, 1-293D INF; SPC SCOTT JEFFERY L—CO B, 1-293D INF; SPC SEARCH JOHN P—CO B, 1-293D INF; SPC SEITZ ANDREW J—CO B, 1-293D INF; 2LT SELKING DOUGLAS

W—CO B, 1-293D INF; SPC SHEEHAN BRIAN J—CO B, 1-293D INF; SGT SHROYER KEVIN A—CO B, 1-293D INF; SGT SILER KENNETH A—CO B, 1-293D INF; SPC SMITH RANDY L—CO B, 1-293D INF; SFC SOUTHWORTH CHRISTOPHER—CO B, 1-293D INF; SGT SPONG MARK L—CO B, 1-293D INF; SPC STANLEY DONALD J—CO B, 1-293D INF; SPC STANLEY JAMES M—CO B, 1-293D INF.

SGT TAYLOR TIMOTHY G—CO B, 1-293D INF; SPC THOMPSON JOHN T—CO B, 1-293D INF; SPC TURNER LARRY L—CO B, 1-293D INF; SPC TURNEREGGESON JUSTIN—CO B, 1-293D INF; SPC VANMETER DALE T—CO B, 1-293D INF; SGT WALKER RODNEY S—CO B, 1-293D INF; SPC WALLACE TODD A—CO B, 1-293D INF; SPC WEBER RICKY J—CO B, 1-293D INF; PFC WEINREICH SKIPPER J—CO B, 1-293D INF; PFC WINGER JOSHUA M—CO B, 1-293D INF; SPC WOLFORD—CORY D—CO B, 1-293D INF; SPC WYMER AARON B—CO B, 1-293D INF.

SPC ABSTON DONALD E—CO C, 1-293D INF; SPC AKERS JOSHUA L—CO C, 1-293D INF; SGT ALEXANDER CHAD L—CO C, 1-293D INF; SPC ALLCOCK ANDREAS L—CO C, 1-293D INF; PFC ANDERSON DYLAN T—CO C, 1-293D INF; SPC ANDREWS MELVIN L—CO C, 1-293D INF; PVT BAIRD CHARLES F—CO C, 1-293D INF; SGT BALTES CARL J—CO C, 1-293D INF; 2LT BALTIS BRUCE D—CO C, 1-293D INF; SPC BEERS DAVID W—CO C, 1-293D INF; SSG BENNETT JEFFREY A—CO C, 1-293D INF; PFC BERGAMINO STEPHEN E—CO C, 1-293D INF; PV2 BERNING MATTHEW J—CO C, 1-293D INF; SGT BESECKER RICKEY L—CO C, 1-293D INF; SGT BILLINGS ROBERT S—CO C, 1-293D INF; SGT BOBAY NATHAN J—CO C, 1-293D INF; SGT BRACHT BRENT A—CO C, 1-293D INF; SPC BRADTMUELLER RODNEY D—CO C, 1-293D INF; SGT BROAD CHAD J—CO C, 1-293D INF; PFC BROWNLEE DAMEION A—CO C, 1-293D INF.

2LT BURKETT JAMES J—CO C, 1-293D INF; SPC BURNETT JEREMY A—CO C, 1-293D INF; SPC BUTLER JOSHUA L—CO C, 1-293D INF; SGT—COIL ALEC P—CO C, 1-293D INF; SPC—COMBS TOBY S—CO C, 1-293D INF; CPT—COPELAND CHARLES L—CO C, 1-293D INF; SGT—COPP MARK A—CO C, 1-293D INF; SPC—COX BRANDT A—CO C, 1-293D INF; ISG—COX CHARLES H—CO C, 1-293D INF; PFC DAHLMAN DEREK A—CO C, 1-293D INF; SGT DAVIDSON JAMES S—CO C, 1-293D INF; SPC DAVIS JOSHUA D—CO C, 1-293D INF; PV2 DEAN JEREMY H—CO C, 1-293D INF; PVT DOUGLAS BRACKEN C—CO C, 1-293D INF; SPC DUNHAM KEVIN W—CO C, 1-293D INF; SGT DURBIN LONNIE G—CO C, 1-293D INF; SPC EXNER THOMAS E—CO C, 1-293D INF.

SPC FARRELL MARK A—CO C, 1-293D INF; PV2 FIDLER AARON C—CO C, 1-293D INF; SPC FIELDS TRACY S—CO C, 1-293D INF; PFC FISHER SHAWN M—CO C, 1-293D INF; SGT FULLER BRANDT E—CO C, 1-293D INF; SPC GEELS ISSAC W—CO C, 1-293D INF; SPC GOLDER JUSTIN N—CO C, 1-293D INF; SGT GROSE LYLE A—CO C, 1-293D INF; SSG GUSTIN NEAL V—CO C, 1-293D INF; SPC HACKETT ZACHERY K—CO C, 1-293D INF; PFC HACKWORTH ERIC M—CO C, 1-293D INF; PFC HARDWAY DONALD S—CO C, 1-293D INF; PFC HARMEYER JOSHUA A—CO C, 1-293D INF; PFC HODALJ MICHAEL S—CO C, 1-293D INF; SSG HOLTZMAN CAMERON M—CO C, 1-293D INF; SSG HUGHES WILLIS F—CO C, 1-293D INF; SPC JENKINS COREY D—CO C, 1-293D INF; PFC JONAK KRISTOPHER M—CO C, 1-293D INF; SPC KASTEN TIMOTHY A—CO C, 1-293D INF; SPC KEENAN JOHN C—CO C, 1-293D INF; SGT KEISTER EDWARD C—CO C, 1-293D INF; PFC KELLER JAMES L—CO C, 1-293D INF; PV2 KELLEY SHEA J—CO C, 1-

293D INF; SSG KELLY KELLEY L—CO C, 1-293D INF; PV2 KNICKREHM HARLEY R—CO C, 1-293D INF; SGT KNIGHT RAYMOND H—CO C, 1-293D INF; PFC LAMERE ADAM C—CO C, 1-293D INF; SPC LASHBROOK DENNIS W—CO C, 1-293D INF; PFC LAUDERDALE JEFFERY A—CO C, 1-293D INF; SPC LEININGER ERIC E—CO C, 1-293D INF.

2LT LIPSCOMB JASON S—CO C, 1-293D INF; SPC LUDLOW GREGORY P—CO C, 1-293D INF; SPC LUKE JAMES M—CO C, 1-293D INF; PFC MAHARA RUDOLPH A—CO C, 1-293D INF; SGT MALOTT RODNEY L—CO C, 1-293D INF; SGT MAY ANDREW J—CO C, 1-293D INF; SPC MCDONALD TRAVIS D—CO C, 1-293D INF; SPC MCLEAN JEFFERY J—CO C, 1-293D INF; SPC MILLER JESSE L—CO C, 1-293D INF; PVT MINER DONOVAN D—CO C, 1-293D INF; SPC MOONEY PHILLIP L—CO C, 1-293D INF; PV2 MUSSER CHRISTOPHER M—CO C, 1-293D INF; SSG NELSON MICHAEL J—CO C, 1-293D INF; SPC NORWALT ERIC A—CO C, 1-293D INF; SSG PEPPER SCOTT A—CO C, 1-293D INF; SPC PETERS WADE A—CO C, 1-293D INF; SPC PHAM DUY T—CO C, 1-293D INF; SGT PIMENTEL EDGAR—CO C, 1-293D INF; 1LT PLASTER ROGER D—CO C, 1-293D INF; SGT PLUMMER RYAN M—CO C, 1-293D INF; SGT POTTS BRIAN C—CO C, 1-293D INF; PFC RAUCH ROBERT M—CO C, 1-293D INF; SPC RO YUN Y—CO C, 1-293D INF; PFC ROBERTS PATRICK T—CO C, 1-293D INF; SPC ROCKSTROH JEREMY P—CO C, 1-293D INF.

SPC RODRIGUEZ RICHARD P—CO C, 1-293D INF; SGT RONCO GARY S—CO C, 1-293D INF; SGT ROPP BRIAN P—CO C, 1-293D INF; PRC SHECKLER CHRISTOPHER—CO C, 1-293D INF; SPC SHULTZ JERRY T—CO C, 1-293D INF; SPC SIMMS TONY A—CO C, 1-293D INF; SGT SMITH BRIAN K—CO C, 1-293D INF; SFC SMOLAR ROBERT B—CO C, 1-293D INF; SSG SPARKS LARRY L—CO C, 1-293D INF; SPC STANSBURY TRAVIS A—CO C, 1-293D INF; PFC STARKEY PATRICK H—CO C, 1-293D INF; SPC STEPHENS AARON B—CO C, 1-293D INF; SPC STIEBELING ADAM T—CO C, 1-293D INF; SGT STOLTE ALVA L—CO C, 1-293D INF; SGT STRIGGLE TRAVIS E—CO C, 1-293D INF; SPC STULLER BILLY J—CO C, 1-293D INF; SGT SUMMERS JOHNNY D—CO C, 1-293D INF.

SPC TARIN JOSEPH A—CO C, 1-293D INF; SPC TOWNES STEVEN O—CO C, 1-293D INF; PFC TRAN THUC T—CO C, 1-293D INF; SPC TUMBLESON DAVID F—CO C, 1-293D INF; PFC UMHOLTZ JEREMIAH J—CO C, 1-293D INF; SPC VAUGHN KENDALL P—CO C, 1-293D INF; PV2 VEIL MATTHEW C—CO C, 1-293D INF; SGT WADE CHRISTOPHER M—CO C, 1-293D INF; SPC WARNER MATTHEW D—CO C, 1-293D INF; SPC WEIDLER CHRISTOPHER F—CO C, 1-293D INF; SGT WELLS DAVID K—CO C, 1-293D INF; SPC WHITE ERIC D—CO C, 1-293D INF; SPC WILEY JUSTIN M—CO C, 1-293D INF; SPC WOODS MICHAEL R—CO C, 1-293D INF; PFC WRIGHT GEORGE D—CO C, 1-293D INF; SSG WRIGHT TRENT O—CO C, 1-293D INF; 2LT ZARTMAN LARRY A—CO C, 1-293D INF.

SPC ANDERSON MATTHEW J—CO D, 1-293D INF; SPC ARNOLD PATRICK S—CO D, 1-293D INF; SGT BAHRKE DANIEL E—CO D, 1-293D INF; SPC BAUMIS DENNIS J—CO D, 1-293D INF; PFC BEEKES NATHAN A—CO D, 1-293D INF; SGT BLACKBURN ANDREW K—CO D, 1-293D INF; SPC BOZE LARRY E—CO D, 1-293D INF; SSG BRATCH ROBERT J—CO D, 1-293D INF; SPC BUDD TRACY A—CO D, 1-293D INF; PV2 CALHOUN SHAWN T—CO D, 1-293D INF; PFC CICATKO MATTHEW D—CO D, 1-293D INF; SPC CLOUSER BRIAN P—CO D, 1-293D INF; SFC CRAIG GEORGE J—CO D, 1-293D INF; SGT CRIPE QUENTIN A—CO D, 1-293D INF; 1LT CURTIS MAURICE—CO D, 1-293D INF; SFC CUTSHALL

CHRISTOPHER—CO D, 1-293D INF; SFC DIEMER JEFFREY J—CO D, 1-293D INF; SPC DIMOND JEFFREY W—CO D, 1-293D INF; SPC EVERMAN RICHARD N—CO D, 1-293D INF; PV2 FAUST JOSHUA M—CO D, 1-293D INF; SPC FIGUEROA ROBERTO JR—CO D, 1-293D INF; SPC FRANKLIN ERIC C—CO D, 1-293D INF.

SGT GORREL TODD N—CO D, 1-293D INF; SPC GRAY KARL C—CO D, 1-293D INF; SGT GRIFFEY CHARLES T—CO D, 1-293D INF; SPC GUNSOLUS ADRIAN E—CO D, 1-293D INF; SSG HARLAN DENNY J—CO D, 1-293D INF; SPC HATTON MICHAEL R—CO D, 1-293D INF; SGT HAWKINS BILLY E—CO D, 1-293D INF; SPC HEFFELFINGER ROGER R—CO D, 1-293D INF; 2LT HITE GARY L—CO D, 1-293D INF; SPC HOFFMAN JOHN W—CO D, 1-293D INF; PV2 HYDEN JEROD W—CO D, 1-293D INF; SPC JACQUAY TIMOTHY A—CO D, 1-293D INF; SPC JIMENEZ BRYAN K—CO D, 1-293D INF; SSG JIMENEZ DAVID L—CO D, 1-293D INF; SPC JONES SHANE D—CO D, 1-293D INF; SGT KNAUFF BRIAN K—CO D, 1-293D INF; PFC KOCHENSPARGER JASON M—CO D, 1-293D INF; PFC LACAYO HORACIO A—CO D, 1-293D INF; SPC LANDERS BRIAN D—CO D, 1-293D INF; SPC LUCAS ROBERT M—CO D, 1-293D INF; 1SG MCNANY JAMES W—CO D, 1-293D INF; SPC MORROW WILLIAM E—CO D, 1-293D INF; SPC NELSON CHAD W—CO D, 1-293D INF; SSG NELSON JAMES A—CO D, 1-293D INF; SPC NELSON RICKEY J—CO D, 1-293D INF; SPC OHARA DUSTIN L—CO D, 1-293D INF; PFC PATTON JEREMY D—CO D, 1-293D INF; SPC PAYNE JEREMY L—CO D, 1-293D INF; 2LT PITTMAN CHAD A—CO D, 1-293D INF; SGT POE SCOTT A—CO D, 1-293D INF; SPC PRUITT STEVEN E—CO D, 1-293D INF; SSG PUTT ELLIOTT R—CO D, 1-293D INF.

PV2 ROBINSON RYAN L—CO D, 1-293D INF; SPC SHARP DARRELL J—CO D, 1-293D INF; SGT SHENEFIELD HEATH R—CO D, 1-293D INF; PFC SHOEMAKER ROBERT W—CO D, 1-293D INF; SPC SHULTZ JAMES D—CO D, 1-293D INF; SPC SMITH GARY L—CO D, 1-293D INF; SPC SMITH LESTER E—CO D, 1-293D INF; SGT SMITH SHAD L—CO D, 1-293D INF; SGT STELL RICK T—CO D, 1-293D INF; SSG STEPHAN ERNEST H—CO D, 1-293D INF; SPC STOFFEL JEREMIAH L—CO D, 1-293D INF; PV2 THOMPSON JAMES E—CO D, 1-293D INF; SSG TIMMS JAMES A—CO D, 1-293D INF; SGT TRIBBETT KEVIN J—CO D, 1-293D INF; SPC TURNER JOSHUA L—CO D, 1-293D INF; PVT TURNER ROBERT B—CO D, 1-293D INF; PV2 UNDERWOOD DAVID R—CO D, 1-293D INF; SPC VINEYARD MICHAEL S—CO D, 1-293D INF; SGT WEILAND GARY H—CO D, 1-293D INF; SPC WILSON CHAD M—CO D, 1-293D INF; SPC WINTRODE JOSEPH T—CO D, 1-293D INF; CPT WOODSMALL MARK A—CO D, 1-293D INF; SFC ZAHM PHILIP S—CO D, 1-293D INF.

SPC AMOS TODD M—HHC, 1-293D INF; SFC APPLEGATE CHARLES T—HHC, 1-293D INF; SSG ATWATER SCOTT D—HHC, 1-293D INF; SGT BATES BRIAN M—HHC, 1-293D INF; SPC BATTEN ELISHA L—HHC, 1-293D INF; SPC BAUGH ANTHONY J—HHC, 1-293D INF; SPC BECKNER DEREK S—HHC, 1-293D INF; SPC BEELER ANTHONY R—HHC, 1-293D INF; SPC BERTHOLF CHRISTOPHER—HHC, 1-293D INF; SPC BOBISH PAUL D—HHC, 1-293D INF; PFC BOLINGER BRYAN D—HHC, 1-293D INF; SGT BORNKAMP CHRISTOPHER—HHC, 1-293D INF; SGT BOWMAN JAMES W—HHC, 1-293D INF; SPC BRACHT MICHAEL P—HHC, 1-293D INF; MAJ BRAY ERIC G—HHC, 1-293D INF; SPC BREWER LAVAR J—HHC, 1-293D INF; SGT BRIGGS EDWARD R—HHC, 1-293D INF; SGT BROCK ROY W—HHC, 1-293D INF; SPC BROOKS GARY P—HHC, 1-293D INF; SPC CATO CHRISTOPHER L—HHC, 1-293D INF; SPC CHAPMAN ANTHONY—HHC, 1-293D INF.

SPC CLINE JOHNATHON J—HHC, 1-293D INF; SSG CLOUSE MICHAEL P—HHC, 1-293D INF; SPC COFFING WALTER E—HHC, 1-293D INF; SGT COLLINS JEFFREY A—HHC, 1-293D INF; PFC COREY ROBERT D—HHC, 1-293D INF; SFC COUCH RANDY L—HHC, 1-293D INF; SPC CRAWFORD MATTHEW L—HHC, 1-293D INF; SPC CREEK GREGORY E—HHC, 1-293D INF; SPC DAVIS CHARLES R—HHC, 1-293D INF; SPC DAVIS KEVIN D—HHC, 1-293D INF; CPT DENBY TIMOTHY W—HHC, 1-293D INF; LTC DENTON IVAN E—HHC, 1-293D INF; CPT DERUE ERIC A—HHC, 1-293D INF; SPC DONAHUE MICHAEL P—HHC, 1-293D INF; SFC DUNCAN JEFFREY W—HHC, 1-293D INF; SPC DUNKERLEY RICK A—HHC, 1-293D INF; SPC DUNN JOSEPH M—HHC, 1-293D INF; SGT ELKINS WILLIAM R—HHC, 1-293D INF; SFC ELLENBERGER SCOTT B—HHC, 1-293D INF; SPC ENLOW DANIEL E—HHC, 1-293D INF; SPC EREXSON ERIC L—HHC, 1-293D INF; CPT FANTOZZI RICHARD K—HHC, 1-293D INF; SGT FOSTER MATTHEW C—HHC, 1-293D INF; SPC FRAUIGER BRIAN F—HHC, 1-293D INF; SGT GAWLIK HENRY C—HHC, 1-293D INF; PV2 GEISLEMAN TERRY A—HHC, 1-293D INF; SPC GIBSON GEOFFREY V—HHC, 1-293D INF.

SPC GIBSON RICKY A—HHC, 1-293D INF; SPC GILLESPIE LORNE K—HHC, 1-293D INF; MSG GISEL TOMMY L—HHC, 1-293D INF; SPC GONZALEZ ROBERTO J—HHC, 1-293D INF; SPC GOSNELL DALE E—HHC, 1-293D INF; SPC GRAHAM DAVID K—HHC, 1-293D INF; SGT GRESHAM JAMES P—HHC, 1-293D INF; SPC GRISWOLD WILLIAM L—HHC, 1-293D INF; SFC GUSTAFSON CHRISTOPHER—HHC, 1-293D INF; SPC HABEGGER DENNIS M—HHC, 1-293D INF; SGT HAGER BRIAN D—HHC, 1-293D INF; SPC HALL MATTHEW J—HHC, 1-2930 INF; SGT HAVILAND THOMAS D—HHC, 1-293D INF; SSG HELBLIG WILLIAM E—HHC, 1-293D INF; 2LT HENSEL JAMES D—HHC, 1-293D INF; SPC HENTZELL BRIAN E—HHC, 1-293D INF; SPC HERSHBERGER JERRY A—HHC, 1-293D INF; SPC HESS BRANDON M—HHC, 1-293D INF; SPC HESS CHRISTOPHER A—HHC, 1-2930 INF; SPC HILGER PAUL H—HHC, 1-293D INF; SPC HINEN SHAWN W—HHC, 1-293D INF; PFC HOAG RICHARD C—HHC, 1-293D INF; SGT HOEPPNER KEVIN D—HHC, 1-293D INF; SPC HOFFMAN MICHAEL D—HHC, 1-2930 INF; PFC HOLCOMB NICHOLAS R—HHC, 1-293D INF; SPC HOOVER SCOT A—HHC, 1-293D INF; SGT HYNDMAN GREG E—HHC, 1-293D INF; SGT JEFFREY JOSHUA R—HHC, 1-293D INF; SPC JENNINGS KEVIN L—HHC, 1-293D INF; SPC JOHNSON COREY D—HHC, 1-2930 INF; SPC JORDAN STEVEN H—HHC, 1-293D INF.

1LT KAUTSKY RONALD S—HHC, 1-293D INF; SPC KELLER BENJAMIN L—HHC, 1-293D INF; SPC KELLER ISAAC D—HHC, 1-293D INF; SPC KENNEDY JOSHUA J—HHC, 1-293D INF; SPC KINSEY MATTHEW L—HHC, 1-2930 INF; SPC KLOSOWSKI STANLEY—HHC, 1-293D INF; SSG KOBELJA NICHOLAS C—HHC, 1-293D INF; SPC KREIDER ALROY E—HHC, 1-293D INF; SPC LANGIN JOHN P—HHC, 1-293D INF; PFC LATTI JOHN J—HHC, 1-293D INF; SSG LEHMAN CRAIG L—HHC, 1-293D INF; SPC LEMMON JEFFREY A—HHC, 1-293D INF; SPC LEWIS ANTHONY E—HHC, 1-293D INF; PV2 LEWIS NEIL C—HHC, 1-293D INF; SGT LIGHT GREG A—HHC, 1-293D INF; CPT LIPINSKI RONALD A—HHC, 1-2930 INF; SFC LITCHEFIELD DAVID A—HHC, 1-293D INF; SPC LITTRELL PAUL A—HHC, 1-293D INF; SPC LUNG SCOTTIE W—HHC, 1-293D INF; SPC LYNCH BRUCE D—HHC, 1-293D INF; SFC MACGREGOR SCOTT D—HHC, 1-293D INF; SPC MACK JUSTIN T—HHC, 1-2930 INF.

SGT MADDOX DAVID L—HHC, 1-293D INF; 1LT MALONE BRUCE W—HHC, 1-293D

INF; SGT MARSHALL JAMES B—HHC, 1-293D INF; SPC MARTIN ROCKY E—HHC, 1-2930 INF; SPC MCCLELLAN DAVID A—HHC, 1-293D INF; SPC MCCLELLAN MATTHEW J—HHC, 1-293D INF; PVT MELVIN LEE R—HHC, 1-293D INF; SPC MEYER STEVEN E—HHC, 1-293D INF; SPC MIDDAGH SEAN A—HHC, 1-293D INF; SFC MITCHELL JON E—HHC, 1-293D INF; SPC MORGAN DEWAYNE L—HHC, 1-293D INF; SPC MURPHY BRIAN L—HHC, 1-293D INF; CPT NEDZA DONALD E—HHC, 1-293D INF; SPC NICCUM MITCHELL A—HHC, 1-293D INF; SPC NUCKOLS LARRY M—HHC, 1-293D INF; SPC OLIVER WADE E—HHC, 1-293D INF; SGT ORTIZ FLORENCE R—HHC, 1-293D INF; SGT OSBORNE DAVID R—HHC, 1-293D INF; SPC PAPPE CLIFFORD R—HHC, 1-293D INF.

SGT PASKINS HAROLD D—HHC, 1-293D INF; SPC PASKO JASON P—HHC, 1-293D INF; SSG PESENECKER THOMAS J—HHC, 1-293D INF; SPC PETERSON RANDAL E—HHC, 1-293D INF; SSG PIEPENBRINK JOSEPH C—HHC, 1-293D INF; SGT PLANK JEFFREY P—HHC, 1-293D INF; SSG PLATTER MICHAEL J—HHC, 1-293D INF; PV2 PORTER VINCENT A—HHC, 1-293D INF; SPC POWELL RICHARD W—HHC, 1-293D INF; 2LT RAPP DOUGLAS C—HHC, 1-293D INF; SPC RASOR BRIAN A—HHC, 1-293D INF; SPC RICKETTS JEMATEUS J—HHC, 1-293D INF; SPC ROBINSON TIM D—HHC, 1-293D INF; PFC ROLLINS JESSE H—HHC, 1-293D INF; SGT ROSS JOHN A—HHC, 1-293D INF; CSM RUNGE JOHN M—HHC, 1-293D INF; CPT RUSSELL WESLEY A—HHC, 1-293D INF; SGT SALEMINK CHRISTOPHER—HHC, 1-293D INF; SPC SHEARER JEREMY B—HHC, 1-293D INF; SSG SHERMAN MATTHEW H—HHC, 1-293D INF; SPC SHODA MATHEW A—HHC, 1-293D INF; SPC SIMPSON PETER J—HHC, 1-293D INF; PFC SISK SHAWN A—HHC, 1-293D INF; SPC SLAGLE RYAN G—HHC, 1-293D INF.

SGT SMITHLEY KENNETH R—HHC, 1-293D INF; 1LT SNYDER BRADLEY J—HHC, 1-293D INF; SPC SPURGEON DANNY J—HHC, 1-293D INF; SGM STAFFORD MICHAEL W—HHC, 1-293D INF; SPC STEPHENSON ADAM K—HHC, 1-293D INF; SGT STONER JASON R—HHC, 1-293D INF; PFC STOPPENHAGEN JOSHUA W—HHC, 1-293D INF; PV2 SUMMERS MARCUS—HHC, 1-293D INF; SPC SWIHART TIMOTHY A—HHC, 1-293D INF; PVT TACKER PAUL J—HHC, 1-293D INF; SPC THOMAS CHRISTOPHER D—HHC, 1-293D INF; SPC THOMAS GRANT H—HHC, 1-293D INF; SGT THOMAS KEVIN J—HHC, 1-293D INF; 1LT THOMPSON LYNN J—HHC, 1-293D INF; SPC THOMPSON MATTHEW J—HHC, 1-293D INF; SPC TODD CHRISTOPHER M—HHC, 1-293D INF; PFC TOLLE BRYAN N—HHC, 1-293D INF; MSG URIDGE LAURENCE T—HHC, 1-293D INF; LTC VILLARRUEL LUIS L—HHC, 1-293D INF; SGT VOLLEN DREW A—HHC, 1-293D INF; SPC WADE GLENN P—HHC, 1-293D INF; SPC WALTERS BUTCH L—HHC, 1-293D INF.

SGT WEBER MICHAEL L—HHC, 1-293D INF; SPC WEBSTER JOHN W—HHC, 1-293D INF; SGT WEINLEY ROBERT E—HHC, 1-293D INF; PFC WELCH CHRISTOPHER R—HHC, 1-293D INF; SGT WELLS MICHAEL E—HHC, 1-293D INF; SPC WELTY JUSTIN—HHC, 1-293D INF; PFC WENTLAND KYLE K—HHC, 1-293D INF; MAJ WESTFALL RONALD A—HHC, 1-293D INF; SPC WHANNEL RUSSELL S—HHC, 1-293D INF; SGT WHITE ARDONUS L—HHC, 1-293D INF; SPC WHITE SHAUN P—HHC, 1-293D INF; 1SG WILCOXEN LELAND G—HHC, 1-293D INF; SPC WILDER ALEXANDER M—HHC, 1-293D INF; SPC WILSON NATHAN S—HHC, 1-293D INF; PV2 WOLFE JACOB D—HHC, 1-293D INF; PFC WOOD CLINTON J—HHC, 1-293D INF; SPC WOOD PATRICK S—HHC, 1-293D

INF; SPC YODER GREGORY J—HHC, 1-293D  
INF; SPC YOUNG JAMES M—HHC, 1-293D  
INF; SPC YOUNG MICHAEL D—HHC, 1-293D  
INF; SGT ZELL BENJAMIN L—HHC, 1-293D  
INF.

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PERSONAL EXPLANATION

**HON. CHARLES A. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 576, 577, 578, and 579, had I been present, I would have voted "yea" on all four.

BREAST CANCER AWARENESS  
MONTH

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, October 30, 2003*

Mr. ROSS. Mr. Speaker, October is National Breast Cancer Awareness month, and as this month comes to an end, it is important for us to reflect upon the progress we have made toward defeating this illness.

An increased awareness of the steps necessary to defeat breast cancer, including mammography screenings, has led to early detection and higher survival rates.

However, we still have a long way to go. This year nearly 40,000 women will die of breast cancer, and over 211,000 new cases will be diagnosed.

Unfortunately, many of these cases will be diagnosed, and deaths will occur, in communities where access to advanced medicine is limited.

Congress's commitment to increasing the funding for cancer prevention and early detection is helping us battle this disease. Today we can be proud of the advancements we have made. But we must continue our commitment to defeating breast cancer by raising the public's awareness, expanding health care screenings to include all women, and continuing to fund the research necessary to fight this disease.

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S13699–S13749*

**Measures Introduced:** Seven bills and one resolution were introduced, as follows: S. 1805–1811, and S. Res. 256. **Page S13711**

**Measures Passed:**

***Ocean Observation and Coastal System Act:*** Senate passed S. 1400, to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, after agreeing to the committee amendment in the nature of a substitute. **Pages S13735–39**

***John F. Kennedy Center Authorization:*** Senate passed S. 1757, to amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, after agreeing to the committee amendment. **Pages S13739–40**

***Captive Wildlife Safety Act:*** Senate passed S. 269, to amend the Lacey Act Amendments of 1981 to further the conservation of certain wildlife species, after agreeing to the committee amendments. **Page S13740**

***Marine Turtle Conservation Act:*** Senate passed S. 1210, to assist in the conservation of marine turtles and the nesting habitats of marine turtles in foreign countries. **Pages S13741–42**

***Social Security Act Technical Corrections:*** Senate passed H.R. 3288, to amend title XXI of the Social Security Act to make technical corrections with respect to the definition of qualifying State, clearing the measure for the President. **Page S13742**

***Veterans Day Founding City Declaration:*** Committee on Veterans Affairs was discharged from further consideration of H. Con. Res. 159, declaring Emporia, Kansas, to be the founding city of the Veterans Day holiday and recognizing the contributions of Alvin J. King and Representative Ed Rees to the

enactment into law of the observance of Veterans Day, and the resolution was then agreed to. **Pages S13742–43**

***VA Survivor Benefits:*** Senate passed S. 1132, to amend title 38, United States Code, to improve and enhance certain benefits for survivors of veterans, after agreeing to the committee amendment in the nature of a substitute. **Pages S13743–49**

***Foreign Operations Appropriations Act—Agreement:*** A unanimous-consent agreement was reached providing that the October 28, 2003 agreement of the following amendments to H.R. 2800, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, be vitiated: **Page S13734**

Allard Further Modified Amendment No. 1995, to limit international military education and training funds from being made available for Indonesia. **Page S13734**

Reid (for Feingold) Amendment No. 2004, to encourage the Government of Indonesia to meet the D1180 conditions necessary for the normalization of military relations with the United States. **Page S13734**

***Nominations Confirmed:*** Senate confirmed the following nominations:

Naomi Churchill Earp, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2005.

Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2008. (Reappointment)

Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission for a term expiring July 1, 2007.

***Nominations Received:*** Senate received the following nomination:

Walter D. Kelley, Jr., of Virginia, to be United States District Judge for the Eastern District of Virginia.

***Nominations Discharged:*** The following nominations were discharged from further committee consideration and placed on the Executive Calendar:



Paul S. DeGregorio, of Missouri, to be a Member of the Election Assistance Commission for a term of two years. (New Position), which was sent to the Senate on October 3, 2003, from the Senate Committee on Rules and Administration.

Gracia M. Hillman, of the District of Columbia, to be a Member of the Election Assistance Commission for a term of two years. (New Position), which was sent to the Senate on October 3, 2003, from the Senate Committee on Rules and Administration.

Raymundo Martinez III, of Texas, to be a Member of the Election Assistance Commission for a term of four years. (New Position), which was sent to the Senate on October 3, 2003, from the Senate Committee on Rules and Administration.

Deforest B. Soaries, Jr., of New Jersey, to be a Member of the Election Assistance Commission for a term of four years. (New Position), which was sent to the Senate on October 3, 2003, from the Senate Committee on Rules and Administration.

Page S13749

Messages From the House: Page S13709

Measures Read First Time: Page S13709

Executive Communications: Pages S13709–11

Additional Cosponsors: Page S13711

Statements on Introduced Bills/Resolutions: Pages S13711–19

Additional Statements: Pages S13708–09

**Adjournment:** Senate met at 10 a.m., and adjourned at 12:34 p.m., until 11 a.m., on Monday, November 3, 2003. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13749.)

## Committee Meetings

(Committees not listed did not meet)

### TRANSNATIONAL CRIME AND CORRUPTION

*Committee on Foreign Relations:* on Thursday, October 30, 2003, Subcommittee on European Affairs concluded a hearing to examine combating transnational crime and corruption in Europe, focusing on law enforcement working groups, mutual legal assistance treaties, and money laundering, after receiving testimony from Steven Pifer, Deputy Assistant Secretary for the Bureau of European and Eurasian Affairs, and Steven Schrage, Deputy Assistant Secretary for International Narcotics and Law Enforcement Affairs, both of the Department of State; Bruce C. Swartz, Deputy Assistant Attorney General, Criminal Division, and Grant D. Ashley, Assistant Director, Criminal Investigative Division, Federal Bureau of Investigation, both of the Department of Justice; Louise I. Shelley, American University Transnational Crime and Corruption Center, Washington, DC; and Rensselaer W. Lee III, Global Advisory Services, McLean, Virginia.

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# House of Representatives

## Chamber Action

The House was not in session today. It will meet at 12:30 p.m. on Tuesday, November 4 for morning hour debate.

## Committee Meetings

### U.S.-CHINA ECONOMIC RELATIONS

*Committee on Ways and Means:* Concluded hearings on United States-China Economic Relations and China's Role in the Global Economy. Testimony was heard from public witnesses.

### CONGRESSIONAL PROGRAM AHEAD

Week of November 3 through November 8, 2003

#### Senate Chamber

On *Monday* at 11 a.m., Senate will begin consideration of the conference report to accompany H.R. 3289, Emergency Supplemental Appropriations, Iraq and Afghanistan, and adopt the conference report at approximately 5 p.m.; following which, Senate will begin consideration of the conference report to accompany H.R. 2691, Interior Appropriations, with a vote on adoption of the conference report, following 60 minutes of debate.

No earlier than *Thursday*, Senate will begin consideration of S. 150, Internet Tax Non-discrimination Act.

During the balance of the week, Senate may consider any other cleared legislative and executive business, including appropriation bills, conference reports and certain nominations, when available.

### Senate Committees

*(Committee meetings are open unless otherwise indicated)*

*Committee on Banking, Housing, and Urban Affairs:* November 4, Subcommittee on International Trade and Finance, to resume hearings to examine financial reconstruction in Iraq, 2:30 p.m., SD-538.

November 5, Full Committee, to hold hearings to examine the state of the banking industry, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* November 4, to hold hearings to examine the nominations of Cheryl Feldman Halpern, of New Jersey, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Elizabeth Courtney, of Louisiana, to be a Member of the Board of Directors of the Corporation for Public Broadcasting, Jeffrey A. Rosen, of Virginia, to be General Counsel of the Department of Transportation, Kirk Van Tine, of Virginia, to be Deputy Secretary of Transportation, and Michael D. Gallagher, of Washington, to be Assistant Secretary of Commerce for Communications and Information, 9:30 a.m., SR-253.

November 5, Full Committee, to hold open and closed hearings to examine aviation security, 9:30 a.m., SR-253.

November 6, Full Committee, to hold hearings to examine the nominations of Floyd Hall, of New Jersey, Louis S. Thompson, of Maryland, and Robert L. Crandall, of Texas, each to be a Member of the Reform Board (Amtrak), 9:30 a.m., SR-253.

November 6, Subcommittee on Science, Technology, and Space, to hold hearings to examine lunar exploration, 2:30 p.m., SR-253.

*Committee on Foreign Relations:* November 4, to hold hearings to examine the nominations of William J. Hudson, of Virginia to be Ambassador to Tunisia, Margaret Scobey, of Tennessee, to be Ambassador to Syria, and Thomas Thomas Riley, of California, to be Ambassador to the Kingdom of Morocco, 9:30 a.m., SD-419.

November 4, Subcommittee on East Asian and Pacific Affairs, to hold hearings to examine the current situation in North Korea, 2:30 p.m., SD-419.

November 5, Full Committee, to hold hearings to examine the nominations of Marguerita Dianne Ragsdale, of Virginia, to be Ambassador to the Republic of Djibouti, Edward B. O'Donnell, Jr., of Tennessee, for the rank of Ambassador during his tenure of service as Special Envoy for Holocaust Issues, and Jon R. Purnell, of Massachusetts, to be Ambassador to Uzbekistan, 9 a.m., SD-419.

November 5, Full Committee, to hold hearings to examine the nominations of Mary Kramer, of Iowa, to be Ambassador to Barbados and to serve concurrently and without additional compensation as Ambassador to St. Kitts and Nevis, Saint Lucia, Antigua and Barbuda, the Commonwealth of Dominica, Grenada, and Saint Vincent and the Grenadines, Timothy John Dunn, of Illinois, for the rank of Ambassador during his tenure of service as

Deputy Permanent Representative to the Organization of American States, and James Curtis Struble, of California, to be Ambassador to Peru, 2:30 p.m., SD-419.

*Committee on Governmental Affairs:* November 3, Financial Management, the Budget, and International Security, to hold hearings to examine the extent and impact of alleged trading abuses in the mutual fund industry and regulatory reforms necessary to mitigate such practices in the future, 10:30 a.m., SD-342.

November 5, Full Committee, to hold hearings to examine the report of the Presidential Commission on the U.S. Postal Service, 2 p.m., SD-342.

November 6, Permanent Subcommittee on Investigations, to hold hearings to examine Department of Defense's improper use of first and business class airline travel, 2 p.m., SD-342.

*Committee on Health, Education, Labor, and Pensions:* November 4, Subcommittee on Substance Abuse and Mental Health Services, to hold hearings to examine report from the President's New Freedom Commission on mental health relating to recommendations to improve mental health care in America, 10 a.m., SD-430.

*Committee on Indian Affairs:* November 5, business meeting to consider pending calendar business, 11 a.m., SR-485.

*Committee on the Judiciary:* November 4, Subcommittee on Terrorism, Technology and Homeland Security, to hold hearings to examine database security, 10 a.m., SD-226.

*Select Committee on Intelligence:* November 6, to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH-219.

### House Chamber

To be announced.

### House Committees

*Committee on Agriculture,* November 5, Subcommittee on Livestock and Horticulture, hearing to review domestic policies affecting the specialty crop industry, 10 a.m., 1300 Longworth.

November 6, full Committee, to review the application for contract market designation of the United States Futures Exchange LLC before the Commodity Futures Trading Commission, 10 a.m., 1300 Longworth.

*Committee on Armed Services,* November 5, hearing on Sustaining Global Commitments: Implications for U.S. Forces, 10 a.m., 2118 Rayburn.

*Committee on Energy and Commerce,* November 5, Subcommittee on Oversight and Investigations, to continue hearings entitled "The Financial Collapse of HealthSouth," 10 a.m., 2123 Rayburn.

November 6, Subcommittee on Telecommunications and the Internet, hearing entitled "Computer Viruses: The Disease, the Detection, and the Prescription for Protection," 9:30 a.m., 2123 Rayburn.

*Committee on Financial Services,* November 4 and 6, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearings entitled "Mutual Funds: Who's Looking Out for Investors?" 10 a.m., 2128 Rayburn.

November 5, Subcommittee on Capital Markets, Insurance, and Government Sponsored Enterprises, hearing entitled "Reforming Insurance Regulation—Making the Marketplace More Competitive for Consumers," 2 p.m., 2128 Rayburn.

November 5, Subcommittee on Financial Institutions and Consumer Credit and the Subcommittee on Housing and Community Opportunity, joint hearing entitled "Protecting Homeowners: Preventing Abusive Lending While Preserving Access to Credit," 10 a.m., 2128 Rayburn.

*Committee on Government Reform*, November 6, to consider pending business, 1:30 p.m., 2154 Rayburn.

November 6, Subcommittee on National Security, Emerging Threats and International Relations and the Subcommittee on Technology, Information Policy, Inter-governmental Relations and the Census, joint hearing on "First Responder Interoperability: Can You Hear Me Now?" 10 a.m., 2154 Rayburn.

*Committee on International Relations*, November 5, Subcommittee on Western Hemisphere, hearing on the Case for a Social Investment Fund for the Americas, 2 p.m., 2172 Rayburn.

*Committee on Resources*, November 5, to mark up the following bills: H.R. 521, Steel Industry National Historic Site Act; H.R. 1798, Upper Housatonic Valley National Heritage Area Act; and H.R. 2693, Marine Mammal Protection Act Amendments of 2003, 10 a.m., 1324 Longworth.

*Committee on Rules*, November 4, to consider H.R. 1829, Federal Prison Industries Competition in contracting Act of 2003, 5 p.m., H-313 Capitol.

*Committee on Science*, November 5, Subcommittee on Environment, Technology, and Standards, hearing on Mercury Emissions: State of the Science and Technology, 2 p.m., 2318 Rayburn.

November 5, Subcommittee on Space and Aeronautics, hearing on H.R. 3245, Commercial Space Act of 2003, 10 a.m., 2318 Rayburn.

November 6, Subcommittee on Energy, hearing on "What are the Administration Priorities for Climate Change Technology?" 10 a.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, November 5, Subcommittee on Water Resources and Environment, oversight hearing on "Financing Port Infrastructure—Who Should Pay?" 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, November 6, Subcommittee on Human Resources, hearing to Examine Recent Failure to Protect Child Safety, 10 a.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, November 4, executive, briefing on Afghanistan Update, 1:30 p.m., H-405 Capitol.

November 5, hearing on "Building Capabilities: The Intelligence Community's National Security Requirements for Diversity of Languages, Skills, and Ethnic and Cultural Understanding," 9 a.m., 334 Cannon.

### Joint Meetings

*Joint Economic Committee*: November 5, to hold hearings relating to rethinking the tax code, 9:30 a.m., SD-628.

November 7, Full Committee, to hold joint hearings to examine the current employment situation, 9:30 a.m., SD-628.

*Next Meeting of the SENATE*

11 a.m., Monday, November 3

*Next Meeting of the HOUSE OF REPRESENTATIVES*

12:30 p.m., Tuesday, November 4

## Senate Chamber

**Program for Monday:** Senate will begin consideration of the conference report to accompany H.R. 3289, Emergency Supplemental Appropriations, Iraq and Afghanistan, and adopt the conference report at approximately 5 p.m.; following which, Senate will begin consideration of the conference report to accompany H.R. 2691, Interior Appropriations, with a vote on adoption of the conference report, to occur following 60 minutes of debate.

## House Chamber

**Program for Tuesday:** The House will meet at 12:30 p.m. on Tuesday, November 4 for morning hour debate.

## Extensions of Remarks, as inserted in this issue

## HOUSE

Acevedo-Vilá, Anibal, Puerto Rico, E2181  
Ackerman, Gary L., N.Y., E2180  
Biggert, Judy, Ill., E2182  
Bonner, Jo, Ala., E2179  
Bordallo, Madeleine Z., Guam, E2190  
Burgess, Michale C., Tex., E2191  
Burton, Dan, Ind., E2189  
Capito, Shelley Moore, W.Va., E2180  
Cummings, Elijah E., Md., E2182  
Davis, Danny K., Ill., E2200  
DeFazio, Peter A., Ore., E2184  
Duncan, John J., Jr., Tenn., E2189  
Edwards, Chet, Tex., E2200  
Emanuel, Rahm, Ill., E2198, E2199  
Filner, Bob, Calif., E2193  
Gonzalez, Charles A., Tex., E2204  
Gutierrez, Luis V., Ill., E2183  
Hastings, Alcee L., Fla., E2184

Hinojosa, Rubén, Tex., E2192  
Hoyer, Steny H., Md., E2185  
Isakson, Johnny, Ga., E2191  
Jones, Stephanie Tubbs, Ohio, E2193  
Kanjorski, Paul E., Pa., E2182, E2191, E2191  
Kind, Ron, Wisc., E2181  
Lee, Barbara, Calif., E2183, E2194  
Lipinski, William O., Ill., E2193  
McCrery, Jim, La., E2190  
McInnis, Scott, Colo., E2186, E2187, E2188, E2190, E2190  
Majette, Denise L., Ga., E2200  
Meehan, Martin T., Mass., E2200  
Michaud, Michael H., Me., E2181  
Miller, George, Calif., E2195  
Ney, Robert W., Ohio, E2191  
Norton, Eleanor Holmes, D.C., E2196  
Ortiz, Solomon P., Tex., E2187, E2188  
Oxley, Michael G., Ohio, E2198  
Paul, Ron, Tex., E2187, E2188

Price, David E., N.C., E2183  
Rodriguez, Ciro D., Tex., E2185  
Ross, Mike, Ark., E2204  
Roybal-Allard, Lucille, Calif., E2194  
Ruppersberger, C.A. Dutch, Md., E2196  
Schiff, Adam B., Calif., E2184  
Slaughter, Louise McIntosh, N.Y., E2183, E2185  
Smith, Christopher H., N.J., E2185  
Solis, Hilda L., Calif., E2186, E2187, E2198, E2199  
Souder, Mark E., Ind., E2201  
Stark, Fortney Pete, Calif., E2184, E2194  
Tiahrt, Todd, Kans., E2180  
Udall, Mark, Colo., E2197  
Vitter, David, La., E2180  
Waxman, Henry A., Calif., E2192  
Weldon, Curt, Pa., E2182  
Wu, David, Ore., E2184  
Young, Don, Alaska, E2189



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