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.

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
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 betrayed people 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 town for important events such as people's birthdays and events of that nature, we have to really move forward. I say that actually recognizes the President 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.

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 be 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 appropriate bills, the many conference reports that we are waiting for, the very important conference in terms of energy and Medicare, which is underway.

It is important 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 give that forward a week. We intend to finish that next week, and it is critical we do so.

It is important for our colleagues to understand 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 be recognized. That is the way difficult decisions are made. 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 the 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 terror 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 behind we get? 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 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 goodwill 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. 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 American one. So Iraqis can liberate their own bad apples), we will withdraw

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 intent 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 by 2004, is being created to provide security at coalition military units to 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 the national police force—a 5,000-odd battalions of 750 soldiers has been started, I open to arguments that this approach of 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—he called that army for that reason 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, in its final findings, the Woking Group concluded that “in any event we think it necessary to keep the basic structure of the army, which can be easily rehabilitated. . . . That mid officer 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 what was done 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 old Iraqi army are located. They came for those payments, and we know how to locate them, so why 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 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 better to use those disbanded Iraqi army units to 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 police were acting to restore security in Iraq and dealing with those who would seek to disrupt it?

The Governing Council President thinks so. With 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.)

I thank 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 existing units of the army 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 making 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 how 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 do that? I don’t think it would. 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 will consult with the Iraqi Governing Council, seek their recommendations on this issue, and not only solicit their recommendations but seriously consider ways to formulategan integrated and comprehensive plan to move more quickly to involve Iraqis in their own security and in their overall governance.

EXHIBIT 1

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 this goal is achieved, the U.S. administration has challenged me and my colleagues on the Iraqi Governing Council to draft a permanent constitution within six months. This job, as quickly as possible, will hold internationally monitored, free elections. We gladly accept that challenge, and welcome the vital assistance of the United Nations, which the U.S. is doing is enough and what else must be done? And, ultimately, for reinstallation. Most soldiers and their officers will proudly return to their units and contribute to their country’s future.

By supporting the recall of army units, the United States would not only speed the process of retaining its troops, it would also gain substantial goodwill in Iraq. In contrast, any American-led military presence, even if complemented by the United Nations, will forever stain and legitimacy that 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.

Finally, as security improves, Iraqi institutions are re-established and the constitutional drafting process is completed, the United States should support international reintegration of the country. And it is.

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, reinstalled government and cultural institutions, and re-establish the country. America must not rebuff Iraqis who are eager to have a stake in this intimate national endeavor. We want to ensure that we are in control of our own destiny.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDENT. 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 PRESIDENT. 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 life 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 remembered about Brett is 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 Brett 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, as a young child, Brett at a very early age and ended up 2 years ahead in school. As his brother Sloan ated Richmond Heights High School buddy, Jonathan Wilke.

Brett completed his GED and decided to enlist in the U.S. Army. Brett’s mom 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, which 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 perhaps the 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 into 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 August 7, 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. Brett’s eyes spoke with emotion. They were bright and welcoming.

At a memorial service for Brett in Ohio, Pastor Dickman 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.

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 the 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 was in 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 made a difference.

Brett’s family—his mother Tess; his brothers Derek and Sloan; his grandparents—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 from 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:


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 point of view and the Washington Times does not.

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


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 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, and 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 hang his hat.

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 keep more 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 those major purchases. But 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, considering 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 that. We 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 7.3 percent GDP number. Business investment grew at 111 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 future 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 in at 7.3 percent, a quarter strong positive to be as at 7.4 percent, and then see the next quarter come in at 111, 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 empty. And 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 stronger.

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 they not only took everything we could produce but they reduced inventories. They are expected to go down 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. How much growth 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, 7.3 percent increase in business investment, substantially more than anybody had anticipated; 111 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 a very good profile of a recovery that is very robust.

What caused this recovery? Certainly, one can say it was due. Certainly 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 took a while for the excesses to work 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 current 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 that 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 is a gift that we are 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 Bush tax cuts 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 that; it is irresponsible; we cannot possibly do this.

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 $455 billion. So we might end 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 as they come 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 essentially a zero number—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 $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. It is a nice 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 it, it is essentially a zero number—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.

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. The economy 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 Mr. 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.

Mr. CHAFFEE. The clerk will 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 the work 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 basic spending 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 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, was 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 by both sides and on the floor of the Senate. We were able to vitiate cloture and we were able to give him an up-down vote, which I would like to see more of in other nominations, and we will continue to fight for that. Michael Leavitt, our Administrator, got that up-down vote. That stresses the importance of having that sort of process of an up-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 with that 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 leadership, General 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 agreed to it, 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 the inclusion of 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 ensure that the 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 PRESIDENT OF THE SENATE. The clerk will call the roll.

Mr. MCDONNELL. Mr. President, I ask unanimous consent that the order for the roll call be rescinded.

The PRESIDENT OF THE SENATE. 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 checkpoint. 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 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 reinstate 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 Department 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. INOUYE. Mr. President, I would like to share with my colleagues a fascinating article by 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:

UNDERAPPRECIATED VICTORY

(By James Schlesinger)

As we honor those who turned the tide of World War II over six decades 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 in the war for 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 battle; it was 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 to the United States of America. It was Britain, as Churchill knew, who had special providence for fools, drunkards, and the United States of America. The Japanese offensive had been blunted. The Japanese had swept through the Malay Peninsula from French Indochina, and on 15 February 1942, they landed in the Netherlands East Indies. The Dutch East Indies 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 threat that Japan posed 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, and sheer good luck, the apparently inferior U.S. forces were victorious. This victory occurred despite inferior aircraft, ineffective with comparable losses elsewhere. In a subsequence of all the Democratic congressional candidates, the principal reason for the debacle of ‘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 overwhelming force at the Battle of Midway, 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 outposts of Bataan and Corregidor. The Japanese had swept through the Malay Peninsula from French Indochina, and on 15 February 1942, they landed in the Netherlands East Indies. The Dutch East Indies 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 threat that Japan posed 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.

...
Cairo and the Suez Canal, President Roose-
velt thus could accommodate the some-
what distraught Churchill's request for 300 of
the new Sherman tanks to bolster the de-
defensive posture in North Africa, ultimately
leading to the victory at El Alamein. The Battle
of the Atlantic gradually turned with the
steady improvement in antisubmarine war-
fare, contrary to the dire predictions of the
U.S. Navy itself. The Navy (take no offense)
and the U.S. military, thus, had been largely
successful in preventing the German and
African forces from having a major impact.

The victories at Midway, however, had been
more important to the outcome of operations
in the Pacific than at any other point during
the war. The Battle of Midway had led to
the destruction of the Japanese carrier
forces in the region, which in turn allowed
U.S. forces to dominate the Pacific Ocean.
Moreover, the Battle of Midway had a
profound impact on the morale of the
Japanese people and their military leaders,
leading them to question their strategy and
future prospects in the war. The battle also
had a significant psychological impact,
shaping the course of the war in the Pacific
region and ultimately leading to the
Japanese decision to surrender.

The Battle of Midway is remembered as
one of the greatest victories of the war and
is often cited as the turning point in the
Pacific War. It had a profound impact on the
dynamics of the war in the Pacific and
had far-reaching consequences for other
battles and the outcome of the war.

The Battle of Midway was fought on June
4, 1942, between the United States and
Japan. The battle was fought in the
midst of the Pacific War, as both nations
were engaged in a bitter struggle for
control of the region. The battle was
fought near the island of Midway Atoll
in the central Pacific Ocean.

The battle was fought between the
United States Navy and the Japanese
Navy. The battle was fought between
the American fleet under the command
of Vice Admiral William Halsey and the
Japanese fleet under the command of
Admiral Isoroku Yamamoto.

The American fleet had been
beaten back at the battle of the
Corallines in March 1942, and
Halsey was determined to
score a major victory to
demonstrate the
American fleet's
ability to
fight.

The battle began on
the morning of June
4 and lasted until
the evening of June
5. The battle was
fought in
conditions of
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fog and
a
violent
rainstorm,
making it
difficult for
the
fighters to
see and
hit their
targets.

Despite
these
challenges,
the American fleet
sank four Japanese
carriers, along with
several other ships
and aircraft. The battle
was a major victory for
the United States, as
it had inflicted
significant losses on
the Japanese fleet.

The victory at Midway
had a profound impact
on the Pacific War,
as it marked a turning
point in the battle for
control of the Pacific
Ocean. The battle had
a major psychological
impact on both the
United States and
Japan, and it helped
solidify the United
States' position as the
dominant power in the
region. The battle also
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of the war, as it
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CRAIG (S. 1239), and GRAHAM of Florida
produced by Senators MURRAY (S. 517),
referred to the committee for consider-
number of other measures which were
members approved the addition of a
proposed increase in DIC benefits for
former prisoners of war;
many incarcerated veterans, including a
broad group that qualified for service-
related benefits in cases where the
widow has not remarried. The bill, as
introduced, would have 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-affected 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,
fortunately, too costly to proceed
with at this time. I am pleased, as well,
that the committee 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 administra-
tion-requested legislation (S. 1213) to
increase benefits afforded to Filipinos
who fought alongside U.S. troops in
World War II;
Provisions derived from administra-
tion-requested legislation (S. 1133) to
increase benefits afforded to service
members whose deaths are service-
related, life insurance, and State
memorial 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. 13708 as an amendment, 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' worth of 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 with a focus on quality, 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 central 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 health 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 believe their work and accomplishments are inspirational for others, and I wish to commend and impart my highest respect 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 one of the nation's most respected advocates for the agricultural community, 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.

She began 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 the food industry, which 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 that the food Americans eat is safe, abundant and affordable, I am proud to acknowledge the work of Dr. Martha Rhodes Roberts.

MESSAGE FROM THE HOUSE

At 10:03 a.m., a message from the House Representatives, delivered by Mr. Hays, on 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.

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

- H.R. 1510. An act to redesignate the facility of the United States Postal Service located at 120 East Ritchie Avenue in Marcelline, Missouri, as the “Walt Disney Post Office Building”.
- H.R. 1822. 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 1801 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 1201 Alamo Street in McAllen, Texas, 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. 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”.
- H.R. 2811. 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).

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, Boston, MA” (MM Doc. No. 02-83) 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 73.622(b), Table of Allotments, DTV 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 (Wapannucka, OK, Comanche, TX, Hollis, OK, Santa Anna, TX, Moorer, TX, Utica, TX, Jasper, TX, Taos, NM, McComb, Alcorn, and Hamlin, TX)” (MM Doc. No. 01-181) 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 (Buffalo, OK)” (MM Doc. No. 02-199) 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 (Auburn, Northport, Tuscaloosa, Camp Hill, Gardendale, Homewood, Birmingham, Dadeville, Orville, Goodwater, Pine Junction, Emerson, and Trumann, AL)” (MM Doc. No. 01-104) 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. 02-192) 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 (Othello and Basin City, Washington)” (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 (Orange, Midlothian, and South Hill, VA and Reidsville, NC)” (MB Doc. No. 19-19) 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 (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-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)” (MM Doc. No. 02-225) 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 (Broken Bow, OK)” (MM 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 (Saint Joseph, Clayton, Ruston, and Wisner, LA)” (MB Doc. No. 02-19) 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 (Caddo and Oak Grove, KY)” (MB Doc. No. 02-192) 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 (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-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)” (MM 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 (Broken Bow, OK)” (MM Doc. No. 02-225) 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 (Jackson, Virginia and Gary, West Virginia)” (MB Doc. No. 02-336) 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 (Broken Bow, OK)” (MB Doc. No. 02-19) 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 (Broken Bow, OK)” (MB Doc. No. 02-19) 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 (Broken Bow, OK)” (MB Doc. No. 02-19) 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 (Broken Bow, OK)” (MB Doc. No. 02-19) received on October 30, 2003; to the Committee on Commerce, Science, and Transportation.
The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred, or acted upon, as indicated:

By Mr. DASCHLE (for Mr. EDWARDS):

S. 1807. A bill to amend the Public Health Service Act to improve treatment for mental illness, abuse and neglect of 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 mental illness, abuse and neglect of 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. 1811. A bill to expand research for women in trauma; to the Committee on Health, Education, Labor, and Pensions.

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.

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.

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. S. GLOTT, 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.

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.

S. 1810. A bill to amend the Public Health Service Act to improve treatment for mental illness, abuse and neglect of women and children who have been victims of domestic or sexual violence; to the Committee on Health, Education, Labor, and Pensions.

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

STATUTES 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. 1246. A bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1246. A bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 1383. A bill to establish new special immigrant categories.

S. 1246. A bill to provide for homeland security grant coordination and simplification, and for other purposes.

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

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

S. 1246. A bill to provide for homeland security grant coordination and simplification, and for other purposes.
On October 30, 2003, 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 4mm ammunition. The court, however, returned on an immigration charge—illegally overstaying his student visa since 1998.

Asrar was arrested after an anonymous informant told authorities that Asrar had asked him whether he would smuggle him 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 submachine gun, an Uzi 9 5 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 surveillance and investigation. 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 to 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 told a federal judge that 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-Reddit 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 must now 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 gun show employee. The bill defines a gun show in a fair and rational way.

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 do not sell, the majority of gun shows 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. We would like to get that 95 percent, usually 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. In other words, we now have a viable instant check system. 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.

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 25,000 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 any firearm purchase. 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 licensed sellers make up one quarter 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.

The Brady Act is a Federal law that establishes in the United States Constitution that we have a right to own guns, but we have responsibilities. We have 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 out of the hands of criminals and out of the hand of kids. It is a good policy—and 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 hands of criminals 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 existing Brady law, when a purchaser buys a gun from a licensed dealer, he or she must undergo a background check through the Federal Government'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 firearm. If it does not receive a 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—Congress is assisting 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 Georgia 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 11, Members of Congress have learned 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. President, I am proud to join Senators McCaIN, LIEBERMAN and REED for also sponsoring this common sense piece of legislation we introduce today. It is another important step in the fight to reduce the illegal and often fatal use of firearms. It is a good bill—an important bill.
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 who buy 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 and buy 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 anyone “making 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, anyone 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 non-FFLs, who 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 able 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, in response 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 by showing that 95 percent of the records that would disqualify people in that State 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 its records in order to make a 24-hour check.

One 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 the fundamentals. 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. 1890. A bill to provide 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 reintroduce 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 to emphasize on industrial and technical education. Unfortunately, these ‘land-grant’ schools were only for men, leaving women untrained as they entered the expanded workforce. 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 women’s colleges or universities. 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 institutions. These institutions 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 authorize Federal support to preserve and maintain these buildings through funding provided by the Federal Government. The legislation would provide $14 million per year, beginning in fiscal year 2004, through 2008, for the seven institutions identified above. Funds from this legislation would be used to match Federal funds on a 1:1 basis.

The seven historically women’s public colleges and universities listed above are:

• University of the South, Sewanee, Tennessee
• Barnard College, New York, New York
• Bryn Mawr College, Bryn Mawr, Pennsylvania
• Smith College, Northampton, Massachusetts
• Vassar College, Poughkeepsie, New York
• Wellesley College, Wellesley, Massachusetts
• Wellesley College, Wellesley, Massachusetts

The seven institutions were established to provide women of the South and Midwest the opportunity to obtain a quality education. The seven institutions were established to provide women of the South and Midwest the opportunity to obtain a quality education. The legislation would authorize Federal support for the preservation and restoration of these institutions, which are an important part of diverse educational opportunities for women.

Mr. President, I urge my colleagues to support this legislation, which would provide Federal support for the preservation and restoration of these seven institutions that are an important part of diverse educational opportunities for women.
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 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


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 United Nations Command and the Republic of Korea have been instrumental in securing peace on the Korean peninsula and providing an environment in which the Republic of Korea has become 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 logistical 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;

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 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 already sent 700 military engineers and medical personal 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 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 and other countries have worked diplomatically to express concern and to rein in the developments.

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 preparing to provide security assistance 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, 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 assistance. I note there is some dispute 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, but a pittance against the more than 600,000 tons 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 North Korean aid we have been 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 think 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 on our side. 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 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 spent fuel rods, and 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 with 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 of the United States and 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 guarantee North Korea will not export in any crisis. Moreover, we have no weapon and prove the viability of its continuing to engage the Chinese and on the same page with our South Korean Peninsula, are reported below.

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 by the United States could result in 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 remarks.

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 inescapable 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 reengage the six-party 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 influence of other major nations in the world, including China, Russia, South Korea, Japan, and the United States as to what we consider to be appropriate 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.
the point that such efforts are tangible proof that the United States has no hostile intent toward North Korea. SFR C staff strongly advised DPRK officials that they should permit greater access for food aid surveyors under the auspices of the World Food Program and various non-governmental organizations. The delegation pressed DPRK officials to remove all illicit activities and to respect 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 rein in North Korea’s nuclear program, but DPRK officials left the talks uncoordinated. The United States is working hard to hold the North at the negotiating table, but the talks are facing obstacles.

**DISCUSSION**

North Korea isolated . . .

Over the course of three days in North Korea, the staff delegation found DPRK officials to be clearly the “five against one.” In both formal meetings and informal settings, DPRK officials described the Beijing talks as “pointless” and cast doubt upon whether they 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 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 were 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 decision to enhance its nuclear weapons capabilities would be viewed by the United States as a grave threat to international peace and security and by others as a hostile act. The delegation urged the DPRK to proceed with multilateral 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 would be “equally prepared for dialogue and for a war.” This statement represented a slight softening of the stance articulated immediately after the Beijing talks, and it opened the door 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 process. It remains unclear what stance the DPRK will take at any future talks, and at what level they will remain non-committal in the DPRK is highly centralized, with Kim Jong-il wielding the ultimate authority. Junior level DPRK officials such as Kim Jong-un, 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 war of U.S. intentions

The difficult of communicating with the North Koreans was evident throughout the trip, which started better than expected, but highlighted the risk that conflict could arise from miscalculation or miscommunication. North Korean officials with whom we had contact clearly contributed to an overall political environment conducive to resolution of sensitive issues.

After extensive discussion with the delegation, Vice Foreign 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 Nampho, selling food and other small items. Additionally, the DPRK did not appear to be in a state of alert. More soldiers were armed than during our previous visits.

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, and alleged that the United States had trumped up the charges as part of a broader general campaign to “stifle” the DPRK.

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

The staff delegation met with the Flood Damage Rehabilitation Council (FDRC) director J ong Yun-hyong, who oversees agricultural reconstruction as well as food aid programs. The delegation explained to Yun that it as 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 Yun that the level of monitoring requested by WFP was consistent with international norms, and that the DPRK could at least permit donors to return to counties that were blocked in order to contribute to food aid if they did not have high confidence that the aid was reaching its intended recipients.

Food 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 food aid had greatly improved since food aid began to flow during the North Korea famine of the mid-1990s. Yun specifically cited the recent U.N. nutritional survey which reported that “security officials” had initially objected to the survey, but that FDRC officials had prevailed in an interagency 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 staff delegation to continue 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 Luck who re-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 were better provided for in outlying areas. This is an important step, both symbolically, and substantively.**

**Second, with the full knowledge and support of the North Korean authorities, WFP is conducting Korean language training for food aid personnel stationed inside the DPRK. The DPRK continues to object to WFP bringing in new Korean-speaking international monitors to the 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 at its offices located in Sinuiju, Wonson, 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 92% of 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 terrain of the country and along the DMZ (see attached map).

Finally, through its inspection visits, WFP is gathering the 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, the report requested by WFP officials—the WFP is essentially building its own list with each inspection visit.

NGO’s making contribution to welfare of aver-

Although WFP is the largest humanitarian organization working in North Korea, they are not the only international organization operating on the ground. The Village Wind Power Pilot Project made a point of visiting two humanitarian operations supported by U.S. non-governmental organizations; the Village Wind Power Project run by the Nautilus Institute (with significant financial support provided by the W. Alton Jones Foundation) and a tuberculosis treatment hospital and mobile clinic supported 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-DRPK Village Wind Power Pilot Project was the first attempt by a United States NGO to work side-by-side with North Korea on a development effort. Previously, non-governmental organizations had been limited by both Washington and Pyongyang to delivering food aid to North Korea, but 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 breadbasket for the Korean rice arable land and other natural resources, including steady breezes off the Korea Bay. The turbines provide clean, renewable energy for the village’s medical institute, kindergarten, and 67 households. In addition, a wind-powered water pump irrigates the village’s fields, and has significantly boosted deliveries to villagers. The combined generating capacity of the turbines is 11.5 kW.

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 standoffs that prevent visits by outside experts to North Korea are problematic for maintenance.

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 implications of military use of potentially sensitive meteorological information. Notwithstanding the sensitive nature of the data to be collected, DPRK officials believe the project makes sense, and believe that 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 have seen major overhaul before it could accommodate the introduction of 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 with North Korea to fight deadly diseases like tuberculosis (TB). Eugene Bell foundation currently coordinates the delivery of TB medication, diagnostic equipment, and other equipment to the North Korean population and approximately 50 North Korean treatment facilities (hospitals and clinics). 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 anti-Quated road network.

The delegation found the Eugene Bell project to be characterized by high standards of transparency and efficiency. The foundation estimates that as many as 16,000 patients have been treated, and is able to donate goods directly to recipients rather than through third parties or government intermediaries. The staff delegation was impressed with the skills, trained and highly motivated. They were deeply appreciative of the support they received 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 clinics 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 medical and diagnostic equipment, and has delivered approximately 1/3 of the North Korean population.

Joint recovery operations

One of the most pressing humanitarian issues in the DPRK is recovering the remains of U.S. servicemen from the Korean War. The United States and the Republic of Korea are working together to recover the remains of U.S. servicemen from the Korean War. Over 200 remains were found and returned to the United States. Just over 170 sets of remains have been recovered through the joint recovery operation.

The remains of U.S. servicemen from the Korean War are a source of significant controversy. Historical records can indicate likely search areas, but only eye evidence can pinpoint 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 for the remains of American soldiers. The remains are typically transported by sea.

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. 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 misinformation or mis-comprehension, the United States should enjoy greater 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 in negotiations 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.

Th e Staff Conclusions 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 operations.

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 Korea 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 Jinrong, First Secretary, Asian Department, Chinese Ministry of Foreign Affairs

In Seoul, South Korea
Piao Jiayi, 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

Visitors
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, Division of U.S.-European Studies, China Institute of Contemporary International Relations

Shi Yinhong, Director General, Center for American and Chinese Studies, Chinese Academy of Social Sciences
He Yafei, Director General, North American Department, Central Party School

Ruan Zongze, Vice President, China Institute of International Studies

S13718 CONGRESSIONAL RECORD—SENATE October 31, 2003
Healty 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, water-sheds, 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." be passed with the following amendments:

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 fuels reduction projects;

(2) to authorize grants to improve the commercial value of forest biomass (that otherwise contributes to the risk of catastrophic fire or insect or disease infestation) for producing electricity, 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 and other damaging agents on forest and rangeland health;

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

(7) to promote biological diversity; and

(8) 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. 1701)), 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).

TITe I—HAZARDOUS FUEL REDUCTION ON FEDERAL LAND

SEC. 101. DEFINITIONS.

The term "at-risk community" means an area—

(A) that is comprised of—

(i) an interface community as defined in the note specified "Wildland-Fire Interface Communities Within the Vicinity of Federal Lands That Are at High Risk From Wildfire" issued by...
(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;
(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.


(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 311(A) under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1976 (16 U.S.C. 1604); or
(B) a land use plan prepared for 1 or more units of the public land described in section 311(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 311(A) and the National Forest System in general; and
(B) the Secretary of the Interior, with respect to public lands described in section 311(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 effect-
(i) an area extending 11⁄2-mile from the boundary of an at-risk community;
(ii) an area extending more than 11⁄2-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 right of way, within 11⁄2-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 Sec-
retary determines, in cooperation with the at-risk community, requires hazardous fuel reduc-
tion 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 haz-
ardous fuel reduction projects, consistent with the Implementation Plan, on—
(A) Federal land in wildland-urban interface areas; and
(B) condition class 3 Federal land, in such proximity to a municipal water supply system or a stream feeding such a system in a munic-
ipal watershed that a significant risk exists that a fire disturbance event would have adverse effects on the water quality of the municipal water supply system or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;
(C) a condition class 2 Federal land located within fire regime I, fire regime II, or fire regime III, in such proximity to a municipal water sup-
ply 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 system or the maintenance of the system, including a risk to water quality posed by erosion following such a fire disturbance event;
(D) Federal land on which windthrow or blowdown, ice storm damage, or the existance of dis-
ees or insect infestation, poses a significant threat to an ecosystem component, or forest or rangeland resource, on the Federal land or adja-
cent private land.

(b) AUTHORIZED PROJECTS.—The term “authorized hazardous fuel reduction projec-

(c) ACREAGE LIMITATION.—Not more than a total of 200,000 acres of land on public land covered by the project.
(d) **EXCLUSION OF CERTAIN FEDERAL LAND.**—The Secretary may not conduct an authorized hazardous fuel reduction project that would occur on—

(1) 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.

(b) **O OLD G R owTH ST ANDS.**—(1) STANDS.—In this subsection and section (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" means an area of forest land that is—

(i) a stand of trees that reflect the conditions 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 for an area of Federal land, 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) STANDARDS.—In carrying out a covered project, the Secretary shall—

(A) maintain, or contribute to 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, including the large trees contributing to old growth structure.

(3) **NEWER STANDARDS.**—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; or

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

(iii) 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) during the applicable period described in subparagraph (A) for the standards for an old growth stand under a resource management plan, the Secretary shall—

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

(iii) revise the standards to be consistent with paragraph (2), if necessary to reflect relevant scientific information and as the Secretary considers in formulating the resource management plan.

(c) **REVIEW NOT COMPLETE.**—If the Secretary does not complete the review of the standards in accordance with subparagraph (B), during the applicable 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 the period.

(i) **BEGINNING ON THE TERMINATION OF THE APPLICABLE PERIOD FOR 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—

(i) 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

(ii) maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resistant stands and other eco-physical benefits of the purpose 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 impacts 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—

(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(s) adopted following the issuance of a monitoring report shall, to the maximum extent practicable, be consistent with any applicable recommendations in the report.

(3) **SIMILARITY OF ACTIONS.**—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.

(a) **MONITORING REPORTS.**—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 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.

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

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

(i) **Prioritization.**—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 consistent with community wildfire protection plans.

(c) **ADMINISTRATION.**—(1) **IN GENERAL.**—For 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 action in accordance with 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) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall not use less than 50 percent of the funds allocated for authorized hazardous fuel reduction projects in the wildland-urban interface.

(2) **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).

(b) **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. 103. PRIORITIZATION

(a) **AUTHORIZED HAZORDOUS 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. 4321 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—

(A) include in the proposed agency action a description of the effects on changes in condition class, using the Fire Regime Condition Class Guidebook or successor guidance, specifically comparing 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.

(B) **MEET THE REQUIREMENTS OF PARAGRAPH (1), THE SECRETARY SHALL—

(A) USE NOT LESS THAN 50 PERCENT OF THE FUNDS ALLOCATED FOR AUTHORIZED HAZARDOUS FUEL REDUCTION PROJECTS IN THE WILDLAND-URBAN INTERFACE.

(c) **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).

(B) **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. 4321 et seq.); and

(2) other applicable laws.
and Indian tribes, and participation of inter-
laboration among State and local governments
preparation of authorized hazardous fuel reduc-
tion project shall—
(A) conduct a public meeting at an appro-
priate location proximate to the administrative
unit of the Federal land on which the autho-
ized 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 reduc-
tion projects, the Secretary shall facilitate col-
laboration among State and local governments
and Indian tribes, and participation of inter-
ested 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. 4322(2)) and the applicable regula-
tions and administrative guidelines, the Sec-
retary shall provide an opportunity for public
comment on determination of any environ-
mental assessment or environmental impact
statement for an authorized hazardous fuel re-
duction project.
(f) DECISION DOCUMENT.—The Secretary
shall sign a decision document for authorized haz-
ardous fuel reduction projects and provide no-
tice 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 Sec-
retary of Agriculture shall promulgate interim
definitions to establish a predescriptive admin-
istrative review process for the regulations
described in paragraph (2) that will serve as the
sole means by which a person can seek adminis-
trative review regarding an authorized haz-
ardous fuel reduction project on Forest Service
land.
(2) PERIOD.—The predescriptive administrative
review process required under paragraph (1)
shall only be in effect for the period—
(A) beginning after the completion of the envi-
ronmental assessment or environmental impact
statement and
(B) ending not later than the date of the issue-
ment of the final decision approving the proj-
ect.
(3) EFFECTIVE DATE.—The interim final regu-
lations 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 pub-
lic comment.
(c) ADMINISTRATIVE REVIEW.—
(1) IN GENERAL.—Any 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 exhaust-
ing—
(A) the administrative review process estab-
lished 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 in paragraph (1).
(3) EXCEPTION.—An exception to the require-
ment of exhausting the administrative review
process before seeking judicial review shall be
available if a Federal court finds that the futil-
ity or inadequacy exception applies to a specific
plaintiff or claim.

Biomass

In this title:

Biomass—The term "biomass" means wood and woody plants (including limbs, tops,
needles, other woody parts, and wood waste) and byproducts of preventive treatment
activities (such as wood, 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) natural raw material for wood and wood products.

II—BIOMASS

SEC. 201. FINDINGS.
Congress finds that—
(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 man-
aged by the Secretary of Agriculture and the
Secretary of the Interior are at risk of cata-
static fire in the near future; and
(C) catastrophic fire in the area of Federal and
rangeland fuel loads continues to increase as a
result of fire exclusion, disease, insect infesta-
tions, and drought, further raising the risk of cata-
strophic fire in the year.

(2) more than 70,000,000 acres across all
land ownerships are at risk of higher than nor-
mortal fire in the 15-year period begin-
ing with the date of enactment of this Act be-
cause of insect infestation and disease; and
(3) 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 produc-
tivity; and
(v) diminished fish and wildlife habitat;
(vi) decreased timber values; and
(vii) increased threats to homes, businesses,
and community watersheds;
(3) A) more than 30,000,000 acres across all
land ownerships are at risk of extreme and
destroying early successional habitats; and
(2) completing other specific restoration treatments
designed to reduce the susceptibility of forest
and rangeland to insect outbreaks, disease, and
catastrophic fire presents a potentially
-opportunity for long term forest and rangeland
health, maintenance, and enhancement by cre-
a- a mosaic of species mix and age distribu-
tion; and
(4) A) the byproducts of vegetative manage-
tment treatment (such as trees, brush, thinnings,
chips, slash, and other hazardous fuels) re-
-forested, and rangeland represent an
abundant supply of—
(i) biomass for biomass-to-energy facilities;
and
(ii) raw material for wood and wood products;
and
(3) there are currently few markets for the ex-
to- 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 op-
opportunies in using by-products removed through vegetation treatment activities relating to
hazardous fuels reduction, disease, and insect
infestations;
(2) develop and market opportunities for tradi-
titional and underused wood and biomass as an outlet
for by-products of preventive treatment activities;
and
(3) promote research and development to pro-
ive, for the by-products, economically and en-
vironmental sound—
(i) management systems;
(ii) harvest and transport systems; and
(iii) utilization options.

SEC. 202. DEFINITIONS.
In this title:

Biomass—The term "biomass" means wood and woody plants (including limbs, tops,
needles, other woody parts, and wood waste) and byproducts of preventive treatment
activities (such as wood, brush, thinnings, chips, slash, and other hazardous fuels) rep-
(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;
(B) a community that is in a metropolitan area and the Secretary, in consultation with the Committee on Agriculture, Nutrition, and Forestry of the Senate, determines contains or is located near, or with a water supply system that contains or is located near, land that—
(i) is at risk of catastrophic wildfire, disease, or insect infestation; or
(ii) suffers from disease or insect infestation; or
(C) 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) in the sole discretion of the Secretary, 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;

(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, (including land held in trust for the benefit of an Indian tribe).

SEC. 203. GRANTS TO IMPROVE COMMERCIAL VALUE OF FOREST BIOMASS FOR ELECTRICITY, 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 electricity, 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 AMOUNT.—A grant under this subsection shall not exceed $25,000,000 for each of fiscal years 2004 through 2008.

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

(4) RELATION TO OTHER ENDANGERED SPECIES PROTECTION ACTS.—

(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 by inserting "facilities that used the biomass;" before "as determined by the Secretary, that.

(5) TO PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE TO LAND MANAGERS, COMMUNITIES, AND CONSERVATION ORGANIZATIONS FOR WATERSHED PROTECTION.

SEC. 204. REPORTING REQUIREMENT.

(a) REPORT REQUIRED.—Not later than Octo-
ber 1, 2008, the Secretary of Agriculture, in con-
sultation with 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 Sen-
ate shall submit to the Committee on Agriculture, Nutrition, and Forestry 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; and
(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 facilities; 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 by inserting "facilities that used the biomass;" before "as determined by the Secretary, that.

(5) TO PROVIDE TECHNICAL AND FINANCIAL ASSISTANCE TO LAND MANAGERS, COMMUNITIES, AND CONSERVATION ORGANIZATIONS FOR WATERSHED PROTECTION.

SEC. 206. RURAL REVITALIZATION THROUGH FOREST RESEARCH AND CONSERVATION PROGRAM.

(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; and
(2) it is commonly recognized that the proper stewardship of forest land is essential to sustain and restoring the health of watersheds; that 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 encourage change and public understand-

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

(1) 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;

(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; and

(3) 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.

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

(1) 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;

(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; and

(3) 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 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; and

(4) 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.

SEC. 6. WATERSHED FORESTRY ASSISTANCE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after paragraph (5) (16 U.S.C. 224) the following:

(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."
(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 entity that has de facto decision-making authority over the land.

(b) General Authority and Purpose.—The Secretary, in cooperation with the State forester, may make grants to the State, tribal, local, or nonprofit entity, that has de facto decision-making authority over the land, to 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 activities and related assistance programs.

(c) Other Means.—The Secretary, in cooperation with the State forester, may make grants to the State, tribal, local, or nonprofit entity, that has de facto decision-making authority over the land, to 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 activities and related assistance programs.

(d) General 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 forest 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 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 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 cost-share program.

(A) Which shall be—

(i) administered by the Forest Service; and

(ii) open to State foresters and equivalent State officials in participating States; and

(B) under which funds or other support provided to participating States shall be made available for State forest 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 forester, may establish a Watershed Forestry Coordination 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 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 water Quantity and restoration needs within a State by demonstrating the value of trees and forests to water Quantity and restoration needs within a State by demonstrating the value of trees and forests to water

A. application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry;
B. watershed-scale forest management activities and conservation planning; and
C. the establishment of riparian vegetative buffers.

(4) Cost-Sharing.—

(A) Federal Share.—

(i) In General.—Funds provided under this subsection for a watershed forestry project may not exceed 75 percent of the cost of the project.

(ii) General 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 funds made available, 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 official, shall prioritize watersheds in that State to target watershed forestry projects funded under this subsection.

(6) Watershed Forester.—Financial and technical assistance made available to the State Forester or equivalent State official to create a State watershed or best-management practices program.

(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 to other funds to carry out the cost-share program under subsection (d); and

the Secretary shall—

(A) make awards to participants in the program under paragraph (1) shall be made only after giving appropriate consideration to—

(i) the acres of agricultural land, nonindustrial private forest land, and, on the land in each State;

(ii) the miles of riparian buffer needed; and

(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; and

(E) water quality cost savings that can be achieved through forest watershed management.

(f) Willing Owners.—

(1) In General.—A participating owner of an owner of nonindustrial private forest land in the watershed forestry assistance program under this section shall be selected by the Secretary.

(2) Written Consent.—The watershed forestry assistance program shall be carried out on nonindustrial private forest land without the written consent of the owner of, or entity having definite decisionmaking over, the nonindustrial private forest land.

(g) Authorization of Appropriations.—There is authorized to be appropriated to carry out this Act—

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 programs 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—

(A) to build and strengthen watershed partnerships that focus on forested landscapes at the State, tribal, local, and regional levels; and

(B) to provide tribal forestry best-management practices and water quality technical assistance directly to Indian tribes.

(c) Funding.—The Secretary shall provide technical guidance to tribal land managers and policy makers for water quality protection through forest management; and

(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.

(3) Annual Awards.—The Secretary shall make awards to Indian tribes to carry out this subsection.

(f) Project Elements and Objectives.—A watershed forestry program shall accomplish critical forest stewardship, watershed protection, and restoration needs within a State by demonstrating the value of trees and forests to water health and condition through—

(i) the use of trees as solutions to water quality problems;

(ii) application of and dissemination of monitoring information on forestry best-management practices relating to watershed forestry.

(g) Distribution.—The Secretary shall—

(1) ensure that awards are made on a competitive basis; and

(2) provide appropriate support and technical assistance for the implementation of projects under this section.

(h) Watershed Forester.—The Secretary may make funds available for the purpose of establishing tribal forester position to expand 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.
(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) the loss of important timber stands; (C) loss of threatened and endangered species; (D) loss of species diversity;
   (E) the need to mitigate such forest-infested conditions;
   (F) increased potential for damage from other agents of disturbance, including exotic, invasive species; and
   (G) increased timber values.
(2) forest-damaging insects destroy hundreds of thousands of acres of trees each year; and
(3) 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 in the western United States.

The purposes of this title include—

(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;
(3) to carry out applied silvicultural assessments; and
(4) 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.

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) LIMITATIONS. No additional findings required.

(2) CERTAIN TREATMENT PROHIBITED.
   (A) IN GENERAL. The term "certain treatment prohibited" means
      (i) a South American blister rust,
      (ii) a pine pitch canker,
   (B):Any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or
   (C) a congressionally-designated wilderness study area; or
   (D) a congressionally-designated wilderness study area.

(3) APPLIED SILVICULTURAL ASSESSMENT.
   (A) INFORMATION GATHERING. The authority provided to each Secretary under this section (a) would be inconsistent with the applicable law and resource management plan.
   (B) LIMITATIONS. Nothing in subsection (a) authorizes the application of insecticides in municipal watersheds or associated riparian areas.

(4) APPLIED SILVICULTURAL ASSESSMENT.
   (A) IN GENERAL. Before being carried out, each applied silvicultural assessment under this section shall be 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) IN GENERAL. The Secretary shall provide an opportunity for public comment before carrying out an applied silvicultural assessment under this section.

(5) APPLIED SILVICULTURAL ASSESSMENT.
   (A) INFORMATION GATHERING. The authority provided to each Secretary under this section is supplemental to, and not in lieu of, any authority provided to the Secretary under any other law.
S. Res. 1372

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 a 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 coordinate 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 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 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 the land that is—

(1) located near or in a national park, national preserve, national wildlife refuge, or other Federal, State, or local public lands or waters;

(2) adjacent to public lands or waters;

(3) located in an area designated as a national forest;

(4) located in an area designated as a national park;

(5) located in an area designated as a national preserve;

(6) located in an area designated as a national wildlife refuge;

(7) located in an area designated as a unit of the National Wildlife Refuge System;

(8) located in an area designated as a unit of the National Forest System;

(9) located in an area designated as a unit of the National Marine Sanctuary System;

(10) located in an area designated as an aquifer;

(11) located in an area designated as an international wetland;

(12) located in an area designated as a national wilderness;

(13) located in an area designated as a national cultural landscape;

(14) located in an area designated as a national cultural park; or

(15) located in an area designated as a national cultural preserve.

(d) M A XIMUM ENROLLMENT.

SEC. 503. RESTORATION PLANS.

(a) IN GENERAL.—Each enrollment 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) PROVISIONS.—A restoration plan shall require such restoration practices as are necessary to—

(1) promote the recovery of threatened and endangered species listed as endangered or threatened under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(2) promote the recovery of other species, including, but not limited to—

(A) bird species; and

(B) fish species.

(c) F I NANCIAL ASSISTANCE.

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 average 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 SUPPORT.—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 practices result in a net conservancy activity benefit for listed, candidate, or other species, the Secretary of Agriculture shall make available to the landowner safe harbor or similar assurances.

(b) M E A SURES.—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 cost of conservation for purposes of financial assistance under section 504.

SEC. 507. INVESTMENT 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) other 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 serve 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) A LASKA 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) C ORPS.—The term “Corps” means the Public Land Corps established under section 603(a).

(3) H AWAIIAN 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. 1251 et seq.).

(4) I NDIAN 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. 1251).

(5) S ECRETARIES.—The term “Secretaries” means—

(A) the Secretary of Agriculture; and

(B) the Secretary of the Interior.

(6) S ERVICE 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—

(1) has a demonstrable capability to provide productive work to individuals;

(2) gives participants a combination of work experience, basic and life skills, education, training, and support services; and

(3) provides participants with the opportunity to develop citizenship values through service to their communities and the United States.

(7) S TATE.—The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa; and

(F) the Commonwealth of the Northern Mariana Islands;
The Secretaries shall give preference to projects considered necessary to carry out this title. The Secretaries may provide such services as the Secretaries determine to be necessary to carry out this title for each of fiscal years 2004 through 2008.

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, including 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 described in paragraph (4) 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.

(B) 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 development, 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, including the reduction of hazardous fuels on public and private land; and
(9) to carry out related programs and activities, as determined by the Secretary.

(c) LOCATION.—A Center shall be located within close proximity of rural forest-dependent communities served by the Center, with at least one Center located in each of the States of California, Idaho, Oregon, Montana, New Mexico, Vermont, and Washington.

(d) 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-Coop erative 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.

(e) FOREST ENTERPRISE TECHNICAL ASSISTANCE AND GRANT PROGRAM.—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.

(f) CRITERIA.—The Secretary shall work with each Forest Enterprise Center to develop appropriate program review and prioritization criteria for each Research Station.

(g) 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).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are 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, 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 2006.

**TITLE IX—DIABETES AIR QUALITY MONITORING ACT**

**SEC. 901. SHORT TITLE.**

This title shall be referred to as the “Diabetes 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 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—

(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) conserves recreational resources for 14 million visitors annually;

(E) provides other significant ecological, natural, tourism, recreational, educational, and economic benefits.

(F) provides homeownership opportunities and access to affordable housing that is safe, clean, and healthy;

(G) is 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 protect forest and agricultural resources, wildlife habitat, recreational areas, and historic sites, while encouraging sustainable economic growth and development in a physically 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 rest 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 Skylands Greensway Task Force Report;

(D) the New Jersey State Development and Redevelopment 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—

(A) the Wallkill River National Wildlife Refuge;

(B) the Shawangunk 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 Millennium 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 partnership with the States and units of local government in the Highlands region, the Federal Government should, in part, through its regional offices, provide financial assistance to the Highlands States to preserve and protect high priority conservation lands in the Highlands region.

(13) 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. 1003. 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 purposes, 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 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 eligible 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, 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;
SEC. 1007. PRIVATE PROPERTY PROTECTION AND LACK OF REGULATORY EFFECT.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this title shall be construed to constrict the right of the 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 by a person’s entrance onto 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 government 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.

(4) PROGRAM.

SEC. 1008. FOREST SERVICE AND USDA PROGRAMS IN THE HIGHLANDS REGION.

(a) IN GENERAL.—In order to meet the land resource goals, and the scientific and conservation criteria included 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, in consultation with the Chief of the National Resource Conservation Service, shall continue to assist the Highlands States, local units of government, and private forest and farm landowners in 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 Highlands 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 from 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.

SEC. 1009. PRIVATE PROPERTY PROTECTION FROM FOREST SERVICE AND USDA PROGRAMS.

SEC. 1010. PRIVATE PROPERTY PROTECTION FROM DESTRUCTION OF PRECIOUS PLANTS.

SEC. 1011. PRIVATE PROPERTY PROTECTION FROM NON-TERVE PLANTS.

SEC. 1012. PRIVATE PROPERTY PROTECTION FROM DESTRUCTION OF NATIVE PLANTS.

SEC. 1013. PRIVATE PROPERTY PROTECTION FROM DESTRUCTION OF NON-NATIVE PLANTS.


SEC. 1102. PROGRAM FOR EMERGENCY TREATMENT AND REDUCTION OF NON-NATIVE INVASIVE PLANTS.
agroforestry practices such as
(B) forested riparian buffers;
(C) silvopasture timber and grazing systems; and
(D) alley cropping; and
(13) modify and adopt 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 Hardwoods 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 study upland hardwood resources of the Ozark Mountains and the South.

(c) Duties.—The Upland Hardwoods 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 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 Hardwoods 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 Stonerville, 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 are authorized to be appropriated such sums as are necessary to carry out this section.

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 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 FI RE PROTEC TION.

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 (P.L. 107-171).

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 the collaborative program to be 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) M eas.—The Secretaries may collect monitoring data using cooperative agreements, grants or contracts with small or micro-businesses, cooperatives, non-profit 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 vegetation; 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 FOREST AND OPEN SPACE PROGRAM."

(b) 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 this section, is established under subsection (c)(1)(A)(iii) 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)(iii) is eligible to receive a grant under subsection (c)(2); and

(B) the State forester, in consultation with the Committee, determines—

(i) is located in a State in which less than 25 percent of the land is owned by the United States; and

(ii) is determined by the State forester, in consultation with the Committee and subject to the approval of the Secretary—

(I) if it 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) if it is threatened by present or future conversion to nonforested use.

(4) Grants.—The term 'grants' means 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.

(5) Use of Grant Funds for Purchases of Land or Easements.—

(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 certificating that the sale is being entered into willingly and without coercion.

(6) Private Forest Land.—

(A) In general.—The term 'private forest land' means the land that is—

(i) is owned by—

(I) a unit of local government; or

(ii) an Indian tribe.

(B) Nonprofit Organization.—The term 'nonprofit organization' means any organization that—

(i) is described in section 501(c) of the Internal Revenue Code of 1986; and

(ii) is exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

(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 landowners and communities a means by which to address significant suburban sprawl.

(3) Grant Program.—

(A) In general.—

(i) Identification of Eligible Private Forest Land.—

(I) National Criteria.—The Secretary shall establish national 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 determine the criteria established under clause (i), and subject to the approval of the Secretary, establish criteria for—

(I) 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.

(ii) Conditions for Eligible Private Forest Land.—Private forest land identified for conservation under subparagraph (A)(iii) may be conserved if—

(I) it is located in a State in which less than 25 percent of the land is owned by the United States; and

(II) it is determined by the Secretary, 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 nonforested use.

(iii) Grants.—The term 'grants' means 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.

(iv) 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) an application; 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), the Secretary shall—

(I) review the application; and

(ii) if the application meets the requirements of subparagraph (C), approve the application; and

(ii) if the application does not meet the requirements of subparagraph (C), disapprove the application; and

(B) the application a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

(iii) 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 (A); and

(ii) give priority to applicants that propose to fund eligible projects that promote—

(I) the preservation of suburban forest land and open space;

(II) the containment of suburban sprawl;

(III) the sustainable management of private forest land; and

(IV) community involvement in determining the objectives for eligible projects that are funded under this section; and

(B) Forest Legacy Program.—Section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2102d) is amended—

(1) in subsection (c), by striking the last sentence;

(2) in subsection (b), by striking "subparagraph (b)" and inserting "this section"; and

(3) in subsection (j)(i), by inserting "other than by donation" after "acquired";
Sec. 1112. Green Mountain National Forest Boundary Adjustment.

(a) Short Title.—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 Map I" and "Green Mountain Expansion Map II", each dated February 20, 2002, which shall be filed for public inspection in the Office of the Chief of the Forest Service, Washington, District of Columbia.

(b) Findings.—Congress finds that—

(1) in the Kast 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 water quality and aquifers and the geological, ecological, fish and wildlife, and other natural values of the Kast 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 or other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) funds appropriated from the Land and Water Conservation Fund; and

(ii) funds appropriated from the Land and Water Conservation Fund.

(c) Definitions.—Except as provided in clause (ii), all right, title, and interest of a qualified organization described in subparagraph (B) shall vest in the State or the Secretary as appropriate.

Sec. 1113. Puerto Rico Kast Conservation Program.

(a) Definitions.—(1) In this section, 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).

(b) Findings.—Congress finds that—

(1) the Kast Region of the Commonwealth of Puerto Rico is a critical area for the protection of the Commonwealth's water supply; and

(2) the Commonwealth has a right of way to collect water in the Kast Region.

(c) Purposes.—The purposes of this section are—

(1) to authorize and support conservation efforts to acquire, manage, and protect the tropical forests in the Kast 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" means the Commonwealth of Puerto Rico.

(2) "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" means the Puerto Rico Kast Conservation Fund established by subsection (f).

(4) "Kast Region" means an area in the Commonwealth generally depicted on the map entitled "Kast Region Conservation Area" and dated March 2001, which shall be on file and available for public inspection—

(A) in the Office of the Secretary, Puerto Rico Department of Natural and Environmental Resources; and

(B) in the Office of the Chief of the Forest Service.

(5) "Land" includes land, water, and an interest in land or water.

(6) "Secretary" means the Secretary of Agriculture.

(e) Conservation of the Kast Region.—(1) In General.—In furtherance of the acquisition, protection, and management of land in and adjacent to the Kast 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 or other Federal agencies, organizations, corporations, and individuals; and

(B) use all authorities available to the Secretary, including—

(i) funds appropriated from the Land and Water Conservation Fund; and

(ii) funds appropriated from the Land and Water Conservation Fund.

(f) Findings.—Congress finds that—

(1) the Kast Region of the Commonwealth of Puerto Rico is critical for the protection of the Commonwealth's water supply; and

(2) the Commonwealth is entitled to the use of water in the Kast Region.

(g) Federal Assistance Program.—(1) In General.—In this section, the term "Secretary" means—

(A) the Secretary of Agriculture, with respect to the Commonwealth or other cooperating entity under this subsection; and

(B) the Secretary of the Interior, with respect to the Commonwealth or other cooperating entity under this subsection.

(2) Authorization of Appropriations.—(A) In general.—The Secretary shall, in consultation with the Commonwealth or other cooperating entity under this subsection, make grants to and enter into contracts and cooperative agreements with the Commonwealth or other cooperating entity under this subsection to implement this Act.

(3) Regulations.—The Secretary shall establish regulations for implementing this Act.
(5) RELATION TO OTHER AUTHORITIES.—Nothing in this subsection—
(A) diminishes any other authority that the Secretary may have to acquire, protect, and manage (B) in a separate civil action brought in the jurisdiction in which the owner is found, ries, or transacts business.

(1) 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 in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

(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) ISSUE.—A judge of the United States, United States magistrate judge, or judge of a State or tribal court of competent jurisdiction in which the direct investigation is being conducted, may, if the judge considers it necessary to determine whether any person has violated or is violating any provision of this section, issue a warrant to search for and seize the animal or other property or thing.

(B) APPLICATION; EXECUTION.—A United States marshal or other authorized person shall—
(1) serve a warrant issued under this subsection to conduct an investigation; and
(2) seize a representative sample of the animal 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 that there is probable cause to believe was used in, or is about to be used in, violation of this section.

(4) STORAGE OF ANIMALS.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (a).

(5) RETURN OF ANIMALS.—In a separate civil action brought in the jurisdiction in which the owner is found, the court may order, 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 in an amount sufficient to provide for the care of the animal (including housing, feeding, and veterinary treatment) for not less than 30 days.

(6) RENEWAL.—If a bond expires and is not renewed, the animal may be disposed of as provided in subparagraph (a).
(A) by striking “That the Secretary” at the beginning of the section and inserting “(a) REG-
ulations for Use and Management of Na-
tional Park System; ENFORCEMENT.—The Sec-
tary”;
(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 designated paragraph under the heading “SURVEYING THE PUBLIC LANDS” of the Act of October 31, 1939 (33 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 Ag-
culture 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 pro-
tecting communities, watersheds, and cer-
tain 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; and that the motion to re-

The PRESIDING OFFICER. The PRESIDING OFFICER is heard.

UNANIMOUS CONSENT REQUEST—
H.R. 7
Mr. McCONNELL. Mr. President, 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 Snow 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 Snow and Grassley-Baucus amendments, be agreed to; that the bill, as amended, be read the third time and passed; that the motion to re-

The PRESIDING OFFICER. The PRESIDING OFFICER is heard.

EXECUTIVE SESSION
EXECUTIVE CALENDAR
Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate 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 that 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:

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 re-
turn 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 PRESIDING OFFICER is heard.

MEASURE READ THE FIRST
TIME—S. 1806
Mr. McCONNELL. I ask unanimous consent that the nominations be placed on the Senate calendar as follows:

A bill (S. 1805) to prohibit civil liability ac-

The PRESIDING OFFICER. The PRESIDING OFFICER is heard.

MEASURE READ THE FIRST
TIME—S. 1806
Mr. McCONNELL. I understand S. 1806, introduced earlier today, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The PRESIDING OFFICER is heard.

FOREIGN OPERATIONS
APPROPRIATIONS
VITATION 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.

Senator WASHINGTON on behalf of the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[S13735]

SEC. 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 300 ports, containing most of our largest port facilities, and contributing approximately 45 percent of the national economy.

(3) More than 95 percent of the Nation's trade moves by sea and nearly half of all goods carried by 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 creating or exacerbating 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 contributes more than 11,000 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 to support the 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 observation system have been developed, though in a patchwork manner that is fragmented, intermittent, incomplete, and not integrated.

(10) Important coastal uses, such as tourism, recreation, and coastal and marine operations require assurance of healthy coastal waters, and while the interagency National Coastal Condition Report provides an annual assessment of the health and safety status of coastal waters, such 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 to provide 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, (hereafter in this section referred to as the Council) shall establish and maintain an integrated system of marine monitoring, data communication and management, data analysis, and research data sharing in consultation with the Secretary of State to coordinate relevant Federal activities with those of other nations.

(b) COUNCIL FUNCTIONS.—There shall be established an interagency program office to carry out the duties described in subsection (a).

(c) INTERAGENCY PROGRAM OFFICE.—There shall be established an interagency program office to carry out the duties described in subsection (a). The purposes of this Act shall include—

(1) promote collaboration among agencies;

(2) promote collaboration among regional coastal observing systems established pursuant to subsection (d);

(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 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;

(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, and make effective use of existing capabilities, and incorporate new technologies, as appropriate; and

(8) coordinate program planning and implementation.

(d) JOINT OPERATIONS CENTER.—There shall be an interagency program office to carry out the duties described in subsection (c).

(e) JOINT OPERATIONS CENTER.—There shall be an interagency program office to carry out the duties described in subsection (c). The purposes of this Act shall include—

(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 re-
quired and provide support for an ocean and coastal observing system based on an-
nual long-term plans developed by the inter-
agency planning office;
(B) to implement standards and protocols de-
veloped in consultation with the inter-
agency planning office for—
(i) network operations and data access;
(ii) system security and assessment of data
and design;
(iii) data access and management, includ-
ing data management and archiving;
(iv) testing and employment of forecast
models for ocean conditions; and
(v) system products;
(C) to establish a science and technology ad-
vancements from research and development
to operational deployment based on the an-
nual and long-term plans of the inter-
agency program components;
(D) to integrate and extend existing pro-
grams into an operating coastal and ocean
and coastal observing system based on the an-
nual and long-term plans of the inter-
agency program office;
(E) to coordinate the data communication
management system;
(F) to provide products and services as
specified by national, regional, and inter-
national users;
(G) to certify that regional coastal ob-
serving systems meet the standards estab-
lished in subsection (f) and to ensure a peri-
odic process for review and recertification of
the regional coastal observing systems; and
(H) to implement standards to ensure com-
patibility and interoperability among existing and planned system components.

(1) in general.—The integrated ocean and
coastal observing system shall consist of the follow-
ing closely linked components:
(A) A global ocean system to make ob-
servations 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
conditions and signs of abrupt or long-
term changes in ocean circulation leading to
changes in climate.
(B) The national network of observations
and data management systems that establish
linkage and coordination between reference
sentinel stations, links the global ocean
system to local and regional observa-
tions, and provides data and information
required to meet national ends;
(C) Regional coastal observing systems
that provide information through the na-
tional network and detect and predict condi-
tions that can result on a regional scale through
the measurement and dissemination of a
common set of ocean and coastal observa-
tions and related products in a uniform man-
ner that is in accord with national and inter-
agency 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 chemi-
ical, physical, biological, and biological
variables required to achieve the purpose of
this Act on time scales required by users of
the system.
(B) A coastal, relocatable, and cabled
sea floor observatories.
(C) Applied research to develop new ob-
serving technologies and techniques, includ-
ing data management and archiving.
(D) Large scale computing resources and
research to improve ocean processes mod-
eling.
(E) Programs to improve public education
and awareness of the marine environment
and its goods and services.
(F) Regional coastal observing sys-
tems in regions or sub-regional jurisdic-
tions that meet national goals;
(G) Research and development program for
the integrated oceanographic Partnership
Program (10 U.S.C. 7901), including infra-
structure 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.

(3) Authorization of Appropriations.—
(A) observing system authorization.—
For development and implementation of an
integrated ocean and coastal observing sys-
tem under section 3, including financial as-
sistance to regional coastal ocean observing
systems and in addition to any amounts pre-
viously authorized, there are authorized to
be appropriated to—
(i) the National Oceanic and Atmo-
pheric Administration, $83,000,000 in fiscal
year 2004, $87,250,000 in fiscal year 2005, $91,500,000 in fis-
cal year 2006, and $100,000,000 in fiscal
year 2008;
(ii) the National Science Founda-
tion, $25,000,000 in fiscal year 2004, $26,250,000 in fis-
cal year 2005, $27,500,000 in fiscal year 2006, and $30,500,000 in fiscal
year 2008;
(iii) the National Aeronautics and Space
Administration, $30,000,000 in fiscal year 2004,
$31,500,000 in fiscal year 2005, $33,000,000 in fis-
cal year 2006, and $34,750,000 in each of fiscal
years 2007 and 2008; and
(iv) the United States Coast Guard,
$8,000,000 in fiscal year 2004, $8,400,000 in fis-
cal year 2005, and $9,700,000 in fiscal year 2006,

(4) the United States Exclusive Economic
Zone, including the public, within the region;
(5) 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;
(6) the collection and dissemination of data
and data management for timely access to data
and information;
(7) creating appropriate products that are
delivered in a timely fashion to the public
and others who use, or are affected by, the
oceans;
(8) providing free and open access to the
data collected with financial assistance
under this Act; and
(9) adhering to national standards and
protocols that ensure that data and related
products can be freely exchanged among all of
the regional coastal systems and will be ac-
vailable to any user in any part of the na-
tion.
(3) For purposes of determining the civil
liability under section 2671 of title 28, United
States Code, any regional observing system
subsystem is designated as a part of a regional
association under this sub-
section 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.

(3) Pilot projects.—
(A) 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 area that is hav-
ing the goal of advancing the development of
the sustained, integrated ocean observing
system. The pilot projects will—
(i) develop protocols and coordinated
implementation of the full system;
(ii) design and implement regional coastal
observing systems;
(iii) establish mechanisms for the ex-
change of data between and among regions
and Federal agencies;
(iv) specify products and services and relat-
ed requirements for observations, data
management, and analysis in collaboration
with user groups; and
(v) develop and test new technologies and
techniques to improve all three subsystems
to more effectively meet the needs of users
of the system.

(4) 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 institu-
tional mechanisms already exist for ongoing
coastal observations, to fund the operations
necessary for the documentation of the common set of observations approved by the
interagency planning office.

SEC. 4. interagency financing.

The departments and agencies rep-
resented on the Council are authorized to
participate in interagency financing and share,
transfer, receive and spend funds ap-
propriated to any member of the Council for
the purposes of carrying out any administra-
tive or programmatic project or activity
under this Act or under the National Oceano-
graphic Partnership Program (10 U.S.C. 7901),
including support for the infrastructure and instruc-
ture 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.

Authorization of Appropriations.—
(A) observing system authorization.—
For development and implementation of an
integrated ocean and coastal observing sys-
tem under section 3, including financial as-
sistance to regional coastal ocean observing
systems and in addition to any amounts pre-
viously authorized, there are authorized to
be appropriated to—
(i) the National Oceanic and Atmo-
pheric Administration, $83,000,000 in fiscal
year 2004, $87,250,000 in fiscal year 2005, $91,500,000 in fis-
cal year 2006, and $100,000,000 in fiscal
year 2008;
(ii) the National Science Founda-
tion, $25,000,000 in fiscal year 2004, $26,250,000 in fis-
cal year 2005, $27,500,000 in fiscal year 2006, and $30,500,000 in fiscal
year 2008;
(iii) the National Aeronautics and Space
Administration, $30,000,000 in fiscal year 2004,
$31,500,000 in fiscal year 2005, $33,000,000 in fis-
cal year 2006, and $34,750,000 in each of fiscal
years 2007 and 2008; and
(iv) the United States Coast Guard,
$8,000,000 in fiscal year 2004, $8,400,000 in fis-
cal year 2005, and $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, $25,000,000 in fiscal year 2007, and $30,500,000 in fiscal year 2008;

(6) the Office of the Oceanographer of the Navy, $35,000,000 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) national 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 and 2005.

(b) REGIONAL COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration shall make up to 11,680 environmental cleanups annually in support of ocean and coastal health, and man-made coastal hazards such as hurricanes, tsunamis, erosion, oil spills, harmful algal blooms, hypoxia, and pollution, which can cause severe weather events and threatening 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) the Office of the Oceanographer of the Navy, the Administrator of the National Oceanic and Atmospheric Administration, in consultation with the Oceanographer of the Navy, the Administrator of the National Oceanic and Atmospheric Administration, the National Sea Grant College Program, the National Estuarine Research Reserve System, the National Marine Fisheries Service, and the National Oceanographic Partnership Program (10 U.S.C. 7001), shall establish and maintain an ocean and coastal 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 enable this Nation and the world to understand the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen living marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.

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 ensuring national security, advancing ocean economic, and ecological systems. Such an integrated ocean and coastal observing system and related research will—

(a) FUNDINGS.—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 its 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 all of goods, including non-Federal funds, carried in maritime commerce are hazardous materials.

(4) The rich biodiversity of marine organisms provides essential food resources, a promising source of marine products with commercial and medical potential, and an important contribution to the national economy.

(5) 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) The United States Coast Guard relies on ocean information to save 4,380 people, conduct over 65,000 rescue missions, and carry 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 and to provide rapid response teams with real-time environmental conditions necessary for their work.

(10) Important coastal uses, such as tourism, recreation, and fishing, require assurance of healthy coastal waters, and while the interagency National Coastal 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 system that integrates ocean and coastal information from 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 enable this Nation and the world to understand the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen living marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.

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 ensuring national security, advancing ocean economic, and ecological systems. Such an integrated ocean and coastal observing system and related research will—

(a) FUNDINGS.—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 its 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 all of goods, including non-Federal funds, carried in maritime commerce are hazardous materials.

(4) The rich biodiversity of marine organisms provides essential food resources, a promising source of marine products with commercial and medical potential, and an important contribution to the national economy.

(5) 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) The United States Coast Guard relies on ocean information to save 4,380 people, conduct over 65,000 rescue missions, and carry 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.

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(11) National investment in a sustained and integrated ocean and coastal observing system and in coordinated programs of research would enable this Nation and the world to understand the oceans and the global climate system, strengthen homeland security, improve weather and climate forecasts, strengthen living marine resources, improve the safety and efficiency of maritime operations, and mitigate coastal hazards.
(f) to provide products and services as specified by national, regional, and international users;
(g) to certify that regional coastal observing systems follow the standards established in this section and to ensure a periodic process for review and recertification of the regional coastal observing systems; and
(h) to develop guidelines for ensuring that data are stored in digital formats that can be shared and allow interoperability among existing and planned system components.

SECTION 3—SYSTEM COMPONENTS. 

(a) In general.—The integrated ocean and coastal observing system shall consist of the following closely related components:

(1) An ocean observing 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 surface temperature, chemical and biological properties of oceanic water masses, and ocean chemistry and carbon dioxide exchange, and, where appropriate, to support other applications of ocean observations and related products in a uniform manner and according to national standards and protocols.

(b) Regional coastal observing systems that provide for the collection and dissemination of a common set of regional observations of coastal ocean processes and development program for the integrated ocean and coastal observing system. Once established, the regional coastal observing systems shall be integrated with other coastal observing systems, including the Great Lakes. Participation in a regional association may be voluntary or may be required by any such system or any employee thereof that is designated part of a regional association under this subsection.

(c) An ocean observing system that shall develop protocols for coordinated implementation of the system; and

(d) A regional coastal observing system that shall establish mechanisms for the exchange of data between and among regions and Federal agencies.

(e) Plans to develop and implement the system.

(f) Plans to integrate the ocean and regional coastal observing systems.

(g) Plans 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 Council and the costs of the same.

SEC. 4. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in the development of the integrated ocean and coastal observing system. The departments and agencies shall transfer and spend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic activity under this Act or under any program funded through the National Oceanographic Partnership Program (10 U.S. C. 7901), including support for a comprehensive, systematic investigation of the relationship between the physical and biological processes of the coastal ocean, including the Great Lakes. Participation in a regional association may be voluntary or may be required by any such system or any employee thereof that is designated part of a regional association under this subsection. Funds may be transferred among such departments and agencies through an appropriate instrument specifying the goods, services, or space being acquired from another Council member.

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 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; and

(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.

(b) Regional coastal observing systems.—The funds authorized to be appropriated pursuant to subsection (a)(1) available as grants for the development and implementation of regional coastal observing systems based on the plans developed by the Council and approved by the Secretary.

(c) High-frequency surface wave radar.—The Administrator of the National Oceanic and Atmospheric Administration shall make available $20,000,000 in each of fiscal years 2004 through 2008 to acquire and deploy high-frequency surface wave radar.

(d) Availability.—Sums authorized to be appropriated by this title 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, Inouye, 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 its first observation buoys in the Gulf of Maine. This prototype system has transformed the way we gather information about the ocean and track ocean conditions over time. 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. GoMOOS, the ocean data management 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. Fishermen, scientists, and managers can use this information to predict ocean conditions that affect productivity and reliability, assess 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 to continue this amendment. The amendment is to agree to the bill, as amended, 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.

Mr. McCONNELL. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1400), as amended, was passed.

Mr. McCONNELL. Mr. President, I ask unanimous consent that 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.

Mr. McCONNELL. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1575), as amended, was read the third time and passed, as follows:

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76) is amended by striking subsections (a) and (b) and inserting the following:

(1) $17,000,000 for each of fiscal years 2004 through 2008.

(a) MAINTENANCE, REPAIR, AND SECURITY.—There are authorized to be appropriated to the Board to carry out section 4(a)(1) through 4(a)(19) of the John F. Kennedy Arts Act of 2000, as amended,

(1) $17,000,000 for each of fiscal years 2004 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.

(2) $16,000,000 for fiscal year 2004; and

(2) $18,000,000 for each of fiscal years 2005 through 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 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. 1575), as amended, was read the third time and passed, as follows:

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

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR THE JOHN F. KENNEDY CENTER.

Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76) is amended by striking subsections (a) and (b) and inserting the following:

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:

S. 1575.

The bill (S. 1575), as amended, was passed.
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. 3373) is amended—

(A) in paragraph (1)—

(i) by redesignating subsections (g) through (l) as subsections (h) through (k), respectively; and

(ii) by inserting after subsection (f) the following:

"(l) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means—"

"(1) any live hybrid of any of those species.;"

(B) any person accredited by the Association of Zoos and Aquariums;

(C) any state college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

(D) any corporation, State-licensed animal shelter, or society for the prevention of cruelty to animals;

(E) any federal-licensed and inspected breeder or dealer in a case in which the breeder or dealer is conducting any breeding or dealing activity with a person referred to in this paragraph;

(F) any federally-licensed and inspected breeder or dealer in a case in which the breeder or dealer is conducting any breeding or dealing activity with a person referred to in this paragraph;

(G) 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;

(H) nonapplicability of prohibited wildlife species offense.

"(1) IN GENERAL.—Subsection (a)(2)(C) does not apply to—"

(A) any exhibitor or research facility licensed and regulated by the United States Fish and Wildlife Service;

(B) any state, municipal, or county animal shelter, or society for the prevention of cruelty to animals;

(C) any state college, university, or agency, State-licensed wildlife rehabilitator, or State-licensed veterinarian;

(D) 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;

(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.

SECTION 3. PROHIBITED ACTS.

(A) any prohibited wildlife species listed in section 2(k); or

(B) any prohibited wildlife species listed in section 2(k) if the animal is or has been used—

(i) in violation of section 3(a)(2)(C) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)(2)(C)); or

(ii) by a Federal agency; or

(iii) by a State agency; or

(iv) by a State-licensed wildlife rehabilitator; or

(v) by a State-licensed veterinarian; or

(vi) by a State-licensed veterinarian.

"(1) by redesignating subsections (g) through (l) as subsections (h) through (k), respectively; and

"(2) by inserting after subsection (f) the following:

"(l) PROHIBITED WILDLIFE SPECIES.—The term 'prohibited wildlife species' means—"

"(1) any live hybrid of any of those species.;"

"(2) any person accredited by the Association of Zoos and Aquariums;"
"(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 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 preempt or supersedes the authority of a State to regulate wildlife species within the 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 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 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 Turtle nesting 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) in the effective protection activities are flagship species for the ecosystems in which marine turtles are found, sustaining healthy populations 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 and that 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 1387; TIAS 6249).

(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) on-site and remote 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 law enforcement and other trained personnel in the interdiction and prevention of—

(i) the illegal killing of marine turtles on nesting habitats; and

(ii) illegal trade of 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 listed 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 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 habitats 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 government authorities 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.

(3) 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 the 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, the Secretary, in consultation 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, the other Federal officials, and each country described in subparagraph (A).

(b) ELIGIBILITY 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 assiting efforts in foreign countries to implement marine turtle conservation programs.

(b) OBLIGATIONS.—To the maximum extent practicable, in determining whether to approve project proposals under this section, the Secretary shall give preference to projects that are designed to ensure effective, long-term conservation of marine turtles and their nesting habitats.

(c) 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.

(d) 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.—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) CREDITS TO FUND.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the general fund of the Treasury to the Fund as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purposes 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.

(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.

(f) FUNDS RECEIVED.—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 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.

(c) EXPENSES.—The advisory group is open to the public; and

(2) ADJUSTMENTS.—The amounts required to be transferred under this section shall be by the Secretary of the Treasury.

(3) CREDITS TO FUND.—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 legislative clerk read as follows:

The concurrent resolution (H. Con. Res. 159) will report the bill by title.

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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 the world as we know it. 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 from a long 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 King, a 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 the 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 our history, rally behind those who have given their lives 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 worn 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 concurrent resolution (H. Con. Res. 159) was agreed to.

The preamble was agreed to.

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 legislation as ordered, 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 read twice and referred to 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.)]

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

SEC. 1. SHORT TITLE.

(a) This Act may be cited as the “Veterans’ Survivors Benefits Enhancements Act of 2003”.

SEC. 2. INCREASE OF RATES OF SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.

(a) SURVIVORS’ AND DEPENDENTS’ EDUCATIONAL ASSISTANCE.—(A) Section 3532 of title 38, United States Code, is amended—

(1) in section (a),—

(A) in paragraph (1), by striking “at the rate of $605 for full-time, $400 for half-time;”;

(B) in paragraph (2), by striking “at the rate of $740 for full-time, $540 for three-quarter-time, or $402 for half-time pursuit;”;

(2) in subparagraphs (A) and (B) of paragraph (2) and in subparagraph (A) of paragraph (4), by striking “$605” and inserting “$670”;

(3) in subparagraph (A) of paragraph (3), by striking “$740” and inserting “$985”;

(B) 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

(3) in paragraph (2), by striking “at the rate of” 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;”.

(b) in subsection (b), by striking “$670” and inserting “$985”;

(c) in subsection (c), by striking “$705” and inserting “$980”.

(2) The amendment made by subsection (a) shall take effect on the date of enactment of this Act.

SEC. 3. MODIFICATION OF DURATION OF EDUCATIONAL ASSISTANCE.

(a) Section 3511(f)(1) of title 38, United States Code, as amended by section 367(b)(2) of title 38, United States Code, for months on or after that date.

(b) No adjustment in the rates of monthly training allowances shall be made under section 367(d) of title 38, United States Code, for months on or after that date.

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 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 enactment of the Veterans’ Survivors Benefits Enhancements Act of 2003, or the equivalent thereof in part-time training.”.

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”.

Effective Date.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 6. BENEFIT FOR CHILDREN WITH SPINA BIFIDA OF VETERANS OF CERTAIN SERVICE IN KOREA.

(a) IN GENERAL.—Section 1318 of title 38, United States Code, is amended—

(1) by redesignating subchapter III, and sections 1801, 1802, 1803, and 1824, as subchapter IV, and sections 1821, 1822, 1823, and 1824, 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

1318.1. 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 born with spina bifida—

(1) educational assistance allowances payable under chapter 35 and section 367(b)(2) of title 38, United States Code, for months on or after that date.
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 is amended to read as follows:

I"(b) SPINA BIFIDA CONDITIONS COVERED.—This section applies with respect to all forms and manifestations of spina bifida, except spina bifida occulta.

I"(c) VETERAN OF COVERED SERVICE IN KOREA.—For purposes of this section, a veteran of covered service in Korea is a veteran who was served, to have been exposed to a herbicide agent while serving 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

I"(2) is determined by the Secretary, in consultation with the Secretary of Defense, to have been a herbicide agent during such service in or near the Korean demilitarized zone.

I"(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.

I"(1) The term ‘child’ means the following:

I"(A) For purposes of subchapters I and II of this chapter, an individual, regardless of age or marital status, who—

I"(ii) is the natural child of a Vietnam veteran; and

I"(ii) was conceived after the date on which the veteran first entered service in or near the Korean demilitarized zone.

I"(B) For purposes of subchapter III of this chapter, an individual, regardless of age or marital status, who—

I"(ii) is the natural child of a veteran of covered service in Korea (as determined for purposes of section 202 of this title); and

I"(ii) was conceived after the date on which that veteran first entered service described in subsection (c) of that section.

I"(C) NONDUPICATION OF BENEFITS.—Section 1834(a) of that title, as redesignated by subsection (a), is further amended by striking paragraph (1) and inserting the following new paragraph (1):

I"(1) The term ‘child’ means the following:

I"(A) For purposes of subchapters I and II of this chapter, an individual, regardless of age or marital status, who—

I"(ii) is the natural child of a Vietnam veteran; and

I"(ii) was conceived after the date on which that veteran first entered service in or near the Korean demilitarized zone.

I"(B) For purposes of subchapter III of this chapter, an individual, regardless of age or marital status, who—

I"(ii) is the natural child of a veteran of covered service in Korea (as determined for purposes of section 202 of this title); and

I"(ii) was conceived after the date on which that veteran first entered service described in subsection (c) of that section.

I"(D) CONFORMING AMENDMENT.—(1) Section 1831(1)(A) of that title is amended by striking ‘‘section 1821(1)’’ and inserting ‘‘section 1831(1)’’.

I"(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."
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 the Republic of Korea or in 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.

(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 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.

(3) was a national child of a Vietnam veteran.

(4) was a child eligible for benefits under subchapter I or II of chapter 18 of this title who is also eligible for benefits under subchapter I or II of this chapter who is also eligible for benefits under subchapter I or II of this chapter who is also eligible for benefits under subchapter I or II of this chapter.

(b) Child Defined.—Section 1831, as redesignated by subsection (a) of this section, is amended by striking paragraph (2) and inserting the following new paragraph (2):

‘‘(2) The term ‘child’ means the following:

(i) 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 Vietnam veteran; and

(ii) was conceived after the date on which that veteran first entered the Republic of Vietnam during the Vietnam era.

(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 chapter 18 of this title, no claim has been filed by a person designated 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.

‘‘(d) United States Government Life Insurance.—Section 1952 is amended by adding at the end the following new subsection:

‘‘(1)(i) 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, the Secretary may make a claim to another beneficiary designated by the insured, in the order of precedence as designated by the insured, 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 as the 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.

‘‘(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. 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, the Secretary may make a claim to another beneficiary designated by the insured, in the order of precedence as designated by the insured, 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 as the 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)(i) 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, the Secretary may make a claim to another beneficiary designated by the insured, in the order of precedence as designated by the insured, 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 as the 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.

‘‘(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 the Secretary, 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 be periods of the applicable subsections treated as being the two-year and four-year periods, respectively, beginning on the effective date of such amendments, as so specified.

(b) Effective Date.—The amendment made by subsection (a) shall take effect as of September 11, 2001.

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 the effective date of this section, which is September 11, 2001.’’ as a new item under that section.
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 "(b)".

SEC. 292. ELIGIBILITY OF SURVIVING SPOUSES WHO REMARRY FOR BURIAL IN NA-

TIVE 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 termi-" and inserting "(which for purposes of this chapter includes a surviving spouse who had a subsequent remar-

riage)"

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after the date of the en-

actment of this Act.

SEC. 293. PERMANENT AUTHORITY FOR STATE CEMETARY GRANTS PROGRAM.

(a) PERMANENT AUTHORITY.—Subsection (a) of section 2408 is amended—

(1) by striking "2003" and inserting "2013"; and

(2) by striking paragraph (2).

(b) CONFORMING AMENDMENT.—Subsection (e) of such section is amended by striking "sums appropriated under subsection (a) of this sec-

tion" and inserting "Amounts appropriated to carry out this section".

SEC. 294. PROVISION OF MARKERS FOR PRI-

VISIONERS OF WAR.

(a) IN GENERAL.—Section 502(d) of the Vet-

erans 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 COM-

PENSATION COST-OF-LIVING AD-

JUSTMENTS.

Sections 1104(a) and 1303(a) are each amended by striking "2001" and inserting "2013".

SEC. 302. PRESUMPTIONS OF SERVICE-CONNE-

CATION RELATING TO DISEASES AND DISEASES OF FORMER PRIS-

ONERS OF WAR.

Subsection (b) of section 1112 is amended to read as follows:

"(b) Save for 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) SAVINGS PROVISION.—In paragraph (2) which became manifest to a degree of 10 percent or more after active military, naval, or air serv-

ice 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 neu-

rosis).

"(D) Organic residuals of frostbite, if the Sec-

ratry determines that the veteran was detained or interned as a prisoner of war, conditions consistent with the occurrence of frostbite.

"(E) Post-traumatic osteoarthritis.

"(F) Chronic dysentery.

"(G) Malnutrition (including optic atrophy associated with malnutrition).

"(H) Pelagra.

"(I) Any other nutritional deficiency.

"(J) Chronic fatigue syndrome.

"(K) Peripheral neuropathy except where di-

rectly related to infectious causes.

"(L) Irritable bowel syndrome.

"(M) Organic residuals of frostbite.

"(N)Any other nutritional deficiency.

"(O) Organic residuals of frostbite.

"(P) Any other nutritional deficiency.

"(Q) Organic residuals of frostbite.

"(R) Any other nutritional deficiency.

"(S) Organic residuals of frostbite.

"(T) Any other nutritional deficiency.

"(U) Organic residuals of frostbite.

"(V) Any other nutritional deficiency.

"(W) Organic residuals of frostbite.

"(X) Any other nutritional deficiency.

"(Y) Organic residuals of frostbite.

"(Z) Any other nutritional deficiency.

"4. In chapter 36, except as otherwise provided to the contrary, the provisions of chapter 36 shall be deemed discharged; and

5. The termination of the Section 310 (a) (1) (A) of the Department of Veterans Affairs Education Loan Fund shall be deemed discharged; and

(c) TERMINATION OF EDU-

CATIONAL ASSISTANCE.—

Amounts appropriated to carry out this section shall be dis-

charged, and this Act shall be deemed to be in effect from the date of the enactment of this Act.

SEC. 303. TERMINATION OF EDUCATION LOAN-

PROGRAM.—No loans shall be made under sub-

chapter III of chapter 36 of title 38, United States Code, after the date of the enactment of this Act.

(d) USE OF ENTITLEMENT TO VETERANS EDU-

CATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—Section 3015(h) is amended by inserting "down" after "rounded;".

(b) SURVIVORS AND DEPENDENTS EDU-

CATIONAL ASSISTANCE.—Section 3544 is amended by inserting "down" after "rounded;".

SEC. 305. TERMINATION OF EDUCATION LOAN-

PROGRAM.—(a) TERMINATION OF EDUCATION LOAN PRO-

GRAM.—No loans shall be made under sub-

chapter 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 sub-

section (c) of section 3544, 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

(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 section 3701 of title 38, United States Code, that is outstanding as of such date shall be deemed discharged; and

(2) Monies transferred to the Department of Veterans Affairs from earlier provisions shall be deemed discharged.

(d) USE OF ENTITLEMENT TO VETERANS EDU-

CATIONAL ASSISTANCE FOR EDUCATION LOAN PROGRAM.—Section 3462(a) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (4) as para-

graph (2).

(e) REPEAL OF EDUCATION LOAN PROGRAM.—

Subchapter III of chapter 36 is repealed.

(f) CONFORMING AMENDMENTS.—(1) Section 3485(1) is amended by striking "(other than an education loan under subchapter III)".

(2) Section 3502 is amended by striking sub-

section (f).

(g) CLERICAL AMENDMENT.—The table of sec-

tions at the beginning of chapter 36 is amended by striking subchapter III, subchapter III, and subchapter III.

(h) EFFECTIVE DATES.—(1) The amendments made by subsection (d) shall take effect after 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 GUAR-

ANTEE LOANS TO PURCHASE MANU-

FACTURED HOMES AND LOTS.

Section 3712 is amended by adding at the end the following new subsection:

"(m) The authority of the Secretary to guaran-

tee loans under this section shall expire on December 31, 2003.".

SEC. 307. INCREASE IN LOAN FEE FOR SUB-

SEQUENT LOANS CLOSED BEFORE Oc-

TOBER 1, 2011. (a) INCREASE IN LOAN FEE.—The loan fee table in section 3729(b)(2) is amended in subpara-

graph (B)(ii), relating to subsequent loans de-

scribed in section 3701(a) of title 38, United States Code, to purchase or construct a home with 0-down, or any other subsequent loan de-

scribed in such section (closed on or before Octo-

ber 1, 2011), by striking "3.00" both places it ap-

ers and inserting "3.50".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2004.

SEC. 308. RESTATEMENT OF MINIMUM REQUI-

REMENTS FOR SALE OF VENDOR-

LOANS.

(a) IN GENERAL.—Section 3733(a) is amended—

(1) by striking paragraph (2) and redesign-

ing paragraphs (3), (4), (5), and (6), respectively; and

(2) in subparagraph (B)(ii) of paragraph (3), as so redesignated, by striking "paragraph (5) of this section" and inserting "paragraph (4)".

(b) INCREASE IN MAXIMUM PERCENTAGE.—Sec-

tion 3733(a)(1) is amended—

(1) by striking "65 percent" in the first sen-

tence and inserting "68 percent"; and

(2) by striking the second sentence.

(c) STYLISTIC AMENDMENTS.—Section 3733 is fur-

ther amended by striking paragraph (1) of this subsection in each place it appears and in-

serting "paragraph (1)".

SEC. 309. OPERATION OF NATIVE AMER-

ICAN 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 au-

thorized 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 "Native American Veteran Housing Loan Program Ac-

count" 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 en-

actment of this Act that is inconsistent with the proviso referred to in subsection (a) is hereby ratified with respect to such inconsistency.
November 9, 2000, immediately after the enactment of this Act and 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.

Title III: RADIATION DOSE RECONSTRUCTION PROGRAM OF DEPARTMENT OF DEFENSE

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 shall, jointly with the Director of the National Cancer Institute and the Director of the Radiation Dosimetry Program of the Department of Defense, review 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 Secretary 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 Secretary shall submit to the Congress a report on the review conducted 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 Secretary jointly consider appropriate.
(b) On-Going Review and Oversight.—The Secretary 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.
(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) take steps to ensure that the Department of Veterans Affairs and the Defense Threat Reduction Agency in communicating to veterans information on the
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 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 2007.

(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 oversights of 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 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 available for independent research, including the potential value and relevance of such research, and the mechanism for 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 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 subsection (a) for purposes of 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 AFFAIRS.

Section 544(e) is amended by striking “December 31, 2003” and inserting “December 31, 2007.”

SEC. 342. VETERANS’ ADVISORY COMMITTEE ON EDUCATION.

(a) Members.—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 1006”; and

(2) in subsection (b), by striking “chapter 30” and inserting “chapters 30”.

SEC. 343. TEMPORARY AUTHORITY FOR PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS.

(a) In General.—Notwithstanding the limitation in section 504(b) of the Veterans Benefits Improvement and Deployment Act of 2000 (Public Law 106-275; 110 Stat. 2341; 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 shall, by contract, 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 by contracts entered into and administered by the Under Secretary for Benefits.

(c) Expiration.—The authority in subsection (a) shall expire 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, including the thoroughness of examinations with respect to the medical disabilities of applicants for benefits under laws administered by the Secretary.

SEC. 344. TECHNICAL AMENDMENT.

Section 331(a)(1) is amended by striking “Secretary of Transportation” and inserting “Secretary of Homeland Security.”

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 the Senator 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 the important protections 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 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.

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. 1332), 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, 2004.

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.
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 hallmark 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 was that 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 wavered 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 Catholic 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 guardman from the unit, feeling it was more important that he—a husband and father—be at home with his 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 himself. 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 the Bueches, 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.

There is a time for everything. Paul Bueche 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 round face.

"Paul Bueche died in Iraq," he told. "What?" he answered. "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.

"Mel, he was cool. We were in the Model U.N. together. I mean . . . I can't believe it. What happened?"

"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. SHELLY 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 am proud 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 Appalachian 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 sixty 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. Placements 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 sighted 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 58. Hannah was only eleven 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 professionals, who combat breast cancer each day.

The facts are grim, every 2 ½ 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. 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 important. In my opinion, 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 unacceptable.

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 this progress is not lost and valuable information left uncovered, we must continue to increase funding for the National Institutes of Health.
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, technicians, computer experts, and engineers design and build new instrumentation and keep it in operation.

The Arecibo Observatory is a Puerto Rican landmark. Hundreds of tourists visit this every year and it has been a desired site for many movies and television programs. 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.

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 Leclaire Beres from La Crosse, Wisconsin, in recognition of her retirement. Sister Leclaire has worked tirelessly for many years as a nurse and a nun, aiming to provide all people with access to healthcare.

Sister Leclaire grew up in Etno, Wisconsin. Living in a farm surrounded by her large family, she learned early the importance of hard work and compassion to others. In the early 90s, Sister Leclaire 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 Leclaire 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 Leclaire 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 Leclaire 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 Leclaire 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 Leclaire’s successor, Sister Dawn Kutt. “Sister Leclaire’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.
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 October 31, 2003 marks the end of breast cancer awareness month. I am honored to join my distinguished colleagues to honor the memory, life and service of First Lieutenant David R. Bernstein, exemplified the spirit of service that the United States Military Academy, and the United States Army have instilled in its cadets. Mr. Speaker, I urge the House of Representatives to pass H.R. 1616 and the Site Land Exchange Act.

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. Mr. Speaker, I urge the House of Representatives to pass H.R. 1616 and the Site Land Exchange Act.

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 for 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 inequity, often at great risk to himself. Despite numerous death threats, Dr. King never wavered in his 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.

HON. PAUL A. 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 community 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. Search, Frank Burns, Herb Baskin, 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 re-development 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 its 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.

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 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 level 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 McNITCHEW 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 2 1/2 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.

Breast cancer is an insidious disease that can start with a 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 can’t and don’t 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, 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 service members 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 democratization.

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 STANFORD 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 competencies 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 among 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 world-renowned corporation, an outstanding institution, 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, but he persevered, and 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 founder’s wildest dreams. Today, Bausch & Lomb is an international corporation, and a global innovator.

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 as an associate, 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 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 Zarella, his leadership team, and everyone 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, Pennsylvania, and 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 . . . but her husband sought her advice . . . but her husband sought her advice . . .”

Mr. Speaker, I want to extend my sincerest condolences to my friend, the former Republican Leader, who not only is a great credit to his constituents at Bausch & Lomb but to everyone else. His father 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. This bill is an important step to ensure that veterans in one of the area’s markets—such as the Valley Coastal Bend—have the least access to acute inpatient hospital care of veterans who reside in far south Texas. Under H.R. 1720, any 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 least 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. 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 Erdogan, 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 have pointed out that the 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 to paper and then see them fall short in the courtroom. If law 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, religions 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, 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 expression 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 persecutions 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 the end of 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 MCKINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 30, 2003

Mr. McKinnis. 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 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 and proactive in 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 Saaedra. 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. Saaedra 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.

When he was a Texas A&M College, Mr. Saaedra met and married his college sweetheart, Ida Ortega Saaedra, and she has been his most constant source of support. They have two children, Tricia Dunlap and Arnold Andrew Saaedra, and a granddaughter, Sage Elizabeth Dunlap.

Mr. Saaedra 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 RESTORATION 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 increased, 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. Penelope. 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 MIGNNIS
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 offers 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”. 

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 adopt a fixed currency as 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 consumers to be hurt by 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 Americans are aware of our Constitution 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 earning 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 is based on the false premise 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 often ruled against the United States and Congress is right now enacting 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 governance, 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 they 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 program 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 BUCK 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, “Buck 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 American nation. There is no question that Bill will be remembered as a great businessman. However, he will be best 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 that 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 congratulate President Chen 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.

By Con. Res. 302, I am asking the Speaker to schedule 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.

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 Sunnaha, 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 an important economic center 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. The local economy, like many other parts of Southeast 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 of Prince of Wales Island. Right now, there is no 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, they 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 in 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 us 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 MCCREERY
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 30, 2003

Mr. McCREERY. Mr. Speaker, last week, 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 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, in-patient 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 individuals with serious and persistent mental illness.

PAYING TRIBUTE TO BERNICE TOONE 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 “Ber-nie” Toonen Cooper of Durango, Colorado. She 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 a woman like Bernie be their nurse. Several physicians with whom she regularly worked regarded her as the best nurse in town.

If the patient is on Medicaid 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 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, in-patient hospitalization.

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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 Wilkes-Barre 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 Julie Fortinsky, 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 recognize 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.
COMMITTED TO PROGRESS IN FIGHTING BREAST CANCER

HON. RUBÉN 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 of this preventable and curable 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 DINGLE, 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 herbal products, but a wide range of other dietary products. This 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. Anantistolic acid, which is in some traditional Chinese medicines, can cause kidney failure. Steroids and anabolic steroids, which are used in 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 providers. 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 caused by these substances.
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 has 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 ribbon 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 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. LUCILE 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 reintroduction 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 getting 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 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 due to abuse-related problems, 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 all other arrangements due to 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 were fired) due to domestic violence.

I am 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. It’s past time for Federal 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 service and dedication 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 Jeannie 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 declined 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 to the Berkeley community. 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. FORTEY 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 of 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.

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 strikers; air traffic controls; IranContra; selling arms to terrorist nations; trading arms for hostages; retreating from terrorists in Beirut; lying to Congress; financing an illegal war in Nicaragua; a cozy relationship with Saddam Hussein; shredding documents; Ed Meese; Fawn

MINISERIES ON THE REAGANS
Hall; Oliver North; James Watt; apartheid apologia; the savings and loan scandal; voodoo economics; record budget deficits; double digit unemployment; farm bankruptcies; trade deficits; cloning 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 health and educational challenges of 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. School food service programs have the authority to implement policies that encourage a healthy school nutrition environment. The school cafeteria also plays host to foods that lack any significant nutritional value. These foods, sold side by side with the school food directors, 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 school. 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 sodas, high fat and high sodium snacks. These “competitive foods” do not meet the nutritional standards we now have for children. The growing revenue constraints faced by many school districts have increased the proportion of unhealthy competitive foods in the cafeteria and have 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 nutrition 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 new programs as well as professional 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.

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.

Establishes a demonstration project for streamlining the monitoring of CACFP providers.
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 by waiving 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 .9927 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 offices to waive the “physical presence” requirement for infants and children under specific circumstances; and requires a decennial review of the WIC food package.

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races 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 meaningful, satisfying and enjoyable lives.

This noble self-remembrance of Walter Edward Washington, who died yesterday in his apartment in the age of 80, is—like so much that he accomplished for the city—he deeply loved—just right. More than anyone in this century, he was the soul, the 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 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 pressed Congress to accord home rule to the District of Columbia, it was to suffer an embarrassing defeat—Walter Washington had been among the tireless workers on behalf of enfranchising the millions 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 the appointed commissioners to a new system with a single appointed commissioner and a council. For commissioner—a position whose holder, the president, officially but force-fully dubbed “mayor”—the president chose Mr. Washington, the first African American named to lead a U.S. city.

Though Mayor 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 pre-serve of whites. Until his arrival, the District Building had been a tomb, barely vis-ited by residents. Powerful local business in-terests dealt directly with Congress, as did the 80-per cent-white police force and other organized employees. As Mr. Washington involved more citizens in government activities, the city began to blossom 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 un-organized employee groups. As Mr. Wash-ington operated on Capitol Hill like an impresario, winning small victories here and there through love and compassion, he 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 MANDY 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 “Mandy” 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. Mandy and her husband, Olaus, were instrumental in the development of the American conservation and land protection movement. Her passing on October 19 at
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 even for me to comprehend.”

In 1964, the Muries and many other conservationists won a 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 Alaskamallocy 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 inspire 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.

Mr. Speaker, the Juvenile Violent Gun Crime Reporting Act is a simple and straightforward bill and could go a long way toward making our schools, streets, and cities much safer for our children and our families. It is a good bill and we hope that my colleagues will join us.

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 devastating 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 guns or 9 percent of the total guns 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 check. 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 Juvenile 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 schools, streets, 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 Wallkill, 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 Wall Street Journal points out, many in the media believe a story isn’t true 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 to Wall Street firms posted earnings gains, they were two or three years ago—recorded positive results, their successes were almost universally reported with the word “but.”

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 gain.

Earnings were up—but the mood of optimism was tempered by concerns about global competitiveness.

Cash flows were 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. But the 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 38% in the third quarter. From the reporting on it, you’d think they could have told 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—the final 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 nostrum: “telecom recovery 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, Citigroup and several other hyper-industry giants were showing sensational results. What did you hear? Reserve provisions for bad loans were down. This “but” could have actually been a “but”.

For instance, “Earnings were sensational because, among other factors, reserve provisions are down as a result of improved risk management and a strong real estate market.” 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 growing 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 companies that flamed out because they were based on unrealistic business models or turned out to be rotten businesses had their lives 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 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 are probably to the right to get nothing but disrespect and doubt.

If we are ever to get competitive again, though, we can’t 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 last. Yes, it’s only that. It’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. RAHME 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 Mohamoud Farah Aidid. Today we remember and honor the sixty 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 firefights 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 to the security 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

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 30, 2003

Ms. SOLIS. Mr. Speaker, I stand before you today to recognize one of the oldest and 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 Marderosian.

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 oldest Armenian Apostolic church 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 seventy 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 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 his family.

John M. Corcoran grew up in a triple-decker at the end of the driveway to St. Margaret's School, 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 the St. Mary's Women and Infant Center, a multiservice agency for Dorchester residents that was born in 1993 at 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," said Judy Beckler, president of the Women and Infant Center. Beckler also said Tuesday at the clinic's dedication ceremony that he responded to someone who had asked if he would have done the same thing if he had been a woman.

"I once asked him what D-Day was like," her 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 Jemison Companies.

"We were all the 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 five 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 Denise of Milton; nieces and nephews, 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 at some point in their 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 Awareness 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 become perpetrators or victims, 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 women experience violence 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 by 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.

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.
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.
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 vitiating: 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.

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.

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.


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, Intergovernmental 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 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.
D1216  CONGRESSIONAL RECORD—DAILY DIGEST  October 31, 2003

Next Meeting of the SENATE
11 a.m., Monday, November 3

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.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Tuesday, November 4

House Chamber

Program for Tuesday: The House will meet at 12:30 p.m. on Tuesday, November 4 for morning hour debate.

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