United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 108th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Tuesday, January 7, 2003*

This being the day fixed by the 20th amendment to the Constitution of the United States and Public Law 107–328 for the meeting of the Congress of the United States, the Members-elect of the 108th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Jeff Trandahl.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of history, our eternal God, You faithfully gather Your people in faith. You are always attentive to our prayers. The Journal of Congress records the fact that in 1774, the Reverend Duche led the Continental Congress in a prayer based on Psalm 35. Today, at the beginning of the 108th Congress, we return to the lines he quoted: ''Fight, O Lord, against those who fight me; war against those who make war upon me. Take up the shield and buckler and rise up in my defense.''

Lord, the ominous sound of impending violence grips the soul of this Nation today as it did at its beginnings. So be with us, Lord, as You have been throughout our history, both in times of war and in times of peace.

But the martial imagery does not narrow our gaze today only on battlefields and armaments. For our battle is against all forms of evil and any injustice. With the psalmist may the new Congress pray that truth will always uncover falsehood, and its righteous deeds will destroy cynicism. Knowing our enemy is anyone who denies God-given human rights, may the Members of this government, their families and staffs be committed to bring peace and unity to others as Your servants now and forever. Amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Members-elect and their guests will please remain standing and join in the Pledge of Allegiance to the flag.

The Clerk 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.

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 107–328 for the meeting of the 108th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 434 seats in the 108th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as Representatives in accordance with the laws of their respective States or of the United States will be called.

The Clerk lays before the House a facsimile of a communication from the Chief Election Officer of the State of Hawaii.

JANUARY 5, 2003.

Hon. JEFF TRANDAHL,
Clerk, House of Representatives,
Washington, DC.

DEAR MR. TRANDAHL: This is to advise you that the unofficial results of the Special Election held on Saturday, January 4, 2003 for Representative in Congress from the Second Congressional District of Hawaii show that Ed Case (D) received 33,002 of votes of the total number cast for that office.

It would appear from the unofficial results that Ed Case (D) was elected Representative from the Second Congressional District of Hawaii. We are unaware of any election contest at this time.

As soon as the official results are certified, an official Certificate of Election will be transmitted as required by law.

Should you have any questions or need additional information, please contact Lori Tomczyk or myself at (808) 453–VOTE (8683).

Very truly yours,

DWAYNE D. YOSHINA,
Chief Election Officer.

Special Election: State of Hawaii,
Final Report, January 4, 2003

U.S. Representative, Dist 2	91 of 91	Percent
Case, Ed (D)	33,002	43.2
Matsunaga, Matt (D)	23,050	30.2
Hanabusa, Colleen (D)	6,046	7.9
Marumoto, Barbara C. (R)	4,497	5.9
McDermott, Bob (R)	4,298	5.6
Halford, Chris (R)	728	1.0
Kaloi, Kimo (R)	642	0.8
Carroll, John (Mahina) (R)	521	0.7

Special Election: State of Hawaii,—Continued
Final Report, January 4, 2003

U.S. Representative, Dist 2	91 of 91	Percent
Fasi, Frank F. (R)	483	0.6
McNett, Mark (N)	449	0.6
Rath, Jim (R)	414	0.5
Haake, Richard H. (R)	212	0.3
Secretario, Nelson J. (R)	208	0.3
Anderson, Whitney T. (R)	201	0.3
Keaulana-Dyball, Moana (N)	91	0.1
Nikhilananda, Nick (G)	75	0.1
Cole, Brian G. (D)	69	0.1
Kaapu, Kekoa D. (D)	68	0.1
Mallan, Jeff (L)	58	0.1
Mataafa, Sophie (N)	52	0.1
Fairhurst, Doug (R)	38	0.0
Gagnd, Mike (D)	35	0.0
Golojuch, Carolyn Mart (R)	29	0.0
Goodwin, G. (Imz) G)	27	0.0
Payne, Richard (Rich) (R)	25	0.0
Weatherwax, Clarence H (R)	25	0.0
Anand, Kabba (N)	24	0.0
Vierra, Dan (N)	22	0.0
Sabey, John L. (R)	20	0.0
Rocco, Pat (D)	19	0.0
Russell, Bill (N)	18	0.0
Sparks, Steve (N)	17	0.0
Wong, Solomon (N)	16	0.0
Reyes, Art P. (D)	15	0.0
Britos, Paul (D)	13	0.0
Harlan, S.J. (N)	11	0.0
Collins, Charles (D)	10	0.0
Randall, John (Jack) (N)	9	0.0
Tataii, Steven (D)	9	0.0
Rethman, Mike (R)	8	0.0
Turner, Marshall (N)	8	0.0
Jensen, Herbert L. (D)	6	0.0
Gano, Alan R. (N)	3	0.0
Rowland, Bartle Lee (N)	3	0.0
Blank votes	647	.8
Over Votes	107	0.1
Registration and turnout		
Total registration	348,342	
Total turnout	76,328	21.9
Precinct turnout	53,507	15.4
Type 1	53,507	15.4
Absentee turnout	22,821	6.6
Type 1	22,821	6.6
Overseas turnout	0	
1st Congressional	0	
2nd Congressional	0	

The CLERK. Without objection, the Representative-elect from the Second District of the State of Hawaii will be allowed to record his presence and also to vote on the election of the Speaker.

There was no objection.

The CLERK. Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED ''PRESENT''—432

ALABAMA

Aderholt, Bachus, Bonner, Cramer, Davis, Everett, Rogers

ALASKA

Young (AK)

ARIZONA

Flake, Franks (AZ), Grijalva, Hayworth, Kolbe, Pastor, Renzi, Shadegg

ARKANSAS

Berry, Boozman, Ross, Snyder

CALIFORNIA

Baca, Becerra, Berman, Bono, Calvert, Capps, Cardoza, Cox, Cunningham, Davis (CA), Dooley (CA), Doolittle, Dreier, Eshoo, Farr, Filner, Gallegly, Harman, Herger, Honda, Hunter, Issa, Lantos, Lee, Lewis (CA), Lofgren, Matsui, McKeon, Millender-McDonald, Miller, Gary, Miller, George, Napolitano, Nunes, Ose, Pelosi, Pombo, Radanovich, Rohrabacher, Roybal-Allard, Royce, Sánchez, Linda T., Sanchez, Loretta, Schiff, Sherman, Solis, Stark, Tauscher, Thomas, Thompson (CA, Waters, Watson, Waxman, Woolsey

COLORADO

Beauprez, DeGette, Hefley, McInnis, Musgrave, Tancredo, Udall (CO)

CONNECTICUT

DeLauro, Johnson (CT), Larson (CT), Shays, Simmons

DELAWARE

Castle

FLORIDA

Bilirakis, Boyd, Brown, Corrine, Brown-Waite, Ginny, Crenshaw, Davis (FL), Deutsch, Diaz-Balart, Lincoln, Diaz-Balart, Mario, Feeney, Foley, Goss, Harris, Hastings (FL), Keller, Meek (FL), Mica, Miller (FL), Putnam, Ros-Lehtinen, Shaw, Stearns, Weldon (FL), Wexler, Young (FL)

GEORGIA

Bishop (GA), Burns, Collins, Deal (GA), Gingrey, Isakson, Kingston, Lewis (GA), Linder, Majette, Marshall, Norwood, Scott (GA)

HAWAII

Abercrombie, Case

IDAHO

Otter, Simpson

ILLINOIS

Biggert, Costello, Crane, Davis (IL), Emanuel, Evans, Gutierrez, Hastert, Hyde, Jackson (IL), Johnson (IL), Kirk, LaHood, Lipinski, Manzullo, Rush, Schakowsky, Shimkus, Weller

INDIANA

Burton, Buyer, Carson (IN), Chocola, Hill, Hostettler, Pence, Souder, Visclosky

IOWA

Boswell, King (IA), Latham, Leach, Nussle

KANSAS

Moore, Moran (KS), Ryun (KS), Tiahrt

KENTUCKY

Fletcher, Lewis (KY), Lucas (KY), Northup, Rogers (KY), Whitfield

LOUISIANA

Alexander, Baker, Jefferson, John, McCrery, Tauzin, Vitter

MAINE

Allen, Michaud

MARYLAND

Bartlett (MD), Cardin, Cummings, Gilchrest, Hoyer, Ruppersberger, Van Hollen, Wynn

MASSACHUSETTS

Capuano, Delahunt, Frank (MA), Lynch, Markey, McGovern, Meehan, Neal (MA), Olver, Tierney

MICHIGAN

Camp, Conyers, Dingell, Ehlers, Hoekstra, Kildee, Kilpatrick, Knollenberg, Levin, McCotter, Miller (MI), Rogers (MI), Smith (MI), Stupak, Upton

MINNESOTA

Gutknecht, Kennedy (MN), Kline, McCollum, Oberstar, Peterson (MN), Ramstad, Sabo

MISSISSIPPI

Pickering, Taylor (MS), Thompson (MS), Wicker

MISSOURI

Akin, Blunt, Clay, Emerson, Gephardt, Graves, Hulshof, McCarthy (MO), Skelton

MONTANA

Rehberg

NEBRASKA

Bereuter, Osborne, Terry

NEVADA

Berkley, Gibbons, Porter

NEW HAMPSHIRE

Bass, Bradley (NH)

NEW JERSEY

Andrews, Ferguson, Frelinghuysen, Garrett (NJ), Holt, LoBiondo, Menendez, Pallone, Pascrell, Payne, Rothman, Saxton, Smith (NJ)

NEW MEXICO

Pearce, Udall (NM), Wilson (NM)

NEW YORK

Ackerman, Bishop (NH), Boehlert, Crowley, Engel, Fossella, Hinchey, Houghton, Israel, Kelly, King (NY), Lowey, McCarthy (NH), McHugh, McNulty, Meeks (NY), Nadler, Owens, Quinn, Rangel, Reynolds, Serrano, Slaughter, Sweeney, Towns, Velázquez, Walsh, Weiner

NORTH CAROLINA

Ballance, Ballenger, Burr, Coble, Etheridge, Hayes, Jones (NC), McIntyre, Miller (NC), Myrick, Price (NC), Watt

NORTH DAKOTA

Pomeroy

OHIO

Boehner, Brown (OH), Chabot, Gillmor, Hobson, Jones (OH), Kaptur, Kucinich, LaTourette, Ney, Oxley, Portman, Pryce (OH), Regula, Ryan (OH), Strickland, Tiberi, Turner (OH)

OKLAHOMA

Carson (OK), Cole, Istook, Lucas (OK), Sullivan

OREGON

Blumenauer, DeFazio, Walden (OR), Wu

PENNSYLVANIA

Brady (PA), Doyle, English, Fattah, Gerlach, Greenwood, Hart, Hoeffel, Holden, Kanjorski, Murphy, Murtha, Peterson (PA), Pitts, Platts, Sherwood, Shuster, Toomey, Weldon (PA)

RHODE ISLAND

Kennedy (RI), Langevin

SOUTH CAROLINA

Barrett (SC), Brown (SC), Clyburn, DeMint, Spratt, Wilson (SC)

SOUTH DAKOTA

Janklow

TENNESSEE

Blackburn, Cooper, Davis (TN), Duncan, Ford, Gordon, Jenkins, Tanner, Wamp

TEXAS

Barton (TX), Bell, Bonilla, Brady (TX), Burgess, Carter, Combest, Culberson, DeLay, Doggett, Edwards, Frost, Gonzalez, Granger, Green (TX), Hall, Hensarling, Hinojosa, Jackson-Lee (TX), Johnson, E.B., Johnson, Sam, Lampson, Ortiz, Paul, Reyes, Rodriguez, Sandlin, Sessions, Smith (TX), Stenholm, Thornberry, Turner (TX)

UTAH

Bishop (UT), Cannon, Matheson

VERMONT

Sanders

VIRGINIA

Boucher, Cantor, Davis, Jo Ann, Davis, Tom, Forbes, Goode, Goodlatte, Moran (VA), Schrock, Scott (VA), Wolf

WASHINGTON

Baird, Dicks, Dunn, Hastings (WA), Inslee, Larsen (WA), McDermott, Nethercutt, Smith (WA)

WEST VIRGINIA

Capito, Mollohan, Rahall

WISCONSIN

Baldwin, Green (WI), Kind, Kleczka, Obey, Petri, Ryan (WI), Sensenbrenner

WYOMING

Cubin

□ 1230

The CLERK. Four hundred thirty-two Members have recorded their presence. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have

been received showing the election of the Honorable ANÍBAL ACEVEDO-VILÁ as Resident Commissioner of the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2001; the election of the Honorable ELEANOR HOLMES NORTON as delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTENSEN as delegate of the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as delegate from American Samoa; and the election of the Honorable MADELEINE Z. BORDALLO as delegate from Guam.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 108th Congress.

Nominations are now in order.

The Clerk recognizes the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Clerk, for 4 years we have been blessed to have an individual of fairness, honesty, and common sense lead us without regard to rank or party. During even the most difficult of times, this common man with an uncommon conviction to do what is right has risen to the task and served as the Speaker for the whole House of Representatives.

Therefore, Mr. Clerk, as chairman of the House Republican Conference, I am directed by the unanimous vote of that conference, and am very honored to present for election to the Office of the Speaker of the House of Representatives of the 108th Congress of the United States of America, the name of the Honorable J. DENNIS HASTERT, a representative-elect from the State of Illinois.

The CLERK. The Chair now recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Clerk, as chairman of the Democratic Caucus, I am directed by the unanimous vote of that caucus to present for election to the Office of the Speaker of the House of Representatives for the 108th Congress an incredibly talented Member of the Democratic Caucus and, for the first time in history, the name of a woman, the name of the Honorable NANCY PELOSI, a representative-elect from the State of California.

The CLERK. The Honorable J. DENNIS HASTERT, a representative-elect from the State of Illinois, and the Honorable NANCY PELOSI, a representative-elect from the State of California, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from Ohio (Mr. NEY), the gentlewoman from California (Ms. WATERS), the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentleman from Texas (Mr. RODRIGUEZ).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

HASTERT—228

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

PELOSI—201

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

MURTHA—1

Taylor (MS)

PRESENT—4

Hall	Lucas (KY)
Hastert	Stenholm

NOT VOTING—1

Hooley

□ 1330

The CLERK. The tellers agree in their tallies that the total number of votes cast is 434, of which the Honorable J. DENNIS HASTERT of the State of Illinois has received 228, the Honorable NANCY PELOSI of the State of California has received 201, the Honorable JOHN

MURTHA of the Commonwealth of Pennsylvania has received 1 vote, with 4 recorded as ''present.''

Therefore, the Honorable J. DENNIS HASTERT of the State of Illinois is duly elected Speaker of the House of Representatives for the 108th Congress, having received the majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair: The gentlewoman from California (Ms. PELOSI), the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the gentleman from Maryland (Mr. HOYER), the gentlewoman from Ohio (Ms. PRYCE), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from Illinois (Mr. CRANE), the gentleman from Illinois (Mr. HYDE), the gentleman from Illinois (Mr. EVANS), the gentleman from Illinois (Mr. LIPINSKI), the gentleman from Illinois (Mr. COSTELLO), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from Illinois (Mr. MANZULLO), the gentleman from Illinois (Mr. RUSH), the gentleman from Illinois (Mr. LAHOOD), the gentleman from Illinois (Mr. WELLER), the gentleman from Illinois (Mr. JACKSON), the gentleman from Illinois (Mr. DAVIS), the gentleman from Illinois (Mr. SHIMKUS), the gentlewoman from Illinois (Mrs. BIGGERT), the gentlewoman from Illinois (Ms. SCHAKOWSKY), the gentleman from Illinois (Mr. JOHNSON), the gentleman from Illinois (Mr. KIRK), the gentleman from Illinois (Mr. EMANUEL).

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 108th Congress, who was escorted to the chair by the Committee of escort.

□ 1345

Ms. PELOSI. First, congratulations to each and every Member of this House on your swearing-in to the 108th Congress which is about to occur. A special congratulations and welcome to the freshmen to the Capitol and certainly to their families and friends. Let us all welcome our freshmen Members.

Let me also thank my Democratic colleagues. I am humbled by the honor they have bestowed upon me to become the House Democratic leader. I know that I speak for all of us when I express profound gratitude to our esteemed colleague, the gentleman from Missouri (Mr. GEPHARDT). We thank the gentleman for his unwavering service to this institution and to our country. It is a great honor to follow in his footsteps.

And to my family, my dear husband, Paul, our five children, and our five grandchildren, and to my D'Alesandro family, I thank them very much for the love, support, encouragement, and joy that they have given me.

Because of you, and the people of San Francisco, whom I am honored to serve, I had the unprecedented privilege today to have my name placed in nomination as the first woman ever to do so in the history of the House of Representatives.

I am grateful to my colleagues for the confidence and proud of my party for breaking down another barrier and leading America closer to the ideal of equality that is both our heritage and our hope.

We serve in the people's House; and today, I want to pay tribute to the American people. It is their greatness, their fair-mindedness, their commitment to family, their willingness to hope and dream that sustain our country.

I especially wish to acknowledge the men and women in uniform whose courage keeps our country free and safe and makes it possible for us to strive for peace on Earth and goodwill toward mankind.

For more than 214 years, the American people have issued a most awesome challenge to those of us in Congress. Debate, the American people tell us when they send us here, debate the great issues of our Nation. Decide matters of war and peace. Fashion laws and policies that will make our economy sound, our institutions fair, our society just, our environment protected, our people educated and healthy, our religions and beliefs free from constraint, and our homeland secure from terror.

Debate policies, the American people tell us, which will ensure peace and justice throughout the world, comfort the afflicted, give voice to the oppressed, and make the future brighter for our children.

Today I speak as the leader of the minority in a closely divided House of Representatives. We are on different sides of the aisle, but we have shared oath and a greater obligation to serve our country together, both to find common ground wherever we can and to stand our ground wherever we must to be true to the people we represent.

My colleagues, I commit to all of you and to the American people that our party will always stand for the principles in which we believe, for I believe those principles represent the mainstream beliefs of our Nation: fairness, opportunity, patriotism, community, equal rights and a strong America, safe and prosperous at home, and committed abroad to a more secure and just world, free from the fear of terrorism.

So in that spirit, I ask the majority in this House and the administration to join us in a new spirit to get our economy moving again in a way that helps working families. I ask that you join us in creating jobs and providing access to quality health care for America's families, including a prescription drug coverage for our seniors.

I ask that, after having passed the Leave No Child Behind Act, we act now to pledge to put our children first and fully fund their education.

Finally and fundamentally, on the great and fateful issues we have all faced as Americans, especially since September 11, let me pledge for my party our absolute commitment to our national security, to winning the battle against terrorism and countering the threat of weapons of mass destruction.

At times, we will have to debate on how best to provide for the common defense. That debate is not only right and necessary, it is at the heart of our democracy. But let there be no doubt, in our commitment to the strength and safety of America, there are no Democrats, there are no Republicans. Together, as Americans, we must and will prevail.

We have great and grave issues to decide, as fateful as any faced by any of the 107 Congresses before us. So let us reach across party lines as we stand for principle, and let this be our own test, to advance and defend what is best for America.

Now it is my privilege to present the Speaker of the House with my hardiest congratulations. Mr. Speaker, I hope in the next Congress our roles will be reversed, and you will have this wonderful privilege of presenting the gavel.

In introducing our Speaker, let me first pay tribute to his skill, his decency and his integrity. We all hold the title of ''honorable'' by virtue of the office we hold; DENNIS HASTERT holds the title of ''honorable'' by virtue of his character. He is a man of honor.

It is my privilege, colleagues, to present the Speaker of the House for the 108th Congress, the gentleman from Illinois (Mr. HASTERT).

The SPEAKER. I want to thank the gentlewoman from California (Ms. PELOSI) for her gracious remarks, and I want to congratulate her for her historic achievement. NANCY PELOSI is the first woman in our Nation's history to be nominated to be Speaker of the House of Representatives. Now that this glass ceiling has been broken, I trust she will not be the last.

NANCY PELOSI is not the only woman to make history today. The gentlewoman from Ohio (Ms. PRYCE) today becomes the first woman to chair the House Republican Conference. I want to congratulate her as well.

I think it is altogether appropriate to note the history these two outstanding representatives have made today. We are a better country because of the active political participation of millions of American women, in this House and in elected positions all across this Nation.

We have 63 women Members in the House today. They represent millions of American. They fight hard for their constituents, and they serve with distinction.

Let me say to my good friend, the gentlewoman from California (Ms. PELOSI), as I welcome her to her new post as minority leader, we are going to have our fair share of disagreements. That is the nature of our two-party system. But together we must always find ways to make America a better and a more secure place to live.

My door will always be open as we work together in this 108th Congress. To all Members of this House, I say thank you for giving me the great honor to serve once again as your Speaker.

As we stand here today, we leave behind the work of the historic 107th Congress. Some of the achievements of the 107th Congress were planned, others were thrust upon us by events. We enacted landmark education reform, far-reaching election reform, and we have completed work on the most significant tax relief in a generation.

But we are also confronted by the most brutal, the senseless, and most tragic attack on our citizens in our Nation's history. The events of September 11, 2001, which we recalled in a historic commemorative session in New York City last fall, are still very much in our thoughts and in our prayers.

We ache for those we lost at the World Trade Towers and the Pentagon, and we give quiet thanks to those brave passengers on United Flight 93 who stopped the terrorists from crashing another plane into Washington, D.C. We sit in this Chamber knowing that it may very well have been the target for that ill-fated flight.

Just a few steps from here, on the central steps of this Capitol building, we stood together on September 11, Republicans and Democrats. We stood shoulder to shoulder representing one Nation, under God, indivisible, and pledged to fight those who would threaten our freedom.

□ 1400

In this room, just a few days later, our President called us to action. And act we did to give the President the tools he needed to fight those who engage in terrorism and those who harbor them.

Friends, our fellow Americans know that we are still engaged in that struggle today. Like generations before, they know that freedom comes with a price. As we begin this new Congress, I want to say to the American people, we will keep that commitment we made on the steps of this Capitol on September 11, 2001. This Congress will do everything in its power to provide for the security of the American people. We are determined that it shall never happen here again.

The Members of this House who are returning can be proud of the legislation we passed to create a Department of Homeland Security, the most significant restructuring of the Federal Government in the last 50 years. It will help make this Nation more secure.

But the 108th Congress must build on the work of the last Congress. Having given birth to this new department, we must now nurture it and, with the leadership of our President, guide it to successful maturity. And as we build on the achievements of the 107th Congress, we must not forget the legacy of three leaders, two who decided to make the 107th Congress their last, and another who chose to step down from his leadership post as he considers other opportunities for public service.

Dick Armey and DICK GEPHARDT differed in many ways. The former majority leader and the former minority leader were often at odds on tax policy, debated vigorously on social policy, and presented competing visions for America. But they both loved this House, and they both loved the St. Louis Rams. Their leadership, along with that of J.C. Watts, will be missed in this House, and I wish them the best in their new endeavors.

As we start the 108th Congress, we welcome 54 new Members of the House. I have had a chance to meet almost all of them, and I am impressed by their experience, by their expertise and by their energy. The other body also welcomes 10 new Senators, including several of our former colleagues.

As I begin my third term as Speaker of the House, and ninth term as a Member of Congress representing the voters of the 14th District of Illinois, I want to thank my constituents for honoring me with their trust. My district stretches from the far suburbs of Chicago, through the Fox River Valley, to the great Mississippi River. It includes suburbs, small towns and flowing fields of corn and soybeans. It is the heartland of America. I am particularly proud that it includes Dixon, Illinois, the boyhood home of one of the giants of the 20th century, President Ronald Reagan.

As you all know, I go home as often as possible, because it is there that I get a dose of reality. It is usually my wife Jean who provides that dose of reality. Thank you, Jean, for all of your love, your support and your patience.

I believe that to be a good Speaker of the House, you also must be a good listener. I pledge to you that I will continue to open my door to listen to your concerns and to do my best to do the will of this House. And as we start the 108th Congress, we must all begin by listening to America, to the men and women who sent us here.

What is it that concerns our citizens? First and foremost, they want us to make this Nation more secure. Terrorists threaten our American homeland. This Capitol building and the buildings where our fellow Americans work and live and worship are all on the front lines of this new war. Now that we have a Department of Homeland Security, we in the Congress have a duty to make sure it works as it was designed to work. It must protect our citizens without invading their privacy unnecessarily. It must make our government more effective in fighting terrorism without making our government too big. And it must do its work efficiently, without compromising workers' rights.

Later on today, we will vote to create a Select Committee on Homeland Security. Members of this select committee will oversee the creation of the Department of Homeland Security to make certain that the executive branch is carrying out the will of the Congress. This select committee will be our eyes and our ears as this critical department is organized. The standing committees of the House will maintain their jurisdictions and will still have authorization and oversight responsibilities. This House needs to adapt to the largest reorganization of our executive branch in 50 years, and this select committee will help us make this transition.

As we protect our citizens, we must also support our Armed Forces as they fight the terrorists and the terrorist states that protect them. Giving our Armed Forces and intelligence services the resources they need to get the job done will be a top priority of this House.

As we work to make American families more secure, we also need to improve our Nation's economy. Without a sound economy that creates jobs, no family really feels secure. In too many pockets of our Nation, the economy stumbles along. This week, this House, as we did in the waning hours of the 107th Congress, will address an immediate need by passing an extension of unemployment benefits.

But we all know that unemployment benefits are no substitute for a permanent job. We must ask ourselves, what can we do to improve our economic growth and create jobs? First, we can lower the tax burden on small businesses so that they can hire more workers. Eighty percent of all the jobs in my district, and I suspect many of yours, are created by small and medium-sized businesses. Let us do something to help the job creators.

Second, we can increase export opportunities with the rest of the world. Last year we passed trade promotion authority. This year we need to promote more trade and, yes, fair trade.

Third, we can cut the cost of government, of regulations, and of litigation, which too often strangles business creation and puts an undue burden on our consumers.

Fourth, we can make the President's tax cuts permanent. What sense does it make to phase out the unfair death tax over 8 years only to have it come back to life in year 9? And we have to look at longer term reform of our Tax Code.

Our Tax Code should help us compete on the world stage. But does it help or actually hurt job creation? Would it not make sense to make our Tax Code simpler, smarter and less burdensome?

As we work to make the economy stronger, we must also work to make our health care system better. We face a health care crisis in this country. Forty-four million Americans are uninsured. Prescription drug costs are too high. Health care costs continue to skyrocket. We need to address all of these issues, and we need to do it quickly. No senior citizen should be forced to choose between putting food on the table or purchasing lifesaving prescription drugs. No small business mom and pop operation should have to risk going without health insurance for their children because the cost is too high. No baby boomer should be forced to face bankruptcy just because she gets sick. Our health care system is the best in the world. But it could be even better and more accessible to everyone. We have the resources, we have the talent, and we have the know-how. Now let us have the right laws to allow for an even better system.

Finally, last year we passed landmark education reform. The Leave No Child Behind Act was a good start to making our public schools the best in the world. But we still have much work to do. I taught at a public high school for 16 years. My wife taught public grade school for over 30 years. I know how tough, yet how rewarding teaching can be. There is no more noble profession than being a teacher. There is no better investment in the future of our Nation than education. Yet far too often our schools are not as good as they ought to be. Let us work together, as Republicans and Democrats, to improve our schools and support our teachers.

On this historic day, my mind turns to our most sacred political document, our Constitution. It is here that we, the Congress of the United States, are charged with a simple task: establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity. Never has that mission seemed so important and never has it seemed to be more threatened.

My colleagues, we have a sacred duty to perform. As the elected representatives of the American people, we must, along with our President, shoulder a great burden of responsibility. Today, we are jubilant in our celebration, and rightfully so. Enjoy this day with your family and your friends. But come back tomorrow with your sleeves rolled up, because the task ahead is great and leadership is hard, steady work. You will be called upon to make many decisions over the next 2 years. Many will impact the economic well-being of your fellow Americans. Some may cause you to send our youth into harm's way. There is no textbook for how to do your job. Each of you must find your own way. Start by doing your job to the best of your ability. Represent your constituents with the noblest of motives. And always be true to the democratic values of this great institution. Let us be respectful of those with whom we disagree and make an effort to find the common ground. Let us keep before us our common goal, to make this Nation safer and more secure for all Americans and a better place to pass on to our children and our grandchildren when our work here is done.

As we begin this new 108th Congress, let us be mindful of our Creator and of His plans for this great country. May God bless this House of Representatives.

□ 1415

I recognize my good friend and colleague, the dean of the House of Representatives, the gentleman from Michigan (Mr. DINGELL); and he will administer the oath of the office of the Speaker.

Mr. DINGELL then administered the oath of office to Mr. HASTERT of Illinois, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God.

Mr. DINGELL. Congratulations.

(Applause, the Members rising.)

SWEARING IN OF MEMBERS

The SPEAKER. According to the precedents, the Chair will swear in all Members of the House at this time.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now Members of the 108th Congress.

MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as their majority leader the gentleman from Texas, the Honorable TOM DELAY.

MINORITY LEADER

Mr. MENENDEZ. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that Democratic Members have selected as minority leader the gentlewoman from California, the Honorable NANCY PELOSI.

MAJORITY WHIP

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority whip the gentleman from Missouri, the Honorable ROY BLUNT.

MINORITY WHIP

Mr. MENENDEZ. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have elected as minority whip the gentleman from Maryland, Mr. HOYER.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER, AND CHAPLAIN

Ms. PRYCE of Ohio. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Jeffery J. Trandahl of the State of South Dakota, be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livinood of the Commonwealth of Virginia, be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That James M. Eagen, III, of the Commonwealth of Pennsylvania, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois, be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. MENENDEZ. Mr. Speaker, I have an amendment to the resolution; but before offering the amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I offer an amendment to the remainder of the resolution offered by the gentlewoman from Ohio (Ms. PRYCE).

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:

For the Remainder of the House Resolution 1

That George Crawford of the state of California be, and is hereby, chosen Clerk of the House of Representatives;

That Lorraine Miller of the state of Texas be, and is hereby, chosen Sergeant-at-Arms of the House of Representatives; and

That Cecile Richards of the state of Texas be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentlewoman from Ohio (Ms. PRYCE).

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. The Chair will now swear in the officers-elect of the House. Will they please come forward.

The officers-elect presented themselves at the bar of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take the obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office for which you are about to enter. So help you God.

The SPEAKER. Congratulations.

NOTIFICATION TO THE SENATE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 2) to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that J. Dennis Hastert, a Representative from the state of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Eighth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 3) authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that the Congress is ready to receive any communication that he may be pleased to make, the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI).

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 4) authorizing the Clerk to inform the President of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected J. Dennis Hastert, a Representative from the State of Illinois, Speaker: and Jeffrey J. Trandahl, a citizen of the State of South Dakota, Clerk of the House of Representatives of the One Hundred Eighth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1430

RULES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Seventh Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Seventh Congress, are adopted as the Rules of the House of Representatives of the One Hundred Eighth Congress, with amendments to the standing rules as provided in section 2, and with other orders as provided in sections 3 and 4.

SEC. 2. CHANGES IN STANDING RULES.—

(a) MEMBERS TO ACT AS SPEAKER PRO TEMPORE.—In clause 8(b) of rule I, add at the end the following new subparagraph:

''(3)(A) In the case of a vacancy in the office of Speaker, the next Member on the list described in subdivision (B) shall act as Speaker pro tempore until the election of a Speaker or a Speaker pro tempore. Pending such election the Member acting as Speaker pro tempore may exercise such authorities of the Office of Speaker as may be necessary and appropriate to that end.

''(B) As soon as practicable after his election and whenever he deems appropriate thereafter, the Speaker shall deliver to the Clerk a list of Members in the order in which each shall act as Speaker pro tempore under subdivision (A).

''(C) For purposes of subdivision (A), a vacancy in the office of Speaker may exist by reason of the physical inability of the Speaker to discharge the duties of the office.''.

(b) TERM OF SPEAKER—In rule I—

(1) strike clause 9; and

(2) redesignate clause 13 as clause 9.

(c) RECESS AND CONVENING AUTHORITIES.—In clause 12 of rule I—

(1) amend the caption to read ''Recess and convening authorities''; and

(2) designate the existing text as paragraph (a) and add thereafter the following new paragraphs:

''(b) To suspend the business of the House when notified of an imminent threat to its safety, the Speaker may declare an emergency recess subject to the call of the Chair.

''(c) During any recess or adjournment of not more than three days, if the Speaker is notified by the Sergeant-at-Arms of an imminent impairment of the place of reconvening at the time previously appointed, then he may, in consultation with the Minority Leader—

''(1) postpone the time for reconvening within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly; or

''(2) reconvene the House before the time previously appointed solely to declare the House in recess within the limits of clause 4, section 5, article I of the Constitution and notify Members accordingly.

''(d) The Speaker may convene the House in a place at the seat of government other than the Hall of the House whenever, in his opinion, the public interest shall warrant it.''.

(d) PRIVILEGES OF FLOOR.—In clause 2(a)(7) of rule IV, after ''consideration'' insert a comma followed by ''and staff of the respective party leaderships when so assigned with the approval of the Speaker''.

(e) MEMBERSHIP OF BUDGET COMMITTEE.—In clause 5(a)(2) of rule X, amend subdivision (A)(i) to read as follows:

''(i) Members, Delegates, or the Resident Commissioner who are members of other standing committees, including five from the

Committee on Appropriations, five from the Committee on Ways and Means, and one from the Committee on Rules;''.

(e-1) TENURE OF CERTAIN CHAIRMEN AND RANKING MINORITY MEMBERS.—

(1) In clause 5(a)(2) of rule X, amended subdivision (C) to read as follows:

''(C) In the case of a Member, Delegate, or Resident Commissioner elected to serve as the chairman or the ranking minority member of the committee, tenure on the committee shall be limited only by paragraph (c)(2) of this clause.''.

(2) In clause 11(a)(4) of rule X, amend subdivision (B) to read as follows:

''(B) In the case of a Member, Delegate, or Resident Commissioner appointed to serve as the chairman or the ranking minority member of the select committee, tenure on the selected committee shall not be limited.''.

(f) ASSOCIATE STAFF.—In clause 9(b) of rule X—

(1) redesignate subparagraph (2) as subparagraph (2)(A);

(2) redesignate subparagraph (3) as subparagraph (2)(B);

(3) in subparagraph (2)(B), as redesignated, insert ''other than the committee on Appropriations'' after ''a committee''; and

(4) strike subparagraph (4).

(g) POSTPONING VOTES IN COMMITTEE.—At the end of clause 2(h) of rule XI, add the following new subparagraph:

''(4)(A) Each committee may adopt a rule authorizing the chairman of a committee or subcommittee—

''(i) to postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

''(ii) to resume proceedings on a postponed question at any time after reasonable notice.

''(B) A rule adopted pursuant to this subparagraph shall provide that when proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.''.

(h) CODIFICATION OF FREESTANDING ETHICS RULES.—In clause 3 of rule XI, add at the end the following new paragraphs:

''COMMITTEE AGENDAS

''(f) The committee shall adopt rules providing that the chairman shall establish the agenda for meetings of the committee, but shall not preclude the ranking minority member from placing any item on the agenda.

''COMMITTEE STAFF

''(g)(1) The committee shall adopt rules providing that—

''(A) the staff be assembled and retained as a professional, nonpartisan staff;

''(B) each member of the staff shall be professional and demonstrably qualified for the position for which he is hired;

''(C) the staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner;

''(D) no member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election;

''(E) no member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the committee without specific prior approval from the chairman and ranking minority member; and

''(F) no member of the staff or outside counsel may make public, unless approved by an affirmative vote of a majority of the members of the committee, any information, document, or other material that is confidential, derived from executive session, or classified and that is obtained during the course of employment with the committee.

''(2) Only subdivisions (C), (E), and (F) of subparagraph (1) shall apply to shared staff.

''(3)(A) All staff members shall be appointed by an affirmative vote of a majority of the members of the committee. Such vote shall occur at the first meeting of the membership of the committee during each Congress and as necessary during the Congress.

''(B) Subject to the approval of the Committee on House Administration, the committee may retain counsel not employed by the House of Representatives whenever the committee determines, by an affirmative vote of a majority of the members of the committee, that the retention of outside counsel is necessary and appropriate.

''(C) If the committee determines that it is necessary to retain staff members for the purpose of a particular investigation or other proceeding, then such staff shall be retained only for the duration of that particular investigation or proceeding.

''(D) Outside counsel may be dismissed before the end of a contract between the committee and such counsel only by an affirmative vote of a majority of the members of the committee.

''(4) In addition to any other staff provided for by law, rule, or other authority, with respect to the committee, the chairman and ranking minority member each may appoint one individual as a shared staff member for his or her personal staff to perform service for the committee. Such shared staff may assist the chairman or ranking minority member on any subcommittee on which he serves.

''MEETINGS AND HEARINGS

''(h)(1) The committee shall adopt rules providing that—

''(A) all meetings or hearings of the committee or any subcommittee thereof, other than any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee, shall occur in executive session unless the committee or subcommittee by an affirmative vote of a majority of its members opens the meeting or hearing to the public; and

''(B) any hearing held by an adjudicatory subcommittee or any sanction hearing held by the committee shall be open to the public unless the committee or subcommittee by an affirmative vote of a majority of its members closes the hearing to the public.

''PUBLIC DISCLOSURE

''(i) The committee shall adopt rules providing that, unless otherwise determined by a vote of the committee, only the chairman or ranking minority member, after consultation with each other, may make public statements regarding matters before the committee or any subcommittee thereof.

''REQUIREMENTS TO CONSTITUTE A COMPLAINT

''(j) The committee shall adopt rules regarding complaints to provide that whenever information offered as a complaint is submitted to the committee, the chairman and ranking minority member shall have 14 calendar days or five legislative days, whichever is sooner, to determine whether the information meets the requirements of the rules of the committee for what constitutes a complaint.

''DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING PROPERLY FLIED COMPLAINTS

''(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination (unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

''(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

''(B) establish an investigative subcommittee; or

''(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

''(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.

''DUTIES OF CHAIRMAN AND RANKING MINORITY MEMBER REGARDING INFORMATION NOT CONSTITUTING A COMPLAINT

''(l) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee does not meet the requirements of the rules of the committee for what constitutes a complaint, they may—

''(1) return the information to the complainant with a statement that it fails to meet the requirements of the rules of the committee for what constitutes a complaint; or

''(2) recommend to the committee that it authorize the establishment of an investigative subcommittee.

''INVESTIGATIVE AND ADJUDICATORY SUBCOMMITTEE

''(m) The committee shall adopt rules providing that—

''(1)(A) an investigative subcommittee shall be composed of four Members (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee;

''(B) an adjudicatory subcommittee shall be composed of the members of the committee who did not serve on the pertinent investigative subcommittee (with equal representation from the majority and minority parties) whenever such a subcommittee is established pursuant to the rules of the committee; and

''(C) notwithstanding any other provision of this clause, the chairman and ranking minority member of the committee may consult with an investigative subcommittee either on their own initiative or on the initiative of the subcommittee, shall have access

to information before a subcommittee with which they so consult, and shall not thereby be precluded from serving as full, voting members of any adjudicatory subcommittee;

''(2) at the time of appointment, the chairman shall designate one member of a subcommittee to serve as chairman and the ranking minority member shall designate one member of the subcommittee to serve as the ranking minority member; and

''(3) the chairman and ranking minority member of the committee may serve as members of an investigative subcommittee, but may not serve as non-voting, ex officio members.

''STANDARD OF PROOF FOR ADOPTION OF STATEMENT OF ALLEGED VIOLATION

''(n) The committee shall adopt rules to provide that an investigative subcommittee may adopt a statement of alleged violation only if it determines by an affirmative vote of a majority of the members of the subcommittee that there is substantial reason to believe that a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities by a Member, officer, or employee of the House of Representatives, has occurred.

''SUBCOMMITTEE POWERS

''(o)(1) The committee shall adopt rules providing that an investigative subcommittee or an adjudicatory subcommittee may authorize and issue subpoenas only when authorized by an affirmative vote of a majority of the members of the subcommittee.

''(2) The committee shall adopt rules providing that an investigative subcommittee may, upon an affirmative vote of a majority of its members, expand the scope of its investigation approved by an affirmative vote of a majority of the members of the committee.

''(3) The committee shall adopt rules to provide that—

''(A) an investigative subcommittee may, upon an affirmative vote of a majority of its members, amend its statement of alleged violation anytime before the statement of alleged violation is transmitted to the committee; and

''(B) if an investigative subcommittee amends its statement of alleged violation, the respondent shall be notified in writing and shall have 30 calendar days from the date of that notification to file an answer to the amended statement of alleged violation.

''DUE PROCESS RIGHTS OF RESPONDENTS

''(p) The committee shall adopt rules to provide that—

''(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

''(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement discussions where counsel for the respondent and the subcommittee are present;

''(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

''(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

''(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

''(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing; but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement of alleged violation at the end of the period referred to in paragraph (1);

''(5) a respondent shall receive written notice whenever—

''(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

''(B) a complaint or allegation is transmitted to an investigative subcommittee;

''(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

''(D) an investigative subcommittee votes to expand the scope of its investigation;

''(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent's counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

''(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

''(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

''COMMITTEE REPORTING REQUIREMENTS

''(q) The committee shall adopt rules to provide that—

''(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

''(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent's waiver is approved by the committee—

''(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less than 15 calendar days before the subcommittee votes on whether to adopt the report;

''(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

''(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with respondent's views available to the public before the commencement of any sanction hearing; and

''(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent's views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

''(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both the commencement of a sanction hearing and the committee vote on whether to adopt the report.''

(i) JOINT REFERRAL.—In clause 2(c)(1) of rule XII, insert before the semicolon the following: ''(except where he determines that extraordinary circumstances justify review by more than one committee as though primary)''.

(j) MACROECONOMIC ANALYSIS OF TAX PROPOSALS.—In clause 3(h) of rule XIII, strike subparagraphs (2) and (3) and insert in lieu thereof the following:

''(2)(A) it shall not be in order to consider a bill or joint resolution reported by the Committee on Ways and Means that proposes the Internal Revenue Code of 1986 unless—

''(i) the report includes a macroeconomic impact analysis;

''(ii) the report includes a statement from the Joint Committee on Internal Revenue Taxation explaining why a macroeconomic impact analysis is not calculable; or

''(iii) the chairman of the Committee on Ways and Means causes a macroeconomic impact analysis to be printed in the Congressional Record before consideration of the bill or joint resolution.

''(B) In subdivision (A), the term ''macroeconomic impact analysis'' means—

''(i) an estimate prepared by the Joint Committee on Internal Revenue Taxation of the changes in economic output, employment, capital stock, and tax revenues expected to result from enactment of the proposal; and

''(ii) a statement from the Joint Committee on Internal Revenue Taxation identifying the critical assumptions and the source of data underlying that estimate.''.

(k) PERSONAL ELECTRONIC EQUIPMENT ON FLOOR.—In clause 5 of rule XVII, strike ''any personal'' and all that following in the penultimate sentence and insert in lieu thereof ''a wireless telephone or personal computer on the floor of the House.''.

(l) ACCOUNTING FOR VACANCIES.—In clause 5 of rule XX, add after paragraph (b) the following new paragraph:

''(c) Upon the death, resignation, expulsion, disqualification, or removal of a Member, the whole number of the House shall be

adjusted accordingly. The Speaker shall announce the adjustment to the House. Such an announcement shall not be subject to appeal. In the case of a death, the Speaker may lay before the House such documentation from federal, state, or local officials as he deems pertinent.''.

(m) PROCEEDINGS DURING CALL OF HOUSE.—In clause 6(c) of rule XX, strike ''the Speaker may entertain a motion that the House adjourn'' and insert in lieu thereof'' a motion that the House adjourn shall be in order''.

(n) FIVE-MINUTE VOTING IN SERIES.—In rule XX, amend clause 9 to read as follows:

''9. The Speaker may reduce to five minutes the minimum time for electronic voting on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting for a given series of votes was issued before the proceeding electronic vote.''.

(o) CERTAIN TAX OR TARIFF PROVISIONS.—In clause 5(a) of XXI, designate the existing text as subparagraph (1) and add thereafter the following new subparagraph:

''(2) For purposes of paragraph (1), a tax or tariff measure includes an amendment proposing a limitation on funds in a general appropriation bill for the administration of a tax or tariff.''.

(p) MOTIONS TO INSTRUCT DURING CONFERENCE.—In clause 7(c)(1) of XXII, strike ''20 calendar days'' and insert in lieu thereof ''20 calendar days and 10 legislative days''.

(q) PRACTICE OF MEDICINE.—In clause 2 of rule XXV, insert ''except for the practice of medicine'' after ''fiduciary relationship'' in both places it appears.

(r) GIFTS OF PERISHABLE FOOD.—In clause 5(a)(1)(B) of XXV before the last sentence insert the following: ''The value of perishable food sent to an office shall be allocated among the individual recipients and not the Member, Delegate, or Resident Commissioner.''.

(s) CHARITY TRAVEL.—In clause 5(a)(4)(C) of XXV, insert before the period the following: ''unless—

''(i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

''(ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and

''(iii) the offer of free attendance at the event is made by such organization''.

(t) PUBLIC DEBT-LIMIT LEGISLATION.—Redesignation rule XXVII as rule XXVII and insert after rule XXVI the following new rule:

''RULE XXVII

''STATUTORY LIMIT ON PUBLIC DEBT

''1. Upon adoption by Congress of a concurrent resolution on the budget under section 301 or 304 of the Congressional Budget Act of 1974 that sets forth, as the appropriate level of the public debt for the period to which the concurrent resolution relates, an amount that is different from the amount of the statutory limit on the public debt that otherwise would be in effect for that period, the Clerk shall prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt in the form prescribed in clause 2. Upon engrossment of the joint resolution, the vote by which the concurrent resolution on the budget was finally agreed to in the House shall also be considered as a vote on passage of the joint resolution in the House, and the joint resolution shall be considered as passed by the House and duly certified and examined. The engrossed copy shall be signed by the Clerk and transmitted to the Senate for further legislative action.

''2. The matter after the resolving clause in a joint resolution described in clause 1 shall be as follows: 'That subsection (b) of section 3101 of title 31, United States Code, is amended by striking out the dollar limitation contained in such subsection and inserting in lieu thereof ''$____''.', with the blank being filled with a dollar limitation equal to the appropriate level of the public debt set forth pursuant to section 301(a)(5) of the Congressional Budget Act of 1974 in the relevant concurrent resolution described in clause 1. If an adopted concurrent resolution under clause 1 sets forth different appropriate levels of the public debt for separate periods, only one engrossed joint resolution shall be prepared under clause 1; and the blank referred to in the preceding sentence shall be filled with the limitation that is to apply for each period.

''3. (a) The report of the Committee on the Budget on a concurrent resolution described in clause 1 and the joint explanatory statement of the managers on a conference report to accompany such a concurrent resolution each shall contain a clear statement of the effect the eventual enactment of a joint resolution engrossed under this rule would have on the statutory limit on the public debt.

''(b) It shall not be in order for the House to consider a concurrent resolution described in clause 1, or a conference report thereon, unless the report of the Committee on the Budget or the joint explanatory statement of the managers complies with paragraph (a).

''4. Nothing in this rule shall be construed as limiting or otherwise affecting—

''(a) the power of the House or the Senate to consider and pass bills or joint resolutions, without regard to the procedures under clause 1, that would change the statutory limit on the public debt; or

''(b) the rights of Members, Delegates, the Resident Commissioner, or committees with respect to the introduction, consideration, and reporting of such bills or joint resolutions.

''5. In this rule the term 'statutory limit on the public debt' means the maximum face amount of obligations issued under authority of chapter 31 of title 31, United States Code, and obligations guaranteed as to principal and interest by the United States (except such guaranteed obligations as may be held by the Secretary of the Treasury), as determined under section 3101(b) of such title after the application of section 3101(a) of such title, that may be outstanding at any one time.''

(u) TECHNICAL AND CODIFYING CHANGES.—

(1) In clause 2(g) of rule II—

(a) strike ''do'' in each place it appears and insert in lieu thereof ''perform''; and

(b) strike ''done'' and insert in lieu thereof ''performed''.

(2) In clause 1(g)(6) of rule X, strike ''organization'' and insert in lieu thereof ''organizations''.

(3) In clause 3(a)(1)(B) of rule XIII, strike ''or (4)''.

(4) In clause 3 of rule XVIII, strike ''All bills'' and insert in lieu thereof ''All public bills''.

(5) In clause 2(a) of rule XX, strike ''9 or 10'' and insert in lieu thereof ''8 or 9''.

(6) In clause 8 of rule XX—

(a) amend paragraph (a)(1) to read as follows:

''(a)(1) When a recorded vote is ordered, or the yeas and nays are ordered, or a vote is objected to under clause 6—

''(A) on any of the questions specified in subparagraph (2), the Speaker may postpone further proceedings to a designated place in the legislative schedule within two additional legislative days; and

''(B) on the question of agreeing to the Speaker's approval of the Journal, the Speaker may postpone further proceedings to a designated place in the legislative schedule on that legislative day.''; and

(b) in paragraph (a)(2), strike ''the'' before ''subparagraph (1)''.

(7) In clause 8 of rule XX—

(a) in paragraph (b) strike ''in the order in which it was considered''; and

(b) in paragraph (d) strike ''in the order in which they were considered''.

(8) In clause 1 of rule XXII, strike ''bill or resolution'' in each place it appears and insert in lieu thereof ''proposition''.

(9) In clause 12(a)(2) of rule XXII, strike ''by a record vote'' and insert in lieu thereof ''by the yeas and nays''.

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

(1) During the One Hundred Eighth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Eighth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Eighth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority within the meaning of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Eighth Congress, pending the adoption of a concurrent resolution on the budget for fiscal year 2003, the provisions of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House, shall have force and effect in the House as though the One Hundred Eighth Congress has adopted such a concurrent resolution.

(B) The chairman of the Committee on the Budget (when elected) shall submit for printing in the Congressional Record—

(i) the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974 to accompany the concurrent resolution described in subparagraph (A), which shall be considered to be such allocations under a concurrent resolution on the budget;

(ii) ''Accounts Identified for Advance Appropriations,'' which shall be considered to be the programs, projects, activities, or accounts referred to section 301(b) of House Concurrent Resolution 353 of the One Hundred Seventh Congress, as adopted by the House; and

(iii) an estimated unified surplus, which shall be considered to be the estimated unified surplus set forth in the report of the Committee on the Budget accompanying House Concurrent Resolution 353 of the One Hundred Seventh Congress referred to in section 211 of such concurrent resolution.

(C) The allocation referred to in section 231(d) of House Concurrent Resolution 353 of

the One Hundred Seventh Congress, as adopted by the House, shall be considered to be the corresponding allocation among those submitted by the chairman of the Committee on the Budget under subparagraph (B)(i).

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Eighth Congress—

(1) the Committee on Armed Services may have not more than six subcommittees;

(2) the Committee on International Relations may have not more than six subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) NUMBERING OF BILLS.—In the One Hundred Eighth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) MOTIONS TO SUSPEND THE RULES.—During the first session of the One Hundred Eighth Congress, the Speaker may entertain motions that the House suspend the rules on Wednesdays through the second Wednesday in April as though under clause 1 of rule XV.

SEC. 4. SELECT COMMITTEE ON HOMELAND SECURITY.

(a) ESTABLISHMENT; COMPOSITION; VACANCIES.—

(1) ESTABLISHMENT.—During the One Hundred Eighth Congress, there is established a Select Committee on Homeland Security.

(2) COMPOSITION.—The select committee shall be composed of Members appointed by the Speaker, including Members appointed on the recommendation of the Minority Leader. The Speaker shall designate one member as chairman. Service on the select committee shall not count against the limitations on committee service in clause 5(b)(2) of rule X.

(3) VACANCIES.—Any vacancies occurring in the membership of the select committee shall be filled in the same manner as the original appointment.

(b) JURISDICTION; FUNCTIONS.—

(1) LEGISLATIVE JURISDICTION.—The select committee may develop recommendations and report to the House by bill or otherwise on such matters that relate to the Homeland Security Act of 2002 (P.L. 107–296) as may be referred to it by the Speaker.

(2) OVERSIGHT FUNCTION.—The select committee shall review and study on the continuing basis laws, programs, and Government activities relating to homeland security.

(3) RULES STUDY.—The select committee is authorized and directed to conduct a thorough and complete study of the operation and implementation of the rules of the House, including rule X, with respect to the issue of homeland security. The select committee shall submit its recommendations regarding any changes in the rules of the House to the Committee on Rules not later than September 30, 2004.

(c) PROCEDURE.—The rules of the House applicable to the standing committees shall govern the select committee where not inconsistent with this section.

(d) FUNDING.—To enable the select committee to carry out the purposes of this resolution, the select committee may use the services of staff of the House.

(e) DISPOSITION OF RECORDS.—Upon dissolution of the select committee, the records of the select committee shall become the records of any committee designated by the Speaker.

The SPEAKER. The gentleman from Texas (Mr. DELAY) is recognized for 1 hour.

Mr. DELAY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. PELOSI) or her designee, pending which I yield myself such time as I may consume. During the consideration of the resolution, all time yielded is for debate purposes only. I ask unanimous consent that the time allocated to me be controlled by the gentleman from California (Mr. DREIER).

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from California (Mr. DREIER).

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

I want to begin by extending congratulations to the Speaker, our majority leader, our friends in the minority and all of our colleagues on their election.

The comprehensive changes that we are proposing in H. Res. 5 seek to build on the successful reform accomplishments of the last 8 years which have helped to make the House more accountable and deliberative and have strengthened our ability to govern effectively and responsibly.

As my colleagues recall, Mr. Speaker, we overhauled the committee system, made Congress compliant with anti-discrimination and workplace safety laws, opened committee meetings to the public and press, modernized the Rules of the House to make them more understandable, and cut the number of standing rules nearly in half. In the 107th Congress, we created the Committee on Financial Services, enhanced oversight planning, strengthened performance goals and objectives, and created the Department of Homeland Security.

Our continued investments in technology are transforming the culture, operations, and responsibilities of Congress in a very positive way.

With that having been said, I want to describe some of the more significant positive rules changes we are proposing to the standing rules of the House, and those are contained in section 2 of this resolution.

Section 2(A) and section 2(C), as well as section 2(L) stem from the recommendations made by the bipartisan Continuity of Congress Task Force, which was formed following the attack of September 11, 2001, which Speaker HASTERT talked about, that was cochaired by my friend, the gentleman from Texas (Mr. FROST) and the gentleman from California (Mr. COX), and it reviewed the rules and procedures of the House to ensure that the appropriate institutional and mechanisms were in place to respond to a catastrophic event.

The first provision amends rule 1, clause 8(b) to require the Speaker to provide to the Clerk of the House a list of Members in the order in which each shall act as Speaker pro tempore in the case of a vacancy in the office of Speaker.

Section 2(C) provides new recess and convening authorities to the Speaker in the event of an imminent threat to the safety of the House by amending clause 12 of rule 1.

Finally, Mr. Speaker, section 2(L) codifies the practice of adjusting the whole number of the House upon the death, resignation, expulsion, disqualification, or removal of a Member in rule 20, clause 5.

In the 107th Congress, rule 18 was amended to allow the Chairman of the Committee of the Whole to postpone a request for a recorded vote on any amendment. This procedure has been very helpful, as my colleagues know, Mr. Speaker, in improving the management of the floor and in dealing with the challenges of our legislative schedule. In an effort to provide committees with similar management flexibility, section 2(G) proposes to amend rule 11, clause 2(h) to allow committees to adopt a similar rule authorizing the chairman of a committee or subcommittee to postpone certain votes and resume proceedings on a postponed question after reasonable notice. An underlying proposition would remain subject to further debate or amendment to the same extent as when the question was postponed.

During the 105th Congress, Mr. Speaker, the House adopted H. Res. 168, which included both changes to the standing rules of the House and freestanding directives to the Committee on Standards of Official Conduct. For the past two Congresses, these freestanding directives have been carried forward through a separate order.

Section 2(H) codifies these directives which address committee agenda, committee staff, meetings and hearings, public disclosure, requirements to constitute a complaint, duties of the chairman and ranking member, investigative and adjudicatory subcommittees, standard of proof for adoption of statement of alleged violation, subcommittee powers, due process rights of respondents, and committee reporting requirements.

Section 2(I) permits the joint referral of measures without designation of primary jurisdiction. This change is meant only as a minor deviation from the normal requirement under the rules for the designation of one committee of primary jurisdiction and should be exercised only in extraordinary jurisdictionally deserving instances.

Mr. Speaker, in an effort to provide more realistic estimates of tax measures, section 2(J) requires the Committee on Ways and Means to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on

the macroeconomic impact of such legislation. This is something also known, Mr. Speaker, as dynamic scoring.

Mr. Speaker, section 2(O) of the resolution expands the application of clause 5(a) of rule 21 to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. The intent of this rules change is to ease the burden on the maker of a point of order from having to show a necessary, certain and inevitable change in revenue collections, tax statuses, or liability as previous precedents required, to one of showing a textual relationship between the amendment and the administration of the Internal Revenue or tariff laws.

The resolution amends clause 7(c)(1) of rule 22 to permit further motions to instruct during conference to be offered after 20 calendar days, but not less than 10 legislative days. While continuing to afford a Member a timely opportunity to offer a further motion to instruct, the modification in section 2(P) provides a more realistic timetable, especially when a conference extends over a lengthy recess and is unable to meet.

Section 2(T) creates a new rule 27 which provides for the automatic House passage of a joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the conference report on the budget resolution shall be deemed the vote on the joint resolution. The rule is similar to the former rule 23 of the 106th Congress and prior Congresses.

The resolution also makes exceptions and clarifications to rule 25, also known as the gift rule, with regard to perishable food distributed in the office and charity travel, respectively. And, for the most part, the remaining provisions of section 2 are technical, conforming, or clarifying in nature.

Mr. Speaker, section 3 of the resolution consists of ''Separate Orders'' which do not change any of the standing rules of the House. These are more or less housekeeping provisions which deem certain actions or waive the application of certain rules of the House.

Section 3(A) provides for the continuation of certain budget enforcement mechanisms from the 107th Congress as well as deems the provisions of the budget resolution H. Con. Res. 353 as adopted by the House in the 107th Congress shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

Also contained in section 3(B) is a separate order providing for the limited number of exemptions to clause 5(d) of rule 10 regarding a limitation on the number of subcommittees a committee may establish. This resolution grants the Committee on Armed Services, the Committee on International Relations, and the Committee on Transportation and Infrastructure up to six subcommittees each.

Mr. Speaker, recognizing that it takes time for committees to organize and report legislation at the beginning of a new Congress, section 3(D) provides that during the first session of this 108th Congress motions to suspend the rules shall be in order on Wednesdays from the beginning of the Congress through the second Wednesday in April, as though under clause 1 of rule 15.

Mr. Speaker, section 4 of the resolution is very important and significant, and is aimed at ensuring effective oversight of a crucial national priority, and that is what was discussed in the Speaker's address to us; namely, homeland security. The security threats to our Nation are real and dangerous. Every branch of government, including the Congress, must be an integral part of the homeland security effort.

In that regard, section 4 of the resolution establishes a Select Committee on Homeland Security for the 108th Congress with both legislative and oversight responsibilities.

The select committee would have legislative jurisdiction over matters that relate to the Homeland Security Act of 2002, Public Law 107–296. As the Act is the organic statute creating the new Department of Homeland Security, it is anticipated that the select committee would be the committee of jurisdiction over bills dealing with the new Department.

Further, the select committee would have jurisdiction over legislation amending the Act such as a bill making technical corrections to that Act. In addition to the committee of primary jurisdiction, the Speaker would have the authority to refer bills to the select committee as an additional committee, either initially or sequentially. Otherwise, the existing jurisdictional rules of the House would continue to apply during the 108th Congress.

The select committee would have oversight responsibility over laws, programs, and government activities relating to homeland security and is intended to serve as the primary coordinating committee of the House.

Mr. Speaker, until the new Department of Homeland Security is up and running, it is difficult to predict how best to reflect legislative oversight and authorization functions for the Department in the House. Furthermore, during this transitional period, it is crucial that the White House and the new Department's leadership have a central point of contact with the House. This new select committee will provide this interim capacity. It will also conduct a study of the operation of the rules of the House, including possible changes in committee jurisdiction with respect to homeland security. Those recommendations would be submitted to the Committee on Rules by September 30, 2004.

At this point, Mr. Speaker, I would like to include for the RECORD a more detailed, section-by-section summary of H. Res. 5, as well as other relevant material.

SECTION-BY-SECTION SUMMARY

SECTION 1. RESOLVED CLAUSE

The rules of the House of Representatives for the 107th Congress are adopted as the rules of the House for the 108th Congress with amendments as provided in section 2, and with other orders provided in sections 3 and 4.

SECTION 2. CHANGES IN STANDING RULES

(a) Speaker succession. The Speaker is required to submit to the Clerk of the House a list of Members to succeed the Speaker in the event of a vacancy in the office of the Speaker until the House reconvenes in order to elect a new Speaker. [Rule I, clause 8(b)]

(b) Repeal of Speaker term limit. This provision strikes Clause 9 of Rule 1, which limits a Member to no more than 4 consecutive terms as Speaker. [Rule I, clause 9]

(c) Declaration of emergency recess. The Speaker may, when notified of an imminent threat to the House's safety, declare an emergency recess subject to the call of the Chair. Allows the Speaker to accelerate or postpone the reconvening of the House in the event of an emergency. [Rule I, clause 12]

(d) Clarification of staff access to House Floor. The practice of allowing leadership staff with Floor responsibilities access to the House Floor is codified. [Rule IV, clause 2(a)(7)]

(e) Rules Member on Budget Committee. The Committee on the Budget shall include one member of the Committee on Rules. Codifies action taken in the 108th Republican Conference organizational meeting requiring that one Member of the Rules Committee serve on the Budget Committee. [Rule X, clause 5(a)(2)]

(f) Associate and professional staff. This change clarified that the professional staff of the Appropriations Committee shall comply with the same rules regarding their duties as the professional staff of all other House committees. Further clarifies that the associate or shared staff of the Appropriations Committee are not subject to the review of the Committee on House Administration in connection with the reporting of committee expense resolutions. This change is technical in nature [Rules X, clause 9(b)]

(g) Postponing votes in committee. Committees may adopt a rule which allows the chairman of a committee or subcommittee to postpone votes on approving a measure or matter or on adopting an amendment and to resume proceedings on a postponed question at any time after reasonable notice. An underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed. [Rule XI, clause 2(h)]

(h) Incorporation of H. Res. 168 (105th) in clause 3 of Rule XI ''(Committee on Standards of Official Conduct).'' Over the last two consecutive Congresses the Committee on Standards of Official Conduct's operating procedure has been carried over as a separate order referencing a resolution adopted by the 105th Congress. This modification codifies the aforementioned operating procedures. [Rule XII, clause 2(c)(1)]

(i) Joint referral. Joint referral of measures without designation of primary jurisdiction will be permitted under 'exceptional circumstances.' Under this designation, the Speaker may designate more than one committee as though primary. [Rule XII, clause 2(c)(1)]

(j) Require dynamic scoring in Ways & Means reports. The Committee on Ways and Means is required to include in reports on measures amending the Internal Revenue Code of 1986 an analysis by the Joint Tax Committee on the macroeconomic impact of such legislation. The committee is not required to include such analysis if the Joint Tax Committee certifies that such analysis is not calculable. In addition, the chairman of the Ways & Means Committee may satisfy this requirement by inserting such analysis in the Congressional Record prior to the bill's consideration on the floor. [Rule XIII, clause 3(h)]

(k) Personal electronic equipment on the Floor. This provision modernizes the rules of the House to prohibit only the use of wireless telephones and personal computers on the House floor, thereby permitting the use of unobtrusive handheld electronic devices. [Rule XVII, clause 5]

(l) Accounting for vacancies. The practice of adjusting the whole number of the House in the case of vacancies in the membership is codified. [Rule XX, clause 5]

(m) Proceedings during call of House. This change clarifies that a motion to adjourn retains its normal privilege and is in order during a call of the House under clause 6 of rule XX. The former language of the rule could be interpreted to five the Speaker the discretion to entertain such motion. This change is technical in nature. [Rule XX, clause 6(c)]

(n) Five-minute voting in series. The Speaker's authority to reduce the minimum time for electronic voting following a fifteen-minute vote is expanded to include all succeeding votes provided no other business intervenes and notice of possible five-minute voting is given. This change is technical in nature. [Rule XX, clause 9]

(o) Prohibition on limitation amendments for the administration of taxes and tariffs and on measures restricting imports. Expands the application of clause 5(a) of rule XXI to include as a tax or tariff measure a floor amendment limiting funds in a general appropriation bill for the administration of a tax or tariff. [Rule XXI, clause 5(a)]

(p) Motions to instruct during conference. Permits further motions to instruct to be offered after 20 calendar days, but not less than 10 legislative days. [Rule XXII, clause 7(c)(1)]

(q) Fiduciary relationship exemption for physicians. Redefines a fiduciary relationship as not including ''the practice of medicine,'' thereby allowing dentists and physicians to earn outside income up to $22,500. [Rule XXV, clause 2]

(r) Perishable food as gift. Provides that the value of perishable food sent as a gift to an office shall be allocated among the individual receipts and not to the Member. [Rule XXV, clause 5(a)(1)(B)]

(s) Gift ban exemption for charity travel. Clarifies the gift ban to allow Members to be reimbursed for travel and lodging expenses by a charity organization, in cases where the net proceeds of the event go to a qualified charity, and the invitation is issued by the charity. [Rule XXV, clause 5(a)(4)(C)]

(t) Statutory limit on public debt. (reinstate ''Gephardt Rule'', former Rule XXIII of the 106th Congress.) Provides for automatic House passage of joint resolution increasing the statutory limit on the public debt when the House agrees to a budget resolution that requires such an increase. The amount of the increase in the joint resolution conforms to the level established in the budget resolution. The final House vote on the budget resolution shall be deemed the vote on the joint resolution. [New Rule XXVII, former Rule XXVII redesignated as Rule XXVIII]

(u) Technical corrections. Technical and grammatical changes are made throughout the rules of the rules of the House, including those correcting changes that were made as a result of the recodification of the House rules.

SECTION 3. SEPARATE ORDERS

(a)(1)–(a)(3) Continuation of budget enforcement mechanisms from the 107th. This order clarifies that section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple and concurrent resolutions. It also makes a Section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as original bill by a special rule. Specified or minimum levels of compensation will not be considered as providing new entitlement authority.

(a)(4) Continuation of budget ''deeming'' resolution from the 2nd Session of the 107th Congress. This order establishes that the provisions of House Concurrent Resolution 353 as adopted by the House in the 107th Congress, shall have effect in the 108th Congress until such time as a conference report establishing a budget for the fiscal year 2004 is adopted.

(b) Extra subcommittees for Armed Services, International Relations, and Transportation & Infrastructure. A waiver of Rule X, clause 5(d), is granted for International Relations, Transportation & Infrastructure, and Armed Services for 6 subcommittees in the 108th Congress.

(c) Numbering of bills. In the 108th Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced during the first session.

(d) Wednesday suspension day. During the first session of the 108th Congress, motions to suspend the rules shall be in order on Wednesdays through the second Wednesday in April.

SECTION 4. SELECT COMMITTEE ON HOMELAND SECURITY

This section establishes the Select Committee on Homeland Security for the 108th Congress. It establishes that the Select Committee will have legislative jurisdiction to develop recommendations and report to the House by bill or otherwise on such matters that relates to the Homeland Security Act of 2002 (P.L. 107–296).

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

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

Mr. Speaker, we all remember how partisan, divisive and, most importantly, unproductive the last Congress was. Despite the President's campaign promise to change the tone in Washington, nothing really changed in the way Republicans ran the House of Representatives. In fact, over the past 2 years, the Republican majority had a well-established and easily documented track record of denying the minority a voice in proceedings and deliberations of the House, and that, unfortunately, played a large role in the failure of the Republican Congress to address America's critical concerns, from the economy and homeland security to health care and retirement security.

But, in the spirit of the new year, Mr. Speaker, Democrats came to the floor today hoping that Republicans might turn over a new leaf, that they might agree to a rules package to operate the House as a deliberate, democratic institution in which all points of view have a right to be heard. Unfortunately, the package before us only makes things worse, making changes that only assure that the voice of the minority will be heard less and less. For that reason, I rise in opposition to H. Res. 5. I will offer a motion to commit at the end of this debate, and I urge every Member of this body who believes that all of the American people have a right to be heard and a right to participate in a democratic, small ''d'', institution to vote for it.

Mr. Speaker, this is not the Politburo; this is the United States House of Representatives. It is high time that the majority remembered that very clear distinction. We are not here to raise our hands in unison; we are here to debate what is in the best interests of this country, and there are many differing views in this body about how to achieve that end. Those views should and must be heard.

Mr. Speaker, I would like to take a few minutes to explain why I and the Democratic Caucus oppose these rules changes proposed by the Republican majority. As I said, we see these changes, along with the majority's record of stifling dissent, as counterintuitive to the notion of the democratic process. We see some of these changes as fig leaves or, as my good friend the gentleman from Wisconsin (Mr. OBEY) is often heard to say, giving Members a chance to pose for holy pictures. We see some of these changes as attempts to cover up what is really happening in terms of the Federal budget, both on the spending and tax sides. And finally, we see some of these changes as allowing Members to skirt the intent of the ethics rules in this body, something that only sullies the reputation of an honorable institution.

For example, the majority took great pains in 1995 to abolish the practice of proxy voting. I am not here to pass judgment on that old practice. I can only say that the Republican majority condemned Democrats when we held the majority for allowing Members to vote by proxy in committee. However, the Republican majority has encountered some of the same problems that made proxy voting a useful tool for

committees to get their work done. Because the Republican majority has refused to negotiate committee ratios that accurately reflect and fairly reflect the numbers in this body, their Members have been spread too thin and oftentimes must choose between one committee's proceedings and another.

□ 1445

Consequently, there have been a number of markups held where Democrats have been able to pass amendments because some Republicans have voted for those amendments and because other Republican Members have been absent. The majority has decided that the best way to deal with those rare occasions in which Democrats actually win a vote is to ensure that votes cannot be taken until the Chair of the full committee or a subcommittee has all the votes in the room, somewhat akin to proxy voting.

This change proposed by the majority would allow those Chairs to postpone indefinitely votes on ordered questions. There is no definition in the rule about when votes must be called by, and there is no definition in the rule for what constitutes reasonable notice.

Frankly, Mr. Speaker, this rule is a recipe for autocracy in the committees of this body. My motion to commit will delete this provision from the package of the rules for the 108th Congress.

Secondly, the Republican majority seems intent on cooking the Federal budgetary books in so many ways that a new recipe was sure to find its way into this package, and so it has. The majority has now included a rule providing that no tax bill may be considered unless the Joint Committee on Taxation has included an analysis in the report accompanying that bill on the macroeconomic impact of such legislation. And just what is the macroeconomic impact? Why, it is nothing more than dynamic scoring, a methodology that has been discounted and outright dismissed by any economist worth his or her salt, including the chairman of the Federal Reserve.

As Chairman Greenspan has said about dynamic scoring: ''The analytical tools required to achieve it are deficient . . . no model currently in use can predict macroeconomic effects without substantial ad hoc adjustments that effectively override the internal structure of the model.'' In other words, Mr. Speaker, it does not work, an example of what President Bush had called ''fuzzy math.''

Yet, the Republican majority persists in believing that this bogus economic analysis of tax policy is real and reliable. But I would contend the only real thing that is real and reliable about dynamic scoring is that it will serve as a cover-up for the true impact of the losses of revenue to the Federal Treasury generated by tax cuts endorsed by this White House and the Republican majority. My motion to commit will delete this provision from the package of the rules of the 108th Congress.

Motions to instruct conferees have been successfully used by Democrats and, may I add, by the Republicans when they were in the minority, to fight for important issues like aviation security when otherwise denied that ability by the Republican majority. Because Democratic Members are far too often shut out of the deliberative process when a bill reaches the floor, a motion to instruct is sometimes the only way a Member might be able to bring an issue up for discussion. But the Republican majority, who did not seem particularly anxious to do much work in Washington in the past 2 years, considers these attempts to open the discussion in the House as a nuisance, rather than as a means to bring democracy back to the institution.

So Republicans have an amendment in this package that further restricts the right of any Member, Republican or Democrat, to offer a motion to instruct by requiring that in addition to the 20 calendar days from the time a conference is appointed, 10 legislative days must elapse. The new rule is so loosely drafted that it is questionable whether those 20 calendar days and 10 legislative days run concurrently or not. Either way, since this body is in session so seldom, 10 legislative days would fill up an entire month, further delaying the ability of Members to bring up legitimate issues relating to those bills submitted to conference.

Mr. Speaker, this provision is such a blatant slap in the face of the democratic process in the House of Representatives, the Republican majority should hang its collective head. For that reason, my motion to commit will strike this amendment from the rules package.

Mr. Speaker, since I have been in Congress, I have had the opportunity to serve on two special committees created for the purpose of revising and strengthening our ethics rules and regulations. The Republican majority made much of past abuses in this body, in spite of the fact that Members on both sides of the aisle were caught in these situations. Yet, now the Republicans believe they have such a safe and secure majority for the foreseeable future, they want to undo some of the significant strides that were made by these two special committees.

The Republican majority has opened a proverbial can of worms by including several items in their package. The first might be called the ''pizza rule.'' Because some outsiders like to provide large quantities of free food and drink to Members' offices night after night, this new Republican provision would carve out an exception to the gift rule.

We also have the ''I have a second job and I want to get paid for it'' rule. Members are currently prohibited from acting in certain fiduciary capacities and thus are not allowed to receive compensation for practicing a profession that offers services involving a fiduciary relationship.

Mr. Speaker, no matter how worthy a profession might be, why should we create a special exemption in the rules for the practice of medicine? If we do it for one, why not everyone? I think this House would be far better served if we just kept the rule the way it is now.

For these reasons, my motion to commit will strike the provisions in the rules package that relate to ethics rules.

My motion to commit also strikes two separate orders contained in section 3 of the resolution. The first provision I will seek to strike establishes the budget resolution adopted by the House in the second session of the 107th Congress as in effect in this Congress until such time as a conference report establishing a budget for fiscal year 2004 is passed.

Mr. Speaker, my Republican colleagues will say this will merely allow the House to finish work on the appropriations bills for fiscal year 2003. Perhaps we should have done that in the 107th Congress rather than waiting to do it in the 108th Congress, with budget numbers outdated and unrealistic given the current economic circumstances.

In addition, the appropriations number in the House-passed budget resolution of the 107th Congress is $749 billion; yet, the Republican leadership has agreed with the White House on budget numbers exceeding that figure. In addition, the budget resolution of the second session of last Congress maintains highway numbers that are also outdated and which, frankly, are not good policy. For example, those numbers will not allow for increased highway construction money that might be prudently spent throughout the country to create jobs and restore crumbling infrastructure.

Secondly, in furtherance of the Republican majority's agenda to stifle debate by cutting debate, cutting off amendments, and staying out of town as much as possible, this package contains a separate order that will make Wednesday a suspension day through the second Wednesday in April. Now, this order will certainly cut down on the work of the Committee on Rules, since one of our best work products has been a rule making Wednesday a suspension day. But Democrats believe that far too many bills are considered under suspension already and that the House is thus denied the opportunity to fully debate and amend legislation.

In my motion to commit, this provision would be stricken; but we have also included language that calls on the Republican majority to bring up

fewer, rather than more, bills on suspension, and that no bill should be considered on suspension if it authorizes or makes appropriations in excess of $100 million. There is ample time in our calendar to spend on the floor debating legislation. We should not be institutionalizing shortened weekdays and cutting off debate.

We have also included in the Democratic motion to commit language calling on the Republican leadership to ensure that the minority party will be able to fully participate in the legislative process. We have recommended that they strive to ensure that five ''good government'' ideas are followed in the House.

First, so that Members might know what they are voting on when they vote, we call on the Republican leadership to ensure that Members have conference reports available to them 3 calendar days before such a conference report is considered in the House; and at the very least, at a bare minimum, no conference report should come to the floor unless every Member has had 24 hours to review it; not exactly a revolutionary concept.

Second, we asked the Republican leadership to reduce the number of waivers contained in rules reported from the Committee on Rules. This is especially important in the consideration of bills that have been reported and that go straight to the floor. Many times, even members of the committee of jurisdiction are not sure if the bill that comes to the floor is the same bill that was reported, and it would only enhance the legislative process and democracy if Members had adequate time to review legislation.

Third, we call on the Republican leadership to allow the House to debate and amend legislation by reducing the number of important bills that are considered on the suspension calendar.

In that regard, we are, fourthly, asking that the majority ensure that more alternatives and substitutes be allowed in rules adopted by the Committee on Rules.

Finally, we ask the Republican leadership to allow more legislation to be considered on the floor under open rules so that more Democrats may offer amendments.

Finally, Mr. Speaker, Democrats must raise strong objections to the manner in which the Republican leadership has gone about creating a Select Committee on Homeland Security. This provision was added last night with no consultation with the minority, and we believe that is no way to begin a new Congress when the issue of homeland security is one that does not belong to either party. We are all Americans here, and we should be involved in the deliberations surrounding the provisions of the Homeland Security Act.

Mr. Speaker, I know our motion to commit will not pass today; but I do believe it is important that we talk about these issues, because in the long run it is for the good of the institution. I am proud to serve here, and I am proud to represent the people of my congressional district. I think that I, along with every other Member of this body, should be able to fully participate in the process of making laws, setting policy, and determining the course of this Nation in the years to come.

While I recognize that he with the most votes wins, I also know that if someone has the most votes, they should not fear an opposing point of view. For too long the Republican Party has seemed, through their words and actions, to fear dissent among their own ranks, as well as the opposing view that may be held by the minority. We are a democracy; and we should never forget that, for in a democracy the rights of the minority are protected while at the same time advancing the will of the majority. I hope my Republican colleagues will remember that in the 108th Congress.

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

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

I was inclined early on to believe that my friend, the gentleman from Texas (Mr. FROST), might be supportive of our package; but I have now come to the conclusion that he would at best be undecided on our package, and he has raised a number of questions.

I believe that I should say that we clearly plan to work in the area of homeland security with my friend, the gentleman from Texas, and other members of the minority in addressing issues of concern when we proceed with this very important work. We want to work in a bipartisan way; and I happen to believe that this package which we have come forth with will, as I said, increase the accountability and deliberative nature of the institution. I would hope that we could have both Democrats and Republicans supporting it.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I rise in opposition to the rules package before us today. While it contains several items which I support, particularly the deeming resolution setting spending limits for the unfinished appropriation bills, the package contains two items which tilt the rules in favor of policies which will more easily send our Nation further into red ink. I would ask the majority to reconsider both of these proposals.

One of the reforms the majority made with great fanfare as part of the Contract with America in 1995 was repeal of the Gephardt rule, which would spin off separate legislation increasing the debt limit upon passage of the debt resolution without a separate vote or opportunity for debate on the amendments.

Now that our national debt is growing at a record pace under their policies, less than 6 months ago the administration asked us to increase the debt ceiling by $400 billion; Christmas Eve, the administration is asking us to increase the debt ceiling again to $6.4 trillion.

The majority now, under their rules package, has decided that greater openness and accountability regarding our national debt perhaps is not such a good thing after all. I ask Members to reconsider that. Just as credit card spending limits serve as tools to force families to examine their household budgets, the statutory debt limit reminds our Nation to more closely evaluate taxing and spending policies. Reviving the Gephardt rule will allow Members to avoid taking responsibility for paying the bills we incur by our votes.

Now, the implementation of dynamic scoring also should raise a red flag to those who call themselves conservative in this body. Under the logic of those advocating dynamic scoring, the tax cut we passed last year should have resulted in greater surpluses than was being projected last spring. We can disagree about the extent the tax cut contributed to the return of the deficit, but it is clear that it did not have a dynamic effect on producing higher surpluses and revenues.

The conservative approach, to me, is to be conservative in budget projections. If we err on the side of being conservative and cautious, Congress can easily deal with the problem of having more money than was projected. But when we err on the side of being too optimistic, we have a much greater challenge in dealing with fiscal problems such as those before us now.

We are paying the price today for ignoring the warnings of experts in the past. We should not ignore the warnings of those that say changing to dynamic scoring will contribute to further problems of the deficit and debt of this country.

Vote ''no'' on the rules changes; vote ''yes'' on cutting the interest taxes on the American people.

□ 1500

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, the proposal to create a new Select Committee on Homeland Security interestingly does not make any changes in the legislative jurisdiction of the committees outlined in rule 10 of the rules of the House. For instance, in the Committee on Transportation and Infrastructure we have handled complex aviation security issues for 28 years. We have held dozens of hearings, classified briefings on aviation security. We

have monitored security at U.S. and foreign airports. We have passed landmark legislation like the Aviation Security Improvement Act of 1990 in response to the terrorism attack on Pan Am 103, and in the aftermath of the September 11, the Aviation and Transportation Security Act of 2001. We have a great body of expertise on aviation security issues and the legislation to improve security.

Now, I am puzzled that a moment ago the Speaker said the ''select committee will be our eyes and ears of the House. The standing committees will maintain their jurisdictions and will still have authorization and oversight responsibilities.''

Now I take that to mean that nothing in the package would deprive the House of the American people of the expertise of the committee and the members and staff of the Committee on Transportation and Infrastructure. But it is not clear, the legislative proposal on the select committee includes ''matters that relate to the Homeland Security Act of 2002.''

As I read the proposal, the new committee would not have primary jurisdiction over legislation involving programs administered by the Department of Homeland Security. The explanation offered a moment ago by the distinguished chairman of the Committee on Rules does not clarify that jurisdictional question.

Now, let me pose an issue. Title 14 of the Homeland Security Act, entitled Arming Pilots Against Terrorism, establishes a program to deputize airline pilots as Federal law enforcement officers and enables them to carry firearms on board a plane. That provision was based upon a bill developed in our committee which passed the House. The question is, if a new bill were introduced to repeal that rule, would that bill be primarily referred to the Committee on Transportation and Infrastructure or to the Committee on Homeland Security? I would ask the gentleman that. Would the gentleman respond?

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

Mr. OBERSTAR. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, let me just say that it is very clear that the Speaker does have authority to refer legislation, and it is his intent to ensure that we maintain the jurisdiction of those committees. And the expertise that the gentleman offered on this very important issue, and I remember his testimony upstairs in the Committee on Rules on this, it will be very valuable as this issue is addressed. And it is quite possible that the gentleman may or a member of his committee may be a member of the Select Committee on Homeland Security. So I can assure the gentleman that we are going to do everything possible to keep the expertise that is out there involved in this process.

Mr. Speaker, I thank my friend for yielding.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, last fall it took weeks for the Members of the House, the press and the public to figure out who inserted a special interest provision in the homeland security bill to exempt Eli Lilly and other manufacturers of thimerosal. We did not know the provision was in the bill before we voted on it. After it was found we could not figure out how it got there. Now that is no way to make law.

This is why I am supporting the motion to commit which would mandate that conference reports are made available to Members at least 24 hours before a vote. This requirement would not be permitted to be waived.

Members of this body deserve to know what they are voting on. The practice of sneaking in unrelated provisions in thick conference reports in the dead of night is unacceptable. The reason it is done is to cause Members who normally would not support a provision to do so by burying it in a conference report at the last minute when there is little chance for it to be found.

The thimerosal exception that was slipped into the Homeland Security bill is a prime example. The thimerosal exemption was a big Christmas gift to Eli Lilly and other thimerosal manufacturers. In the last election cycle is it any surprise that Eli Lilly was one of the top pharmaceutical contributors, giving $1.6 million? In return, they got a thimerosal exception that they have been lobbying for all year. Eli Lilly's first attempt was last spring when it placed the exemption in the comprehensive bill, but since the bill did not get anywhere in the Subcommittee on Health, it switched tactics to get the exemption in Homeland Security.

The exemption effectively shields Eli Lilly from all lawsuits from claimants injured by thimerosal. One of the concerns being expressed is that there is a possible link between thimerosal and autism. The exemption even closed the door on litigation that was ongoing at the time the legislation was passed. It is time to open the conference process and stop the back room political maneuvers that lead to secret provisions. We must stop the abuses of the congressional process. We must allow Members to know what they are voting on. Support the motion to commit.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, this rules package is a very important continuation of the majority's effort to shut down democratic debate. The ranking minority member spoke about this rule allowing the chairs of committees to roll votes. Basically what it represents is a willingness of the Republican Members to roll over, to beg, to sit up and do whatever their leadership tells them, because what this does is degrade the possibility of democratic debate in committees.

People not familiar with the jargon probably do not fully understand what is being proposed. You will go to a committee session, a markup as we call them, and vote on the legislation, and you will offer an amendment to try to change things. Under these rules you may very well not know whether your amendment has won or lost. There will be a debate on the amendment and the Chair of that committee can then postpone the voting on that amendment until the end of that session. And what do you do if you have offered an amendment that might be somewhat controversial that has a chance to pass? What do you do if you could have passed the amendment if you have made a slight change? How do you then decide what to do next? Obviously there is no way you can have a rational debate in a committee if, having offered an amendment, you cannot tell whether or not that amendment has passed or not.

So what this does is simply ratify the Republican approach, which is all power is lodged in whatever leadership is in charge at the particular moment and the Members are to be excused from the irritation of having to think about it. When the majority came to power in 1995 they wanted to give it a proxy. They said the problem with proxy voting is that people vote without listening to the debate. They are not there. They vote by proxy. So they have now come up with a proposal that has all of the abuses of proxies and none of the efficiencies. At least proxies allowed you to determine an issue one at a time.

What will happen is you will go to a committee meeting. Members will not be there. They will troop in obediently at the end and vote as the Chair tells them, and it will have destroyed the possibility of debate earlier because you simply cannot logically legislate if you do not know what the outcome has been of these amendments.

Now the majority has succeeded in a number of ways in this House, during my tenure here with their being in control, in shutting down debate. I have to say that sadly they have had an accomplice in this, the media. We had wide coverage in the press gallery of our ceremonial oath taking. Now that we are dealing with extremely controversial measures that will further the degradation of democracy in the U.S. House of Representatives, very few people are here to cover it. So I guess they will once again get away with it. But the

consequence will be very clear. The extent to which there is now rational debate and openness in the committees will be substantially diminished.

The Republican leadership is apparently willing obediently to vote for this rules package, although I am told that many of them objected to parts of it, to give once again their right to make decisions to their leadership.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I rise in opposition to the House rules package the majority is proposing for the 108th Congress.

The majority has turned its back on fiscal responsibility by attempting to hide large future increases in our national debt by reinstating the so-called ''Gephardt Rule.'' This rules change will allow the House to avoid a separate vote on the debt limit, preventing full and open debate on a policy with long-term consequences to our Nation's fiscal health.

Last June, Mr. Speaker, we had a full debate as Congress raised the limit on the debt by $450 billion. I opposed this increase because the House failed at that time to reevaluate the policies that required us to increase the statutory limit on debt in the first place. But at least, at least we had a debate.

An increase in the debt limit should require action by Congress and the President to put the fiscal house back in order. But now the majority party is resorting to the tactics that they opposed just last year. They are attempting to hide votes to increase the national debt by reviving this rule.

The majority will eagerly support the President's proposal to be unveiled today which will add more than $600 billion to the debt over the next 10 years. They should be willing to stand up and be counted when the time comes to pay the bill by raising the debt limit. The new proposed rule will allow the majority to avoid taking responsibility for paying our bills. The majority's rule will impose a new tax, a debt tax, a tax equal to the interest payments on our $6.2 trillion national debt, a tax that cannot be repealed.

Mr. Speaker, I urge my colleagues to vote for the motion to recommit and oppose the rules package that will result in a new debt tax increase for all Americans.

Ms. SLAUGHTER. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 4½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

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

Mr. Speaker, I rise to address section 2(J) of these rules providing for dynamic scoring of tax bills. I thought the Arthur Andersen accounting firm had been dissolved. Instead it is being moved wholesale into the Committee on Ways and Means and the Joint Committee on Taxation.

With dynamic scoring, every tax cut for the wealthy can be scored as making money for the Treasury. The first President George Bush described this as voodoo economics, while the advisors unfortunately of the current President seem nostalgic for supply-side trickle down economics.

The proof that dynamic scoring makes no sense is that dynamic scoring is provided in these rules for money spent to improve our economy. So if we were to spend $100 billion over 10 years improving vocational education, virtually every economist would agree that that will at least help our economy, maybe will help our economy to the point where the tax revenues outweigh the expenditures. And yet there is no recognition of the fact that spending money on education produces money eventually for our Treasury.

In contrast, if we were to spend $100 billion over 10 years by giving tax breaks to the wealthiest Americans, some economists would say the cost of the Treasury exceeds $100 billion because it will have an adverse impact on our economy, drive up interest rates, et cetera. And yet instead we will no doubt get a dynamic score that says tax cuts do not cost the Treasury any money but spending on education, oh, that costs.

That is why Alan Greenspan told us that unfortunately the analytical tools required to achieve dynamic scoring are deficient. Accordingly, we should be especially cautious about adopting technical scoring procedures that might be susceptible to overly optimistic assessments.

In summary, the currently relatively straightforward scoring has served us well. I think Mr. Greenspan is correct.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes, the remainder of my time, to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, we are barely 3 hours into this Congress and the political hedonists of this Congress have struck their first blow. You know hedonism, if it feels good do it regardless of the consequences.

Well, that is exactly what those people who have voted repeatedly to raise the debt limit and to stick our children and our children's children with our bills have done. Now they want to do it even better.

One of the few things that controlled their urge to run up the bill and stick our kids with it was at least a law that said we had to vote to raise the debt limit. Now they want to do away with that law. They want a rule that says if they pass a budget we do not have to raise the debt limit.

I would remind them that in the 19 months since the Bush budget became law, that we have stuck our children and our children's children with $749,529,498,242 worth of new debt. It did not stimulate the economy. It stimulated the debt. It is political hedonism. You heard it here first. You are going to hear it a lot.

Just a little while ago the Speaker of the House said, ''We pledge to fight those who would endanger our freedom.'' Those of you who would bankrupt our Nation will destroy our freedom. And, therefore, just as the Speaker pledged to fight those who would endanger our freedom, I pledge to fight you tooth and nail on every effort to increase the national debt and every effort to hide the way that you do it.

□ 1515

The last time we had to have a vote, it was scheduled for three o'clock in the morning.

My dad's taught me a lot in life; but generally, one of his best rules is anything a person does past midnight, they are probably not very proud of, and I am sure my colleagues were not proud of the fact that they raised the debt limit. So now my colleagues do not want to have that vote at all.

Mr. Speaker, I am opposing these rule changes; and I would ask every Member to do so who believes in accountability, believes in standing up and talking to the citizens and saying, yes, I did that and this is the reason why or, no, I did not oppose this rule. If my colleagues have come here to hide from the truth, if they have come here to stick their children and their children's children with their bills, then vote for it.

Mr. DREIER. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, we began today with wonderful bipartisan statements that came from both the gentlewoman from California (Ms. PELOSI), the new minority leader, and the gentleman from Illinois (Mr. HASTERT), the Speaker, right behind me here in this Chamber; and we want to see that spirit continue today, and obviously we very much want to have that spirit continue through this 108th Congress because we have many very serious challenges that we face as a Nation.

Number one, of course, is our national security and, along with that, homeland security, the challenges abroad. Right next to that, of course, is focusing on getting this economy moving, which the President talked about earlier today in Chicago; and as we look at this opening day rules package, I am very proud of the fact that it does more to focus on the very important issue of minority rights than anything that was done by my friends on the other side of the aisle during their 4 decades of uninterrupted, one-party control of this institution.

If my colleagues look at the reforms that we have maintained we initiated once we became a majority and frankly built upon, they do, in fact, increase the accountability and the deliberative nature of this Congress. We have items that are included in this measure which guarantee the minority the right to offer a motion to recommit on legislation.

Mr. Speaker, I had the privilege of serving for 14 years here in the minority until in 1994 we won the majority. During that period of time, there were numerous occasions when the then-Republican minority was denied the chance to even offer a motion to recommit.

Something else that we have done that we are very proud of, Mr. Speaker, again focusing on minority rights, has been to ensure that one-third of the funding level for minority staffing on committees is provided to the minority. Once again, during the 14 years that I was privileged to serve here in the minority, we saw numerous occasions when the then-Republican minority was denied the chance to have even a modicum of investigative staff on certain committees; and the numbers were very, very heavily skewed against the then-Republican minority. We are providing a much higher level of funding for the Democratic minority.

Also, we heard this discussion earlier about the issue of proxy voting. The issue of proxy voting had to do with committee chairmen arbitrarily utilizing the proxy of Members who were not even in the room, in the building, quite possibly they were not even in our Nation's capital; and yet their votes were being cast on issues that they may not have even known about. So we chose to bring an end to proxy voting.

Mr. Speaker, one of the things is that we have learned that we do have a very narrow majority. It is a little greater than in the 107th Congress, I am happy to say; but it is still the second narrowest in recent times, and we do have the challenge of trying to manage and move very important legislation through this body.

Mr. Speaker, I believe that we have, as a Republican majority, learned from some of the actions of the Democratic majority; and we went, as I said, for 4 decades without being in the majority. We served in the minority. It took us time to learn about the process of governing. We were not able to do that overnight, and so I will admit there are some modifications that we have made, and providing the opportunity for committee chairmen, obviously working, as has been the case in the 107th Congress and earlier Congresses, with the minority to roll votes in committee while guaranteeing Members the opportunity to offer second-degree amendments is something that will again enhance the ability to move legislation effectively; and we hope, as has been the case in the past, that much of that will be done in a bipartisan way.

We have established this Department of Homeland Security. We do have dynamic scoring. I know there was concern raised about that. It is a very, very small consideration. The Office of Management and Budget, the Congressional Budget Office will not be engaged in this; but we will see the Joint Committee on Taxation doing it. Why? Very simply, because we believe that behavioral patterns should be taken into consideration when we look at the impact of a tax cut on the flow of revenues to the Federal Treasury.

Today, I introduced legislation which reduces the top rate on capital gains from 20 percent down to 10 percent. I introduced it perspectively, encouraging the American people to once again invest, to get into the market and to invest. What the bill that I have introduced basically says is that during a 2-year period, if people invest and they hold on to that asset for 1 year, they will be able to see a tremendous cut, a cut of one-half, from 20 percent down to 10 percent and from 10 percent to 5 percent for those in the 15 percent bracket.

Mr. Speaker, I would argue and I believe that every shred of evidence over the past and with the scoring procedure that we have put into place will show that the rich pay more in taxes. Why? Because we have often a lock-in effect. More than half the American people are members of the investor class today. People are invested in markets through 401(k)s, individual retirement accounts. They have got some appreciated assets with real estate homes and all, and we know that the market has dropped tremendously, but the President's plan is encouraging economic growth.

We, in the bill that I have just introduced in a bipartisan way, are encouraging economic growth with that as well; and with economic growth, Mr. Speaker, we are going to see an increase in the flow of revenues to the Federal Treasury. That is what the scoring procedure that we have put into place for the Joint Committee on Taxation will do. It will simply provide that information, making that information available.

So we have a very fair, balanced measure here which again increases the deliberative nature of this institution and does increase the accountability.

On the issue of the debt limit, every Member will be accountable because that vote will be cast when we deal with the budget resolution itself. So we are going to see every Member accountable for their votes that they cast right here.

We have spectacular leadership from Speaker HASTERT. This is a measure that will allow him to deal with the very serious challenges that our Nation faces in the 108th Congress.

Mr. DINGELL. Mr. Speaker, I rise in opposition to the House Rules packages being offered today by the majority. Over the previous four Congresses, which have been controlled by the Republican party, the House rules became increasingly hostile to the rights of the minority. This proposal continues that trend.

Let there be no misunderstanding—when I speak of the rights of the minority I am speaking of the rights of the 47 percent of all Americans who are represented by Democratic and Independent Members of Congress. It is their rights which are being abused when their Member of Congress is treated unfairly.

For example, the right of all Members, and particularly the minority, to file its views on legislation reported by a committee, has been reduced to 2 days. During the 40 years of Democratic control the minority was always permitted 3 days.

Similarly, committee ratios have been consistently stacked against the minority. For example, on the Committee on Energy and Commerce, during Democratic control the majority representation of the committee was always within two percentage points of its ratio in the House, and the difference averaged less than one percent. In the past three Congresses, under Republican control, the difference was more than 3 percent. In short, the Republican majority has robbed the Democratic minority of seats they deserve in our committee.

In the last Congress, the Republican rules package radically changed the jurisdiction of the Energy and Commerce Committee by transferring its jurisdiction over securities and insurance to the Committee on Financial Services. This change was done without a single hearing at which Members of the majority or minority were permitted to present their views, or without a single markup at which minority Members could vote or suggest alternatives. Now the Republican majority is doing the same thing with the establishment of a Select Committee on Homeland Security.

The majority has not only trampled upon the rights of the minority, but also upon the rights of individual citizens. For example, Republicans eliminated a longstanding rule of the House that permitted individuals who were required to appear before a committee under a subpoena the right to have television cameras turned off. The rule had permitted all other media to cover the hearing, but the rule gave the witness the right to some level of fairness.

In this context, I look with interest every year to see what new rules will be adopted in response to the majority's irritation with the minority's invocation of its merger remaining rights.

This year there are several interesting changes. Perhaps the most interesting one is the permission to committees to adopt rules allowing the chairman to postpone votes on bills and amendments in committee. When my Republican colleagues took control of the House they complained that proxy voting permitted Members to cast votes on matters without attending the debate that accompanied the matter. It now appears that by permitting votes to be postponed to a time certain, Members will no longer have to attend committee markups while important amendments are being debated. Instead, they will merely have to

show up at a specified time to vote. It sounds an awful lot like proxy voting to me.

Another rule change stretches out the length of time before the minority may offer motions to instruct conferees by requiring a minimum of 10 legislative days. Again, this rule limits minority rights.

While some rule changes are technical in nature, it appears that the other substantive amendments are designed to make it easier for my Republican colleagues to plunge our Nation further into debt. Not satisfied with throwing away the progress made during the Clinton administration, which changed annual budget deficits to surpluses, the Republicans in the last Congress immediately threw the country back into budget deficits while raiding our Social Security and Medicare trust funds.

While they seemed to take delight in placing more and more tax cuts on the Floor during the past Congress, it was a lot more painful for them to figure out how to pay for them. So this year they are adopting a host of rules to hide their budget profligacy. No longer will they require Members to vote on raising the statutory limit on the debt. Now their vote on the budget resolution will automatically raise the debt limit.

Moreover, the rules continue the so-called ''deeming'' resolution, which allows the House to pretend it has adopted a binding budget resolution when in reality, only one House has acted. The rules would also require the Ways and Means Committee to include so-called ''dynamic scoring'' on amendments to the tax code. While ''dynamic scoring'' has no real definition, it is generally understood to mean a way to pretend that a tax cut increase revenues rather than decreasing them. We heard all of this same nonsense during the Reagan administration and talk about the Laffer curve. Ultimately, we saw only greater deficits.

Mr. Speaker, it is time for my Republican colleagues to stop playing games with the House rules. We must respect the rights of Democratic Members of this body, and more importantly, the rights of the 47 percent of Americans who they represent. We must stop using the House rules to make it easier to plunge the Nation into debt, while hiding raids on the Social Security and Medicare trust funds. The Republicans' procedural thumb on the scale demeans this institution and reduces its credibility.

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H. Res. 5, the resolution providing for the rules for the House for the 108th Congress. This is an important package, with important reforms, for both the House and its committees.

In particular, I am pleased to see that the House is prepared to accept my proposal that committees be permitted postpone some votes during markups. As I explained in my testimony submitted to the Rules Committee, one of the biggest obstacles I faced during my first term as Chairman of the Financial Services committee was the limited House schedule, combined with multiple demands for Committee members' time. When the House is in session for 2½ or 3 days a week, and members routinely have 2 and 3 committee assignments, we are faced with a situation where it is next to impossible for authorizing committees to do their work. When the committees are unable to complete their work, it's hard to keep the floor in session. It is a vicious cycle, and we need new tools to address it.

That is why I suggested that the House change rule XI of the Rules of the House to permit committee chairmen to exercise authority similar to that of the Speaker in the House or the Chairman of the Committee of the Whole to postpone ordered record votes to permit the ''stacking'' of multiple votes. This is a practice we are all used to when we vote in the House or the Committee of the Whole, and one that can be easily applied to committee practice.

It is important to note that nothing in this rules change will alter committee quorum requirements, or curtail other parliamentary options available to the Minority. Ultimately, this tool will be one of bipartisan convenience, rather than a tool to be used by the Majority to impose its will on the Minority.

I am pleased to see that this proposal is included in the rules package before the House today. I especially want to thank the Majority Leader, Mr. DELAY, the speaker, and the Chairman of the Rules Committee, the gentleman from California, Mr. DREIER, for their support of this change.

I believe this is an important provision in an excellent rules package, and I encourage all of my colleagues to support it.

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

MOTION TO COMMIT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a motion to commit.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion.

The Clerk read as follows:

Ms. SLAUGHTER moves to commit the resolution H. Res. 5 to the Committee on Rules with instructions to report the same back to the House forthwith with the following amendments:

Amend section 2 of the resolution (relating to changes in standing rules) by striking amendments to the Rules of the House of Representatives relating to—

(1) postponement of votes in committee;

(2) requirement of dynamic scoring in Ways and Means reports;

(3) motions to instruct during conference;

(4) perishable food as a gift; and

(5) gift ban exemption for charity travel; and

(6) fiduciary relationship for physicians.

Further amend section 2 of the resolution by adding at the end the following new subsection:

(v) COMMITTEE RATIOS.—Clause 5(a)(1) of rule X of the Rules of the House of Representatives is amended by adding at the end the following new sentence: ''The membership of each committee (and each subcommittee or other subunit thereof) shall reflect the ratio of majority to minority party members of the House at the beginning of the Congress. This requirement shall not apply to the Committee on Rules and the Committee on Standards of Official Conduct.''.

Amend section 3 of the resolution by striking subsection (a)(4) and subsection (d).

Amend the resolution by adding at the end the following new section:

SEC. 5. SENSE OF THE HOUSE.

It is the sense of the House of Representatives that it considers protection of the rights of the minority party to be able to fully participate in the legislative process to be of paramount importance and to that end, the Republican leadership of the House should:

(1) Pursuant to clause 8(a)(1) of rule XXII of the Rules of the House of Representatives, ensure that conference reports be available to Members at least three calendar days prior to consideration, and that in no case shall they be brought up for consideration without 24 hours availability.

(2) Seek to reduce the number of waivers of the Rules of the House of Representatives contained in special order of business resolutions reported by the Committee on Rules.

(3) Seek to reduce the number of bills considered by suspension of the rules, especially those bills which are of major legislative importance as well as any bill that may make or authorize appropriations in excess of $100,000,000 for any fiscal year.

(4) Seek to ensure that more alternatives or substitutes to legislation be allowed in any special order of business resolution reported by the Committee on Rules in order to ensure that differing viewpoints may be debated on the House floor which will open the democratic process in the House of Representatives.

(5) Seek to ensure that the Committee on Rules reports more open rules so that Members of the Democratic Caucus may offer amendments to committee bills, or in those cases where structured rules are reported, that more Democratic amendments presenting significant policy ideas and initiatives be included in those amendments made eligible for consideration by the rule.

The SPEAKER pro tempore. Without objection, the motion is considered as one to commit the resolution to a select committee composed of the majority leader and the minority leader.

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to announce that any Member-elect who failed to take the Oath of Office may present himself or herself in the well of the House prior to the vote on the motion to commit the resolution now pending or on any other rollcall vote.

The question is on the motion to commit offered by the gentlewoman from New York (Ms. SLAUGHTER).

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 200, nays 225, not voting 8, as follows:

[Roll No. 3]

YEAS—200

Abercrombie	Andrews	Ballance
Ackerman	Baca	Becerra
Alexander	Baird	Bell
Allen	Baldwin	Berkley

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

NAYS—225

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

NOT VOTING—8

Carson (OK)
Clyburn
Janklow
Kennedy (RI)
Lynch
Meek (FL)
Pickering
Waters

□ 1553

Messrs. EVERETT, CASTLE, JONES of North Carolina, GARRETT of New Jersey, LEWIS of California, NORWOOD, PITTS, SMITH of Texas, and HUNTER changed their vote from ''yea'' to ''nay.''

Messrs. LARSON of Connecticut, MCDERMOTT, CARDOZA, PETERSON of Minnesota, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. STARK, Ms. LINDA T. SÁNCHEZ of California, Mr. RAHALL and Mr. CONYERS changed their vote from ''nay'' to ''yea.''

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on rollcall No. 3, I inadvertently pressed the "yea" button. I meant to vote "nay."

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

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 9, as follows:

[Roll No. 4]

YEAS—221

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

NAYS—203

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Ballance
Becerra
Bell
Berkley
Berman
Berry
Bishop (GA)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carson (IN)
Carson (OK)
Case
Clay
Conyers
Cooper
Costello
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell

Doggett	Larson (CT)	Reyes
Dooley (CA)	Lee	Rodriguez
Doyle	Levin	Ross
Edwards	Lewis (GA)	Rothman
Emanuel	Lipinski	Roybal-Allard
Engel	Lofgren	Ruppersberger
Eshoo	Lowey	Rush
Etheridge	Lucas (KY)	Ryan (OH)
Evans	Lynch	Sabo
Farr	Majette	Sánchez, Linda T.
Fattah	Maloney	Sanchez, Loretta
Filner	Markey	Sanders
Ford	Marshall	Sandlin
Frank (MA)	Matheson	Schakowsky
Frost	Matsui	Schiff
Gephardt	McCarthy (MO)	Scott (GA)
Gonzalez	McCarthy (NY)	Scott (VA)
Gordon	McCollum	Serrano
Green (TX)	McDermott	Sherman
Grijalva	McGovern	Skelton
Gutierrez	McIntyre	Slaughter
Hall	McNulty	Smith (WA)
Harman	Meehan	Snyder
Hastings (FL)	Meek (FL)	Solis
Hill	Meeks (NY)	Spratt
Hinchey	Menendez	Stark
Hinojosa	Michaud	Stenholm
Hoeffel	Millender-McDonald	Strickland
Holden	Miller (NC)	Stupak
Holt	Miller, George	Tanner
Honda	Mollohan	Tauscher
Hoyer	Moore	Taylor (MS)
Inslee	Moran (VA)	Thompson (CA)
Israel	Murtha	Thompson (MS)
Jackson (IL)	Nadler	Tierney
Jackson-Lee (TX)	Napolitano	Towns
Jefferson	Neal (MA)	Turner (TX)
John	Oberstar	Udall (CO)
Johnson, E. B.	Obey	Udall (NM)
Jones (OH)	Olver	Van Hollen
Kanjorski	Ortiz	Velázquez
Kaptur	Owens	Visclosky
Kennedy (RI)	Pallone	Waters
Kildee	Pascrell	Watson
Kilpatrick	Pastor	Watt
Kind	Payne	Waxman
Kleczka	Pelosi	Weiner
Kucinich	Peterson (MN)	Wexler
Lampson	Pomeroy	Woolsey
Langevin	Price (NC)	Wu
Lantos	Rahall	Wynn
Larsen (WA)	Rangel	

NOT VOTING—9

Aderholt	Cox	Jenkins
Bishop (NY)	Deal (GA)	Johnson (CT)
Clyburn	Janklow	King (IA)

□ 1611

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KING of Iowa. Mr. Speaker on rollcall No. 4, my voting card did not function properly. Had it worked properly, I would have voted "yea."

Stated against:

Mr. BISHOP of New York. Mr. Speaker, on rollcall No. 4, I was unavoidably detained and I would have voted "no" on H. Res. 5.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 5.

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

There was no objection.

ELECTION OF MAJORITY MEMBERS TO COMMITTEE ON RULES

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That the following Members be, and are hereby, elected to the Committee on Rules: Mr. DREIER of California, Chairman, Mr. GOSS of Florida, Mr. LINDER of Georgia, Ms. PRYCE of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Mr. HASTINGS of Washington, Mrs. MYRICK of North Carolina, Mr. SESSIONS of Texas, and Mr. REYNOLDS of New York.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO COMMITTEE ON RULES

Mr. HOYER. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 7) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That the following Members be, and are hereby, elected to the Committee on Rules of the House of Representatives: Mr. Frost of Texas, Ms. Slaughter of New York, Mr. McGovern of Massachusetts, and Mr. Hastings of Florida.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Ms. PELOSI. Mr. Speaker, I offer a resolution (H. Res. 8) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That, pursuant to the Legislative Pay Act of 1929, four of the six minority employees authorized therein shall be the following named persons, effective January 3, 2003, until otherwise ordered by the House, to-wit: George Crawford, Lorraine Miller, Cecile Richards, and George Kundanis, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95–94. In addition to the six minority employees authorized by the Legislative Pay Act, the Minority Leader may appoint and set the annual rate of pay for up to three additional minority employees.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DAILY HOUR OF MEETING

Mr. DREIER. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That unless otherwise ordered, before Monday, May 19, 2003, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 19, 2003, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all others days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. DREIER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Eighth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to 40 United States Code, 175 and 176, the Chair announces the Speaker's appointment of the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI) as members of the House Office Building Commission to serve with himself.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, January 7, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the U.S. House of Representatives, I herewith designate Ms. Martha C. Morrison, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which she would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

If Ms. Morrison should not be able to act in my behalf for any reason, then Mr. Gerasimos C. Vans, Assistant to the Clerk or Mr. Daniel J. Strodel, Assistant to the Clerk should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 108th Congress or until modified by me.

With best wishes, I am.

Sincerely,

JEFF TRANDAHL.

□ 1615

COMMUNICATION FROM CHIEF OF STAFF OF HON. JOHN M. SHIMKUS, MEMBER OF CONGRESS

The Speaker pro tempore (Mr. LAHOOD) laid before the House the following communication from Craig Roberts, Chief of Staff of the Honorable JOHN M. SHIMKUS, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, January 3, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House, that our office has been served with a subpoena *duces tecum* issued by the U.S. District Court for the Central District of Illinois.

After consultation with the Office of General Counsel, we have determined that compliance with the subpoenas is consistent with the precedents and privileges of the House.

Sincerely,

CRAIG ROBERTS,
Chief of Staff.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair customarily takes this occasion on the opening day of the Congress to announce his policies with respect to particular aspects of the legislative process. The Chair will insert in the RECORD announcements by the Speaker concerning: first, privileges of the floor; second, introduction of bills and resolutions; third, unanimous consent requests for the consideration of bills and resolutions; forth, recognition for 1-minute speeches, morning hour debate, and special orders; fifth, decorum in debate; sixth, conduct of votes by electronic device; seventh, distribution of written material on the House floor; and, eighth, use of personal, electronic office equipment on the House floor.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Speaker intends to continue in the 108th Congress the policies reflected in these statements. The policy announced in the 102nd Congress with respect to jurisdictional concepts related to clause 5(a) of rule XXI, tax and tariff measures, will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

The announcements referred to follow and, without objection, will be printed in the RECORD:

There was no objection.

1. PRIVILEGES OF THE FLOOR

The Chair will make the following announcement regarding floor privileges. Rule 4 strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. The Speaker's instructions to the former Doorkeeper and the Sergeant-at-Arms announced on January 25, 1983, and on January 21, 1986, regarding floor privileges of staff will apply during the 108th Congress. In accordance with the change in this Congress of clause 2(a) of rule 4 regarding leadership staff floor access, the Speaker announces that only designated staff approved by the Speaker shall be granted the privilege of the floor. The Speaker intends that his approval be narrowly granted on a bipartisan basis to staff from the majority and minority side and only to those staff essential to floor activities.

The rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member has an amendment actually pending. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested (and the Speaker has approved) their presence. The Chair has consulted with and has concurrence of the Minority Leader with respect to this policy and has directed the Sergeant-at-Arms to assure proper enforcement of the rule. The Speaker's policy announced on August 1, 1996, regarding floor privileges of former Members will also apply during the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 25, 1983

The SPEAKER. Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated as recently as August 22, 1974, by Speaker Albert under the principle stated in Deschler's Procedure, chapter 4, section 3.4, the rule strictly limits the number of committee staff permitted on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Member's personal staff except when a Member has an amendment actually pending during the five-minute rule. To this end, the Chair requests all Members and committee staff to cooperate to assure that not more than the proper number of staff are on the floor, and then only during the actual consideration of measures reported from their committees. The Chair will again extend this admonition to all properly admitted majority and minority staff by insisting that their presence on the floor, including the areas behind the rail, be restricted to those periods during which their supervisors have specifically requested their presence. The Chair stated this policy in the 97th Congress, and an increasing number of Members have insisted on strict enforcement of the rule. The Chair has consulted with and has the concurrence of the Minority Leader with respect to this policy and has directed [the Doorkeeper and] the Sergeant-at-Arms to assure proper enforcement of the rule.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 21, 1986

The SPEAKER. Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 25, 1983, and January 3, 1985, and as stated in chapter 4, section 3.4 of Deschler-Brown's Procedure in the House of Representatives, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the five-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures reported from their committees. The Chair is making this statement and reiterating this policy because of concerns expressed by many Members about the number of committee staff on the floor during the last weeks of the first session. The Chair requests each chairman, and each ranking minority member, to submit to the [Doorkeeper] Sergeant-at-Arms a list of staff who are to be allowed on the floor during the consideration of a measure reported by their committee. Each staff person should exchange his or her ID for a ''committee staff'' badge which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with him. The Chair has furthermore directed the [Doorkeeper and] Sergeant-at-Arms to assure proper enforcement of rule IV.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 1, 1996

The SPEAKER. The Chair will make a statement. On May 25, 1995, the Chair took the opportunity to reiterate guidelines on the prohibition against former Members exercising floor privileges during the consideration of a matter in which they have a personal or pecuniary interest or are employed or retained as a lobbyist.

Clause 4 of rule IV and the subsequent guidelines issued by previous Speakers on

this matter make it clear that consideration of legislative measures is not limited solely to those pending before the House. Consideration also includes all bills and resolutions either which have been called up by a full committee or subcommittee or on which hearings have been a full committee or subcommittee of the House.

Former Members can be prohibited from privileges of the floor, the Speaker's lobby and respective Cloakrooms should it be ascertained they have direct interests in legislation that is before a subcommittee, full committee, or the House. Not only do those circumstances prohibit former Members but the fact that a former Member is employed or retained by a lobbying organization attempting to directly or indirectly influence pending legislation is cause for prohibiting access to the House Chamber.

First announced by Speaker O'Neill on January 6, 1977, again on June 7, 1978, and by Speaker Foley in 1994, the guidelines were intended to prohibit former Members from using their floor privileges under the restrictions laid out in this rule. This restriction extends not only to the House floor but adjacent rooms, the Cloakrooms, and the Speaker's lobby.

Members who have reason to know that a former Member is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant-at-Arms promptly.

2. INTRODUCTION OF BILLS AND RESOLUTIONS

The Speaker's policy announced on January 3, 1983, will continue to apply in the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1983

The SPEAKER. The Chair would like to make a statement concerning the introduction and reference of bills and resolutions. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills which are not referred and do not appear in the RECORD as of today will be included in the next day's RECORD and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

3. UNANIMOUS-CONSENT REQUESTS FOR THE CONSIDERATION OF BILLS AND RESOLUTIONS

The Speaker's policy announced on January 6, 1999, will continue to apply in the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 6, 1999

The SPEAKER. The Speaker will continue to follow the guidelines recorded in section 956 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills and resolutions only when assured that the majority and minority floor leadership and committee and subcommittee chairmen and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XVII, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 8 of rule I, will decline recognition for unanimous-consent requests for consideration of bills and resolutions without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle. In addition to unanimous-consent requests for the consideration of bills and resolutions, section 956 of the House Rules and Manual also chronicles examples where the Speaker applied this policy on recognition to other related unanimous-consent requests, such as requests to consider a motion to suspend the rules on a nonsuspension day and requests to permit consideration of nongermane amendments to bills.

As announced by the Speaker, April 26, 1984, the Chair will entertain unanimous-consent requests to dispose of Senate amendments to House bills on the Speaker's table if made by the chairman of the committee with jurisdiction, or by another committee member authorized to make the request.

4. RECOGNITION FOR ONE-MINUTE SPEECHES AND SPECIAL ORDERS

The Speaker's policy announced on January 25, 1984, with respect to recognition for one-minute speeches will apply during the 108th Congress with the continued understanding that the Chair reserves the authority to restrict one-minute speeches at the beginning of the legislative day. The Speaker's policy announced in the 104th Congress for recognition for ''morning hour'' debate and restricted special-order speeches, announced on May 12, 1995, will also continue through the 108th Congress with the further clarification that reallocations of time within each leadership special-order period will be permitted with notice to the Chair.

ANNOUNCEMENT BY THE SPEAKER, AUGUST 8, 1984, RELATIVE TO RECOGNITION FOR ONE-MINUTE SPEECHES

The SPEAKER. After consultation with and concurrence by the Minority Leader, the Chair announces that he will institute a new policy of recognition for ''one-minute'' speeches and for special order requests. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

Upon consultation with the Minority Leader, the Speaker's policy, which began on February 23, 1994, was reiterated on January 4, 1995, and was supplemented on January 3, 2001, will continue to apply in the 108th Congress as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special-order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special-order speeches up to four hours after the conclusion of five-minute special-order speeches. Such speeches may not extend beyond the four-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special-order speeches beyond midnight.

The Chair will first recognize Members for five-minute special-order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. A Member recognized for a five-minute special-order speech may not be recognized for a longer special-order speech. The four-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties each day.

The allocation of time within each party's two-hour period (or shorter period of prorated to end by midnight) is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than one week prior to the special order, and additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a ''crawl'' indicating morning hour or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. Other television camera adaptations during this period may be announced by the Chair.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII should circumstances so warrant.

5. DECORUM IN DEBATE

The Chair will make the following announcement regarding decorum in debate. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule 17 to gain a better understanding of the proper rules of decorum expected to them, and especially:

(1) to avoid ''personalities'' in debate with respect to references to other Members, the Senate, and the President;

(2) to address the Chair while standing and only when, and not beyond, the time recognized, and not to address the television or other imagined audience;

(3) to refrain from passing between the Chair and a Member speaking, or directly in front of a Member speaking from the well;

(4) to refrain from smoking in the Chamber;

(5) to disable wireless phones when entering the Chamber;

(6) to wear appropriate business attire in the Chamber; and to generally display the same degree of respect to the Chair and other Members that every Member is due.

The Speaker's policies with respect to decorum in debate announced on January 3, 1991, and January 4, 1995, will apply during the 108th Congress.

ANNOUNCEMENT BY THE SPEAKER, JANUARY 3, 1991

The SPEAKER. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XVII to gain a better understanding of the proper rules of decorum expected of them, and especially: First, to avoid ''personalities'' in debate with respect to references to other Members, the Senate, and the President; second, to address the Chair while standing and only when and not beyond the time recognized, and not to address the television or other imagined audience; third, to refrain from passing between the Chair and the Member speaking, or directly in front of a Member speaking from the well; fourth, to refrain from smoking in the Chamber; and generally to display the same degree of respect to the Chair and other Members that every Member is due.

The Speaker's announcement of January 4, 1995, will continue to apply in the 108th Congress as follows:

The SPEAKER. The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XVII by failing to avoid ''personalities' in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248 and was reiterated on January 19, 1995.

6. CONDUCT OF VOTES BY ELECTRIC DEVICE

The Speaker's policy announced on January 4, 1995, will continue through the 108th Congress.

The SPEAKER. The Chair wishes to enunciate a clear policy with respect to the conduct of electronic votes.

As Members are aware, clause 2(a) of rule XX provides that Members shall have not less than 15 minutes in which to answer an ordinary [rollcall] record vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by [rollcalls] record votes. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the Chair would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

7. USE OF HANDOUTS ON HOUSE FLOOR

The Speaker's policy announced on September 27, 1995, will continue through 108th Congress.

The SPEAKER. A recent misuse of handouts on the floor of the House has been called to the attention of the Chair and the House. At the bipartisan request of the Committee on Standards of Official Conduct, the Chair announces that all handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the RECORD. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that, pursuant to clause 5 of rule IV, staff are prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

8. USE OF EQUIPMENT ON HOUSE FLOOR

The Speaker's policy announced on January 27, 2000, as modified by the change in clause 5 of rule XVII in this Congress, will continue. All Members and staff are reminded of the absolute prohibition contained in the last sentence of clause 5 of rule XVII against the use of a wireless telephone or personal computer upon the floor of the House at any time.

The Chair requests all Members and staff wishing to receive or send wireless telephone messages to do so outside of the chamber, and to deactivate, which means to turn off, any audible ring of wireless phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant-at-Arms, pursuant to clause 3(a) of rule II, to enforce this prohibition.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed its duty.

Ms. PELOSI. Mr. Speaker, I support the majority leader's comments.

MORNING HOUR DEBATE

Mr. DELAY. Mr. Speaker, I ask unanimous consent that during the first session of the 108th Congress: number one, on legislative days of Monday, when the House convenes pursuant to House resolution, the House shall convene 90 minutes earlier than the time otherwise established by that resolution solely for the purpose of conducting morning hour debate; and, number two, on legislative days of Tuesday when the House convenes pursuant to House resolution (a) before May 19, 2003, the House shall convene for morning hour debate 90 minutes earlier than the time otherwise established by that resolution; and (b) after May 19, 2003, the House shall convene for morning hour debate one hour earlier than the time otherwise established by that resolution.

And, three, the time for morning hour debate shall be limited to 30 minutes allocated to each party, except that on Tuesdays after May 19, 2003, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes beyond the hour appointed or the resumption of the session of the House; and, four, the form of proceeding to morning hour debate shall be as follows: the prayer by the chaplain, the approval of the Journal, and the Pledge of Allegiance to the Flag shall be postponed until resumption of the session of the House; initial and subsequent recognitions for debate shall alternate between the parties; recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader; no Members may address the House for longer than 5 minutes, except the majority leader, the minority leader, or the minority whip; and following morning hour debate, the Chair shall declare a recess pursuant to clause 12 of rule I until the time appointed for the resumption of the session of the House.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

EDDIE MURRAY AND GARY CARTER TO BE INDUCTED INTO NATIONAL BASEBALL HALL OF FAME

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

Mr. BOEHLERT. Mr. Speaker, I have the high honor and privilege of announcing that on Sunday, July 27 in Cooperstown, New York, baseball's mecca, the newest class of greats will be inducted into the National Baseball Hall of Fame. Today at 2 o'clock, the Baseball Writers Association of America announced that greats Eddie Murray of the Baltimore Orioles and Gary Carter of the New York Mets will consist of the class of 2003. You are all invited to Cooperstown, New York, on July 27.

REMEMBERING JOE REMCHO

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

Ms. HARMAN. Mr. Speaker, this past weekend I lost a dear friend and law school classmate and Californians lost a true champion of public interest and civil liberties. Joe Remcho died tragically in a helicopter accident. He will be sorely missed. I met Joe in law school 37 years ago. We became quick and close friends. After law school we took different paths, but both reveled in politics, public interest, and public policy. Joe became an acknowledged expert in first amendment, election law, and civil liberties. As a rookie lawyer, he represented soldiers in Saigon during the Vietnam War and later worked as a staff attorney and lobbyist for the ACLU in San Francisco and Sacramento.

He became an advisor to many public officials, including California Governor Gray Davis, Senator DIANNE FEINSTEIN, and me and was sought after for his skill, his decency, and his common sense. His advocacy greatly influenced the redistricting process in California, and he brought numerous cases involving voter initiatives, term limits, and campaign finance.

Legal titan that he was, I will remember Joe as quiet and self-effacing, a truly decent individual who eschewed headlines and publicity. He always had time to give advice to his friends, often pro bono. Recently, he helped me with a small, but important, family issue.

People like Joe are rare, but their impact great. Joe Remcho's legacy will inspire young lawyers for years to come. To his family, friends, clients, and other classmates, my family extends our deepest condolences.

HONORING FORMER CONGRESSMAN WAYNE OWENS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor the dedication and the life of a dear friend of this great Chamber, former Congressman Wayne Owens. Wayne Owens was an energetic Member who served the American people faithfully for four terms. As a member of the International Relations Committee on which I serve, Wayne Owens reached across the political aisle, committing himself to the peace process in the Middle East.

As the founder of the Center for Middle East Peace and Economic Cooperation, Wayne Owens brought together different leaders from the Middle East in his tireless pursuit of a just, lasting, and comprehensive peace.

Mr. Speaker, many were touched by Congressman Wayne Owens. I want to extend my deepest condolences to his wife, Marlene, their two children, their grandchildren, and to all of his family and friends. Wayne will surely be missed.

CELEBRATING JOHN COLLINS'S BIRTHDAY

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

Ms. LOFGREN. Mr. Speaker, today is a historic day. It is a day that for the first time an Italian American, a Californian, a woman, was nominated for Speaker; but it is historic for me for another reason. Today my son, John Collins, has turned 18 years old, and this is the first time I have ever been away from him on his birthday. He insisted that I come to Washington today. He said I would be letting the country down if I did not come to vote for NANCY PELOSI. And so I took his advice.

I wanted to celebrate my son's birthday because he is well known to many Members of Congress. He has spent many hours on this floor teaching Members how to use the computers, arguing politics, policy, and philosophy. He is a wonderful young man. I am immensely proud of him, and I am so glad that he has reached this milestone, his 18th birthday and adulthood.

REMEMBERING JOE REMCHO

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, it is with a deep sense of sadness today that I rise to express my sense of sorrow upon learning of the death of a great lawyer, a courageous civil libertarian, a constituent, a very valued and very supportive constituent, a devoted husband and father, Joe Remcho.

I had the privilege to know Joe for many years and benefited from his advice, his counsel, and his steadiness. Joe had a keen intellect, a gentle heart, and a passion for justice. He took on difficult cases because he believed in the correctness of the cause, not in the glory of the moment. Joe Remcho was a humble man. He was a humble human being who exemplified all of the values we hold so dear.

My heart is very heavy today. We have lost an unsung hero to an untimely and sad and tragic death. His family—his wife, Ronnie, and his children, Morgan and Sam, have lost a great husband and father. To his family and to all of those who are close to Joe, I just want to say may he rest in peace. We send our condolences. May God bless him.

JOINING IN HONORING THE MEMORY OF JOE REMCHO

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I want to join my colleagues from California in honoring the memory of Joe Remcho, who was a great attorney in our State and who pled cases before the Supreme Court there very successfully. His daughter, Morgan, has been an intern in my office. So I know the values that this family shares and how committed they were to public service and for improving the lives of everyone in our country. Our sympathies go to every member of Joe Remcho's family. He was highly respected in the State of California. His death is a tragedy for many of us. He will be sorely missed, and I hope it is a comfort to his family that so many people share their loss and are praying for them at this sad time and that his passing has been recorded by the California Members of Congress in this very distinguished House of Representatives.

JOINING IN HONORING THE MEMORY OF JOE REMCHO

(Ms. WATSON asked and was given permission to address the House for 1 minute.)

Ms. WATSON. Mr. Speaker, I also want to add my voice to those of the other Members who have spoken regarding the death of Joe Remcho. We will miss him greatly. He served the people of California well. As long as I can remember during my stint in the Senate, Joe Remcho has been there, representing us at every level of the justice system. He was a determined, an experienced, and a knowledgeable attorney. His accidental and untimely death shall be regretted by all the people of California as well as those that he worked with. We mourn him, but we

salute him as a lawyer who represented us at the highest level of performance. We extend our deepest sympathy to his family.

□ 1630

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE MEDICARE FRAUD PREVENTION AND ENFORCEMENT ACT OF 2003, THE FAMILY AND MEDICAL LEAVE CLARIFICATION ACT OF 2003, AND THE ENERGY AND SCIENCE RESEARCH INVESTMENT ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce three bills that address issues affecting our health care system, our workplace, and the future of science research in the United States.

Topping our agenda as we begin this first day of the 108th Congress are the serious challenges facing our Medicare system: enacting a prescription drug benefit for seniors and providing fair and adequate reimbursement for physicians, hospitals, and care facilities in my home State of Illinois and across the Nation.

So the first bill that I introduce today is one that will make it easier to provide this funding by cracking down on the waste, fraud, and abuse that drain more than $12 billion a year from the Medicare system.

The Medicare Fraud Prevention and Enforcement Act of 2003 will put an end to that theft. It will strengthen the Medicare enrollment process, expand certain standards of participation, and reduce erroneous payments. Perhaps most importantly, it gives criminal investigators at the Department of Health and Human Services the Federal law enforcement tools to help them pursue and prosecute health care swindlers.

The time to modernize Medicare is not next week, not next month or next year; the time is now. But true reform will not be achieved without first protecting Medicare from fraud and scandalous exploitation.

The second bill I introduce today, the Family and Medical Leave Clarification Act of 2003, will make a good act work even better for our Nation's workers and employers. What do I mean by that? Well, since its enactment in 1993, the Family and Medical Leave Act, or FMLA, has brought peace of mind and job security during critical times to thousands of workers and their families. That is a good thing. But along with this good thing has come the bad: conflict with existing workplace policies, misinterpretations, and misapplications of the law, intrusions into the privacy of employees, and other consequences that were never anticipated or intended by Congress. While none of us would say that FMLA is broken, all of us, employees and employers alike, must recognize that it should be fixed.

How will my bill fix the unintended and unwanted consequences of FMLA?

First, it clarifies what is now regarded as a confusing definition of a ''serious health condition.''

Second, it allows for employees to request leave time in blocks of at least 4 hours so that they have enough time to take care of their business without feeling rushed to return to the office. At the same time, it cuts down on the paperwork that employers must process and the intrusive questions they must ask employees before granting leave.

Third, it allows employers to require employees to choose whether to take unpaid leave under FMLA or a paid leave of absence under a collective bargaining agreement. It provides an incentive for employers who offer sick leave to continue to do so while providing a disincentive for those who are considering termination of such employee friendly plans.

The FMLA Clarification Act is a reasonable measure and fair response to many of the concerns raised by workers and employers around the country. I urge my colleagues to join me in supporting it.

Last but not least, I introduce today the Energy and Science Research Investment Act, which recognizes the urgent need to finance and manage well our Nation's basic research initiatives.

Over the past 5 years, Federal funding for medical research has nearly doubled, yet funding for research in the physical sciences has remained stagnant at 1990 levels.

The Energy and Science Research Investment Act will provide additional resources to the Department of Energy's Office of Science and make organizational changes that will enhance the accountability and oversight of energy research and science programs at the DOE.

Mr. Speaker, I thank those who have signed on as original cosponsors of these bills, and I urge others to join us in becoming cosponsors of these three key measures.

THREAT REDUCTION IMPLEMENTATION ACT OF 2003

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, earlier today, I introduced the Threat Reduction Implementation Act of 2003, granting the President permanent waiver authority over Nunn-Lugar Cooperative Threat Reduction certification requirements to prevent dangerous delays in this critical defense program. Unnecessary restrictions and delays in funding Nunn-Lugar put Americans at risk of potential attacks using smuggled Russian chemical, biological, or nuclear weapons technology or material.

The terrorist attacks of September 11 fundamentally changed the way we think of national security and protecting the homeland. Unlike adversaries of the past, our enemies today not only utilize untraditional weapons in their war of terror, but also are seeking access to new and even more destructive weapons, such as chemical, biological, and nuclear weapons.

Twelve years ago, the Nunn-Lugar Cooperative Threat Reduction Program was born out of the necessity to ensure that the nuclear arsenal of the Soviet Union would not fall into the wrong hands as the Soviet empire was coming apart. While much has been done to dismantle these weapons, continuing economic and social weaknesses in Russia, coupled with an eroding early warning system, poorly secured Russian weapons materials, and poorly paid Russian weapons scientists and security personnel, increase the threat of mass destruction on an unprecedented scale.

Unfortunately, every year opponents of the CTR program wage a campaign to slow down or even block funds for the continuation of U.S. efforts in Russia to monitor and reduce weapons-usable nuclear material and other weapons of mass destruction. While accountability and oversight are necessary to make sure that Nunn-Lugar funds are serving their intended purpose, recurrent delays owing to outdated certification requirements have proven detrimental to our ability to protect the homeland.

During the fiscal year 2003 Defense authorization and appropriation debates, the administration requested permanent waiver authority over many certification requirements in order to permit elements of the program to go forward. After a drawn out debate, conferees ended up granting a 3-year waiver on the Nunn-Lugar certification requirements and a 1-year waiver for the construction of a chemical weapons construction facility in Shchuchye, Russia. Avoiding lengthy and unnecessary delays in the Nunn-Lugar program and specifically with the chemical weapons elimination project in Russia, it is in the strong national interest of the United States and justifies granting the President permanent waiver authority. With the weapons at Shchuchye reportedly able to kill the

world's population some 20 times over, the continued, insecure existence of these highly dangerous and portable weapons is a direct threat to the American people.

Securing Russia's arsenal is a massive challenge, but not an impossible one. While the cost of a terrorist attack on the United States involving Russian expertise or smuggled Russian nuclear, chemical, or biological weapon materials are potentially staggering, funding for the simple measures that can prevent these attacks is both sensible and urgent. Robust, uninterrupted funding of this very critical program would accelerate the progress of reducing these attacks on the United States and help the Russian Federation secure its weapons stockpile.

Although the President has broad authority to use force in the war on terrorism, ironically he is significantly constrained in using cooperative means to destroy these weapons of mass destruction. Granting the President permanent waiver authority over Nunn-Lugar certification requirements will avoid dangerous delays in this critical defense program and prevent Russia's weapons of mass destruction from falling into the wrong hands.

Mr. Speaker, I want to thank my colleagues, the gentleman from South Carolina (Mr. SPRATT), the gentlewoman from California (Mrs. TAUSCHER), the gentleman from Texas (Mr. EDWARDS), the gentleman from New York (Mr. CROWLEY), the gentleman from Washington (Mr. MCDERMOTT), the gentleman from California (Mr. BERMAN), and the gentleman from Massachusetts (Mr. FRANK), who joined me today as original cosponsors of this bill. I would like to also thank Senator RICHARD LUGAR and former Senator Sam Nunn for their foresight and leadership on this issue. I look forward to working with my colleagues during this Congress on this very important homeland security issue.

HISTORIC MOMENTS FOR THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I am sure that my colleagues join me in welcoming the 54 new Members to this august body and the returning Members who are charged with helping to chart the course for these new Members, knowing that they have a very complex and awesome responsibility. But, Mr. Speaker, today has been an historic day for us. We have seen, for the first time ever a woman, a Democratic woman, whose name was put in nomination for the Speakership of the U.S. House of Representatives, and another woman who became the chairwoman of the congressional Republican Conference. Those are historic moments for us, Mr. Speaker, and as the Democratic chair of the Women's Caucus, I am very much enjoyous of this momentous occasion that has brought these two women front and center to leadership roles.

So as we convene this 108th Congress, we should also pause to look at the other historic notes that were taken today in this esteemed body, as we convened with two sibling pairs of Members that have come to this House. The SÁNCHEZ sisters from California and the DIAZ-BALART brothers from Florida will serve simultaneously as teams in this Congress, representing diverse districts on opposite coasts of this great country. My esteemed colleagues, with their formidable backgrounds, are all accomplished in their own rights, coming from immigrant families and immigrant backgrounds who have truly lived the American dream with hard work, as productive members of society, giving back and serving the people of their communities. They have now been elected to the U.S. Congress.

The senior sister, the gentlewoman from California (Ms. LORETTA SANCHEZ), has an MBA from American University and is an accomplished businesswoman, assisting municipalities and private companies in strategic planning and capital acquisition. The State of California selected her to independently review the financial status of Orange County's first toll road to save about $300 million in financing costs. The junior sister, the gentlewoman from California (Ms. LINDA SÁNCHEZ), with her law degree from UCLA, was a civil rights lawyer and labor activist heading up the Orange County AFL–CIO.

The senior brother, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), has a law degree from Cleveland, Ohio's Case Western Reserve University, which he used to provide free legal service to the poor. The junior brother, the gentleman from Florida (Mr. MARIO DIAZ-BALART), served in the Florida State Legislature for 14 years before being elected to serve in this Chamber.

Mr. Speaker, let us welcome all of these outstanding freshman Members, these pairs of siblings who have come to serve their respective districts, but who have made history, along with the two outstanding women, and may we all embrace them as they take their rightful roles. I know that all of us salute the Latino community, because they are proud of today's historic events, as well as all Americans are proud of these pairs of siblings.

LEGISLATIVE ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, happy New Year, and congratulations to all of my colleagues for the beginning of the 108th Congress.

I believe that we have an opportunity as we serve in the United States Congress to make things better and, therefore, I would like to speak this afternoon on the attempt to honor some who I believe have made this world a better place. So today I will be filing a resolution to express the sense of Congress for a commemorative postage stamp in honor of the late George Thomas ''Mickey'' Leland, one of our colleagues who fought so valiantly to avoid hunger in this world. As I stand here, we are recognizing the emerging famine in Ethiopia, which was one of the reasons that Congressman Leland was in Ethiopia in 1989, to be able to thwart the enormous hunger that that Nation was facing. It will be our challenge in this Congress to honor him, but to as well take up the cause that he so valiantly attempted in his work to avoid or to stamp out hunger in the world.

□ 1645

I hope, as we look at the funding and the issues before us, we will not forget that we are in fact our brothers' and sisters' keepers.

In addition, I am filing today a resolution to name the Department of Veterans Affairs in Houston Hospital as the Michael E. DeBakey Department of Veterans Affairs Medical Center. Michael E. DeBakey, a famous and renowned heart surgeon, was also a renowned, valiant fighter for America in World War II. So we believe that this would be an appropriate honoring of such an outstanding leader.

I also intend to file today a bill that will emphasize more mental health services for children and to provide more support for our community mental health centers around the Nation. We lost a valiant soldier on behalf of the mental health needs of this Nation last year, our dear friend, former Senator Paul Wellstone. In his honor I believe that we should continue to fight for the equality of health care as it relates to mental health services, and particularly I believe that we should advocate for the children of this land to have access to mental health services.

Over the last couple of years, as the co-Chair and Chair of the Congressional Children's Caucus, my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and myself have tried to focus on the needs of children in America. It has been appalling to watch in several States the tragedy of lost children by the children's protective services.

I have already filed a bill dealing with infant abandonment in hospitals,

and also the question of hospitals attending to the information or trying to find family members of abandoned children that may be left, or newborn babies that may be left in hospitals. We will be looking to file a bill dealing with and addressing the question of children's protective services across the Nation.

Let me first of all say that there are many who do good work as part of the system of protecting our children in States across the Nation. Let me applaud those individuals. Particularly, I would like to cite the Harris County Children's Protective Services that had worked with me so valiantly on the issue of baby abandonment and other child protection issues.

But when there is fault and error, when there is a circumstance such as that that generated the loss of life of a 7-year-old boy in New Jersey, and the starvation of two very young children, we need to address the question of accountability by our children's protective services across the Nation.

So I will be filing legislation to require an accounting of the children that are under their jurisdiction, an annual reporting, and a knowledge of whose possession those children are in. Our children are our most precious resource, and therefore we need to include legislation to protect them at every opportunity that we have.

Mr. Speaker, I will also be filing two private bills, and have filed them, one dealing with Gao Zhan, an outstanding academic from China, who still at this point has not received her citizenship. She was held against her will in China just a few months ago. We are delighted that she is released, and her husband and son are citizens; and I hope we will consider her plight.

Let me also say, Mr. Speaker, that I am filing a private bill on behalf of the Kesbeh family, who have been in this country for almost 12 years and have made every effort to become citizens, and in fact have a 9-year-old daughter. We hope that under the laws of this land their case can be considered and that we will treat them fairly under our laws.

Mr. Speaker, I believe we are here to work, and I hope that my colleagues will join me in supporting the legislative initiative that I have put forward and, as well, that we will find compromise and opportunity to work with those who are unemployed and to provide an outstanding economic stimulus package.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 23. An act to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends.

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communications he may be pleased to make.

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

TRIBUTE TO THE HONORABLE WAYNE OWENS, FORMER MEMBER OF CONGRESS FROM UTAH

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 7, 2003, the gentleman from Utah (Mr. CANNON) is recognized for 60 minutes as the designee of the majority leader.

Mr. CANNON. Mr. Speaker, as dean of the Utah delegation, it is my sad duty to announce to the House the passing of the Honorable Wayne Owens, a former Member of this body and a good friend to many of us.

Wayne died unexpectedly just before Christmas of a massive heart attack while walking on the beach in Tel Aviv, Israel, at the conclusion of a peace-seeking trip to several countries in the Middle East. He was only 65 years old.

That Wayne Owens would be involved in that kind of activity as his life ended is no surprise to those of us who knew him. He spent a significant part of his life trying to bring about accommodation of the interests and passions plaguing that part of the world.

Wayne Owens served in this House from 1973 to 1975 and again from 1987 to 1993, representing the people of the Second District of Utah. His political career inspired a generation of young people with his political idealism. He was a Democrat and he and I differed on many policy issues, but we never disagreed on the need for the involvement of the electorate, and especially young people, in the art and science of making law. In fact, I might say that while we disagreed on almost every issue, he was never, and I hope I also was never, disagreeable.

In the House, Wayne served on the Committee on the Judiciary, and we had parallel careers in that he investigated one Republican President and I, early in my career, investigated another Democratic President. Later, he served on the Committee on Foreign Affairs, and it was his service there that led to his lifelong concern for the people of the Middle East and to his efforts to mediate their conflicts. He created the Center for Middle East Peace and Economic Cooperation to assist in that effort.

At the funeral service held for Wayne Owens, Gordon B. Hinckley, president of the Church of Jesus Christ of Latter Day Saints, said of him: ''Any man who is engaged in the cause of peace is engaged in the cause of Christ. By that measure, Wayne was a true Christian.''

The world is poorer for his passing. I join my colleagues in extending to his wife, Marlene, and his children and grandchildren our deepest sympathy for his loss, and our profound respect for their husband, father, and grandfather. We will miss him.

GENERAL LEAVE

Mr. CANNON. Mr. Speaker, I ask unanimous consent that Members have 5 days to submit tributes to their former colleague.

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

There was no objection.

Mr. CANNON. Mr. Speaker, I yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding to me, and thank him for providing me an opportunity to express my deep affection and respect for Wayne Owens and his memory.

I can say that we were very good friends, even though our tenure here in the House of Representatives did not coincide. He was leaving for the second time, actually, as I was coming in in 1993; but we were associated by virtue of the fact that we were interested in similar issues. Two of those issues most principally were the protection and preservation of open space in the State of Utah and peace in the Middle East.

It was because of the initiative of Wayne Owens that I became the sponsor of a very significant piece of legislation here in the House of Representatives which would set aside a vast amount of publicly owned land in the State of Utah to be incorporated within that property owned by the Federal Government which is declared wilderness; in other words, affording it the highest level of protection for today and for future generations.

Future generations is what Wayne Owens often had in mind, whether he was working on environmental issues or working with young people in his own State of Utah or elsewhere. He was also, as we all know, dedicated to the idea of bringing about peace in the

Middle East between Israelis and Palestinians and others in that part of the world.

He first developed this intense interest as a result of his missionary work for the Mormon Church. He was, of course, a devout Mormon, and had, as all Mormons do, performed significant missionary work on behalf of the Mormon Church. It was in that cause that he first became intimately acquainted with the details and difficulties of the circumstances that prevail, and that have prevailed, for some time in the Middle East, and which led him to establish the Center for Middle East Peace, which later became the Center for Middle East Peace and Economic Development.

As the director of that center, he led many of us in this Congress on numerous trips to that part of the world, at least for two reasons: to better acquaint Members of Congress with the circumstances that prevail in Israel and the surrounding area, and also to enlist us in his work to bring about a peaceful settlement to the political difficulties that prevail there.

With Wayne Owens I have had the opportunity to be in Israel on numerous occasions; also in Beirut, and in Damascus; throughout the southern Mediterranean: in Tunisia and Morocco, Egypt, Algeria; and throughout the Saudi Arabian Peninsula and the Gulf States, as well.

Always, Wayne was well received by the political leaders of all of those countries. They were well acquainted with him, they liked him personally, they understood the devotion and intensity that he brought to his work, and they respected him deeply for all of that.

So whenever any of us traveled with Wayne, we were always treated well by everyone with whom we came into contact, not only because we were Members of the Congress, but also because we were traveling with Wayne Owens, who they knew and respected in the way that I have just described.

I and everyone who knew him were deeply shocked at his loss, by the suddenness of his death. He was a man of such energy and vitality we all could not help but think that he would go on for a long, long time doing the very good work that he has done. It is still hard to believe that he has been taken from us in the midst of his work; but so it is, and so we miss him and respect him.

I believe that all of us will continue to show that respect by continuing our devotion to the cause to which he in fact devoted his life, and that is, the cause of bringing peace to the Middle East.

I thank Wayne Owens, and I want to also at this moment express my deep appreciation to his wife and his family, who suffered, I guess is the best way to put it, his work. They allowed him to carry it on. They knew he was doing, in effect, the Lord's work. He was doing work that they appreciated and understood. I want to express my appreciation to his wife and family for allowing him to do all the good things that he did.

We miss him very, very deeply, we admire him, and we feel deeply his loss.

Mr. CANNON. Mr. Speaker, I first would like to thank the gentleman from New York (Mr. HINCHEY) for his comments. He and I worked closely together on issues that he has picked up on, public lands in Utah, from Mr. Owens; and I want to thank him for his kind words to our colleague.

Mr. Speaker, I yield to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Speaker, I thank the gentleman for yielding to me. It is with a heavy heart that I rise today to honor an outstanding visionary leader, former Member of Congress, and dear friend, Wayne Owens. Today is a sad day in the Middle East and here in our own country, not only because violence and terror continue unabated, but also because one of the greatest believers and promoters of peace in the Middle East has passed. That man was Wayne Owens.

It is with profound respect, admiration, and sadness that I wish to pay tribute to him today.

□ 1700

In my tenure as a Member of Congress I have traveled with Wayne to the Middle East on numerous occasions, witnessing firsthand his remarkable ability to bridge the gap between international leaders and promote dialogue, understanding and accord.

Wayne was the quintessential peacemaker because he never wavered in his steadfast dedication and commitment to the future of the Middle East. His expertise on this issue was the focus of his professional life, from his years in the House of Representatives, to his time as the President and driving force behind the Center for Middle East peace. Wayne's unique efforts promoted understanding and communication in a time of great uncertainty and despair in the Middle East. At a time when hostility, hatred and terror permeated current events, Wayne would travel to the epicenter of the conflict to encourage diplomacy and peace.

At a time when no one could envision a resolution to the most contentious issues in the Middle East, Wayne consistently offered creative answers and an optimistic spin. At a time when doors began to close in the region, Wayne dedicated the end of his life to opening the channels of peace, bringing American ideals to the region, and offering a glimmer of hope to leaders and people in the Middle East.

Wayne Owens was a truly remarkable man who leaves behind a legacy of compassion, leadership and hope. Wayne was a beautiful soul, an extremely kind man who loved his family and cherished life dearly. I wish to convey my deepest condolences to his wife Marlene and the rest of Wayne's family and offer my wholehearted sympathy at this most difficult time. Wayne's contributions to history will be forever remembered as will his unyielding dream of harmony and peace. Wayne, you will be missed by those who care for you, and I consider myself one that thinks of you like a brother, an older brother, a very dear person and we will all miss you very, very much.

Mr. CANNON. Madam Speaker, I want to thank the gentleman from Florida (Mr. WEXLER) for his kind words.

I will submit for the record a statement by the gentleman from California (Mr. BERMAN). If I may take a moment to summarize what the gentleman from California (Mr. BERMAN) said. His ideas are important.

The gentleman from California (Mr. BERMAN) served with Mr. Owens in the House and pointed out in his comments that Mr. Owens was remarkable for the broad range of issues with which he dealt.

He goes on to say that Mr. Owens was a very effective legislator, and after he left Congress that he was deeply involved in the Middle East peace process. One of the reasons why he was so effective, according to the gentleman from California (Mr. BERMAN), is that all sides accepted him as an honest broker. And finally, he never stopped believing that peace was possible even in the most difficult times recently in the Middle East.

Madam Speaker, I yield to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Madam Speaker, I thank the gentleman from Utah (Mr. CANNON) for all he has done in organizing these words today on the floor for Wayne Owens.

I just wanted to rise today to say a few words about Wayne Owens and his service to the United States of America. He was a fine public servant. Many will talk and some have already about his tireless efforts for Middle East peace, but Wayne had an extensive legislative record here in the House of Representatives. He fought tirelessly to restore endangered species across the West. And the issue that I specifically would like to talk about today is his bringing justice to the Colorado plateau uranium miners.

Wayne saw this as a situation with the Colorado uranium miners that had to have justice be brought to the situation. And what happened is these uranium miners went into mines on the Colorado plateau, worked in very dangerous, dirty air mines. There were high radon levels, as the gentleman from Utah (Mr. CANNON) knows. He has worked on this very issue. The government knew these levels were very high.

Government doctors did reports and doctors issued studies, but nobody told the uranium miners that there was really a problem. And so many years they continued to work in these uranium mines, 10 or 15 years in these dirty air mines.

As many of us know, when you contract radon in a uranium mine and it is at high levels what ends up happening is 10 or 15 years down the line you get lung cancer, and that is in fact what happened on the Colorado plateau, an epidemic of lung cancer. Lawsuits were brought on behalf of these uranium miners but many of them were unsuccessful. My father was one of the ones, Stewart Udall, that brought many of the lawsuits and represented the miners. He just told me the other day when we learned of Wayne's death, he said, if it had not been for Wayne at that particular point when the miners lost their lawsuits, when the families were discouraged, when they thought there was going to be no justice, it was Wayne Owens that picked up the fight. And he went out and held hearings and he involved TED KENNEDY and BARNEY FRANK and the Committee on the Judiciary and brought justice to this situation by helping pass a piece of legislation known as the Radiation Exposure Compensation Act. And many families today in Utah and across the Colorado plateau are now in much better shape because of Wayne Owens' efforts on that piece of legislation.

All of us here in the House of Representatives, I believe, miss Wayne very much and miss his contributions. We want to give our heartfelt condolences to his wife Marlene and his family, and we want to thank Wayne for his service, his great service to the country.

Mr. CANNON. As the gentleman from New Mexico (Mr. UDALL) knows, my first job as a lawyer, Madam Speaker, was with his father working on these very cases that we are talking about. It was one of the great experiences of my life, and it is one of many of the areas where Congressman Owens and I had a great deal in common.

I came to represent many of the people who were effected by the radon from the uranium mines. In fact, there is a whole town of widows, Minersville, Utah, which was part of my district until recently. So this has been a very important part of my life and one of reasons I appreciate the life and service of Mr. OWENS.

Madam Speaker, I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, I thank my friend and colleague from Utah for yielding to me. I knew Wayne, particularly having had the opportunity to travel to the Middle East with him, and one thing that struck anyone who got to know him was how profoundly proud he was of having served in this institution. He served as an aide to Bobby Kennedy and to others. He worked in a number of political campaigns. Politics was his life. But he saw politics as an instrument to do good, to make lasting and positive change.

His colleagues from Utah have talked about the environmental progress that he was able to achieve. He did any number of things in bringing diverse groups together. But I have to believe as his lifelong career pursuit, at least the latter part of his life, was dedicated to bringing about peace in the Middle East. He founded the Center for Middle East Peace and Economic Cooperation.

He took a great many risks, not just personally and politically, but even physically. He had tremendous courage. That courage came from the personal belief in what he was doing. He put his own safety far below the importance of what he knew needed to be done in bringing about peace and reconciliation in one of the world's most conflicted parts. He found ways to build bridges. He loved people on both sides and found that commonality and worked on that commonality.

And I want to quote from somebody that not only founded the Center for Middle East Peace and Economic Cooperation but was a very close friend of Wayne's, an intimate friend of Wayne's. They shared objectives. They loved each other. And that is Danny Abraham. Danny sent out a letter from the Center for Middle East Peace and Economic Cooperation. I want to quote from it. He says with regard to Wayne, ''He was respected, loved and cherished by all who knew him. Wayne's single-minded devotion to continued dialogue and peace between Israelis and Arabs in the Middle East, even in the most challenging of circumstances, gave us the hope and courage we could have never found on our own. Wayne never faltered from his dream that one day Israelis and Arabs would live in peace and he had the magic, the gift of nurturing that dream in everyone he met. My beloved friend Wayne was a true servant of peace and he lived and died serving humanity. May Wayne Owens' life, his dedication and belief in us not be wasted. Together we must recommit ourselves to the pursuit of peace.''

That will be Wayne's legacy, to help us recommit ourselves in the pursuit of the noblest objectives that he committed his life to. Again I want to thank my friend and colleague from Utah (Mr. CANNON). Let us memorialize Wayne in the actions that we take to further the vision that he had for peace, not only in the Middle East but throughout the world.

Mr. CANNON. Madam Speaker, I would like to thank my friend and colleague, the gentleman from Virginia (Mr. MORAN), for his kind words with regard to my dear friend, Mr. Owens.

Madam Speaker, I would like to yield to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Madam Speaker, I thank the gentleman for yielding to me. I had just before Christmas returned to Florida from a 10-day trip to the Middle East with Wayne Owens and the gentleman from North Carolina (Mr. PRICE), who will speak shortly, as well as Danny Abraham with the Center. And I wanted to start by thanking Wayne's family and the people of Utah for sharing him with us, citizens of the United States, Members of Congress, the many people who were touched by Wayne.

Wayne was a wonderful husband, a wonderful father, a wonderful citizen and he gave so much because the people of Utah saw fit to send him to Congress to equip him with the knowledge that he used through the last minute of his life.

Wayne was one of the most selfless people I had met who served in this body. He had a wonderful sense of humor, a very strong sense of conviction, and something that I really came to appreciate more in the most recent trip to the Middle East, just a certain genius about him, a remarkable level of insight into people, people of all kinds, people who never could have been in the same room with one another, on different sides of the Israeli-Palestinian conflict, on different sides of other issues that separated us from countries like Syria and Saudi Arabia.

But Wayne truly believed in people and I think did his best to see the best in everyone he met and to draw that out, and I think that Wayne played a very important role in the diplomacy of this country in having some painfully direct and difficult conversations with the heads of states in some of these Arab nations and having some very frank and constructive conversations with the officials in the Israeli government.

Wayne Owens knew an awful lot about the Middle East and really would have been entitled to have been incredibly very cynical about what is happening over there right now, even hopeless, as many well-intentioned wise people are. But Wayne, like a lot of leaders who have made this country great and the world great, was an incurable optimist, and he til his dying day never stopped radiating the hope that he had that the better angels, as Abraham Lincoln would have put it, of all the people he had come in contact with would ultimately prevail, and that the United States would in the end play an important role in bringing about peace and tranquility in the Arab-Israeli dispute.

I always thought to myself that if there ever had been or could be an election to choose the mayor of the Middle East, my candidate would have been Wayne Owens. In the last trip that the gentleman from North Carolina (Mr. PRICE) and I took, at every major airport we passed through in the Middle

East, Wayne ran into people that knew him, respected him, who loved him, who had not seen him in 10 years because Wayne was one of those people that you never forgot.

I have to say that as a United States citizen, I was proud and will always be proud not just to call Wayne Owens my friend and someone who has helped develop me, but someone who I think represented the best things about our country in a part of the world where people are judging us very carefully, to see what we are made of and whether we really live up to the things that we say our country stands for because Wayne represented the very best of this country.

□ 1715

He has set a standard for diplomacy that we will all have to work very hard to live up to.

Wayne Owens' untimely death on the shores of Tel Aviv is tragic but perhaps the place where Wayne would have chosen, in between the United States, his beloved home of Utah, and on the shore of a country he loved dearly.

Wayne's tragic, premature death gives us another reason to do what Wayne Owens would have asked us to do if he were standing here today, and that is, to recommit ourselves to peace in the Middle East, to serve as an honest broker, to stand for the values that have helped this country get to where it is today, to bring about a Palestinian state that respects the security of Israel, to help the Palestinians find a way to govern themselves, bring the terror to an end and give the Israelis the chance to live the dream they have always had in that part of the world.

Let us renew ourselves to the cause of peace in the Middle East. It is another way that we can honor Wayne Owens, and I want to thank the gentleman from Utah (Mr. CANNON) and the gentleman from Utah (Mr. MATHESON) for all the things they have done in Utah today and will be doing in the future to honor Wayne Owens, and we are all blessed in that.

Mr. CANNON. Madam Speaker, I thank the gentleman from Florida, and I would now yield to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman for calling this Special Order today and for his and the gentleman from Utah's (Mr. MATHESON) efforts to make certain colleagues have an opportunity to pay tribute to our dear friend Wayne Owens.

Madam Speaker, Wayne Owens bade the gentleman from Florida (Mr. DAVIS) and me farewell on December 17th after we had traveled through the Middle East together for 7 intense days. He planned to take that same flight the next evening. But the next day Wayne suffered a massive heart attack, collapsed and died while walking on the beach in Tel Aviv.

Our shock and consternation upon hearing the news a mere 24 hours after he had put us on that flight were acute, but these emotions were widely shared among Wayne's many friends, the Utah constituents he served during two distinguished stints in the United States House of Representatives, and the admirers of his path-breaking work since 1989 with the Center for Middle East Peace and Economic Cooperation.

Wayne's background included 6 years of service for the Church of Jesus Christ of Latter Day Saints, including work as a missionary in France. In Washington, he served on the staffs of Senators Frank Moss, Robert Kennedy, and EDWARD KENNEDY. He gave up his House seat for an unsuccessful Senate race in 1974 and then returned to the House in the class of 1986, where I and others in that class came to know him as an accomplished and supportive colleague.

He left for another Senate run in 1992 but in the meantime had found his true calling in his work in the Middle East. This was hardly a predictable path in terms of his personal and professional background, but it was one to which he was drawn by his experience on the House Foreign Affairs Committee, his friendship with Daniel Abraham, with whom he organized the Center for Middle East Peace in 1989, and by his vision of what a small, independent and creative organization might achieve in this political and policy thicket.

Wayne, Danny Abraham, and the various Middle East hands and political leaders working with the Center were actively involved in the discussions leading to the Madrid and Oslo agreements, and they found numerous ways of encouraging the Israeli-Syrian and Israeli-Palestinian negotiations of the 1990s. Wayne was haunted by the knowledge of how close to resolution those efforts had come only to collapse into distrust and violence. He had few illusions about the obstacles to getting peace negotiations back on track. Still he persevered, always looking for the openings, the confluences of interest, the glimmers of hope that could be acted and built upon. He was one of the most determined and dedicated persons I have ever known.

Wayne's approach was mirrored in the trip we took in December. We met with the heads of state in Syria, Lebanon, and Israel, demonstrating again the remarkable access and the relationships of respect that Wayne and the Center had developed across the political spectrum in Israel, in the Palestinian community, and in most Arab states. But many of our visits were more narrowly targeted to learn about and to encourage promising initiatives that are under way.

For example, we met in Cairo with Chief of Intelligence General Omar Seuliman regarding the next round of cease-fire talks to be brokered by Egypt among Hamas, Fatah, and possibly other groups. We then visited chief Palestinian Authority negotiator Abu Mazen on the day it was determined that he would personally attend this second round.

We met with Palestinian Authority Finance Minister Salam Fayyad regarding financial and budget reform, where there has been enough progress to allow the U.S. to broker the release of a first installment of Palestinian Authority revenues impounded by Israel.

We talked with Sari Nusseibeh, head of Jerusalem Affairs for the PLO, about the back-channel, unofficial peace initiatives undertaken by him and others.

Wayne specialized in discussions of these sorts, which bore witness to his remarkable understanding of the politics of the region and of the many facets of peacemaking, his conviction that fact-finding for himself or others required diverse sources, and his realization that the encouragement offered, the feedback given, the information exchanged, in such off-the-record sessions could be significant.

As a middle-ranking member of this House, I have found such repeated visits, and my work with Wayne and the center generally, invaluable as a source of information and insight and as an avenue for engagement.

Wayne was passionately committed to the security and integrity of Israel and to justice and self-determination for the Palestinians. He understood well the relation between those two and the unlikelihood of forward movement without persistent American engagement.

The achievement of a comprehensive peace among Israel and its neighbors is a compelling cause in its own right, but it is one given additional urgency by the need for regional cooperation and support in combating terrorism and in disarming Iraq.

With Wayne Owens' passing, we have lost one of our country's most determined and resourceful contributors to this cause. It is critically important for those of us who understand the value of his work to find ways to carry it forward.

Mr. CANNON. Madam Speaker, I thank the gentleman from North Carolina for his kind comments and now yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Madam Speaker, let me first thank the gentleman from Utah and all of his colleagues from Utah for bringing this resolution to the floor, for their wonderful and warm words about Wayne Owens; and I wish to extend my condolences to his family, his wife, Marlene, his five children and 14 grandchildren.

Unlike many in this Chamber, I was only privileged to know Wayne Owens a very short time; but in the weeks

since he has died, I have learned a great deal about this man and his career, how he campaigned in 1972 by walking his entire district, about his courageous vote in the Judiciary Committee to impeach President Nixon, about his commitment to environmental protection which was way ahead of its time, and such a tribute to the land he represented in Congress.

I came to know Wayne Owens because of his work on another important issue, the cause of Middle East peace. As a Member of Congress and as a founder of the Center for Middle East Peace, Wayne Owens never lost sight of his dream, that one day Israelis and Arabs would put down their weapons and take up the mantle of peace.

Because of Wayne's decency and fairmindedness, he was a rare Middle East expert with credibility in the American Jewish and the American Arab communities. He was respected by Israelis and Palestinians alike.

Wayne Owens was the right messenger with the right message, that it is in the United States' interests to vigorously pursue peace with Israelis and Palestinians; that the cycle of unspeakable violence, illustrated so horribly just 2 days ago in Tel Aviv, will only be broken through a negotiated settlement; that Israelis deserve to live in security, and Palestinians in dignity, side by side in two sovereign states.

How touching it was that Wayne Owens passed away while accompanying these two of our colleagues who have just spoken on one of his countless missions to the region, that he passed away on the soil of the land he loved so much.

In my last conversation with Wayne, we agreed that I would travel with him to the Middle East early this year, and although we will not take that trip together, I hope to honor, in my own way, the memory of this great man and his legacy by continuing on this path. That path will bring us to the day when we can take up and we will wake up to the dawn of Middle East peace.

I thank my colleagues again for remembering their cherished colleagues in this fitting tribute. He did the State of Utah proud. His legacy gives pride to our Nation, and his message of negotiated settlement for peace gives hope to our world.

Mr. CANNON. Madam Speaker, I thank the gentlewoman for her kind words. It dawned on me during her discussion that Congressman Owens has been away from this body for 8 years; and yet many, many people have taken time at an awkward hour, on an important day, to express their appreciation for him and his work, and I hope that this is the kind of thing that his family will appreciate and understand and understand the depth of the value he brought to this institution.

Madam Speaker, I would yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Madam speaker, I want to thank the gentleman from Utah (Mr. CANNON) very much for his leadership in assembling this tribute this evening on behalf of our beloved colleague Wayne Owens who passed, as others have said, in Tel Aviv, as a witness for peace, and I would like to encourage my friend, the gentleman from Utah (Mr. CANNON), to consider perhaps in Congressman Owens' memory that we, on a bipartisan basis, might create, as the gentlewoman from California (Mrs. CAPPS) has very wisely suggested, a Middle Eastern study group oriented toward peace in that region and to do so on a bipartisan basis, naming it after Congressman Owens who showed us the way in that troubled and wartorn region of the world.

He was walking the path to peace and peace requires heroes and it requires heroics; and Wayne Owens, for our Nation, is such a hero. My heart goes out to his wife, Marlene, his five children, two sisters, a brother, 14 grandchildren who truly have a hero to admire.

At age 65 he did not have to go on that painstaking journey, 7 days of intensive work, trying to find those keyholes to peace, and yet he did that. He could have been living a comfortable life in some condo on some ski slope enjoying himself, but his whole life showed that Wayne Owens was not afraid of hard work.

In 1989, he cofounded the Center for Middle East Peace and Economic Cooperation here in our Nation's capital and established working relationships with leaders from Jordan, Egypt, Israel, Palestine, Saudi Arabia and was making a difference for all of us as the world and our own country is perched on the verge of war in that region. He was trying to show us a different path.

He was not afraid of hard work in his own life. I mean, from the time he washed dishes to work his way through school, to walking across his own State in the entire second congressional district and winning election here, this was a man who endured and who rose above common effort to heroic level to try to help the world, to remove from the television every evening those terrible images of death in the Middle East that infect every child in every nation on Earth, certainly our own.

To his family, may I please extend the deepest sympathy of the people of our community. I had the great honor of being able to work with Wayne in our efforts here to find a peaceful road in the Middle East. I am forever indebted to him, to the organization that he founded and to the friendships that he made on both sides of the aisle that helped us find a better way forward.

As mission president for the Church of Jesus Christ of Latter Day Saints in Montreal, Canada, for 3 years, Wayne Owens took his own peace quest to a much higher level and took it to ground zero in the battle for peace in the Middle East.

□ 1730

Madam Speaker, I will place in the RECORD an article that was in Roll Call this week in his honor and also thank the gentleman from Utah very much for yielding to me this evening.

FORMER REPRESENTATIVE OWENS DIES

(By Bree Hocking)

Wayne Owens, a relentless advocate for Arab-Israeli peace and former Democratic Representative from Utah, died Dec. 18 while walking on a beach in Tel Aviv.

Owens, who was 65, succumbed to a massive heart attack while traveling with a Congressional delegation to the region.

The four-term Congressman served in the House from 1973 to 1975 and from 1987 to 1993, representing the Salt Lake city area.

During his Congressional career, he made two unsuccessful bids for the Senate. In 1974, he lost to Republican Jake Garn and in 1992 he was defeated by Sen. Bob Bennett (R–Utah). He also ran unsuccessfully for governor of the Beehive State in 1984.

A devout Mormon, Owens served as president of the Montreal mission for the Church of Jesus Christ of Latter-day Saints in the mid- to late 1970s.

Despite his liberal credentials—he was the Western states coordinator for the presidential bids of both Robert Kennedy and now-Sen. Edward Kennedy (D–Mass.), and also was a staffer to the later Kennedy—Owens was admired by Members from both sides of the aisle for his tireless work for peace in the Middle East. In 1989, he cofounded the Center for Middle East Peace and Economic cooperation and served as its president.

Owens attended the University of Utah, later earning a law degree from that institution.

He is survived by his wife, Marlene, five children, two sisters, a brother and 14 grandchildren.

Mr. CANNON. Madam Speaker, I thank the gentlewoman from Ohio. If I might make a couple of comments on things she said.

I was thinking during this discussion that Mr. Owens spent a tenth of his life as a Mormon missionary. That is a remarkable commitment. Three years as a missionary and another 3 years as a mission president for the Church of Jesus Christ of Latter Day Saints.

In addition, the gentlewoman mentioned he could have easily spent his time on a ski slope. And in fact, in Utah, with all due respect to some of the other States who pretend, we actually have the best skiing in the world. So he could easily have taken advantage of that.

In fact, I was talking to the gentleman from Wisconsin (Mr. OBEY) a few moments ago, who will speak in a couple of minutes, in fact I think he is next, and he mentioned how healthy Wayne was. The fact is he was a healthy, robust, happy, thoughtful person who could have spent his life skiing or doing other things that he would have enjoyed and I know he did enjoy. But rather than do that, he chose to do things that were difficult, that were very difficult, and, frankly, very important.

Madam Speaker, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Madam Speaker, I thank the gentleman for yielding to me. I was horrified to learn of Wayne Owens' death last week when I was at C–SPAN, just about to go on their morning program, and saw the news come across the bottom of the screen that Wayne had died the day before.

Wayne and I were neighbors when I was first elected to Congress. He and his wife lived right next door to my wife and I in Arlington in rented homes. He was then chief staff assistant to Senator KENNEDY. I got to know Wayne first as a friend and then I got to know him as an even stronger friend when he became a colleague of so many of us in the House. And after he left this House, as has been mentioned, he devoted a good deal of his time to the cause of peace, especially in the Middle East.

He was a strongly religious man. He prided himself on being a Christian and he took the responsibilities that come with that very seriously. One of those responsibilities, in his view, was the obligation that all of us have as the more comfortable members of the human race on this planet to reach out to try to help those who are not in such comfortable circumstances. He would have been appalled to see the lack of a sense of shared sacrifice that so often permeates what political leaders do these days.

But he never forgot his obligations to himself, to his maker, and to his fellow man to take into account always the needs of others. He was one of the least selfish human beings I have ever known, and he believed passionately that in the Middle East, the center of so many of the world's religions, that there ought to be a way to bring the parties closer to each other to avoid the violence and bloodshed that has plagued that region of the world for so long.

He is a tremendous loss not just to his family, but to all of us who took daily inspiration from his lack of cynicism and his profound human decency.

I thank the gentleman very much for holding this special order, and I appreciate also the comments of my colleagues in tribute to this wonderful man.

Mr. CANNON. Madam Speaker, I thank the gentleman from Wisconsin. I did not think about it until he spoke, but it occurs to me that he did not spend a tenth of his life doing missionary work, but when we consider the religious zeal he brought to the Middle East, it was probably more like two-tenths or a third of his life in these difficult and selfless aspirations.

Madam Speaker, I now yield to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Madam Speaker, I want to thank my colleague, the gentleman from Utah (Mr. CANNON).

I first met Wayne Owens when I was 12 years old. He was running for Congress in 1972 in the State of Utah and he took the State by storm. He walked over 700 miles during that campaign. And the walking was not just a gimmick. The walking was an indication of the fact that Wayne Owens genuinely, genuinely wanted to get to know the people of whom he was asking for a vote and the people who he was going to represent.

I think throughout his life, with all of the great goals that Wayne tried to achieve and the big picture and the big items he pursued, he never lost that notion of relating to the individual person, to the common man. That is something we here in this House should remember as we look back on Wayne's life.

I had the opportunity to be a campaign manager for Wayne Owens during one of his elections. It was an exceptional opportunity, a challenging opportunity, because Wayne, again, always liked to dream big and he would ask a lot of the people who worked for him. He pushed people beyond what they thought they could do. And as someone who was rather young at the time, I got to be a campaign manager, and that was something that was a significant development in my own life. So I considered Wayne a friend, a mentor, I considered him my Congressman, and I am pleased to occupy the Second Congressional District office that Wayne once represented so well.

When Wayne came to Congress the first time he happened to be on the Committee on the Judiciary, and he was involved in the impeachment process with then President Nixon. That was an exceptional period in Wayne's life. It was a time when he had invested so much time and effort in terms of examining that issue because he understood the gravity of the situation. This was not a partisan effort. And I remember talking to Wayne about the stories of when he actually voted out those articles of impeachment, about he and his colleagues walking out of the room with tears coming down their faces because they recognized what a difficult circumstance that was for this country.

I think that was one instance where Congress behaved in a professional way, and it showed the strength of this country that we were able to move on from that circumstance, and Wayne Owens was an important player in that process.

It was mentioned earlier about how he advocated for victims of radiation exposure. When Wayne was not in Congress, when he was an attorney, he represented victims of radiation exposure, the widows of the miners that worked in the uranium mines, the people who were told this was safe when it was not. And that work in private life is another example of a guy who acted in the context of service, and when he got to Congress he continued with that and pushed ahead with the Radiation Exposure Compensation Act.

This was a critical issue that forced the Federal Government to acknowledge it had lied to people and exposed people to dangerous radiation through open air testing of nuclear weapons in southern Nevada and also through the uranium mining activities; an important issue for people throughout the Colorado plateau.

As I have gone through these comments, what strikes me is the fact that Wayne Owens was a guy who always had big goals and big objectives, whether it was trying to address a wrong that the Federal Government had committed and force them to admit culpability, whether it was other issues we have heard about today, like pursuing peace in the Middle East, whether it was pursuing a tremendous change in public lands policy in Utah, with Wayne's vision of a wilderness designation in that State. And there were other big goals and lofty dreams that Wayne Owens pursued, some of which are successful today, and some of which the work is going to go on past Wayne's activity in regard to those issues. Significant issues.

I could go on and on. The Central Utah Water Project, a project that had been involved with Federal funding for many, many years but it was going in the wrong direction. Wayne was part of a group that pulled people together from the sportsmen community, from the conservation community, from the agriculture community, and they completed the Central Utah Water Project as a Member of Congress in 1991, a significant issue that moved the State of Utah forward.

That is the Wayne Owens I am going to remember, a guy who would dream big and would relentlessly and tirelessly pursue issues. But what I will also remember is what I pointed out at the start of these comments. This was someone who was incredibly genuine and would listen to people and took the public trust very seriously. It is the type of approach to the job that I think we can all learn from, and I think we can do no better activity to honor Wayne than to follow in that way in terms of how we approach this job.

Mr. CANNON. Madam Speaker, I thank the gentleman from Utah (Mr. MATHESON) for his kind words and for his help in organizing this event for Congressman Owens, who preceded him sometime ago in his Second District of Utah.

The last time I spent some time with Wayne Owens was the evening of one of the sniper attacks in northern Virginia here and the freeways were shut down. Wayne and I flew in together and shared a taxicab into town and I had the pleasure of spending 2 hours with him.

The nice thing is the government only paid the normal fee because we split the taxicab fee, but it was one of the more pleasant periods of time I have spent. We talked about many issues and talked about many things. We talked about the issues we had worked together on and the issues we disagreed on. It was a fine experience from my perspective.

The gentleman from Utah (Mr. MATHESON) mentioned that Wayne Owens was a person who caused you to work. I worked for Wayne Owens when he was a professor of law and I took a class from him. I worked against him in some of his campaigns. I was wondering about the 12-year-old and whether I was actually engaged or not. I think, in fact, I am a little older than the gentleman from the Second District, and will have to do the math later to see who had known Mr. OWENS longer. He was a dear friend for as long as I can remember.

We did work against each other on campaigns. We both suffered through a remarkable experience of investigating a President, and he and I developed a deep bond of shared experience there. We both worked together on the downwinders issue. That was my first job in law school, was working on that issue with the father of the gentleman from New Mexico (Mr. UDALL), Stewart Udall. And it was wonderful that Wayne picked that up and made that work.

We both shared a deep, deep love for the beautiful public lands of Utah. He traveled those lands, I traveled those lands, yet we had very distinct differences on how those should be managed. We shared a kinship, however, based upon one of the things that became a hallmark of his life, and that was, from my perspective, wonderful. He was a friend.

I am richer from my experience in knowing Wayne Owens, and we as an institution and as a country are poorer for his passing. I would like Marlene and the children and grandchildren to know how much we cared for him. I hope that this hour that we have spent talking about him will help them understand the deep, deep effect he had on our lives and on the course of American history, on the course of how we deal with our public lands and how we deal with individuals.

Mr. BERMAN. Madam Speaker, I rise to pay tribute to the life and work of Wayne Owens and to send my regards and sympathy to his wife, Marlene and his children and grandchildren.

I had the privilege of serving with Wayne in the House, and I quickly developed a great admiration for his hard work, integrity and dedication to good public policy. We served together on the House Foreign Affairs Committee, where he focused his attention on the Middle East.

Wayne was active on a broad range of issues, and while he spent much of his career focused on weighty matters of international affairs, he never lost sight of the issues that mattered most to people in his home state of Utah.

Wayne was a very effective legislator, and he earned the great respect of Members on both sides of the aisle for his willingness to put politics aside and tackle the important issues of the day.

After Wayne left Congress I continued to have the pleasure of working with him on the Middle East peace process.

As President of the non-profit Center for Middle East Peace, Wayne worked tirelessly to promote continued dialogue between Arabs and Israelis in the Middle East. His goal was to help build economic interaction between Israel and her Arab and Palestinian neighbors and through that work, to support and promote the peace process. He spent much of the last decade meeting with leaders in the region trying to foster peace through economic development.

He was very effective in this role because all sides accepted him as an honest broker.

Even over the last couple of years, when many others gave up hope that Israelis and Palestinians would ever be able to resolve their differences, Wayne continued his work to find common ground.

He was often frustrated—as we all are from time to time—and he understood the realities on the ground, but he never stopped believing that peace was possible.

We will sorely miss Wayne, and his dedication and creativity. As we work toward a just, lasting, and comprehensive peace in the Middle East, may we remember Wayne's life and works and let every action we perform be a tribute to his memory.

Mr. ISSA. Madam Speaker, I rise tonight to remember the life and work of former Congressman Wayne Owens. I did not know Wayne when he was a member of this body: I met him two years ago when he came to my office asking me to support the Middle East peace process.

Wayne's tireless commitment to Middle East peace, his willingness to reach across party lines, to go anywhere, and to talk to anyone, has been a source of inspiration to all who believe that Arabs and Israelis will one day live together in peace and security. He was a study in moderation and tolerance, a compassionate man who believed that all people deserve to be treated with respect and dignity. Wayne was also a true patriot. He loved his country and he believed that our values of freedom, prosperity, and tolerance should be shared with the entire world, particularly the Middle East.

But what makes this moment most painful for me is that Wayne Owens was my friend. He was a true champion of peace, and he lived and died serving humanity. He will be missed dearly.

THE ECONOMY

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 7, 2003, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Madam Speaker, I take to the floor this evening for the first day of the new Congress basically to talk about the economy and my concern about the fact that the Republican majority, President Bush and the Republican majority now in both the House and the other body, really are not doing anything, in my opinion, to address the downturn in the economy, the loss of jobs, the loss of production.

It is of a great deal of concern to me and I know to my constituents. This is their number one concern, what is this Congress and what is this President going to do to turn the economy around. Today is a very important day in that regard, because the President today, in Chicago, we understand, is unveiling his economic stimulus package, what he claims will be the answer to try to revive the economy. Every indication that we have had so far, as Democrats, is that his proposal will not do anything significant to turn the economic situation around, will not create more jobs. It is primarily a plan that benefits the wealthy, the corporate interests, and does very little, certainly very little in the next year or two, that would make any difference in terms of the economic situation in the United States and the world.

Sometimes I think that the White House and the Republican leadership in both Houses here would like us to think that the situation is not that bad and so maybe we do not have to do much in Congress because the economic outlook really is not that bad. Let me assure them that that is certainly not the case. It certainly is not the case with my constituents in New Jersey and it certainly is not the case with any of my fellow Democrats that I talked to today or in the last couple of days since we have returned and since the swearing in.

Just to give some idea, and I will not talk too long about this, Madam Speaker, but since January 2001, when President Bush first took office, private sector employment has been reduced by 2.1 million jobs. The number of jobs that have been lost in that period now, which is essentially 2 years, is over 2 million in the United States.

□ 1745

If we look at other indicators, business investment since the first quarter of 2001, that is down 10 percent. If I look at the budget outlook, that has deteriorated by $5 trillion since January 2001.

I do not need to show the statistics. Members are aware that the stock market has declined considerably, unemployment is up, the budget surplus that existed during the Clinton administration which was the first time in almost 20 years that we had actually turned around a budget deficit and we had a budget surplus, and that meant that we were paying down the debt and more

jobs were being created and Americans had more money and long-term interest rates were down because of the surplus. In the last 2 years during the term of this Republican President, we have seen that situation go the other way. We now have a budget deficit that is something like $150 billion, and we anticipate that it will only get worse.

It is only going to get worse unless something is done in this Congress to turn it around. The sad thing is when I listen to some of the suggestions that have been coming out of the White House in the last few weeks, including today, I am concerned that their proposal continues this country down the path of larger tax cuts for the wealthy, for corporate interests, and larger deficits that are only going to make the economic situation worse instead of better.

One of the things by way of background that really bothers me in terms of what comes out of this Republican White House is the notion that somehow the recession began under the previous administration and that the recession is not a product of the Bush administration. Again, let me give some information on that. The National Bureau of Economic Research, Business Cycle Dating Committee, and this is a direct quote, ''In November 2001, the committee determined that the peak in business activity occurred in the United States economy in March 2001.'' A peak marks the end of an expansion and the beginning of a recession. The determination of a peak date in March is, thus, a determination that the expansion that began in March 1991 ended in March 2001, and a recession began in March of that 2001.

So essentially we had 10 years of increased economic activity, of growth, and that ended in March of the first year that President Bush took office after a 10-year expansion that included the entire time that President Clinton was the President of the United States. I do not come here because I want to talk about who did this or who did that, but the bottom line is for Members to suggest that we are not in a bad situation economically today, by any indicator we clearly are, and clearly this recession began under President Bush and has only gotten worse in the 2 years he has been in office.

Now what is the President proposing and why is he proposing what he is proposing today? Well, he claims that he is trying to put together an economic stimulus package that essentially will turn the economy around, create more jobs, get consumer spending up and improve the business cycle.

If we look at what he actually has proposed, it is more of the same. It is more tax cuts, permanent tax cuts primarily for the wealthy. He thinks that he is going to turn the stock market around by a full exclusion of dividends; but, the bottom line is, again, that is only going to help wealthy people.

Media reports on possible elements of the administration's package include the following: full exclusion of dividends from individual taxation; acceleration of marginal tax reductions from the 2001 tax cut; acceleration of child credit increase from the 2001 tax cut; more corporate tax cuts; and possibly some State fiscal relief rumored at $10 billion. But if we look at what the President is proposing today, it will primarily mean more of the same, more tax cuts and more benefits for the wealthy and for corporate interests, and it will balloon the Federal deficit. It will cost up to $6 billion over 10 years with more than 80 percent of the cost after 2003.

I think what we are going to see from this administration is essentially more deficits, larger deficits, more money going to the wealthy, and very little, if any, short-term stimulus to the economy that will turn it around. Members do not have to believe me, though. I do not like to get in the well and just talk about what I think. I like to talk about what other third-party commentators have been saying about the President's plan; and I wanted to mention this evening, and I may read all or parts of two comments that were in the New York Times today in reaction to what has already come out about the President's tax proposals and the President's so-called economic stimulus package.

The editorial in today's New York Times is particularly revealing, and I will read parts to give Members an idea why I think what they are saying is so true. The title is ''The Charles Schwab Tax Cut.'' It begins: ''The Bush administration never met a domestic problem that tax cuts couldn't cure, and today in Chicago the President is planning to call for more of the same. The centerpiece of Mr. Bush's new economic plan is to eliminate the tax on dividends that will cost the Treasury about $30 billion over the next decade. In a theoretical world, ending the dividend tax might make sense. Unfortunately, we live in the real one, where it's the wrong move at the wrong time for the benefit of the wrong people.

''Ending the dividend tax cut will not provide the economy with a short-term stimulus, the ostensible goal of the plan. Investors won't be seeing their savings until 2004.''

Eliminating the dividend tax, admittedly, has something to commend it, but as became all too apparent in the financial bubble of the late 1990s, the Tax Code currently contains some perverse incentives for companies to becoming overly indebted and to manipulate their short-term stock price, instead of paying dividends as a form of prudent profit sharing.

The editorial continues: ''If Mr. Bush's mind had been on the long-term economy rather than on politics, he might have listened to the advice of his former Treasury Secretary, Paul O'Neill, and dropped the idea of further tax cuts altogether. But Mr. O'Neill is a former Treasury Secretary for a reason. The President cannot afford to look indifferent to the problems of average Americans in a sluggish economy. These days average Americans own stock, although most of it is in tax-sheltered retirement funds.''

This is what they say in conclusion, and I think it is important: ''Ending the dividend tax is something almost nobody has been crying out for, except the megabroker Charles Schwab, who made a pitch for it at the economic summit meeting at Waco last summer. The President happened to drop in on the panel on which Mr. Schwab was speaking and pronounced it a good idea. It may turn out to have been one of the most expensive courtesy calls in modern history.''

What the New York Times is essentially saying and what the Democrats are saying is that this elimination of the tax on dividends is going to cost the Federal Government a tremendous amount of money, $300 billion over the next 10 years, but it is not going to do anything to actually put money back into the pockets of consumers. It is not going to create any new jobs. It is not going to provide any real incentive for companies to start new production and create more jobs, do any investment in new production; and all it does is give another huge tax break primarily to very wealthy individuals who own most of the stock. How is this a stimulus? How is this in any way going to help the economy?

I wanted to talk about what the Democrats have in mind, and then I want to give some third-party validation of what we have proposed. Over the last month, the House Democrats have gotten together and basically thought about what needed to be done to try to give some short-term stimulus to the economy, to create jobs, to put more money in people's pockets, to turn things around.

We came up with a set of principles initially, and then yesterday we revealed our actual plan. I think the principles are important and need to be repeated before I mention some of the specifics of the plan.

The principles say any economic stimulus plan should, first, be front loaded and fast acting; second, avoid a mushrooming deficit in the long term; third, boost consumer demand and investment; fourth, help States through their fiscal straits; five, spur the economy by funding homeland defense; and, last, devote every penny to short-term stimulus.

We are not interested in looking right now at how something is going to impact 10 years from now. We need to get people back to work. We need to put money in consumers' pockets, and we need to make sure whatever we do

does not have any ballooning effect and create more of a deficit down the road in 2 or 3 years.

What the Democrats have proposed in that regard is very detailed, but I wanted to just go over some of the more important points, if I could. With regard to individuals in terms of individual tax cuts, basically we are proposing essentially a rebate that Americans get back 10 percent of what they earned in 2001 up to $6,000 of wages for a couple. This rebate is paid from the Treasury, not from the Social Security trust fund, because one of the other concerns that I have and all of us have as Democrats is not only do we do not want to increase the deficit, but we also do not want to delve into the Social Security and Medicare trust funds and aggravate the deficits that potentially could exist long term in those trust funds. We want to make sure that those trust funds have a surplus and that the money is available for Social Security and Medicare for senior citizens in the future. So our rebate plan does not tap any of the Social Security or Medicare trust funds.

Let me give a little more detail about what the Democrats have in mind. The Democratic plan is $130 billion as opposed to the Republican plan, which is $600 billion. Now the $130 billion is a smaller plan because, again, we do not want to increase the deficit. We are trying to do everything in 2003 to stimulate the economy and not cause long-term deficits. But even with the $130 billion stimulus, we can create as many as a million jobs, increase consumer spending, and help States out of their fiscal straits because if the States have to significantly cut back on their budgets, that is going to be taking more money out of the economy and could also aggravate the problem in terms of Americans losing their jobs and not having money to spend. We have to address the States as well.

The Democratic plan calls for a 26-week extension of unemployment benefits and a tax rebate of up to $300 per person, $600 per couple. It would also permit businesses to increase their write-off on new investments and provide $31 billion to State and local governments to help defray the cost of domestic security, Medicaid, highway projects and other programs.

Just a little more detail because I do not want to get into all of the details tonight, but in addition to extending the unemployment benefits and offering a tax rebate, the plan would allow small businesses to write off up to $50,000 of the cost of new investments made in 2003 as opposed to the current maximum write-off of $250,000. The plan would also permit companies to depreciate 50 percent of the cost of new plants or equipment in 2003; current law permits them to depreciate only 30 percent.

So we have a program that helps individuals by extending unemployment insurance for at least 26 weeks. We have a program that puts money back in consumers' pockets with the rebates that I mentioned, and we have a plan that helps small businesses, which is the backbone of our economy, to grow and invest in new production and create more jobs.

Lastly, we have an answer that we think can make a difference for the States: as I said, $31 billion in State aid. The plan would give $31 billion to States which as I said are struggling with these budget shortfalls, a one-time increase in the Federal share of Medicaid payments amounting to $10 billion. It would also give them $10 billion in grants to help them pay for domestic security needs like airport protection and public health preparedness, as well as $5 billion in Federal aid for highways and $6 billion for critical State needs to help those most hurt by unemployment and the lackluster economy.

□ 1800

So, as I said, Madam Speaker, the idea is to help individuals, help small businesses, and help the States. But all of it is designed specifically for the year 2003 to turn the economy around, to provide a stimulus, to create jobs. It is really a job creation program. If you look at what the Democrats have proposed, it is a job creation program. If you look at what the Republicans have proposed, it is a stock market-oriented program. And we know about the volatility of the stock market. I would venture to say that it is highly speculative. Even the White House will say that their dividend plan will not necessarily result in a significant increase in the stock market's performance. Yet they continue to make the highlight of their economic stimulus plan related to eliminating the tax on dividends.

Again, I always say that rather than just listen to me, I would like to have some third-party validator of what I have mentioned this evening in the brief time that I have talked about the need for an economic stimulus. I saw an article, an op-ed that was in today's New York Times, also, by Paul Krugman. He basically criticizes the President's proposal and he talks about the Democratic alternative in a very succinct way. I would just like to read some sections of that now and include the op-ed in its entirety in the RECORD, if I could, Madam Speaker.

It says:

Here's how it works. Faced with a real problem—terrorism, the economy, nukes in North Korea—the Bush administration's response has nothing to do with solving that problem. Instead it exploits the issue to advance its political agenda.

Right now a sensible plan would rush help to the long-term unemployed, whose benefits—in an act of incredible callousness—were allowed to lapse last month. It would provide immediate, large-scale aid to beleaguered State governments, which have been burdened with expensive homeland security mandates even as their revenues have plunged. Given our long-run budget problems, any tax relief would be temporary, and go largely to low- and middle-income families.

That is what the Democrats want to do. What does Paul Krugman say?

Yesterday House Democrats released a plan right out of the textbook: aid to States and the jobless, rebates to everyone. But the centerpiece of the administration's proposal is, of all things, the permanent elimination of taxes on dividends.

So instead of a temporary measure, we get a permanent tax cut. The price tag of the overall plan is a whopping $600 billion, yet less than $100 billion will arrive in the first year. The Democratic plan, with an overall price tag of only $136 billion, actually provides more short-run stimulus.

And instead of helping the needy, the Bush plan is almost ludicrously tilted toward the very, very well off. If you have stocks in a 401(k), your dividends are already tax-sheltered; this proposal gives big breaks only to people who have lots of stock outside their retirement accounts. More than half the benefits would go to people making more than $200,000 per year, a quarter to people making more than $1 million per year.

Even the administration's economists barely pretend that this proposal has anything to do with short-run stimulus. Instead they sell it as the answer to various other problems.

I do not want to keep reading, but the point I am trying to make is very simple. What the President appears to have done, and I do not necessarily want to give him bad intentions, is rather than doing a real economic stimulus that is going to have a short-term impact on the economy, turn the economy around and create jobs and put money back in people's pockets, he is trying to simply make more tax cuts primarily for the wealthy, for the corporate interests that are the primary backers of the Republican Party. And he does not even care about the fact that on a long-term basis this is only going to increase the deficit. I just cannot believe that this is the President's and the Republicans' answer to this economic downturn.

I think that as Democrats, we have to do whatever we can over the next few weeks to bare this proposal for what it really is and to make it absolutely clear that this is not going to do anything to turn the economy around.

Madam Speaker, I include the following for the RECORD:

[From the New York Times, Jan. 7, 2003]

AN IRRELEVANT PROPOSAL

(By Paul Krugman)

Here's how it works. Faced with a real problem—terrorism, the economy, nukes in North Korea—the Bush administration's response has nothing to do with solving that problem. Instead it exploits the issue to advance its political agenda.

Nonetheless, the faithful laud our glorious leader's wisdom. For a variety of reasons, including the desire to avoid charges of liberal bias, most reporting is carefully hedged. And the public, reading only praise or he-said-she-said discussions, never grasps the fundamental disconnect between problem and policy.

And so it goes with the administration's ''stimulus'' plan.

Boosting a stumbling economy (''It's Clinton's fault!'' shouted the claque) isn't rocket science. All a sensible plan must do is focus on the present, not the distant future; on those who are suffering, not on those doing well; and on those who are most likely to spend additional money.

Right now a sensible plan would rush help to the long-term unemployed, whose benefits—in an act of incredible callousness—were allowed to lapse last month. It would provide immediate, large-scale aid to beleaguered state governments, which have been burdened with expensive homeland security mandates even as their revenues have plunged. Given our long-run budget problems, any tax relief would be temporary, and go largely to low- and middle-income families.

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So instead of a temporary measure, we get a permanent tax cut. The price tag of the overall plan is a whopping $600 billion, yet less than $100 billion will arrive in the first year. The Democratic plan, with an overall price tag of only $136 billion, actually provides more short-run stimulus.

And instead of helping the needy, the Bush plan is almost ludicrously tilted toward the very, very well off. If you have stocks in a 401(k), your dividends are already tax-sheltered; this proposal gives big breaks only to people who have lots of stock outside their retirement accounts. More than half the benefits would go to people making more than $200,000 per year, a quarter to people making more than $1 million per year. (''Class warfare!'' shouted the claque.)

Even the administration's economists barely pretend that this proposal has anything to do with short-run stimulus. Instead they sell it as the answer to various other problems. (It slices! It dices! It purées!) Above all, it's supposed to end the evil of ''double taxation.''

Now lots of income faces double taxation, in the sense that the same dollar gets taxed more than once along the way. For example, most of us pay income and payroll taxes when we earn our salary, then pay sales taxes when we spend it. So why has it suddenly become urgent to ensure that dividends, in particular, never be taxed more than once!

That is, if they're taxed at all. In practice, the Bush plan would exempt a lot of income—rich people's income—from all taxes. Thanks to the efforts of lobbyists, today's corporate tax code has as many holes in it as a piece of Swiss cheese, and today's corporations take full advantage. Case in point: Between 1998 and 2001 CSX Corporation, the company run by the incoming Treasury secretary, John Snow, made $900 million in profits, but paid no net taxes—in fact, it received $164 million in rebates. This wasn't exceptional; the average tax rate on profits has fallen to a nearly 60-year low.

Anyway, even to debate the pros and cons of dividend taxation is to play the administration's game, which is to change the subject. Weren't we supposed to be talking about emergency economic stimulus?

No doubt the final version of the ''stimulus'' plan will contain a few genuine recession-fighting measures—a child credit here, an unemployment benefit there, a few crumbs for the states—for which the administration will expect immense gratitude. But the man in charge—that is, Karl Rove—is clearly betting that the economy will recover on its own, and intends to use the pretense of stimulus mainly as an opportunity to get more tax cuts for the rich.

Ideology aside, will these guys ever decide that their job includes solving problems, not just using them?

I yield to my friend from Oregon.

Mr. DEFAZIO. I appreciate the gentleman coming to the floor to try and explain the differences between these two critical plans. I happen to represent a part of the State of Oregon which has the highest unemployment rate in the United States of America and a part of the State which is particularly hard hit and am very concerned about an effective economic stimulus package. Representing a district with a high and enduring unemployment rate, I do not find that the elimination of the tax on dividends is very high on the agenda of anybody that I meet with in my district, but how we are going to put people back to work and how we are going to get the economy rolling again.

I share the gentleman's concerns. Certainly there are some interesting arguments to be made about how best to properly tax corporate profits and/or dividends which result from them, but if one looks underneath that whole issue, we find that many profitable corporations do not pay taxes and, therefore, the dividends are not being double-taxed in any way or form whatsoever. And also many of the individuals who realize these dividends are not the people who are unemployed or are worrying about their future or how to put food on the table for their kids. In fact, as the gentleman said earlier in the discussion, more than two-thirds of the benefits will accrue to people with incomes over $100,000 a year. The question becomes, is that an effective economic stimulus?

Let us see. A year from now, people will begin to file their taxes, probably most of the folks who clip coupons and dividends would be a little later in the year, so maybe 15 months from now some of those people who earn over $100,000 a year would realize an additional savings in their taxes or maybe a refund which would come in April or May or June and somehow that is going to provide an economic stimulus in the year 2003 when that does not happen until the year 2004? Beyond that, there is a whole issue of is this not a revisiting of trickle-down economics? If we give a little bit more to the people who are already doing relatively well, or in some cases very well, will they not spend that money in a way to put people back to work? I think there are some real questions about that, but it is at least more artfully presented than it was years ago under the Reagan administration. They are avoiding the words ''trickle down.''

But as the gentleman discussed, there are alternatives out there. We could certainly look at, as an alternative, things that are going to have a more immediate impact on the economy of the United States and put more middle- and low-income families back to work or on a more secure economic footing. If we look at, from my perspective on the Transportation Committee, the Nation's incredible underfunding of infrastructure, in my State alone, again the State with the highest unemployment in the union, has discovered that because of construction techniques used for the interstates back in the sixties, we have a $4 billion bridge problem on I–5, the most vital interstate-international link on the western corridor between Mexico, California, Oregon, Washington and Canada. That is something, in a State in as deep a recession as we are, that is beyond our capabilities. We need some additional help from the Federal Government. We know what the problems are. We could get people back to work within months, as soon as the contracts could be let on making those repairs. Critical water. There are a whole host of infrastructure needs, rail, bridges, highways, water, that would put people back to work and would provide secondary benefits to suppliers and small businesses in the communities where the workers would be. All these things would certainly have a much more direct economic impact than a tax break to people who are concerned about the taxation on their dividends that would accrue to them some 16 or 18 months from now. Hopefully by then this issue will be behind us.

The President's plan, of course, is so extraordinarily expensive. I mean, more than half of the President's entire plan is devoted to the concern about people who pay taxes on dividends as opposed to his rather small benefits for people on unemployment. We need a much more robust extension there. We need more worker retraining. There are other issues that could be debated. Whether or not we should have some sort of tax holiday on part of the FICA tax. More than half the families in America pay more in Social Security and Medicare taxes than they do in income taxes to the Federal Government. So if we could provide some relief there but not short the Social Security fund by putting that money back in; the States, as the Democrats have proposed, to provide to the States.

We have heard for years from that side of the aisle, Federal mandates, no unfunded Federal mandates. A whole host of new ones have come down, including the Leave No Child Behind Act and the testing that is required, yet there is no additional money flowing from the Federal Government; yet the States and particularly my State is strapped and the President's tax proposal would actually take money from

the States, $4 billion for the exemption of dividends, so States again would not be able to get taxes from those most well off and would be forced to either cut benefits for everybody else on programs, or essential schools, on health care, or they would have to raise taxes again on the remaining smaller tax base.

I applaud the gentleman for taking the time to come and try and outline some of these differences here on the floor. It is critical that people know they have a very clear choice. I think over the last couple of years, that was not so clear to many people, but now it is our duty to show them that there are clear choices to be made on some of these very, very critical issues, and this is the first one out of the chute after the elections of last year. I am determined that we will draw the lines and we will show here is what we would do, it is more responsible, it would provide more direct stimulus, it would benefit more people and more people in need in particular as opposed to what is being proposed by the other side of the aisle which is fiscally irresponsible, not paid for, will not kick in for 16 to 18 months or even longer and is really just trying to do what they were already doing before we were in a recession or proposing before we were in a recession but justify it by saying it will help us with a recession.

I thank the gentleman for clarifying those issues.

Mr. PALLONE. I just want to thank my colleague from Oregon for coming down and saying what he said. The thing that is amazing to me, I tried to point out in the beginning that essentially this recession began in March of 2001, I guess 3 months into President Bush's term. Not too long after that he imposed or got the Congress, primarily Republicans, to pass this huge tax cut which primarily went to the wealthy individuals and corporate interests. That has now been around, I guess, for a little over a year approximately and the recession has only gotten worse. So why now are we talking about another major tax cut that essentially does the same thing, making permanent those tax cuts from a year ago and then coming up with this exclusion of tax on dividends which admittedly is being done in order to try to boost up the stock market and therefore again primarily benefits wealthy people. It is sort of like a failed policy has not worked, so why are you going to make it worse? But even beyond that, the idea, as you say, of having the majority of this stimulus package be directly linked to trying to boost the stock market is such a risky thing. We all know the stock market's volatility. It is not necessarily dependent on any one factor. So to suggest that dealing with dividends is somehow going to increase the indexes dramatically I just do not buy, and I think it is so speculative and it is so much easier to do the kinds of things that the Democrats have proposed. I just want to thank you again for joining us.

I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I want to thank my very able colleague the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. DEFAZIO) for participating and spearheading this special order this evening. I think when the gentleman from New Jersey reminded us that the current recession was triggered back in March of 2001, we have to ask ourselves, well, what happened there? What happened was again rising oil prices in the global market, which America does not control because we are totally dependent on imports, thrust us into a recession which has only gotten worse and all the pump priming on Wall Street cannot draw us out of it because we are not energy independent. Oil just went up to $33 a barrel. There is instability obviously in the Middle East, certainly in Venezuela, Colombia, all these places where we are getting our oil, and the kind of short-term stimulus package that you are talking about would be an immediate shot in the arm here in the United States of America, whether it is building bridges, whether it is putting a small tax refund in the pockets of Americans that they can go out and buy things, ordinary Americans who are having trouble meeting ends from paycheck to paycheck. But beyond that, looking at how we can create entire new industries in this country so that we do not have to send our men and women to war for oil but, rather, that we can invest here at home.

Can you imagine the sentinel call it would be across just rural America if we really racheted up biofuels production and ethanol and biodiesel from coast to coast, what we could do to replace 25 percent of what we are importing today? I really wanted to say to both of my dear colleagues that there was an editorial in the New York Times on January 5 by Tom Friedman called ''A War for Oil.'' I would like to place it in the RECORD this evening as a part of this discussion and to say with all the pomp and circumstance that occurred here in the House today, the reality is we are faced with a likelihood that we will be at war with Iraq very soon. To do so at a time when we are suffering this major recession here at home, where we have got these rising oil prices globally and we are not energy independent, we are going into huge debt in terms of the government with all these tax payouts left and right to some of the wealthiest people in our country and no help for job creation here in this country, even in the key industry where we are totally vulnerable, that is, new fuels production.

□ 1815

We are importing over 60 percent of what we consume today and paying exorbitant prices for it, and Mr. Friedman says in his article that any war we launch in Iraq will certainly be in part about oil and that the Bush team is preparing to launch that war for oil and to deny the fact is actually laughable. And he says that the Bush policy towards North Korea has made it abundantly clear that the war with Iraq indeed is about oil.

The question is whether it is only about oil. And I am sure that the gentleman from Oregon (Mr. DEFAZIO), who has been a leader in new-fuels production and energy independence for America, in his own region when we consider the biomass that is out there that could be turned to new-fuels production we can see the jobs and the investment here in the United States that could happen if we would really propel this new industry forward.

What good does it do to give shareholders in multinational oil companies on Wall Street more dividends when those dollars do not have to be invested in this country at all? So much of what Wall Street has been doing is not investing in the United States. They have been moving jobs to Mexico. The other day I just bought some windshield wipers for my car, turned the package over, made in Mexico. In fact I have a question. Is anything made in America anymore? If we look at this past holiday shopping season, what is actually out there that we make? I am glad we can still make bridges if we would only fund them in our country, but try to find an American-made clock, American-made clothing. I just talked to a gentleman today downstairs. He said, Boy, I wish I could find a good pair of shoes. He said, My feet are killing me. And I said, Well, they are not made in America anymore.

What is it that we do make that is not being outsourced somewhere else? So the recession is being exacerbated by the fact that so much of what Wall Street has done with the money is not to put it here but to put it elsewhere where they can pay slave wages to people and then ship all those goods back here. So all this investment, I would be very interested in entertaining a proposal from the Bush administration to require that any benefits to Wall Street be invested in the USA and to do it in a stimulus plan in some of the key sectors where we are strategically vulnerable, including energy, where we are totally dependent on these international imports now more and more every day.

And when we think about the fact that Iraq has the second largest reserves in the world, one of my questions of the Bush administration is, if they are going to go in and take over these reserves, who is going to benefit? Which companies are going to get the

benefit of that? Maybe we should do some windfall profits taxes on the companies that are going to be getting all these Iraqi oil concessions and then use those dollars to buy down our public debt and pay off some of the bills that are being added every day with the tax cuts to the wealthiest people in this country.

So I just am very interested in what Tom Friedman said here, and he even talks about handing out drilling concessions to U.S. oil companies and how are those decisions going to be made by the administration. How is the administration going to get through this issue of nation-building in Iraq? Is this going to be like Somalia? I thought we were not supposed to be involved in nation-building. We are not out of Afghanistan yet. We are paying more and more and more every day. Our troops are on the ground there. Of course there is a press blackout; so you really do not know everything that is happening. We are not going to be out of there for years. The President of Afghanistan was on the board of Unical Oil Company, and when one looks at the movement of oil globally, it is obvious that control of that country and the movement of pipelines is really very essential to the global movement of oil, which is a diminishing world resource.

So the real question I have is, if we are going to have a stimulus package, how do we get investment here at home and how do we displace particularly in the energy area the kind of imports that have now moved us to the brink of war again in the most oil-rich region of the world? I am deeply concerned about the direction of this country and whether or not we have an exit strategy from Iraq. And when we look at the amount of money we are going to be spending on defense in order to move these troops and planes and ships for long periods of time now, the Ohio National Guard just had the longest deployment in Ohio history in that part of the world, and they have just returned home, building airfields, preparing.

This is costing an enormous amount. Imagine if we could invest those dollars here at home and create entire new industries, not just off biofuels, ethanol and biodiesel in the rural countryside, but what about photovoltaics to really rachet up our knowledge in that key area and manufacture those systems here in the United States not just for use here at home but for use abroad, to really move us into renewable resources of energy for the future. What an incredible job creator that would be, good jobs, high-paying jobs coast to coast in order to buy America true national security and energy independence here at home.

So I want to thank the gentleman for allowing me to share in this Special Order this evening and to say that I agree with Tom Friedman. I am not somebody who wants to go to war for oil. I think we should invest those dollars here at home and help America move beyond the petroleum age into a new age of renewables. I thank both gentlemen.

I include the following editorial for the RECORD:

[From the New York Times, Jan. 5, 2003]

A WAR FOR OIL?

(By Thomas L. Friedman)

Our family spent winter vacation in Colorado, and one day I saw the most unusual site: two women marching around the Aspen Mountain ski lift, waving signs protesting against war in Iraq. One sign said: ''Just war or Just Oil?'' As I watched this two-woman demonstration, I couldn't help notice the auto traffic whizzing by them: one gas-guzzling S.U.V. or Jeep after another, with even a Humvee or two tossed in for good measure. The whole scene made me wonder whether those two women weren't—indeed—asking the right question: Is the war that the Bush team is preparing to launch in Iraq really a war for oil?

My short answer is yes. Any war we launch in Iraq will certainly be—in part—about oil. To deny that is laughable. But whether it is seen to be only about oil will depend on how we behave before an invasion and what we try to build once we're there.

I say this possible Iraq war is partly about oil because it is impossible to explain the Bush team's behavior otherwise. Why are they going after Saddam Hussein with the 82nd Airborne and North Korea with diplomatic kid gloves—when North Korea already has nuclear weapons, the missiles to deliver them, a record of selling dangerous weapons to anyone with cash, 100,000 U.S. troops in its missile range and a leader who is even more cruel to his own people than Saddam?

One reason, of course, is that it is easier to go after Saddam. But the other reason is oil—even if the president doesn't want to admit it. (Mr. Bush's recent attempt to hype the Iraqi threat by saying that an Iraqi attack on America—which is most unlikely—''would cripple our economy'' was embarrassing. It made the president as if he was groping for an excuse to go to war, absent a smoking gun.

Let's cut the nonsense. The primary reason the Bush team is more focused on Saddam is because if he were to acquire weapons of mass destruction, it might give him the leverage he has long sought—not to attack us, but to extend his influence over the world's largest source of oil, the Persian Gulf.

But wait a minute. There is nothing illegitimate or immoral about the U.S. being concerned that an evil, megalomaniacal dictator might acquire excessive influence over the natural resource that powers the world's industrial base.

''Would those women protesting in Aspen prefer that Saddam Hussien control the oil instead—is that morally better?'' asks Michael Mandelbaum, the John Hopkins foreign policy expert and author of ''The Ideas That Conquered the World.'' ''Up to now, Saddam has used this oil wealth not to benefit his people, but to wage war against all his neighbors, build lavish palaces and acquire weapons of mass destruction.''

This is a good point, but the Bush team would have a stronger case for fighting a war partly for oil if it made clear by its behavior that it was acting for the benefit of the planet, not simply to fuel American excesses.

I have no problem with a war for oil—if we accompany it with a real program for energy conservation. But when we tell the world that we couldn't care less about climate change, that we feel entitled to drive whatever big cars we feel like, that we feel entitled to consume however much oil we like, the message we send is that a war for oil in the gulf is not a war to protect the world's right to economic survival—but our right to indulge. Now that will be seen as immoral.

And should we end up occupying Iraq, and the first thing we do is hand out drilling concessions to U.S. oil companies alone, that perception would only be intensified.

And that leads to my second point. If we occupy Iraq and simply install a more pro-U.S. autocrat to run the Iraqi gas station (as we have in other Arab oil states), then this war partly for oil would also be immoral

If, on the other hand, the Bush team, and the American people, prove willing to stay in Iraq and pay the full price, in money and manpower, needed to help Iraqis build a more progressive, democratizing Arab state—one that would use its oil income for the benefit of all its people and serve as a model for its neighbors—then a war partly over oil would be quite legitimate. It would be a critical step toward building a better Middle East.

So, I have no problem with a war for oil—provided that it is to fuel the first progressive Arab regime, and not just our S.U.V.'s, and provided we behave in a way that makes clear to the world we are protecting everyone's access to oil at reasonable prices—not simply our right to binge on it.

Mr. PALLONE. Mr. Speaker, I want to thank the gentlewoman from Ohio (Ms. KAPTUR) for her remarks. Two things or maybe three things that I really appreciate. One, I think it is very important to bring up the crises or I should say the increase costs of oil and how that has steadily gone up in the last 2 years or so and is a major factor also impacting the economy and that this administration has not done anything in the first 2 years to make us more energy independent. They have fiddled around and talked about a lot of things, but nothing has actually been accomplished.

The other thing is, in listening to the gentlewoman, it is almost as if President Bush is just going back to the old sort of trickle-down economics; in other words, we give all the money to the rich. Now we give this huge tax break with dividends primarily to the wealthy and somehow that is going to trickle down. But as the gentlewoman pointed out, that is not what happens because the money is just invested overseas, and one of the things that I mentioned before and that is an important part of the Democrat stimulus package is relief for small businesses, which is specifically targeted so that it has to be used to reinvest in new jobs, new means of production, and the majority of the jobs that are created in the United States these days are through small business.

So we are doing the opposite. They are saying we will give a big boost to the big corporate interests and the wealthy and they are somehow going

to spend it to create jobs; but there are no strings attached, whereas the Democrats have a proposal that specifically targets small businesses and insists that whatever tax savings or credits are specifically for new jobs and new production here, which I think is crucial because otherwise it is a waste, and the gentlewoman has pointed that out very effectively.

Ms. KAPTUR. Mr. Speaker, I wanted to say to the gentleman, if one looks at the last 25 years, it is very important to point out that our last four recessions were all related to rising oil prices going back to the 1970's, the 1980's, and now the new 21st century. And if we do not learn from history, we are doomed to repeat it; and what has happened over a period of time is that there has been more and more military presence placed around the world in order to guard the oil lanes coming in here, and it truly would be destabilizing to our country if those paths were eliminated, but the answer for America is not to become more and more dependent on foreign supplies but rather to use not just the short-term stimulus package but the long-term economic growth strategy for our country to create energy independence so that we are not so vulnerable, and every time some oil baron or king wants to make it a little tough on America, they raise prices and then we are thrown into recession. They know they do not want us to go into deep, deep depression because then they lose some of their revenue, but the point is we are like a puppet on the end of a string and we are not controlling our own destiny. So I would hope that as we move forward, pass this short-term stimulus package that the Democratic Party has offered, and then move into long-term economic growth, that we really look at energy independence as a major pathway to new job creation and investment here at home.

Mr. PALLONE. Mr. Speaker, that is a very good point. And the other thing too is that everyone is sort of assuming that this recession is at its worst and somehow we are now going to turn it around; but if the government goes in the wrong direction with President Bush's plan, it could very easily get worse. There is nothing in that plan that is going to stimulate the economy. The consequence could very well be that the recession gets worse and unemployment gets worse. I hope that does not happen, but I think it would be naive for us to suggest that we have necessarily hit bottom. One of the reasons we need to do this, what the Democrats propose, is that we do not want things to get worse. It is not just a question of getting better, but not having the economy even move in a further downward direction.

Mr. DEFAZIO. Mr. Speaker, the gentleman raised the unemployment numbers. It is interesting that recently a survey has come out of rural areas in my State, particularly areas that were previously timber-dependent areas, about unemployment; and the numbers that we record today in unemployment do not reflect the real suffering or the true degree of unemployment. As high as unemployment is in the United States, and it is at some of the highest numbers it has been in a decade under this administration without an extension of unemployment benefits, which hopefully will be rectified here this week, but the numbers are actually much worse because the definitions have been cleverly changed to say, well, if they are unemployed and their unemployment benefits have run out, they are not considered unemployed anymore in the United States.

So if we follow that illogic through, if everybody in America lost their job today and all their benefits an out a year from today and nobody got their job back, no one would be working and we would have zero unemployment. It is an absolute absurdity. So the true measure of unemployment is actually much, much higher than we are seeing; and the struggle, as the gentlewoman from Ohio (Ms. KAPTUR) said, to bring some productive capacity back to this country and put people back to work, we were all first promised, well, they are losing their jobs in industry but they will all go into the new economy.

Well, the new economy has gone bust, and most of them did not get jobs there anyway or benefit during those good years; and one cannot, in my opinion, be a great Nation if one does not build things, and the reliance on foreign oil is extraordinary. The fact that our greatest balance of payment, the deficit, is to buy foreign oil, supporting people who hardly have any interest in the United States in mind and our future in mind and the investment in alternative fuels, alternative fuel technology to include fuel cells and all the other things that the gentlewoman talked about, bring those industries home to the United States and begin to export them into the rest of the world in addition to insulating ourselves from these people who are jacking up oil prices around the world would be an extraordinary benefit to the American people. And I hope that this administration, this unfortunately oil administration that we have in the White House, might be able to clear their vision a little bit, instead of saying we can somehow drill our way out of this, which we cannot. Even if there was as much oil as the most optimistic say up in the Alaskan National Wildlife Refuge and along the coast of the United States, we still could not drill our way out of this problem. We would still have a growing dependence on foreign oil. We need to make dramatic steps and investments in that direction, and we should orient more longer-term packages toward the recovery of our economy toward those new technologies, toward those investments in our country, and those are the kinds of things we need.

An ephemeral investment or expenditure of $300 billion to relieve people from paying taxes on dividends on stock, mostly people who earn over $100,000 a year, as an economic stimulus is almost laughable. I mean, it is extraordinary to me. And if it does work and it stimulates the stock market without dealing with the underlying problems and the fundamentals of U.S. industry and their unwillingness to invest if this country, in the productive capacity of this country, it will create another bubble, and guess what, some people will ride the bubble up, get out, and it will pop again, and what happens? The people who are always stuck are the middle class and working people who cannot get in and out of the market because their only investments in the market are through their retirement funds which they cannot liquidate and speculate on the way that some of these other folks can. It may well cause a big run-up in the stocks that pay dividends in particular, but it is not going to generally leaven the economy and put people back to work. I have yet to see a single credible economist make that assertion, that somehow this $300 billion gift other than through the trickle-down theory is going to somehow put people in this country back to work.

Mr. PALLONE. Mr. Speaker, the other problem that we have too, which we really did not dwell on too much but I think it is important, is that it really was disgraceful that the Republicans, who are in the majority, with the President went home after December 28 and the people that did not have their unemployment compensation just ran out.

Mr. DEFAZIO. Mr. Speaker, 28,000 people in my State alone saw an end to their unemployment benefits in the week between Christmas and New Year. Happy New Year from the Federal Government.

Ms. KAPTUR. Mr. Speaker, in the State of Ohio it was 24,000 people who fell off their benefits right before the New Year and 1,100 additional people in my own congressional district.

Mr. PALLONE. Mr. Speaker, the amazing thing, we were trying, the Democrats insisted before we went home that we would stay here to pass a package, but of course the Republicans just adjourned.

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My understanding is, and I have not seen the proposal, I guess we may consider something tomorrow or Thursday, is that the Republicans are coming back with something like a 12-week extension which may or may not even be retroactive. That is a very short period of time, given what we are facing

here. The Democratic proposal is for double that, basically 26 weeks, and goes back to December 28.

Mr. DEFAZIO. Mr. Speaker, if the gentleman would keep in perspective, the total cost of the Democratic proposal, as I understand, it is to be twice as generous in terms of the extension of unemployment benefits; and to again, to begin to even penetrate some of those other people who have been longer unemployed or underemployed, is about one-twentieth, 5 percent, of what the President is proposing to gift upon the wealthiest by relieving them of the horrible burden of paying a small percentage tax on the dividends they earn by clipping coupons on stocks that they own.

Where are our priorities? Could he not do 10 percent for the unemployed and for their families? I mean, it is just extraordinary to me that the emphasis would be so thinly disguised.

Ms. KAPTUR. Mr. Speaker, every single one of those families would spend that money on basics. They would be buying food.

Mr. DEFAZIO. From local small businesses.

Ms. KAPTUR. From local small businesses. They would be shopping at local stores. They would be making their mortgage payments, if they can hold on to their houses.

Mr. DEFAZIO. Mr. Speaker, if I could, in my State, we have an extraordinary, we have already exhausted this year's allocation of low-income energy assistance in our State; and we are, what, 3 months into the year, the beginning of the heating season; and there are tens of thousands of people on the waiting list in my State, and I am sure in other States across America. And to say, well, we just cannot afford those things, but we can afford for the people who live up on the top of the hill in the big houses with all of the lights on and the windows open, we are going to give them a little extra gift so that they can go to Antigua to avoid the colder months.

Ms. KAPTUR. Mr. Speaker, I was struck by the fact that here we are on the very first day of the 108th Congress, and I am proud to say it is the Democratic Party that is down here on the floor tonight talking about the economy and the recession and how we invest our way out of it; we are talking about war, how we avoid it; we are talking about new job creation for our country. I do not hear anything from the other side. I mean, it is easy to go to cocktail parties and leave for dinners because it is kind of a day of pomp and circumstance; on the other hand, we are a serious party, we are true to our traditions, and I want to thank the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oregon (Mr. DEFAZIO) for being a part of this this evening. I am very proud to be a Democrat tonight. We are doing our job.

Mr. DEFAZIO. Mr. Speaker, if I could expand on that, it is day 10 since the extended unemployment benefits expired, and Congress is not in official session this evening taking care of that problem. They are out, many of them downtown with the lobbyists on K Street celebrating with champagne beyond the weekly food budget of many of these families who are unemployed.

Ms. KAPTUR. I thought we would have extended the unemployment benefits today. I promised my constituents that it would be my top priority when I came back here to Washington; and, quite frankly, I was surprised that that bill was not offered today.

Mr. PALLONE. And we did have votes today. We did have the adoption of the rules package. So it was not that we only had a ceremonial session. We did have votes.

The other thing is that in the last few weeks I was hearing from some of our Republican colleagues about how maybe we did not even need to do it, to extend unemployment compensation because it has been going on too long, almost like it is some sort of welfare benefit or something. When the recession continues, and it is getting worse, there is no indication it is getting, things are getting better, it is only fair to extend it. I mean I could not believe I would even have to try to argue the case for it. But there are those on the other side of the aisle who do not think we should even do it.

Ms. KAPTUR. Mr. Speaker, I would have to say this also, that when the Bush administration's unemployment proposal was talked about, the President talked about this before the first of the year; he did not say what his proposal really was. His original proposal would have only taken care of the unemployed in three States. The State of Oregon was one of them, but our State was left out, the State of Ohio. I fail to see how an unemployed worker in Ohio who has exhausted his benefits is any different than an unemployed worker in Oregon or New Jersey.

Then there was the issue of how many weeks and at what level for benefits they had worked for. These are working people. They are people who have believed in our system of enterprise and have tried to make a difference in their lives. I was just amazed that none of the press talked about the difference in the bills, that we were as the Democratic Party talking about every State in the Union, every unemployed worker who had fallen off of benefits, and that we were talking about a realistic number of weeks, not just 6 weeks or 7 weeks, but so that people could plan, 26 weeks, which has been historic here.

Mr. DEFAZIO. Mr. Speaker, we should remember that unemployment benefits have been paid for by the employers and the employees. The employers have to pay a tax; most economists say that comes in the form of lower wages or at least is shared in lower wages by the employees, and there is a large and healthy balance in the unemployment trust fund. Yet our colleagues on the other side of the aisle, the President and the Republican majority, have refused to expend some of those taxes. That was money that was saved for a rainy day for families and individuals across this country. It is raining like hell out there right now, and they need that money. It is their money. That, in fact, does not have an impact on the deficit. Giving a $300 billion tax break to people who clip coupons on their taxes does cost the Federal Treasury and will increase the deficit, but if we kept the books honestly, money spent out of the unemployment trust fund which has been accumulated over many years for a rainy day would not count as money that is spent and created out of nothing. There is money there to spend. It is just like we could invest in infrastructure by spending down the highway trust fund. We could invest in aviation by spending down the aviation trust fund. We could accelerate a whole bunch of projects across this country and put people back to work, really. I mean, in the phony way we keep books here, it counts as deficit; but in reality it would not be. The American taxpayers would be getting the money back that they paid for the purpose for which it was intended, which is unemployment benefits or investment in bridges, highways, roads and aviation.

Ms. KAPTUR. Mr. Speaker, I want to say a word about Amtrak. I represent the largest passenger terminal in Ohio, and it has been amazing to me to watch under this administration's purview how service has been cut back. I travel around the world, and I ride trains that so far surpass anything that we have over land in this country. It is actually embarrassing. We talk about a stimulus package. What about high-speed rail? Why has it taken us as a country to this point in the 21st century where we have an antiquated system that needs new stimulus, that needs new investment, coast-to-coast, in order to meet all of the congestion problems we have at our airports; to provide a real, third rail, one might say over the road, in the air, and over land, not counting the sea ways, but to take a look at our rail system and the investment that is needed in it, and to think that we are cutting back to allow Wall Street to put our investment in China or Mexico or somewhere else.

Mr. DEFAZIO. China is building a huge and very expensive multibillion dollar new high-speed rail system, probably with some U.S. investment behind it.

Ms. KAPTUR. Very interesting. Maybe some of those Wall Street dollars are going to China rather than inside the United States. That is why it is important to target the investment here and to make sure that it builds wealth in our country, not someplace else.

When the gentleman mentioned about infrastructure, that really struck me because northern Ohio has been seriously diminished in its ability to move passengers. And the equipment, the trackage, everything that we need really has been underinvested, and this is a system that when one goes around the world, I do not care whether it is France, Japan, the gentleman mentioned China, we are falling behind, falling behind.

Mr. PALLONE. There is no question about that. Again, part of our Democratic stimulus package does provide for money to go back to the States for infrastructure, airports, highways, and the things that the gentlewoman mentioned.

I think we are running out of time, so we are going to have to wrap it up; we only have a couple more minutes. But I just want to thank both of my colleagues. The bottom line is that this is just the beginning. The gentlewoman mentioned the media not comparing the different unemployment compensation packages. Part of it is because the Bush administration has not really said exactly what they are proposing. I gather from today that they are talking about 12 weeks, and we will find that out tomorrow. But we are going to have to insist beginning tomorrow that this package pass and pass in a way that is effective before we leave this week, let alone tonight. So I particularly appreciate the fact that my colleagues mentioned that, because I think it is something we are going to have to deal with literally tomorrow.

But I thank my colleagues again, and we will continue to point out these differences between what the President is proposing and the Democratic stimulus package, not because it is partisan, but just because we honestly believe that the Republican proposal will not do anything to reverse the economic downturn.

THE DROUGHT AND ITS CONSEQUENCES

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 7, 2003, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I sat here with a great deal of interest listening to the previous speakers and the fact that Republicans were at cocktail parties and out with lobbyists, and I am a Republican and I am still here. I was very interested in the comments that I was listening to. I am not a very partisan person. I believe very much in fairness and balance. When I heard the President's economic stimulus package characterized over and over again as another round of tax breaks for the rich, what I was surprised that somebody did not answer was that part of the plan is $3.6 billion going to the States that are to be distributed in $3,000 increments to the unemployed as they pay for transportation and child care and training to get back into the workforce.

Now, the unemployed are not by definition wealthy people. So that $3.6 billion does not go to the rich. The child tax credit increases by $400 per child. Now, not all children, certainly in the United States, are born to the wealthy. So a family of three would have $1,200 additional money in their pocket, and many of those families will be poor families. The marriage tax penalty has been accelerated. For the average married couple, that will mean $1,716 that they will receive. Certainly, not all married couples in the United States are wealthy. Many that I know are not wealthy at all. Mr. Speaker, 92 million tax filers this year will receive an average tax cut of $1,083. We certainly do not have 92 million tax filers in the United States this year that are wealthy people.

Finally, let me just say this. There has been a lot of mention of the dividends and how the dividends were tax breaks for the rich. But what most people do not seem to bother to mention is that roughly 40 percent of the American population now owns stock. Not all of those 40 percent are wealthy people. Many average wage-earners own stock and will benefit from any stock dividend reduction.

So just in the interest of fairness, Mr. Speaker, I thought we might mention the fact that there were some things that were not mentioned here this evening as we talked about the stimulus package, and I am not for sure what it is going to look like. I am not sure how it is going to play out. But I do know that it is not targeted only for the upper 5 percent or only the upper 10 percent of taxpayers. Certainly a good number of people will benefit.

But that is not what I am here for tonight, Mr. Speaker; it is not why I came over here. From the previous discussion, one can assume that what happens on this floor much of the time is aimed at discussion of the economy, tax breaks have been mentioned, a lot of discussion about Medicare at times, and certainly the Middle East, what is going on in Iraq, what is going on in North Korea. And these are all very, very important subjects. But the subject that we very seldom discuss here is somewhat amazing to me and that is something that is going on right here, right now in the United States; and it involves almost one-half of the country, and that is the drought. We almost never hear that discussed on the floor of this House. We almost never hear it discussed in our major metropolitan areas or in our major metropolitan newspapers.

So, Mr. Speaker, here is the map of the drought. This is what it looks like. In August of 2002, at the end of the growing season, this is what the drought looked like, and this was the impact that it had on our crops in 2002. So what that means, if one looks at the black area, that is exceptional drought; and those areas experienced, for the most part, drought that exceeded any records that go back over 100 years of recorded history of precipitation.

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So we see large areas like this. The red areas would, for the most part, exceed the drought that we experienced in the thirties, the Dust Bowl, where tons and tons of Earth were blown away and crops were totally nonviable; and thousands and thousands of farmers left farming and ranching.

So we can see, Mr. Speaker, that this is a rather drastic picture. The bad thing is, it has not improved for the most part. In some areas, it is much worse now than it was then. In my home State of Nebraska, the month of December which just passed was in most cases the driest December ever recorded, so things have not improved at all.

Let us talk a little bit about why this is. Why do we not hear about this more? The reason is, I believe, that there are roughly 2 million farmers and ranchers in the United States today. That comprises a little bit less, actually, than 1 percent of the total population of the United States in farming and ranching. Probably in this drought area we have about one-half of the farmers and ranchers in our country, so we are talking about one-half of 1 percent that are directly impacted by this. Their way of living, their livelihood, is impacted by the drought. One-half of 1 percent sometimes does not make much of a ripple.

Mr. Speaker, that is why I have decided not to go to the cocktail parties and not to go out with the lobbyists tonight, as we have heard earlier was happening with the Republicans. That is why I am here on the floor tonight to talk about this, because very few other people are talking about it. It is something we need to look at because it has huge implications for this country, and for its economy and for its well-being.

Let me talk a little bit about the effects of the drought. Some of these areas are forest lands in Wyoming and in Colorado. One thing that was interesting, in examining the rings, the growth rings on the trees, we can pretty much tell when the droughts occurred. Some of those trees are 300 years old. 2002 was the driest year in

many of those areas in the last 300 years. The timber in those forests was drier than the lumber in the lumberyard that had been put through a kiln, so that shows the impact that the drought had on our forests and on our lands.

The reservoirs in these areas that are stored primarily for irrigation are at this time 25, 30 percent, in some cases as low as 15 or 20 percent, full. The bad thing, Mr. Speaker, is that the inflows into those reservoirs are greatly reduced from other years. The snowpack even for this winter is way, way below normal, so there is almost no chance of any great recovery this year. So we are looking at some really reduced irrigation waters for those people who irrigate out of those reservoirs.

Normally, an irrigator could count on somewhere between 90 and 100 days of water. This year, many of those irrigators have already been told that those reservoirs will only provide maybe 20 to 30 days of water, which means essentially that they cannot plant, because they cannot grow anything on 20 to 30 days of water.

Also, many people who would receive normally 20 to 24 inches of water out of a reservoir this year are going to receive 2 or 3 inches of water; so again, those people are having to convert to dry land. They are having to put their irrigated land into pastures and other types of products, and as a result there is a tremendous financial loss in those areas. The pastures in these areas have simply dried up, so there is no hay. There is nothing for the cattle to eat. As a result, what has happened is a great many of our ranchers have had to sell at least part, and in some cases nearly all, of their cattle.

The problem with that is that when we start reducing the breeding stock, and some of these breeding stocks have been put up over generations and of course have tremendous value, but when they can no longer provide food for them and they have to sell the breeding stock, then it is not long before the whole thing unravels, and it will take 5, 6, 7, or 8 years to rebuild the breeding stock. There has been tremendous devastation in these areas, particularly in the livestock industry.

On top of the farmers and ranchers, we also find that the small towns that really service those farmers and ranchers are in bad shape, too, because the implement dealers, the feed and seed dealers, have no money. The merchants, the bankers, all of these people are experiencing extreme hardship in these areas.

Currently, just in my State alone, the State of Nebraska, the economic devastation of this particular drought is estimated to be $1.4 billion. That was as of September or October. My estimation is it will probably go closer to $2 billion. If we multiply that by Kansas, South Dakota, Montana, Wyoming, Colorado, New Mexico, and Arizona, all of these other States, we are talking about a disaster in the range of 15 to $20 billion. This is huge for this part of the country, and it is something that we need to think about and we need to do something about.

In Nebraska, the nonrenewable farm loans this year will increase by roughly 400 percent which, if that plays out, and I believe that it will, we will probably lose somewhere between 3,000 and 4,000 farmers.

The most terrifying statistic that we heard recently that the bankers gave me was that 25 to 50 percent of the farm loans in the State of Nebraska are in serious trouble, and they could not endure another 2002. They would go under if we do not do any better; and, of course, the drought appears to be as bad in the coming year as it was in the past year, which would mean that we could lose as many as 15,000 to 20,000 farmers that would not be able to renew their farm loans.

So this is a very difficult prospect. It is something that is, I believe, unconscionable to not address. This is something that has to be done.

What has been done so far to combat the drought? I think, in fairness to the administration, we need to point out the fact that they did provide $752 million in livestock compensation this past fall. This was taken out of section 32 of USDA. It did not require an act or any initiative here in the Congress, but it was done administratively. This money was greatly appreciated.

There was also a livestock feed program that allowed ranchers to get vouchers to go down to feed stores and they could purchase some feed. Some people purchased their hay up on the Canadian border, and said that might help get them through the winter; so it was some help, but it is something that was maybe just a stopgap measure. The people in the ranching business are still in great difficulty; and the bottom line is that nothing so far has been done for the row crops, the people who grow wheat and corn and milo and soybeans. They have not received any type of aid at all.

So let us take a look at what has been going on in terms of disaster. We see that for Hurricane Andrew and a typhoon $6.4 billion were spent by the United States Government; for the 1997 flood of a river, $738 million. These, of course, are not due to drought.

We every year give $5.59 billion to Israel, $3.94 billion to Egypt, and we give to many, many other countries where we are certainly concerned about their welfare. I certainly do not begrudge the money given to Israel or Egypt or whatever, but the interesting thing is that we do these things, and yet we seem to be at the present time turning our backs on a large segment of the United States, which is a little bit difficult to understand at this point.

We say, now, why would we do this? Why do we turn our backs on our own people? A memo from the budget office said that a drought really is not like a natural disaster such as a flood or a tornado or a hurricane because a drought comes on more slowly. Since it comes on more slowly, then people have a chance to adjust; so they said a drought really is not something like other disasters that get disaster aid. It does not quite qualify. This was what somebody in the budget office wrote.

I would have to believe that that person maybe had not been in agriculture, had not been on a farm, did not know much about it. We have the input costs to till the soil, buy a tractor, plant the seed; we have to fertilize; and after you have spent thousands of dollars to get the crop ready, then if you do not get any water, it may only take about 3 weeks at the right time and you lose the whole crop.

So to say it does not come on suddenly, it may not be 15 minutes or 1 day, but it does not take very long. We have had huge numbers of people out there who have simply lost their whole crop, it has occurred fairly quickly, and it was beyond their control. There was nothing that they could do about it.

The other thing that I think has caused us to not come forward with any disaster aid has been the perception of the new farm bill that was passed last year. People would say, how in the world would that affect whether we had disaster aid or not? The perception of the new farm bill is that it has a huge amount of money in it; and because there is so much money in the farm bill, then that should take care of whatever disaster we might have.

I would say that that perception is not accurate. I would like to show the Members some information here that I think pretty much illustrates this.

In the last 3 years with the Freedom to Farm, the previous farm bill, we spent on average in 1999, in 2000, and 2001 $24.5 billion, $24.5 billion. The new farm bill that was passed this last year is projected to cost a little less than $21 billion in 2002, 2003, 2004, and 2005, so actually there will be less money spent in the new farm bill than there was in the last 3 years of the old farm bill. So it does not seem to be quite as expensive as what we would have been led to believe.

Now, the reason that the farm bill I think has gotten such a bad rap is that many of the urban newspapers really went after the President for signing the farm bill. I will read just a few of the editorial comments that we saw.

First of all, in the Las Vegas Review Journal the headline was ''Farm Welfare.'' The editorial said, ''The House voted to slide backwards some 70 years, choosing socialism and abandoning market-based reforms in the Nation's Stalinesque farm policy in voting for a new farm bill.''

The Washington Post, the headline was, ''Cringe for Mr. Bush.'' The editorial ran: ''Mr. Bush signed a farm bill that represents a low point in his presidency, a wasteful corporate welfare measure that penalizes taxpayers and the world's poorest people in order to bribe a few voters.'' So the President took a tremendous beating here.

In the Wall Street Journal, the headline was, ''The Farm State Pig-out.'' The editorial said, ''That great rooting, snooting noise you hear in the distance, dear taxpayers, is the sound of election year farm State politics rolling out of the U.S. Congress. This alone amounts to one of the greatest urban-to-rural transfers of wealth in history, a sort of Farm Belt Great Society.''

So it is only natural that the administration, after enduring this type of reaction, would say that they are very reluctant to step forward at this point with any further spending for agriculture. The thing we need to understand, however, is that some of the emergency payments that were paid to agriculture in 1999, 2000, and 2001 were paid out because of low prices. The prices were very low, so to keep farmers in business some emergency payments were given.

For instance, the price of corn during this period, a bushel of corn, probably averaged about $1.70, $1.80 a bushel. The cost of production was around $2.20 a bushel, so in order to keep people in business some emergency payments were made. We are not talking about emergency payments anymore. We are not talking about that; we are talking about a natural disaster. So this is not because of low prices.

The next thing we will look at here is what has happened this year. This is the projection, the new farm bill for 2002, roughly $19 billion. Let us see what has actually happened this year with the drought.

What has actually happened, Mr. Speaker, is that the $19 billion projected spending has not occurred. Instead, this year the farm bill will cost somewhere between $13 billion and $14 billion, a $5 billion to $6 billion shortfall. In other words, in the year 2002, we will actually spend about one-half of what we spent on average on the farm bill in 1999, 2000, and 2001; and yet this is being called the great farm State pig-out, that this is a fat bill. Obviously that is not true. We are spending roughly one-half of what we spent in the last 3 years of Freedom to Farm.

We will say, why did this happen? How could it have happened? What happened was the drought. What happened was that in corn production, in soybeans, in milo, in rye we are down about 10 or 15 percent because of the drought. Some people simply had no crops. When we have less supply, then the price goes up. When the price goes up, we have no farm supports. When people in Iowa, in Illinois, in Indiana have good crops and they have better prices, they get no farm payments because their prices are up. So as a result, ''we'' are saving, in quotes, we the government, somewhere in the neighborhood of $6 billion on this farm bill.

□ 1900

So the question would be, well, why would we not give some of that $6 billion back to the people who caused it to happen in the first place, the people who had no crops, the people who experienced the drought? Because you get no farm payments if you do not have a crop. And that is what happened to these people. They have no crop. And so it would make sense to a lot of people that, yes, we would return some of that. But again we do not seem to be getting any movement in any direction. And the staple answer we get is, well, there is so much money in the farm bill, just take it out of the farm bill.

Now, the problem that we have with that as we looked at the map, we can see that there was only part of the country that had the drought. And so we would have to convince the folks in Iowa, in Illinois, in Indiana, in Minnesota, in Texas, in Arkansas and Louisiana that they should take payment from their crops to give to South Dakota and North Dakota and Nebraska and Kansas and Colorado, and it seems that that is rather difficult to get done. People just do not seem to want to do that.

So what has happened is we are between a rock and a hard place. We cannot seem to get the administration to say, yes, we will help the farmers; and we cannot get many people saying, yes, we ought to go into the farm bill, and I can see that too. So as a result we have a lot of people who are hurting, who are in bad shape; and I really do not know exactly what we are going to do at the present time.

Let us talk a little bit more about the farm bill. This thing is greatly misunderstood. People do not understand why we have a farm bill. And so I would like to present one last graphic here, Mr. Speaker, and this is rationale as I see it for why we have a farm bill.

Farming is a little bit different than most other industries. People who have WallMart come in their community and the hardware store goes broke, they say, nobody helps me. I used to be a football coach and if I lost a game nobody protected me and so they say, why should we help the farmers? Let me tell you a little bit of the rationale that holds up very well.

First of all, farming is almost totally weather dependent. Now, most industries, most businesses in our country do not dissolve if you have a 15-minute hailstorm or if it does not rain for 3 weeks or if a strong wind comes through and knocks the wheat down. It does not happen that way, but farming is totally weather dependent.

Number two, in farming it is almost impossible to control the inventory. You say, well, what does that mean? Well, if General Motors has too many automobiles out there and they feel there is a glut what they do is shut down an assembly line and they wait until things get in balance. But when you are growing wheat around the world, you really cannot say, well, Australia, you do not plant this year or, Canada, you cut down because you do not know what the worldwide production will be. You do not know where the droughts are going to be. You do not know what is going to happen so you cannot control the inventory. Now most businesses can control the inventory.

Thirdly, producers do not set the price. If you are going to make a suit of clothes you will say, this is worth $500. This is what we will price it at. We will make a box of corn flakes. It will be $2.50. If we are going to sell a car it will be $30,000. So the manufacturer, the producer sets the price. But in farming the farmer does not set the price. The price is set for him. It is the local elevator, the Chicago Board of Trade that says corn is worth $1.60 a bushel this week, so much a pound for beef. And he has no choice. He does not set the price.

Fourthly, farming is critical to national security. As long as you can go down to the grocery store and things are convenient and easy and there is plenty there, and you only spend an average of 9 percent of your income on food you do not really see a problem. There is no problem with national security. But those countries that experienced a shortage of food in World War II have a little bit different slant on things. And the other thing that we want to point out here in regard to national security, somebody mentioned in the previous hour, they were talking about petroleum, our dependence on OPEC for oil. Well, what happened was about 20 years ago we found that we could buy petroleum from OPEC for like $15, $20 a barrel. So we said that is a good deal. So we should shut down our own exploration. We shut down our own refineries. As a result we are now 60 percent dependent so foreign.

People say that is still okay because we only pay $12 to $15 a barrel. That is no problem. But some economists have put a pencil to it and said the Gulf War cost us a lot of money, and the Gulf War was about oil. And we are maintaining a fleet and a military presence in the Middle East and we are now maintaining an even bigger presence which is due largely to oil. And what economists have said was that oil really does not cost us $15 a barrel. What it cost was more like $70 to $100 a barrel when you add it all in.

Now, we can do the same thing to our agriculture. We can very quickly ship our agriculture to South America, to

Australia, to Canada. And so the question is are we going to protect agriculture and are we going to keep it in the United States where we know what we have, and we have a secure food supply, and no matter what happens around the world we know we have got it here. Is that worth something to us? I think it is.

Fifthly, there is no level playing field worldwide. The European Union subsidizes agriculture by more than $300 per acre. Now, again, you go back to toward World War II and most people in Europe understand the value of a food supply so they subsidize $300 per acre. Japan subsidizes agriculture more than $1,000 per acre. In the United States, get this, the United States, that fat farm state pig out farm bill subsidizes agriculture $45 per acre, roughly one-sixth of what the European Union subsidizes their farmers.

The other thing to remember is that there is great competition from South America. In Brazil, for instance, a top grade of land will cost $250 per acre, land that would probably cost $2,500 an acre here in the United States. Labor costs an average of 50 cents an hour in Brazil. It would probably cost $10 an hour in the United States. And there are practically no environmental regulations in Brazil where we have a great many.

So what we are saying is that the farm bill is necessary to enable our agriculture to be somewhat competitive and we think we are getting a pretty good bargain here at $45 per acre. And so is that agriculture worth saving? Is that worth some type of investment in terms of disaster payment to keep that here, to keep it in the United States, to keep these people viable? I guess my slant, Mr. Speaker, is, yes, it is. And so that is pretty much my rationale this evening.

I guess one last comment, some people would say, well, we do not have any disaster aid because, number one, the drought is not a natural disaster; and of course I think I pretty well disputed that. Secondly, they have said the farm bill is too fat; and again I think we have offered some information to dispute that.

But the third argument is this, that, well, that those people who have row crops have crop insurance so they do not need any help. Well, I think people in the United States need to understand the crop insurance program is viable and it is very important. It works very well if you have three or four good years, good yields and good production, and then all of the sudden you have a drought for 1 year and maybe then you have 3 or 4 more good years because the crop insurance will at least hold you in there. It will get the input costs back, because the most insurance you can buy for crop insurance is 85 percent. Now, profitability is in the last 10 percent. So on crop insurance you do not make money. You probably still lose a little bit. But the problem is that when you have multiple years of drought, which we have had. Most of these farmers have experienced at least 2, 3, 4, some of them 5 years of drought. Every year of drought that you have the amount of insurance you can buy goes down because you have to average in those years where you had no production.

So probably most of the farmers in those drought areas are insured at a 60, 65 percent level and they have been receiving that now for 2 and 3 years. So they have been digging into their equity every year and some of them are to the point where they no longer have any equity left. So insurance is good for a 1-year situation, but when you have multiple years of drought which we have had, you have a disaster. And so that is where I believe at this point we need to step in.

So we hope very much that this body, in the House, we hope in the Senate and we hope that the administration will begin to see what we are up against and the difficulty of the situation. We hope this will be treated like a natural disaster, like a hurricane, like a flood, like a fire. And typically the United States has stepped forward in those situations, and it is difficult to stand back and see a lack of responses in this case.

Mr. Speaker, I appreciate this opportunity.

RECESS

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 10 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2110

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 10 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 23, TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–1) on the resolution (H. Res. 14) providing for consideration of the Senate bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such act ends, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 1, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003 AND H.J. RES. 2, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 108–2) on the resolution (H. Res. 15) providing for consideration of the joint resolution (H.J. Res. 1) making further continuing appropriations for fiscal year 2003, and for other purposes, and for consideration of the joint resolution, (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. NETHERCUTT (at the request of Mr. DELAY) for today after 4 p.m. through January 8 on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCHIFF) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to section 603(a) of the Intelligence Authorization Act for Fiscal Year 2003 (P.L. 107–306) and the order of the House of Thursday, November 14, 2002, the speaker on Sunday, December 15, 2002, appointed the following members on the part of the House to the National Commission on Terrorist Attacks Upon the United States:

Mr. Fred F. Fielding, Arlington, Virginia;

Mr. James R. Thompson, Chicago, Illinois.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER, AFTER SINE DIE ADJOURNMENT

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 13, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Title VI of the Intelligence Authorization Act for Fiscal Year 2003, I hereby appoint the following individuals to the National Commission on Terrorist Attacks Upon the United States: Honorable Tim Roemer (IN); Honorable Jamie Gorelick (MD).

Mr. Roemer's appointment shall be effective immediately after noon on January 3, 2003.

Yours Very Truly,

RICHARD A. GEPHARDT.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER, AFTER SINE DIE ADJOURNMENT

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, December 20, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 107–273, I hereby appoint the following individuals to the Antitrust Modernization Commission: John H. Shenefield (VA); Debra A. Valentine (District of Columbia).

Yours Very Truly,

RICHARD A. GEPHARDT.

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 30, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a letter from Dwayne D. Yoshina, Chief Election Officer, State of Hawaii, transmitting a Certificate of Election indicating that, the Honorable Ed Case was duly chosen by the qualified electors of the State of Hawaii on November 30, 2002, as Representative in Congress for the State of Hawaii for the term ending January 3, 2003.

With best wishes, I am,

Sincerely,

JEFF TRANDAHL.

To the Clerk of the United States House of Representatives:

This is to certify that on the 30th day of November, 2002, Ed Case, was duly chosen by the qualified electors of the State of Hawaii as a Representative from said State to represent said State in the House of Representatives of the United States for a term ending on the 3rd day of January, 2003.

Witness: Her excellency our Governor Linda Lingle, and our seal hereto affixed at Honolulu, Hawaii this 20th day of December, in the year of our Lord 2002.

By the Governor.

LINDA LINGLE,
Governor.

DWAYNE D. YOSHIMA,
Chief Election Officer.

STATE OF HAWAII,
OFFICE OF ELECTIONS,
Pearl City, HI, December 23, 2002.

Mr. JEFF TRANDAHL,
Clerk, House of Representatives, Capitol Heights, MD.

DEAR MR. TRANDAHL: Enclosed is the Certificate of Election for Ed Case duly chosen by the qualified electors of the State of Hawaii on November 30, 2002.

Pursuant to Hawaii Revised Statutes Section 11–174.5, there were no challenges filed.

Should you have any questions or need additional information, please contact Lori Tomczyk.

Very truly yours,

DWAYNE D. YOSHINA,
Chief Election Officer.

BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2d Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

On December 16:

H.R. 38. An Act to provide for additional lands to be included within the boundaries of the Homestead National Monument of America in the State of Nebraska, and for other purposes;

H.R. 308. An Act to establish the Guam War Claims Review Commission;

H.R. 451. An Act to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes;

H.R. 706. An Act to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico;

H.R. 1712. An Act to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes;

H.R. 1776. An Act to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in West Houston, Texas;

H.R. 1814. An Act to amend the National Trails System Act to designate the Metacomet-Monadnock-Mattabesett Trail extending through western Massachusetts and central Connecticut for study for potential addition to the National Trails System;

H.R. 1870. An Act to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada;

H.R. 1906. An Act to amend the Act that established the Pu'uhonua O Honaunau National Historical Park to expand the boundaries of that park; and

H.R. 1925. An Act to direct the Secretary of the Interior to study the suitability and feasibility of designating the Waco Mammoth Site Area in Waco, Texas, as a unit of the National Park System, and for other purposes.

On December 17:

H.R. 2099. An Act to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide adequate funding authorization for the Vancouver National Historic Reserve

H.R. 2109. An Act to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach Park in Biscayne Bay, Florida, for possible inclusion in the National Park System

H.R. 2115. An Act to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of a project to reclaim and reuse wastewater within and outside of the service area of the Lakehaven Utility District, Washington

H.R. 2187. An Act to amend title 10, United States Code, to make receipts collected from mineral leasing activities on certain naval oil shale reserves available to cover environmental restoration, waste management, and environmental compliance costs incurred by the United States with respect to the reserves

H.R. 2385. An Act to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources in that property, and for other purposes

H.R. 2458. An Act to enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes

H.R. 2628. An Act to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Muscle Shoals National Heritage Area in Alabama, and for other purposes

2818. An Act to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to resolve an occupancy encroachment dating back to 1971

H.R. 2828. An Act to authorize payments to certain Klamath Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project's transferred works for 2001, to authorize refunds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001, and for other purposes

H.R. 2937. An Act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range

H.R. 2990. An Act to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects under that Act, and for other purposes

H.R. 3180. An Act to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact

H.R. 3401. An Act to provide for the conveyance of Forest Service facilities and lands comprising the Five Mile Regional Learning Center in the State of California to the Clovis Unified School District, to authorize a new special use permit regarding the continued use of unconveyed lands comprising the Center, and for other purposes

H.R. 3449. An Act to revise the boundaries of the George Washington Birthplace National Monument, and for other purposes

H.R. 3609. An Act to amend title 49, United States Code, to enhance the security and safety of pipelines.

H.R. 3858. An Act to modify the boundaries of the New River Gorge National River, West Virginia.

H.R. 4692. An Act to amend the Act entitled ''An Act to authorize the Establishment of the Andersonville National Historic Site in the State of Georgia, and for other purposes'', to provide for the addition of certain donated lands to the Andersonville National Historic Site.

H.R. 4823. An Act to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion from Federal income tax for restitution received by victims of the Nazi Regime.

H.R. 5125. An Act to amend the American Battlefield Protection Act of 1996 to authorize the Secretary of the Interior to establish a battlefield acquisition grant program.

H.R. 5738. An Act to amend the Public Health Service Act with respect to special diabetes programs for Type I diabetes and Indians.

On December 19:

H.R. 3048. An Act to resolve the claims of Cook Inlet Region, Inc., to lands adjacent to the Russian River in the State of Alaska.

H.R. 3747. An Act to direct the Secretary of the Interior to conduct a study of the site commonly known as Eagledale Ferry Dock at Taylor Avenue in the State of Washington for potential inclusion in the National Park System.

H.R. 3909. An Act to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes.

H.R. 3954. An Act to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes.

H.R. 4129. An Act to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment.

H.R. 4638. An Act to reauthorize the Mni Wiconi Rural Water Supply Project.

H.R. 4664. An Act to authorize appropriations for fiscal years 2003, 2004, 2005, 2006, and 2007 for the National Science Foundation, and for other purposes.

SENATE BILL APPROVED BY THE PRESIDENT SUBSEQUENT TO SINE DIE ADJOURNMENT

The President, subsequent to sine die adjournment of the 2d Session, 107th Congress, notified the Clerk of the House that on the following dates he had approved and signed bills of the Senate of the following titles:

On December 13:

S. 2017. An Act to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program.

PROCEEDINGS OF THE HOUSE AFTER SINE DIE ADJOURNMENT OF THE 107TH CONGRESS 2ND SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 107TH CONGRESS

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 8, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Brucellosis: Testing of Rodeo Bulls [Docket No. 01-095-2] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2. A letter from the Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule — Exceptions of RUS Operational Controls Under Section 306E of the RE Act (RIN: 0572-AB68) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Rural Business Enterprise Grants and Television Demonstration Grants; Definition of ''rural area'' and new types of ''eligible small and emerging private business enterprises'' (RIN: 0570-AA36) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4. A letter from the Chief, Forest Service, Department of Agriculture, transmitting the Department's final rule — Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Facilitate Urgent Timber Removal From Other Lands (RIN: 0596-AB48) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspect ion Service, Department of Agriculture, transmitting the Department's final rule — Mexican Fruit Fly; Addition of Regulated Area [Docket No. 02-121-1] received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspect ion Service, Department of Agriculture, transmitting the Department's final rule — Change in Disease Status of Great Britain With Regard to Foot-and-Mouth Disease [Docket No. 01-018-4] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7. A letter from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting the Department's final rule — Business and Industry Loans; Revision to Definition of Rural Area (RIN: 0570-AA38) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8. A letter from the Director, Regulatory Review & Foreign Investment Disclosure Group, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule — Skip Row and Strip Crops (RIN: 0560-AG55) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Decrease in Desirable Carryout Used to Compute Trade Demand [Docket No. FV02-989-6 FIR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

10. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit [Docket No. FVO2-905-2 FIR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Revision of Regulations for Determining Price Quotations for Spot Cotton [Doc. CN-01-004] (RIN: 0581-ACOO) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

12. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Stall Reservations at Import Quarantine Facilities [Docket No. 02-024-1] received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

13. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule — Demand Side Management and Renewable Energy Systems (RIN: 0572-AB65) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

14. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Possession, Use, and Transfer of Biological Agents and Toxins [Docket No. 02-088-1] (RIN: 0579-AB47) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

15. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Transportation, transmitting the Department's final rule — Raisins Produced From Grapes Grown in California; Temporary Suspension of a Provision, and Extension of Certain Deadlines Under the Raisin Diversion Program [Docket No. FV03-989-2 IFR] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

16. A letter from the Acting Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Carboxin; Pesticide Tolerance [OPP-2002-0326; FRL-7282-1] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

17. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $45 million Federal credit instrument for Aloha Airlines, Inc; (H. Doc. No. 108-10); to the Committee on Appropriations and ordered to be printed.

18. A letter from the Deputy Congressional Liaison, Board of Governors of the Federal Reserve System, transmitting the Board's final rule — Transactions Between Member Banks and Their Affiliates [Miscellaneous Interpretations] — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

19. A letter from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Regulatory Reporting Standards: Qualifications for Independent Public Accountants Performing Audit Services for Voluntary Audit Filers [No. 2002-54] (RIN: 1550-AB54) received December 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

20. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of Treasury, transmitting the Department's final rule — Alternative Mortgage Transaction Parity Act; Preemption Delay of Effective Date [No. 2002-59] (RIN: 1550-AB51) received December 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

21. A letter from the Director, Financial Crimes Enforcement Network, Department of Treasury, transmitting the Department's final rule — Financial Crimes Enforcement Network; Anti-Money Laundering Requirements — Correspondent Accounts for Foreign Shell Banks; Recordkeeping and Termination of Correspondent Accounts for Foreign Banks (RIN: 1506-AA35) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

22. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Minimum Standards of Integrity and Fitness for an FDIC Contractor (RIN: 3064-AC29) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

23. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Changes in Flood Elevation Determination [Docket No. FEMA-P-7618] received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

24. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

25. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule — Final Flood Elevation Determinations — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

26. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Federal Credit Unions; Miscellaneous Technical Amendment — received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

27. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Prompt Corrective Action — received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

28. A letter from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting the Department's final rule — Class Exemption to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program [Prohibited Transaction Exemption 2002-51; Application No. D-10933] received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

29. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule — Furnishing Documents to the Secretary of Labor on Request Under ERISA Section 104(a)(6) and Assessment of Civil Penalties Under ERISA Section 502(c)(6) (RIN: 1210-AA67, 1210-AA68) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

30. A letter from the Director OSHA Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting the Administration's final rule — Occupational Injury and Illness Recording and Reporting Requirements [Docket No. R-02B] (RIN: 1218-AC06) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

31. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

32. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule — Energy Efficiency Program for Certain Commercial and Industrial Equipment: Extension of Time for Electric Motor Manufacturers to Certify Compliance With Energy Efficiency Standards [Docket No. EE-RM-96-400] (RIN: 1904-AB11) received December 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

33. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Food Labeling: Health Claims; D-tagatose and Dental Caries [Docket No. 02P-0177] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

34. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Dental Devices; Classification for Intraoral Devices for Snoring and/or Obstructive Sleep Apnea [Docket No. 02N-0010] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

35. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Aluminum in Large and Small Volume Parenterals Used in Total Parenteral Nutrition; Amendment; Delay of Effective Date [Docket No. 90N-0056] (RIN: 0910-AA74) received December 17, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

36. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Presiding Officers at Regulatory Hearings; Confirmation of Effective Date [Docket No. 02N-0251] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

37. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities; Virgin Islands [Region II Docket No. VI3-1, FRL-7420-4] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

38. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Repeal of Emission Standards for Perchloroethylene Dry Cleaning Systems [VA125-5058a; FRL-7422-1] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

39. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Revisions to the Alabama Nitrogen Oxides Budget and Allowance Trading Program [AL-059-200306(a); FRL-7419-9] received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

40. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills [OAR-2002-0047; FRL-7418-2] (RIN: 2060-AH13) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

41. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New Jersey: Final Authorization of State Hazardous Waste Program Revision [FRL-7412-6] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

42. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Perfluoroalkyl Sulfonates; Significant New Use Rule [OPPT-2002-0043; FRL-7279-1] (RIN: 2070-AD43) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

43. A letter from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution District, Ventura County Air Pollution Control District [CA144-0375a; FRL-7410-9] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

44. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Burma declared by Executive

Order 13047 of May 20, 1997, pursuant to 50 U.S.C. 1641(c)and 50 U.S.C. 1703(c); (H. Doc. No. 108—5); to the Committee on International Relations and ordered to be printed.

45. A communication from the President of the United States, transmitting a 6-month report on the national emergency declared by Executive Order 13222 of August 17, 2001, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—7); to the Committee on International Relations and ordered to be printed.

46. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—9); to the Committee on International Relations and ordered to be printed.

47. A communication from the President of the United States, transmitting a combined 6-month report on the national emergencies declared with respect to the Federal Republic of Yugoslavia (Serbia and Montenegro) in Executive Order 12808 on May 30, 1992 and Kosovo in Executive Order 13088 on June 9, 1998, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—11); to the Committee on International Relations and ordered to be printed.

48. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—12); to the Committee on International Relations and ordered to be printed.

49. A communication from the President of the United States, transmitting notification that the Libya emergency is to continue in effect beyond January 7, 2003, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 108—13); to the Committee on International Relations and ordered to be printed.

50. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

51. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

52. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

53. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule — Bureau of Political-Military Affairs; Amendments to the International Traffic in Arms Regulation: Canadian Exemption [Billing Code 4710-25] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

54. A communication from the President of the United States, transmitting an alternative plan for locality pay increases payable to civilian Federal employees covered by the General Schedules pay system in January 2003, pursuant to 5 U.S.C. 5305(a)(3); (H. Doc. No. 108—8); to the Committee on Government Reform and ordered to be printed.

55. A letter from the Director, Bureau of the Census, Department of Commerce, transmitting the Department's final rule — Bureau of the Census Geographically Updated Population Certification Program [Docket No. 020919216-2287-02] (RIN: 0607-AA37) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

56. A letter from the NARA Regulatory Contact, National Archives and Records Administration, transmitting the Administration's final rule — Expanding Transfer Options for Electronic Records (RIN: 3095-AB03) received December 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

57. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — Offical Seals (RIN: 3095-AB12) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

58. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Excepted Service — Schedule A Authority for Chinese, Japanese, and Hindu Interpreters (RIN: 3206-AJ53) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

59. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 108—14); to the Committee on House Administration and ordered to be printed.

60. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Iowa Abandoned Mine Land Reclamation Plan [IA-007-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

61. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — West Virginia Regulatory Program [WV-096-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

62. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Mississippi Regulatory Program [MS-017-FOR] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

63. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exlusive Economic Zone Off Alaska; Prohibition of Non-pelagic Trawl Gear in Cook Inlet in the Gulf of Alaska [Docket No. 0205222128-2267-02; I.D. 050602B] (RIN: 0648-AP79) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

64. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; annual Specifications and Management Measures; Trip Limit Adjustments; Correction [Docket No. 011231309-2090-03; I.D. 111302A) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

65. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02; I.D. 112602D] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

66. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and south Atlantic; Trip Limit Reduction [I.D. 112602E] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

67. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 110102E] received November 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

68. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exemption Supplement to Framework Adjustment 35 [Docket No. 021101265-2265-01; I.D. 101602A] (RIN: 0648-AQ50) received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

69. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 011218304-1304-01; I.D. 111802A] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

70. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commerical Quota Harvested for Quarter 4 Period [Docket No. 011109274-1301-02; I.D. 101602E] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

71. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 112801A] received December 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

72. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final

rule — Waiver of Criminal Grounds of Inadmissibility for Immigrants [INS No. 2249-02; AG Order No. 2641-2002] (RIN: 1115-AG90) received December 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

73. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Adjustment of Status for Certain Aliens from Vietnam, Cambodia, and Laos in the United States [INS No. 2124-01; AG Order No. 2642-2002] (RIN: 1115-AG14) received December 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

74. A letter from the Director, Regulations and Forms Services, INS, Department of Justice, transmitting the Department's final rule — Retention and Reporting of Information for F, J, and M Nonimmigrants; Student and Exchange Visitor Information System (SEVIS) [INS No. 2185-02] (RIN: 1115-AF55) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

75. A letter from the Director, Office Workers' Compensation Programs, Department of Labor, transmitting the Department's ''Major'' final rule — Performance of Functions Under This Chapter; Claims for Compensation Under the Energy Employees Occupational Illness Compensation Program Act of 2000, as Amended, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

76. A letter from the Assistant Secretary, Bureau of Indian Affairs, Department of the Interior, transmitting the Department's final rule — Partial Distribution of Fiscal Year 2003 Indian Reservation Roads Funds (RIN: 1076-AE34) received January 3, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

77. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Safety and Security Zones; Drilling and Blasting Operations, Hubline Project, Captain of the Port Boston, Massachusetts [CGD01-02-131] (RIN: 2115-AA97) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

78. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; San Pedro Bay, CA [COTP Los Angeles-Long Beach 02-004] (RIN: 2115-AA97) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

79. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations; New Rochelle Harbor, NY [CGD01-02-134] (RIN: 2115-AE47) received December 10, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

80. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulation; Mississippi River, Clinton, IA [CGD08-02-027] (RIN: 2115-AE47) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

81. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zones; Charleston Harbor, Cooper River, SC [COTP Charleston-02-146] (RIN: 2115-AA97) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

82. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Drawbridge Operation Regulations: Hutchinson River, Eastchester Creek, NY [CGD01-02-138] received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

83. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30339; Amdt. No. 3031] received December 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

84. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PIAGGIO AERO INDUSTRIES S.p.A. Model P-180 Airplanes [Docket No. 2002-CE-48-AD; Amendment 39-12954; AD 2002-23-10] (RIN: 2120-AA64) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

85. A letter from the FHWA Regulations Officer, Department of Transportation, transmitting the Department's final rule — Design-Build Contracting [FHWA Docket No. FHWA-2000-7799] (RIN: 2125-AE79) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

86. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Special Local Regulations; Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07-02-122] (RIN: 2115-AE46) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

87. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule — Security Zone; Waters Adjacent to Diablo Canyon Nuclear Power Plant, Avila Beach, CA [COTP Los Angeles-Long Beach 02-006] (RIN: 2115-AA97) received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

88. A letter from the Paralegal Specialist, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30340; Amdt. No. 3032] received December 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

89. A communication from the President of the United States, transmitting his annual report on the state of small business, pursuant to 15 U.S.C. 639(a); to the Committee on Small Business.

90. A letter from the Executive Secretary, Disabled American Veterans, transmitting the 2002 National Convention Proceedings of the Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 108—4); to the Committee on Veterans' Affairs and ordered to be printed.

91. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting the Department's final rule — Yadkin Valley Viticultural Area (2001R-88P) [T.D. No. ATF-485; Re: Notice No. 936] (RIN: 1512-AC82) received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

92. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Loans From a Qualified Employer Plan to Plan Participants or Beneficiaries [TD 9021] (RIN: 1545-AX68) received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

93. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and methods of accounting [Rev. Proc. 2002-74] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

94. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Licensing of Viatical Settlement Providers [Rev. Rul. 2002-82] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

95. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2002-80] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

96. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Interest Rates; Underpayments and Overpayments [Rev. Rul. 2002-70] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

97. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries ''Basis Shifting'' Tax Shelter [UIL NO: 9300.18-00] received December 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

98. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Liability for Insurance Premium Excise Tax [TD 9024] (RIN: 1545-AY93) received December 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

99. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxability of Beneficiary of Employees' Trust [Rev. Rul. 2002-84] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

100. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Exchange of Property Held for Productive Use or Investment [Rev. Rul. 2002-83] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

101. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Amounts received Under Accident and Health Plans [Rev. Rul. 2002-80] received November 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

102. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2003 [Rev. Proc. 2002-72]

received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

103. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out inventories [Rev. Rul. 2002-87] received December 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

104. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxpayer Identification Number Rule Where Taxpayer Claims Treaty Rate and Is Entitled to an Unexpected Payment [TD 9023] (RIN: 1545-BA39) received November 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

105. A communication from the President of the United States, transmitting a reorganization plan for the Department of Homeland Security; (H. Doc. No. 108—16); to the Committee on Homeland Security and ordered to be printed.

106. A communication from the President of the United States, transmitting notification of the functions, personnel, assets, and liabilities of the life sciences activities related to microbial pathogens of the Biological and Environmental Research Program of the Department of Energy, including the fuctions of the Secretary of Energy relating thereto, shall be transferred to the Secretary of Homeland Security; (H. Doc. No. 108—17); to the Committee on Homeland Security and ordered to be printed.

107. A letter from the Executive Director, Office of Compliance, transmitting the fourth biennial report on the applicability to the legislative branch of federal law relating to terms and conditions of employment and access to public services and accommodations, pursuant to section 102(b) of the Congressional Accountability Act of 1995; (H. Doc. No. 108—15); jointly to the Committees on House Administration and Education and the Workforce, and ordered to be printed.

108. A communication from the President of the United States, transmitting the Annual Report of the Railroad Retirement Board for Fiscal Year 2002, pursuant to 45 U.S.C. 231f(b)(6); jointly to the Committees on Transportation and Infrastructure and Ways and Means.

109. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2003 and Inclusion of Registered Nurses in the Personnel Provision of the Critical Access Hospital Emergency Services Requirement for Frontier Areas and Remote Locations, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

110. A communication from the President of the United States, transmitting a report on the progress made in achieving the militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo, pursuant to Public Law 106—398; (H. Doc. No. 108—6); jointly to the Committees on International Relations, Armed Services, and Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report was filed on December 18, 2002]

Mr. STUMP: Committee on Armed Services. Report of the Activities of the Committee on Armed Services for the 107th Congress (Rept. 107–791). Referred to the Committee of the Whole House on the State of the Union.

[The following reports were filed on December 20, 2002]

Mr. GOSS: Permanent Select Committee on Intelligence. Report of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (Rept. 107–792). Referred to the Committee of the Whole House on the State of the Union (printing awaiting declassification).

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure for the 107th Congress (Rept. 107–793). Referred to the Committee of the Whole House on the State of the Union.

[The following reports were filed on January 2, 2003]

Mr. BURTON: Committee on Government Reform. Federal Law Enforcement at the Borders and Ports of Entry—Challenges and Solutions (Rept. 107–794). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on Activities of the Committee on Appropriations During the 107th Congress (Rept. 107–795). Referred to the Committee of the Whole House on the State of the Union.

Mr. COMBEST: Committee on Agriculture. Report of the Committee on Agriculture on Activities During the 107th Congress (Rept. 107–796). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. Report of the Activities of the Committee on Education and the Workforce During the 107th Congress (Rept. 107–797). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. Report of the Activity of the Committee on Financial Services for the 107th Congress (Rept. 107–798). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFLEY: Committee on Standards of Official Conduct. Report on the Activities of the Committee on Standards of Official Conduct, One Hundred Seventh Congress (Rept. 107–799). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. Report on Legislative and Oversight Activities of the Committee on Resources, 107th Congress (Rept. 107–800). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. Report on the Legislative and Oversight Activities of the Committee on Ways and Means During the 107th Congress (Rept. 107–801). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAUZIN: Committee on Energy and Commerce. Report on the Activity of the Committee on Energy and Commerce for the 107th Congress (Rept. 107–802). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. Legislative Review Activities of the Committee on International Relations During the 107th Congress (Rept. 107–803). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. Report on activities of the Committee on Veterans Affairs' for the 107th Congress (Rept. 107–804). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. Report on the Activities of the House Committee on Government Reform for the 107th Congress (Rept. 107–805). Referred to the Committee of the Whole House on the State of the Union.

Mr. MANZULLO: Committee on Small Business. Summary of Activities of the Committee on Small Business for the 107th Congress (Rept. 107–806). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. Report of the Activities of the Committee on the Judiciary During the 107th Congress (Rept. 107–807). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. Survey of Activities of the House Committee on Rules, 107th Congress (Rept. 107–808). Referred to the Committee of the Whole House on the State of the Union.

[The following reports were filed on January 7, 2003]

Mr. SESSIONS: Committee on Rules. House Resolution 14. Resolution providing for consideration of the bill (S. 23) to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends (Rept. 108–1). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 15. Resolution providing for consideration of the joint resolution (H.J. Res. 1) making further continuing appropriations for the fiscal year 2003, and for other purposes, and for consideration of the joint resolution (H.J. Res. 2) making further continuing appropriations for the fiscal year 2003, and for other purposes (Rept. 108–2). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. OXLEY (for himself, Mr. FRANK of Massachusetts, Mr. LEACH, Mr. KANJORSKI, Mr. BEREUTER, Mr. GUTIERREZ, Mr. BAKER, Mr. ACKERMAN, Mr. BACHUS, Mr. FORD, Mr. CASTLE, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. NEY, Mrs. KELLY, Mr. OSE, Mr. GONZALEZ, Mr. JONES of North Carolina, Mr. SHAYS, Mr. ISRAEL, Mr. GARY G. MILLER of California, Mr. ROSS, Mr. FERGUSON, Mr. MATSUI, Mr. SHAW, Ms. ESHOO, Mr. VITTER, Mr. BLUMENAUER, Mr. SIMMONS, Mr. DAVIS of Alabama, Ms. LEE, and Mr. HINOJOSA):

H.R. 11. A bill to extend the national flood insurance program; to the Committee on Financial Services.

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. ISAKSON, Mr. PETRI, Mrs. MCCARTHY of New York, Mr. BALLENGER, Mr. SOUDER, Mr. KIND, Mr. TIBERI, Mr. KELLER, Mr. WU, Mr.

OSBORNE, Mr. WILSON of South Carolina, and Mr. BOYD):

H.R. 12. A bill to make changes to the Higher Education Act of 1965 incorporating the results of the FED UP Initiative, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. CASTLE, Mr. GREENWOOD, Mr. SOUDER, Mr. EHLERS, Mr. ISAKSON, Mrs. BIGGERT, Mr. OSBORNE, Mr. WILSON of South Carolina, and Mr. ENGLISH):

H.R. 13. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. DELAY, Mr. GEORGE MILLER of California, and Mr. GREENWOOD):

H.R. 14. A bill to amend the Child Abuse Prevention and Treatment Act to make improvements to and reauthorize programs under that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. DINGELL:

H.R. 15. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. CONYERS, Mr. COBLE, and Mr. BERMAN):

H.R. 16. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003; to the Committee on the Judiciary.

By Mr. RANGEL (for himself, Mr. CARDIN, Ms. PELOSI, Mr. HOYER, Mr. MENENDEZ, Mr. SPRATT, Mr. CLYBURN, Mr. STARK, Mr. MATSUI, Mr. LEVIN, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. KLECZKA, Mr. JEFFERSON, Mr. NEAL of Massachusetts, Mr. BECERRA, Mr. MCNULTY, Mr. POMEROY, Mr. ABERCROMBIE, Mr. ACEVEDO-VILÁ, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Mr. BERRY, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CAPUANO, Ms. CARSON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. DELAHUNT, Ms. DELAURO, Mr. DEUTSCH, Mr. DINGELL, Mr. DOOLEY of California, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FORD, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEPHARDT, Mr. GREEN of Texas, Mr. GUTIERREZ, Mr. HOEFFEL, Mr. HOLDEN, Mr. VAN HOLLEN, Mr. HOLT, Mr. INSLEE, Mr. ISRAEL, Mr. LANGEVIN, Mr. LARSEN of Washington, Ms. LEE, Ms. JACKSON-LEE of Texas, Ms. LOFGREN, Mrs. JONES of Ohio, Mrs. LOWEY, Mr. LYNCH, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mrs. MALONEY, Mr. MARKEY, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MEEHAN, Mr. MEEKS of New York, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Mr. MOLLOHAN, Mr. MOORE, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Ms. NORTON, Mr. OBEY, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RAHALL, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SOLIS, Mr. STRICKLAND, Mr. STUPAK, Mr. TIERNEY, Mr. THOMPSON of Mississippi, Mr. UDALL of Colorado, Mr. VISCLOSKY, Ms. WATSON, Mr. WEINER, and Mr. WYNN):

H.R. 17. A bill to provide economic security for America's workers; to the Committee on Ways and Means.

By Mrs. BIGGERT:

H.R. 18. A bill to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. RANGEL, and Mr. LEVIN):

H.R. 19. A bill to provide for a program of temporary enhanced unemployment benefits; to the Committee on Ways and Means.

By Mrs. KELLY (for herself and Mrs. TAUSCHER):

H.R. 20. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEACH (for himself, Mr. OXLEY, Mr. ROGERS of Michigan, Mr. PICKERING, Mr. NORWOOD, Mr. GOODLATTE, Mr. BACHUS, Mrs. KELLY, Mr. WOLF, Mr. SPRATT, Mr. OSBORNE, Mr. PITTS, Mr. BERRY, and Mr. GILLMOR):

H.R. 21. A bill to prevent the use of certain bank instruments for unlawful Internet gambling, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON:

H.R. 22. A bill to simplify certain provisions of the Internal Revenue Code of 1986 and to establish a uniform pass-thru regime; to the Committee on Ways and Means.

By Mr. BACHUS:

H.R. 23. A bill to amend the Housing and Community Development Act of 1974 to authorize communities to use community development block grant funds for construction of tornado-safe shelters in manufactured home parks; to the Committee on Financial Services.

By Mr. BECERRA:

H.R. 24. A bill to require ballistics testing of firearms manufactured in or imported into the United States, and to provide for the compilation, use, and availability of ballistics information for the purpose of curbing the use of firearms in crime; to the Committee on the Judiciary.

By Mr. LINDER (for himself and Mr. PETERSON of Minnesota):

H.R. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 26. A bill to amend title XVIII of the Social Security Act to revise and improve payments to providers of services under the Medicare Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 27. A bill to amend the United States Housing Act of 1937 to exempt small public housing agencies from the requirement of preparing an annual public housing agency plan; to the Committee on Financial Services.

By Mr. BEREUTER:

H.R. 28. A bill to amend section 501 of the American Homeownership and Economic Opportunity Act of 2000 to provide for the establishment of the Lands Title Report Commission for Indian trust lands; to the Committee on Financial Services.

By Mr. BEREUTER (for himself, Mr. TERRY, and Mr. OSBORNE):

H.R. 29. A bill to convert a temporary judgeship for the district of Nebraska to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. BEREUTER:

H.R. 30. A bill to amend the Water Resources Development Act of 1992 to authorize the Secretary of the Army to pay the non-Federal share for managing recreation facilities and natural resources to water resource development projects if the non-Federal interest has agreed to reimburse the Secretary, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MILLER of Florida (for himself, Mr. PAUL, Mr. GOODE, Mr. LARSEN of Washington, Mr. TANCREDO, Mr. OSE, Mr. HALL, and Mr. FORBES):

H.R. 31. A bill to nullify the recent pay increase and to eliminate automatic pay adjustments for Members of Congress; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER:

H.R. 32. A bill to amend the Internal Revenue Code of 1986 to provide a higher purchase price limitation applicable to mortgage subsidy bonds based on median family income; to the Committee on Ways and Means.

By Mr. BEREUTER (for himself, Mr. BERRY, Mr. FOLEY, Mr. MURTHA, Mr. KILDEE, Mr. COSTELLO, Mr. GREEN of Wisconsin, Mr. NETHERCUTT, Mr. MCINTYRE, Mr. TOWNS, Mr. LUCAS of Oklahoma, Mrs. WILSON of New Mexico, Mr. BOUCHER, Mr. TERRY, Mr. BAIRD, Mrs. CUBIN, Mr. BASS, Mr. FROST, and Mr. OSBORNE):

H.R. 33. A bill to amend title XVIII of the Social Security Act to establish a minimum geographic cost-of-practice index value for physicians' services furnished under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself, Mr. EHLERS, Mrs. TAUSCHER, Mr. ANDREWS, Mr. BOSWELL, Mr. JOHNSON of Illinois, Mr. HOLT, Mr. TOM DAVIS of Virginia, Mr. HONDA, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. SHIMKUS, Mr. WAMP, Mr. HOUGHTON, Mr. HASTINGS of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. NADLER, Mr. LEACH, Mr. BOYD, Mr. HINCHEY, Mr. BAIRD, Mr. ETHERIDGE, Mr. UDALL of New Mexico, Mr. FILNER, Ms. ROYBAL-ALLARD, Mrs. MCCARTHY of New York, Mr. CAPUANO, Ms. SLAUGHTER, Mr. MCDERMOTT, Mr. CALVERT, Mr. SCHIFF, Mr. DEUTSCH, Mr. WELLER, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Mr. SIMPSON, Mr. HINOJOSA, Mr. RUSH, Mrs. DAVIS of California, and Mr. STUPAK):

H.R. 34. A bill to authorize appropriations for fiscal years 2004, 2005, 2006, and 2007 for the Department of Energy Office of Science, to ensure that the United States is the world leader in key scientific fields by restoring a healthy balance of science funding, to ensure maximum utilization of the national user facilities, and to secure the Nation's supply of scientists for the 21st century, and for other purposes; to the Committee on Science.

By Mrs. BIGGERT:

H.R. 35. A bill to amend the Family and Medical Leave Act of 1993 to clarify the Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. SMITH of New Jersey, and Mr. EVANS):

H.R. 36. A bill to amend title 38, United States Code, to provide that remarriage of the surviving spouse of a deceased veteran after age 55 shall not result in termination of dependency and indemnity compensation otherwise payable to that surviving spouse; to the Committee on Veterans' Affairs.

By Mr. BOEHLERT:

H.R. 37. A bill to elevate the Environmental Protection Agency to Cabinet-level status and redesignate such agency as the Department of Environmental Protection; to the Committee on Government Reform.

By Mrs. CAPITO:

H.R. 38. A bill to amend title XVIII of the Social Security Act to provide for a voluntary outpatient prescription drug benefit program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 39. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KILPATRICK, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. OWENS, Mr. RANGEL, Mr. RUSH, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Ms. WATSON, and Mr. WYNN):

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Mr. LARSEN of Washington, Mr. TAYLOR of Mississippi, Mrs. DAVIS of California, Ms. WOOLSEY, Ms. LOFGREN, Mr. ROSS, Mr. MARKEY, Mr. BOUCHER, Mr. GREEN of Texas, Mr. BRADY of Pennsylvania, Mr. MCNULTY, Ms. CARSON of Indiana, Ms. SLAUGHTER, Mr. REYES, Mr. FRANK of Massachusetts, Mr. MORAN of Virginia, Mr. FROST, Mr. ISRAEL, Mr. DOGGETT, Mr. HINCHEY, Mr. DAVIS of Florida, Mr. RODRIGUEZ, Mr. NADLER, and Mr. WYNN):

H.R. 41. A bill to amend title XVIII of the Social Security Act to specify the update for payments under the Medicare physician fee schedule for 2003; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS:

H.R. 42. A bill to amend the Internal Revenue Code of 1986 reduce individual capital gains rates; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 43. A bill to amend the Internal Revenue Code of 1986 to repeal the alternative minimum tax on corporations and individuals; to the Committee on Ways and Means.

By Mr. DREIER (for himself, Mr. HALL, Ms. DUNN, Ms. MCCARTHY of Missouri, Mr. ENGLISH, Mr. SESSIONS, Mr. TOOMEY, and Mr. MANZULLO):

H.R. 44. A bill to amend the Internal Revenue Code of 1986 to provide reduced capital gain rates for qualified economic stimulus gain and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 45. A bill to amend the Internal Revenue Code of 1986 to repeal the double taxation of corporate profits; to the Committee on Ways and Means.

By Mr. COLLINS:

H.R. 46. A bill to require the Secretary of the Treasury to submit a study of tax depreciation recovery periods; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. RODRIGUEZ, Ms. ROS-LEHTINEN, Mr. ABERCROMBIE, Mr. DELAHUNT, Mr. FATTAH, Mr. BERMAN, Mr. GUTIERREZ, Mr. MCDERMOTT, Mr. PAYNE, Mr. REYES, Ms. LEE, Mr. NADLER, Mr. SERRANO, Mr. KLECZKA, Ms. ROYBAL-ALLARD, Mr. FILNER, Ms. SCHAKOWSKY, Mr. HONDA, Mrs. JONES of Ohio, and Ms. WOOLSEY):

H.R. 47. A bill to amend the Immigration and Nationality Act to restore fairness to immigration law, and for other purposes; to the Committee on the Judiciary.

By Mr. COX (for himself, Mr. LANTOS, Mr. ACKERMAN, Mr. CUNNINGHAM, Mr. POMEROY, Mr. WELLER, Ms. ROS-LEHTINEN, and Mr. SCHIFF):

H.R. 48. A bill to develop and deploy technologies to defeat Internet jamming and censorship; to the Committee on International Relations.

By Mr. COX (for himself, Mr. CALVERT, Mr. CANNON, Mr. CHABOT, Mr. CUNNINGHAM, Mr. TOM DAVIS of Virginia, Mr. DREIER, Mr. FLAKE, Mr. GOODLATTE, Mr. HERGER, Mr. HYDE, Mr. ISSA, Mr. MCKEON, Mr. GARY G. MILLER of California, Mr. OSE, Mr. PENCE, Mr. PLATTS, Mr. POMBO, Mr. ROHRABACHER, Mr. WELDON of Florida, Mr. DOOLITTLE, Mrs. MUSGRAVE, Ms. GINNY BROWN-WAITE of Florida, Mr. SWEENEY, Mr. FRANKS of Arizona, Mr. KING of Iowa, Mr. MCCOTTER, Mr. BLUMENAUER, Mr. ROYCE, Mr. TANCREDO, Mr. BLUNT, Mr. DICKS, Mr. LEWIS of California, and Mr. BEAUPREZ):

H.R. 49. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on the Judiciary.

By Mr. COX (for himself, Mrs. BIGGERT, Mr. BROWN of South Carolina, Mr. BURTON of Indiana, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. DEMINT, Mr. DUNCAN, Mr. ENGLISH, Mr. FLAKE, Mr. GALLEGLY, Mr. HERGER, Mr. HYDE, Mr. ISTOOK, Mr. KOLBE, Mr. LATHAM, Mr. MILLER of Florida, Mr. NETHERCUTT, Mr. OTTER, Mr. PAUL, Mr. PENCE, Mr. PETRI, Mr. PLATTS, Mr. SESSIONS, Mr. SHADEGG, Mr. SHUSTER, Mr. SMITH of Michigan, Mr. SOUDER, Mr. SWEENEY, Mr. TIAHRT, Mr. WELDON of Florida, and Mr. WILSON of South Carolina):

H.R. 50. A bill to amend the Internal Revenue Code of 1986 to eliminate the double taxation of dividends; to the Committee on Ways and Means.

By Mr. COX:

H.R. 51. A bill to repeal the Federal death tax, including the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. COX:

H.R. 52. A bill to amend the Internal Revenue Code of 1986 to repeal the ''luxury tax'' on beer, enacted in the Omnibus Budget Reconciliation Act of 1990, which doubled previous excise levels; to the Committee on Ways and Means.

By Mr. COX:

H.R. 53. A bill to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. CRENSHAW (for himself, Mr. MICA, Mr. PUTNAM, Mr. OXLEY, Mr. FORBES, and Mr. KENNEDY of Minnesota):

H.R. 54. A bill to establish a grant program that provides incentives for States to enact mandatory minimum sentences for certain firearms offenses, and for other purposes; to the Committee on the Judiciary.

By Mr. DREIER (for himself and Mr. MENENDEZ):

H.R. 55. A bill to provide authority to control exports, and for other purposes; to the Committee on International Relations.

By Mr. DREIER:

H.R. 56. A bill to make the Federal employees health benefits program available to individuals age 55 to 65 who would not otherwise have health insurance, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DUNN (for herself, Mr. CRAMER, Mr. SHUSTER, Mr. DEMINT, Mr. NETHERCUTT, Mr. KOLBE, Mr. HERGER, Mr. HASTINGS of Washington, Mr. CAMP, Mr. FOLEY, Mr. WILSON of South Carolina, Mr. WELLER, Mr. PUTNAM, Mr. TOOMEY, Mr. MCKEON, Mr. MICA, Mr. WICKER, Mr. BOEHNER, Mr. PLATTS, Mr. GOODE, Mr. TOM DAVIS of Virginia, Mr. NORWOOD, Mr. WELDON of Florida, Mr. GIBBONS, Mr. BASS, Mr. CUNNINGHAM, Mr. SHIMKUS, Mr. WAMP, Mrs. MYRICK, Mr. PICKERING, Mr. RYAN of Wisconsin, Mr. ROGERS of Michigan, Mr. KIRK, Mr. JONES of North Carolina, Mr. WOLF, Mr. BOUCHER, Mr. REYNOLDS, Mr. ENGLISH, Mr. HALL, Mrs. NORTHUP, Mr. KNOLLENBERG, Mr. HAYWORTH, Mr. DREIER, Mr. MCINNIS, Mr. CRANE, Mr. SHAW, Mr. ABERCROMBIE, Mr. SOUDER, Mrs. WILSON of New Mexico, Mr. ROGERS of Kentucky, Mr. SAM JOHNSON of Texas, Mr. REHBERG, and Mr. CALVERT):

H.R. 57. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. EDWARDS:

H.R. 58. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 59. A bill to amend the Emergency Food Assistance Act of 1983 to permit States to use administrative funds to pay costs relating to the processing, transporting, and distributing to eligible recipient agencies of donated wild game; to the Committee on Agriculture.

By Mr. EHLERS:

H.R. 60. A bill to amend the Metric Conversion Act of 1975 to require Federal agencies to impose certain requirements on recipients of awards for scientific and engineering research; to the Committee on Science.

By Mr. EHLERS:

H.R. 61. A bill to amend the Internal Revenue Code of 1986 to provide that the percentage of completion method of accounting shall be required to be used with respect to contracts for the manufacture of property if no payments are required to be made before the completion of the manufacture of such property; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 62. A bill to establish the Medicare Eligible Military Retiree Health Care Consensus Task Force; to the Committee on Armed Services.

By Mrs. EMERSON:

H.R. 63. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers affected by the changes in benefit computation rules enacted in the Social Security Amendments of 1977 who attain age 65 during the 10-year period after 1981 and before 1992 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 64. A bill to amend the Internal Revenue Code of 1986 to allow penalty-free distributions from qualified retirement plans on account of the death or disability of the participant's spouse; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 65. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare part B; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 66. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to certain senior citizens for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself and Mr. HAYWORTH):

H.R. 67. A bill to provide temporary legal exemptions for certain land management activities of the Federal land management agencies undertaken in federally declared disaster areas; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRELINGHUYSEN:

H.R. 68. A bill to ensure the efficient allocation of telephone numbers; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 69. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 70. A bill to regulate the use by interactive computer services of Social Security account numbers and related personally identifiable information; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 71. A bill to require customer consent to the provision of wireless call location information; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN (for himself, Mr. FERGUSON, Mr. HOLT, and Mr. PALLONE):

H.R. 72. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents, and for other purposes; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 73. A bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 74. A bill to direct the Secretary of Agriculture to convey certain land in the lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California; to the Committee on Resources.

By Mr. SHAW (for himself, Mr. FOLEY, Mr. LEWIS of Kentucky, Mr. NORWOOD, and Mr. SMITH of Michigan):

H.R. 75. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security program through the creation of personal Social Security guarantee accounts ensuring full benefits for all workers and their families, restoring long-term Social Security solvency, to make certain benefit improvements, and for other purposes; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas:

H.R. 76. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 77. A bill to provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 78. A bill to amend title XVIII of the Social Security Act to require hospitals reimbursed under the Medicare system to establish and implement security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing from the hospital; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 79. A bill to require the Secretary of Education to conduct a study and submit to Congress a report on methods for identifying and treating children with dyslexia in kindergarten through third grade; to the Committee on Education and the Workforce.

By Ms. JACKSON-LEE of Texas:

H.R. 80. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 81. A bill to amend the Public Health Service Act with respect to mental health services for children, adolescents and their families; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 82. A bill to increase the numerical limitation on the number of asylees whose status may be adjusted to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 83. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 84. A bill to assist aliens who were transplanted to the United States as children in continuing their education and otherwise integrating into American society; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 85. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 86. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 87. A bill to modify the requirements applicable to the admission into the United States of H-1C nonimmigrant registered nurses, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 88. A bill to amend the Immigration and Nationality Act to modify the requirements for a child born abroad and out of wedlock to acquire citizenship based on the citizenship of the child's father, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 89. A bill to create a separate DNA database for violent predators against children, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 90. A bill to establish the Cultural Competence Commission; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 91. A bill to name the Department of Veterans Affairs in Houston, Texas, as the ''Michael E. DeBakey Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Mr. GRAVES:

H.R. 92. A bill to provide emergency disaster assistance to agricultural producers to respond to severe crop losses incurred in 2001 and 2002; to the Committee on Agriculture.

By Mr. GREEN of Texas:

H.R. 93. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GREEN of Texas:

H.R. 94. A bill to amend the Communications Act of 1934 to provide for the use of unexpended universal service funds in low-income schools, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GREEN of Texas:

H.R. 95. A bill to make amounts provided under the Operation Safe Home and New Approach Anti-Drug programs available for use for providing law enforcement officers to patrol and provide security for housing assisted by the Department of Housing and Urban Development; to the Committee on Financial Services.

By Mr. HALL:

H.R. 96. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. HALL (for himself and Mr. WEXLER):

H.R. 97. A bill to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totalling $5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977, and for other purposes; to the Committee on Ways and Means.

By Mr. GREEN of Texas:

H.R. 98. A bill to amend the National Flood Insurance Act of 1968 to provide a 50 percent discount in flood insurance rates for the first 5 years that certain low-cost properties are included in flood hazard zones; to the Committee on Financial Services.

By Mr. GREEN of Texas:

H.R. 99. A bill to designate ''God Bless America'' as the national hymn of the United States; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 100. A bill to restate, clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 101. A bill to provide Capitol-flown flags to the families of deceased law enforcement officers; to the Committee on the Judiciary.

By Mr. GREEN of Texas:

H.R. 102. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 103. A bill to provide that no more than 50 percent of funding made available under the Low-Income Home Energy Assistance Act of 1981 for any fiscal year be provided for home heating purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GREEN of Texas:

H.R. 104. A bill to amend title II of the Social Security Act to eliminate the 24-month waiting period for disabled individuals to become eligible for Medicare benefits; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 105. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish a program to provide Federal grants to first responders to enhance their ability to respond to incidents of terrorism, including incidents involving weapons of mass destruction, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HAYWORTH:

H.R. 106. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Education and the Workforce.

By Mr. BOUCHER (for himself, Mr. DOOLITTLE, Mr. BACHUS, and Mr. KENNEDY of Rhode Island):

H.R. 107. A bill to amend the Federal Trade Commission Act to provide that the advertising or sale of a mislabeled copy-protected music disc is an unfair method of competition and an unfair and deceptive act or practice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 108. A bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; to the Committee on Resources.

By Mr. HAYWORTH:

H.R. 109. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 110. A bill to require Congress and the President to fulfill their constitutional duty to take personal responsibility for Federal laws; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT (for himself, Mr. KANJORSKI, Mr. LATOURETTE, Ms. WATERS, Mrs. NORTHUP, Mr. SHERMAN, Mr. LEWIS of California, Mr. YOUNG of Florida, Mr. WAMP, Ms. WOOLSEY, Mrs. BONO, Mr. CUNNINGHAM, Mr. FOLEY, Mr. SANDERS, Mr. MURTHA, Mr. CONYERS, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. TOWNS, Mr. FARR, Mr. OWENS, Mr. SANDLIN, Ms. KAPTUR, Mr. BRADY of Texas, Ms. LEE, Mr. THOMPSON of California, Ms. NORTON, Mr. VITTER, Mr. DELAHUNT, Mr. GEORGE MILLER of California, Mr. ANDREWS, Mr. LANTOS, Mr. DOOLITTLE, Mr. SAXTON, Mr. NADLER, Mr. MATSUI, Mr. ISRAEL, Mrs. JO ANN DAVIS of Virginia, Mr. BLUMENAUER, Mr. GORDON, Mrs. CAPITO, Mr. HERGER, Mr. GOODLATTE, Mr. WEINER, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. HOLT, Mr. LARSEN of Washington, Mr. QUINN, Mr. SIMMONS, Mr. HOLDEN, Mr. ABERCROMBIE, Ms. SLAUGHTER, Mrs. JONES of Ohio, Mr. TANCREDO, Mr. SMITH of New Jersey, Mr. DUNCAN, Mr. SHUSTER, Mr. LOBIONDO, Mr. BARTON of

Texas, Ms. GRANGER, Ms. ESHOO, Mr. LARSON of Connecticut, Ms. MILLENDER-MCDONALD, Mr. UDALL of Colorado, Ms. ROYBAL-ALLARD, Mr. ROTHMAN, Mr. LAMPSON, Mr. MILLER of Florida, Mr. BAIRD, Mr. WHITFIELD, Mr. SHAW, Ms. SOLIS, Mr. DEFAZIO, Mr. MCKEON, Mr. BURTON of Indiana, Mr. LEWIS of Kentucky, Ms. CORRINE BROWN of Florida, Mr. LEVIN, Mr. PASCRELL, Mr. DAVIS of Illinois, Mr. GUTIERREZ, Mr. GREEN of Texas, Mr. MATHESON, Mr. CRAMER, Mr. STEARNS, Mr. ROGERS of Alabama, Mr. HINOJOSA, Ms. HARMAN, Mr. FORD, Mr. OTTER, Mr. KIRK, Mr. RODRIGUEZ, Mr. HOBSON, Mr. WEXLER, Mr. HEFLEY, Mr. BROWN of Ohio, Mr. MCINNIS, Ms. BALDWIN, Mr. ADERHOLT, Mr. ENGEL, Mr. MICA, Mr. HUNTER, Mr. EVERETT, Mr. BERMAN, Mr. TAUZIN, Mr. GIBBONS, Mr. DICKS, Mr. CARDOZA, Mr. BOEHLERT, and Mr. DINGELL):

H.R. 111. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Financial Services.

By Mr. HEFLEY:

H.R. 112. A bill to amend title 28, United States Code, to provide for an additional place of holding court in the District of Colorado; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey (for himself, Mr. PALLONE, Mr. ANDREWS, Mr. LOBIONDO, Mr. SAXTON, Mr. FRELINGHUYSEN, Mr. HOLT, and Mr. ROTHMAN):

H.R. 113. A bill to establish the HARS-specific PCB effects level, expressed in a certain Memorandum of Agreement issued by the Environmental Protection Agency and the Corps of Engineers, as a final criterion; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY:

H.R. 114. A bill to require that the Secretary of the Interior conduct a study to identify sites and resources, to recommend alternatives for commemorating and interpreting the Cold War, and for other purposes; to the Committee on Resources.

By Mr. HEFLEY:

H.R. 115. A bill to amend title 49, United States Code, to improve airport security by using biometric security badges, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY (for himself, Mr. UDALL of Colorado, Mr. MCINNIS, Mrs. MUSGRAVE, Mr. TANCREDO, Mr. BEAUPREZ, and Ms. DEGETTE):

H.R. 116. A bill to authorize the Secretary of Veterans Affairs to construct, lease, or modify major medical facilities at the site of the former Fitzsimons Army Medical Center, Aurora, Colorado; to the Committee on Veterans' Affairs.

By Mr. HEFLEY:

H.R. 117. A bill to amend the Internal Revenue Code of 1986 to extend to civilian employees of the Department of Defense serving in combat zones the tax treatment allowed to members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 118. A bill to overrule United States v. Fior D'Italia, Inc; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 119. A bill to require the Secretary of the Interior to establish a program to provide assistance through States to eligible weed management entities to control or eradicate harmful, nonnative weeds on public and private land; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 120. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for contributions for scholarships to attend elementary and secondary schools, for upgrading elementary and secondary school facilities, and for expenses related to technology for elementary and secondary schools; to the Committee on Ways and Means.

By Mr. HOLT:

H.R. 121. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture.

By Mr. HOLT:

H.R. 122. A bill to amend section 227 of the Communications Act of 1934 to prohibit the use of the text, graphic, or image messaging systems of wireless telephone systems to transmit unsolicited commercial messages; to the Committee on Energy and Commerce.

By Mr. HOLT:

H.R. 123. A bill to repeal the provision of the September 11th Victim Compensation Fund of 2001 that requires the reduction of a claimant's compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes; to the Committee on the Judiciary.

By Mr. HOLT:

H.R. 124. A bill to provide for the mandatory licensing and registration of handguns; to the Committee on the Judiciary.

By Mr. HOLT (for himself, Mr. BOEHLERT, Mr. HOUGHTON, Mr. ETHERIDGE, Ms. DELAURO, Mr. HINCHEY, Mr. NADLER, Mr. MCDERMOTT, Mr. SNYDER, Mr. MARKEY, Mr. BRADY of Pennsylvania, Mr. KIND, Mr. SMITH of Washington, Mr. GREENWOOD, Mr. ENGEL, and Mr. BLUMENAUER):

H.R. 125. A bill to reestablish the Office of Technology Assessment; to the Committee on Science.

By Mr. HOLT (for himself, Mr. CUNNINGHAM, and Mrs. NORTHUP):

H.R. 126. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 127. A bill to amend the Congressional Budget Act of 1974 to preserve all budget surpluses until legislation is enacted significantly extending the solvency of the Social Security and Medicare trust funds; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 128. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of oral drugs to treat low blood calcium levels or elevated parathyroid hormone levels for patients with end stage renal disease; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 129. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a tax deduction for higher education expenses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KAPTUR (for herself, Mr. BOSWELL, and Mr. HINCHEY):

H.R. 130. A bill to provide for a Biofuels Feedstocks Energy Reserve, and to authorize the Secretary of Agriculture to make and guarantee loans for the production, distribution, development, and storage of biofuels; to the Committee on Agriculture.

By Ms. KILPATRICK:

H.R. 131. A bill to prevent fraud and deception in network recreational games; to the Committee on Energy and Commerce.

By Ms. KILPATRICK:

H.R. 132. A bill to create Federal advertising procurement opportunities for minority business concerns, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 133. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself and Mrs. NORTHUP):

H.R. 134. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Ways and Means.

By Mr. LINDER (for himself, Mr. CALVERT, Mr. DUNCAN, and Mr. SHUSTER):

H.R. 135. A bill to establish the ''Twenty-First Century Water Commission'' to study and develop recommendations for a comprehensive water strategy to address future water needs; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 136. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for farmers' investments in value-added agriculture; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 137. A bill to provide job creation and assistance, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 138. A bill to bridge the digital divide in rural areas; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINNIS:

H.R. 139. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. MCINTYRE (for himself, Mr. BOYD, and Mr. TOM DAVIS of Virginia):

H.R. 140. A bill to eliminate the Federal quota and price support programs for tobacco, to compensate quota holders and active producers for the loss of tobacco quota asset value, to establish a permanent advisory board to determine and describe the physical characteristics of United States farm-produced tobacco and unmanufactured imported tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCINTYRE (for himself, Mr. HAYES, and Mr. MILLER of North Carolina):

H.R. 141. A bill to establish the SouthEast Crescent Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California:

H.R. 142. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional water recycling project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, and to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project; to the Committee on Resources.

By Mr. NADLER:

H.R. 143. A bill to prohibit the importation of dangerous firearms that have been modified to avoid the ban on semiautomatic assault weapons; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 144. A bill to control the sale of gun kits; to the Committee on the Judiciary.

By Mr. NADLER:

H.R. 145. A bill to designate the Federal building located at 290 Broadway in New York, New York, as the ''Ted Weiss Federal Building''; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 146. A bill to eliminate a limitation with respect to the collection of tolls for use of the Verrazano Narrows Bridge, New York; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 147. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross estate the value of certain works of artistic property created by the decedent; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 148. A bill to provide that Community Development Block Grant funds relating to the recovery of New York City from the September 11, 2001, terrorist attacks shall not be subject to Federal taxation; to the Committee on Ways and Means.

By Mr. NADLER (for himself and Mr. CROWLEY):

H.R. 149. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 150. A bill to amend the Internal Revenue Code of 1986 to provide for regional cost of living adjustments; to the Committee on Ways and Means.

By Mr. NETHERCUTT (for himself, Mr. HAYWORTH, Ms. DEGETTE, and Mr. KILDEE):

H.R. 151. A bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes; to the Committee on Resources, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASTOR (for himself and Mr. GUTIERREZ):

H.R. 152. A bill to adjust the status of certain aliens with longstanding ties to the United States to that of an alien lawfully admitted to permanent residence, and for other purposes; to the Committee on the Judiciary.

By Mr. PAUL:

H.R. 153. A bill to restore the second amendment rights of all Americans; to the Committee on the Judiciary.

By Mr. PAUL (for himself and Mr. HALL):

H.R. 154. A bill to exclude certain properties from the John H. Chafee Coastal Barrier Resources System; to the Committee on Resources.

By Mr. PAUL (for himself and Mr. KINGSTON):

H.R. 155. A bill to support the domestic shrimping industry by eliminating taxpayer subsidies for certain competitors, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Resources, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI (for himself, Mrs. MALONEY, Mr. SHIMKUS, Mr. MCGOVERN, Mr. GREEN of Wisconsin, and Mr. SHAYS):

H.R. 156. A bill to amend the Federal Election Campaign Act of 1971 to require persons conducting Federal election polls by telephone to disclose certain information to respondents and the Federal Election Commission; to the Committee on House Administration.

By Mr. PETRI (for himself, Mr. KANJORSKI, Mr. FRANKS of Arizona, and Mr. ENGLISH):

H.R. 157. A bill to amend the Internal Revenue Code of 1986 to provide a credit and a deduction for small political contributions; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 158. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. PITTS:

H.R. 159. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain on the sale or exchange of certain farmland the use of which is restricted in perpetuity to use as farmland; to the Committee on Ways and Means.

By Mr. POMEROY (for himself, Mrs. CUBIN, Mr. BOSWELL, and Mr. BALLANCE):

H.R. 160. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture.

By Mr. PORTMAN:

H.R. 161. A bill to designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. QUINN (for himself, Mr. MCHUGH, Mr. LOBIONDO, Mr. KING of New York, and Mr. WALSH):

H.R. 162. A bill to amend the Temporary Extended Unemployment Act of 2002 to provide for additional weeks of benefits to exhaustees, and to provide for a temporary extension of the temporary extended unemployment program; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. MCDERMOTT, Mr. CONYERS, Mr. LEWIS of Georgia, Mr. STARK, and Mr. ABERCROMBIE):

H.R. 163. A bill to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes; to the Committee on Armed Services.

By Mr. REGULA:

H.R. 164. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Resources.

By Mr. REYNOLDS (for himself, Mr. DOOLITTLE, and Mr. FLAKE):

H.R. 165. A bill to prohibit the Secretary of the Treasury from using surplus funds to make any investment in securities, other than government and municipal securities; to the Committee on Financial Services.

By Mr. REYNOLDS:

H.R. 166. A bill to repeal limitations under the Home Investment Partnerships Act on the percentage of the operating budget of an organization receiving assistance under such Act that may be funded under such Act; to the Committee on Financial Services.

By Mr. REYNOLDS (for himself, Mr. SESSIONS, Mr. CROWLEY, Mr. ISRAEL, Mr. HOLDEN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MCNULTY, Mr. WELLER, Mr. SWEENEY, Mr. SOUDER, Mr. OTTER, Mr. CANTOR, and Mr. WAMP):

H.R. 167. A bill to take certain steps toward recognition by the United States of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mr. REYNOLDS:

H.R. 168. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to

the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself, Mr. MCGOVERN, and Mrs. MALONEY):

H.R. 169. A bill to amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mr. DOOLITTLE, Mr. ENGLISH, and Mr. SOUDER):

H.R. 170. A bill to amend the Internal Revenue Code of 1986 to simplify and reduce the capital gain rates for all taxpayers and to exclude from gross income 55 percent of the dividends received by individuals, and for other purposes; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself and Mrs. MYRICK):

H.R. 171. A bill to amend the Internal Revenue Code of 1986 to repeal the provision that limited the interest deduction on refinanced home mortgage indebtedness to the amount of the indebtedness being refinanced; to the Committee on Ways and Means.

By Mr. REYNOLDS (for himself, Mr. QUINN, Mr. BOEHLERT, Mr. SWEENEY, Mr. SMITH of New Jersey, Mr. MCGOVERN, Mr. GREENWOOD, Mr. SERRANO, Mrs. MCCARTHY of New York, Mr. TOWNS, Mrs. MALONEY, Mrs. LOWEY, Mr. ENGEL, Mr. NADLER, Mr. WEINER, and Mr. HINCHEY):

H.R. 172. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 173. A bill to amend title II of the Social Security Act to increase the level of earnings under which no individual who is blind is determined to have demonstrated an ability to engage in substantial gainful activity for purposes of determining disability; to the Committee on Ways and Means.

By Ms. ROS-LEHTINEN:

H.R. 174. A bill to provide for the conveyance of certain real property by the Administrator of General Services; to the Committee on Government Reform.

By Mr. ROYCE:

H.R. 175. A bill to abolish the Advanced Technology Program; to the Committee on Science.

By Mr. ROYCE (for himself and Mr. KENNEDY of Minnesota):

H.R. 176. A bill to amend the Internal Revenue Code of 1986 to allow amounts elected for reimbursement of medical care expenses under a health flexible spending arrangement that are unused during a plan year to be carried over for such use for subsequent plan years; to the Committee on Ways and Means.

By Mr. ROYCE:

H.R. 177. A bill to strengthen and protect Social Security; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin:

H.R. 178. A bill to amend the Internal Revenue Code of 1986 to give a deduction to corporations for dividends paid and to exclude dividends from gross income; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. WELLER, Mrs. JOHNSON of Connecticut, Mr. CRANE, Mr. LEWIS of Kentucky, Mr. FOLEY, and Mr. MANZULLO):

H.R. 179. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. RYAN of Wisconsin (for himself, Mr. BRADY of Texas, Mr. AKIN, Mr. ROYCE, and Mr. SESSIONS):

H.R. 180. A bill to reform Federal budget procedures to restrain congressional spending, foster greater oversight of the budget, account for accurate Government agency costs, and for other purposes; referred to the Committee on the Budget for a period ending not later than June 1, 2003, and in addition to the Committees on Rules, Ways and Means and Government Reform for a period to be determined subsequently by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas:

H.R. 181. A bill to amend the Internal Revenue Code of 1986 to allow all taxpayers who maintain households with dependents a credit for dependents; to the Committee on Ways and Means.

By Mr. SCHIFF (for himself, Mr. SPRATT, Mrs. TAUSCHER, Mr. EDWARDS, Mr. CROWLEY, Mr. MCDERMOTT, Mr. BERMAN, Mr. FRANK of Massachusetts, Mr. SHAYS, Ms. HARMAN, and Mr. BROWN of Ohio):

H.R. 182. A bill to make permanent the authority to waive restrictions on use of funds for threat reduction in States of the former Soviet Union and for a chemical weapons destruction facility in Russia; to the Committee on Armed Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 183. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Administration.

By Mr. SERRANO:

H.R. 184. A bill to amend the Immigration and Nationality Act to ensure that veterans of the United States Armed Forces are eligible for discretionary relief from detention, deportation, exclusion, and removal, and for other purposes; to the Committee on the Judiciary.

By Mr. SERRANO:

H.R. 185. A bill to amend the Internal Revenue Code of 1986 to provide a business credit relating to the use of clean-fuel vehicles by businesses within areas designated as nonattainment areas under the Clean Air Act; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 186. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 187. A bill to amend the Trade Sanctions Reform and Export Enhancement Act of 2000 to allow for the financing of agricultural sales to Cuba; to the Committee on Financial Services, and in addition to the Committees on International Relations, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 188. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 189. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 190. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the United States Library Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMMONS (for himself, Mrs. JOHNSON of Connecticut, and Mr. SHAYS):

H.R. 191. A bill to direct the Secretary of Transportation to carry out a project to establish a greenway for purposes of environmental preservation along the portion of State Route 11 proposed for construction between Salem and Waterford, Connecticut; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of New Jersey (for himself, Mr. HYDE, Mr. LANTOS, Mr. PAYNE, Mr. WOLF, Mr. OBERSTAR, Ms. ROS-LEHTINEN, Mr. KILDEE, Mr. ROHRABACHER, Mr. BERMAN, Mr. YOUNG of Alaska, Mr. HOUGHTON, Mr. TANCREDO, Mr. BLUMENAUER, Mr. TOM DAVIS of Virginia, Mr. BROWN of Ohio, Mr. LINCOLN DIAZ-BALART of Florida, Ms. CARSON of Indiana, Mr. ISSA, Mrs. DAVIS of California, Mr. ISAKSON, Mr. DICKS, Mr. BISHOP of Georgia, Mr. BEREUTER, Ms. ESHOO, Mr. SHAW, Mr. HOEFFEL, Mr. KIRK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SHAYS, Mr. MICA, Mr. CASTLE, Mr. MCDERMOTT, Mr. GREENWOOD, Mr. MEEKS of New York, Ms. MILLENDER-MCDONALD, Mr. RODRIGUEZ, Mr. SANDERS, and Ms. WOOLSEY):

H.R. 192. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on International Relations.

By Mr. HEFLEY:

H.R. 193. A bill to amend section 922 of chapter 44 of title 18, United States Code, to protect the rights of citizens under the Second Amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 194. A bill to amend title XVIII of the Social Security Act with respect to reform of payment for drugs and biologicals under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Mr. AKIN, Mr. BOOZMAN, Mr. BURTON of Indiana, Mrs. JO ANN DAVIS of Virginia, Mr. FALEOMAVAEGA, Mr. FOLEY, Mr. HALL, Mr. JONES of North Carolina, Mr. LAHOOD, Mrs. MYRICK, Mr. PENCE, Mr. PITTS, Mr. ROSS, Mr. SHUSTER, Mr. SOUDER, Mr. TERRY, Mr. WILSON of South Carolina, Mr. CALVERT, Mr. ISSA, Mr. LEWIS of Kentucky, Mr. MANZULLO, Mr. PAYNE, Mr. PETERSON of Minnesota, Mr. PICKERING, Mr. RYUN of Kansas, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. TAYLOR of Mississippi, Mr. TIAHRT, Mr. VITTER, Mr. WELDON of Florida, Mr. BAKER, Mr. BARTLETT of Maryland, and Mr. FORBES):

H.R. 195. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself, Mr. CUMMINGS, Mr. QUINN, and Mr. MORAN of Virginia):

H.R. 196. A bill to authorize the Secretary of the Interior to establish a memorial to slavery, in the District of Columbia; to the Committee on Resources.

By Mr. STEARNS (for himself, Ms. CORRINE BROWN of Florida, Mr. CRENSHAW, and Mr. MICA):

H.R. 197. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. STEARNS (for himself, Mr. TERRY, and Mr. PAUL):

H.R. 198. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. CRANE, Mr. BOEHNER, Mr. BURR, Mr. FORBES, Mr. HEFLEY, Mr. ISAKSON, Mr. JEFFERSON, Mrs. JOHNSON of Connecticut, Mr. LAHOOD, Mr. LEACH, Mr. LEWIS of Kentucky, Mr. OTTER, Mr. PAUL, Mr. PRICE of North Carolina, Mr. RAMSTAD, Mr. SCHROCK, Mr. SHIMKUS, Mr. SIMMONS, and Mr. WILSON of South Carolina):

H.R. 199. A bill to amend the Internal Revenue Code of 1986 to repeal the 2 percent excise tax on the net investment income of tax-exempt foundations; to the Committee on Ways and Means.

By Mr. GUTIERREZ:

H.R. 200. A bill to revise various provisions of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 201. A bill to extend the time period prior to the need for workers for the filing of applications for temporary labor certification in the processing of alien labor certification applications; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 202. A bill to amend the Internal Revenue Code of 1986 to provide for an inflation adjustment of the base amounts used in determining the amount of Social Security benefits included in gross income; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. MCHUGH):

H.R. 203. A bill to reduce acid deposition under the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEENEY (for himself and Mr. PAUL):

H.R. 204. A bill to prohibit United States voluntary and assessed contributions to the United Nations if the United Nations imposes any tax or fee on United States persons or continues to develop or promote proposals for such taxes or fees; to the Committee on International Relations.

By Mr. SWEENEY:

H.R. 205. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. SWEENEY:

H.R. 206. A bill to amend title II of the Social Security Act to provide that an individual's entitlement to any benefit thereunder shall continue through the month of his or her death (without affecting any other person's entitlement to benefits for that month) and that such individual's benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of such individual's death; to the Committee on Ways and Means.

By Mr. SWEENEY (for himself and Mr. OSBORNE):

H.R. 207. A bill to amend the Controlled Substances Act with respect to the placing of certain substances on the schedules of controlled substances, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of California (for himself and Mr. RADANOVICH):

H.R. 208. A bill to amend the Social Security Act with respect to the employment of persons with criminal backgrounds by long-term care providers; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT:

H.R. 209. A bill to extend the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. TIBERI:

H.R. 210. A bill to amend the Internal Revenue Code of 1986 to accelerate the individual income tax rate cuts made by the Economic Growth and Tax Relief Reconciliation Act of 2001 and to make permanent all tax cuts made by that Act; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 211. A bill to require the Consumer Product Safety Commission to ban toys which in size, shape, or overall appearance resemble real handguns; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 212. A bill to amend the Internal Revenue Code of 1986 to deny the exemption from income tax for social clubs found to be practicing prohibited discrimination; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 213. A bill to amend the Internal Revenue Code of 1986 to designate educational empowerment zones in certain low-income areas and to give a tax incentive to attract teachers to work in such areas; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 214. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VITTER:

H.R. 215. A bill to extend the national flood insurance program; to the Committee on Financial Services.

By Mr. WAMP (for himself and Mr. DUNCAN):

H.R. 216. A bill to establish as a unit of Chickamauga and Chattanooga National Military Park, the Moccasin Bend National Archeological District; to the Committee on Resources.

By Mr. WEXLER:

H.R. 217. A bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay in an amount which, when taken together with the pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred; to the Committee on Government Reform.

By Mr. CUNNINGHAM (for himself, Mr. BARTLETT of Maryland, Mr. GIBBONS, Mr. JENKINS, Mr. SHUSTER, Mr. MCINTYRE, Mr. FRANK of Massachusetts, Mr. CALVERT, Mr. WAMP, Mr. WELDON of Pennsylvania, Ms. GINNY BROWN-WAITE of Florida, Mrs. MALONEY, Mr. SHIMKUS, Mr. MICA, Mr. SHAYS, Mr. ISAKSON, Mr. MOORE, Mr. CRANE, Ms. BERKLEY, Mr. MCHUGH, Mr. CRAMER, Mr. KLECZKA, Mrs. CUBIN, Mr. MCGOVERN, Mr. LEWIS of California, Mr. HINCHEY, Mr. STUPAK, Mr. HALL, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mr. TERRY, Mr. RYAN of Ohio, Mr. ALEXANDER, Mr. DUNCAN, Mr. BILIRAKIS, Mr. BAIRD, Mr. BISHOP of Georgia, Mr. LEWIS of Kentucky, Mr. STRICKLAND, Mr. HOLDEN, Mr. POMEROY, Mr. SAXTON, Mr. LINDER, Mr. ROGERS of Alabama, Mr. COBLE, Mr. ETHERIDGE, Mr. SCHIFF, Mr. SIMMONS, Mr. FRANKS of Arizona, Mr. WALSH, Mr. KING of New York, Mrs. KELLY, Mr. HOEFFEL, Mr. BUYER, Mr.

REHBERG, Mr. HAYWORTH, Mr. RAHALL, Mr. SOUDER, Mr. GREEN of Texas, Mr. RYUN of Kansas, Mr. KANJORSKI, Mr. FORBES, and Mr. BAKER):

H.R. 218. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. SMITH of New Jersey, and Mr. TANCREDO):

H.R. 219. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, and Mr. HINCHEY):

H.R. 220. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself, Mr. NADLER, and Mr. MORAN of Virginia):

H.R. 221. A bill to prevent handgun violence and illegal commerce in handguns; to the Committee on the Judiciary.

By Mrs. WILSON of New Mexico (for herself, Mr. PEARCE, and Mr. UDALL of New Mexico):

H.R. 222. A bill to establish the T'uf Shur Bien Preservation Trust Area in the Cibola National Forest, and for other purposes; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 223. A bill to amend the Internal Revenue Code of 1986 to increase the current 30 percent bonus depreciation to 50 percent for 5 years; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 224. A bill to amend the Internal Revenue Code of 1986 to increase the amount that small businesses may expense under section 179 to $75,000; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 225. A bill to amend the Internal Revenue Code of 1986 to allow individuals to exclude dividend income; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 226. A bill to amend the Internal Revenue Code of 1986 to allow individuals to exclude dividend income; to the Committee on Ways and Means.

By Mr. WU:

H.R. 227. A bill to eliminate the termination date on authority for schools with low default rates to make single disbursements of student loans; to the Committee on Education and the Workforce.

By Mr. WU:

H.R. 228. A bill to provide for additional benefits under the Temporary Extended Unemployment Compensation Act of 2002; to the Committee on Ways and Means.

By Mr. YOUNG of Florida:

H.J. Res. 1. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. YOUNG of Florida:

H.J. Res. 2. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes; to the Committee on Appropriations.

By Mr. THOMAS (for himself, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Kentucky, Mr. MCINNIS, Mr. COLLINS, Ms. DUNN, Mr. MCCRERY, Mr. FOLEY, Mr. RYAN of Wisconsin, Mr. RAMSTAD, Mr. CAMP, Mr. CRANE, and Mr. KELLER):

H.J. Res. 3. A joint resolution to disapprove under the Congressional Review Act the rule submitted by the Centers for Medicare & Medicaid Services, relating to revisions to payment policies under the Medicare physician fee schedule for calendar year 2003 and other items, published in the Federal Register on December 31, 2002 (vol. 67, page 79966); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUNNINGHAM (for himself, Mr. MURTHA, Mr. KENNEDY of Minnesota, Mr. MCINTYRE, Mr. WAMP, Mr. KING of New York, Mr. ROTHMAN, Mr. FOLEY, Mrs. JOHNSON of Connecticut, Mr. ISSA, Mr. SHIMKUS, Mr. STRICKLAND, Mr. KANJORSKI, Mrs. CUBIN, Mr. BRADY of Texas, Mr. PETERSON of Minnesota, Mr. GREEN of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. SWEENEY, Mr. CRAMER, Mr. TOOMEY, Mrs. WILSON of New Mexico, Mr. BILIRAKIS, Mr. SHERWOOD, Mr. BUYER, and Mr. NEY):

H.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. DINGELL:

H.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States to permit the Congress to limit expenditures in elections for Federal office; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 6. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 8. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. ROYCE:

H.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. DREIER:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government; considered and agreed to.

By Ms. JACKSON-LEE of Texas (for herself, Mr. KUCINICH, Ms. LEE, Mr. DAVIS of Illinois, and Ms. WATSON):

H. Con. Res. 2. Concurrent resolution expressing the sense of Congress that the Authorization for Use of Military Force Against Iraq Resolution of 2002 should be repealed; to the Committee on International Relations.

By Ms. JACKSON-LEE of Texas (for herself, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. MARKEY, Mr. HONDA, Mr. MOORE, Ms. KAPTUR, Mr. MEEKS of New York, Mrs. JONES of Ohio, Mr. LAMPSON, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. JACKSON of Illinois, Mr. GREEN of Texas, Mr. WAXMAN, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCNULTY, Mr. WYNN, Mr. TURNER of Texas, Mr. DELAHUNT, Mr. SANDLIN, Mr. TOWNS, Mr. CLYBURN, and Mr. JEFFERSON):

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued in honor of the late George Thomas ''Mickey'' Leland; to the Committee on Government Reform.

By Mr. PAUL (for himself, Mr. MILLER of Florida, and Mr. FLAKE):

H. Con. Res. 4. Concurrent resolution expressing the sense of the Congress that the United States should not rejoin the United Nations Educational, Scientific, and Cultural Organization (UNESCO); to the Committee on International Relations.

By Mr. SERRANO:

H. Con. Res. 5. Concurrent resolution entitled the ''English Plus Resolution''; to the Committee on Education and the Workforce.

By Mr. STEARNS (for himself, Mr. LEWIS of Georgia, Mr. FORBES, Mr. TERRY, and Mr. HINCHEY):

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Government Reform.

By Mr. TOWNS:

H. Con. Res. 7. Concurrent resolution expressing the sense of the Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

By Mr. DELAY:

H. Res. 1. A resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. DELAY:

H. Res. 2. A resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. DELAY:

H. Res. 3. A resolution authorizing the Speaker to appoint a committee to notify

the President of the assembly of the Congress; considered and agreed to.

By Mr. DELAY:

H. Res. 4. A resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. DELAY:

H. Res. 5. A resolution adopting rules for the One Hundred Eighth Congress; considered and agreed to.

By Ms. PRYCE of Ohio:

H. Res. 6. A resolution designating majority membership on the Committee on Rules; considered and agreed to.

By Mr. HOYER:

H. Res. 7. A resolution designating minority membership on the Committee on Rules; considered and agreed to.

By Ms. PELOSI:

H. Res. 8. A resolution designating certain minority employees; considered and agreed to.

By Mr. DREIER:

H. Res. 9. A resolution fixing the daily hour of meeting of the First Session of the One Hundred Eighth Congress; considered and agreed to.

By Ms. PRYCE of Ohio (for herself, Mr. BOEHNER, Mr. CHABOT, Mr. GILLMOR, Mr. HOBSON, Mr. OXLEY, Mr. PORTMAN, Mr. REGULA, Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. TIBERI, Mr. TURNER of Ohio, Mr. NEY, Mr. LATOURETTE, Mr. KUCINICH, Mrs. JONES of Ohio, Ms. KAPTUR, and Mr. BROWN of Ohio):

H. Res. 10. A resolution congratulating the Ohio State University football team for winning the 2002 NCAA Division I-A collegiate football national championship; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself and Mr. HYDE):

H. Res. 11. A resolution expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova after it develops and consolidates democratic self-government; to the Committee on International Relations.

By Mr. GREEN of Texas:

H. Res. 12. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating Juan Nepomuceno Seguin; to the Committee on Government Reform.

By Mr. HOEKSTRA (for himself, Mr. EHLERS, Mr. KNOLLENBERG, Mr. UPTON, Mr. CAMP, Mr. ROGERS of Michigan, Mrs. MILLER of Michigan, Mr. MCCOTTER, Mr. DINGELL, Mr. STUPAK, and Ms. KILPATRICK):

H. Res. 13. A resolution congratulating the Grand Valley State University Lakers for winning the 2002 NCAA Division II Football National Championship; to the Committee on Education and the Workforce.

By Mr. HASTINGS of Florida:

H. Res. 16. A resolution commending the people and government of Kenya for the recent free elections and the orderly and democratic transfer of power; to the Committee on International Relations.

By Mr. LEWIS of Kentucky:

H. Res. 17. A resolution honoring the Hilltoppers of Western Kentucky University from Bowling Green, Kentucky, for winning the 2002 National Collegiate Athletic Association Division I-AA football championship; to the Committee on Education and the Workforce.

By Mr. MATHESON (for himself, Mr. CANNON, Mr. BISHOP of Utah, Mr. BERMAN, Mr. LANTOS, Mr. WEXLER, Mr. PRICE of North Carolina, Mr. DAVIS of Florida, Mrs. CAPPS, Ms. KAPTUR, Mr. HINCHEY, Mr. MORAN of Virginia, Ms. ROS-LEHTINEN, Mr. ISSA, and Mr. HOUGHTON):

H. Res. 18. A resolution honoring the life and dedicated service of former Congressman Wayne Owens of Utah; to the Committee on House Administration.

By Mr. NUSSLE:

H. Res. 19. A resolution designating the room numbered H-236 in the House of Representatives wing of the Capitol as the ''Richard K. Armey Room''; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H. Res. 20. A resolution expressing the sense of the House of Representatives with respect to polio; to the Committee on Energy and Commerce, and in addition to the Committees on International Relations, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself, Ms. SLAUGHTER, Mrs. MALONEY, Mrs. CAPPS, Mr. SANDERS, Mr. NADLER, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. HINCHEY, Mr. FARR, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. MORAN of Virginia, Ms. KAPTUR, Mr. MEEHAN, Mr. FILNER, Mr. DEUTSCH, Ms. HARMAN, Mr. STARK, Mrs. JONES of Ohio, Mr. MARKEY, Mr. CUMMINGS, Ms. DELAURO, Mr. HOEFFEL, Mr. DAVIS of Florida, Mr. DELAHUNT, Ms. SOLIS, Mr. LAMPSON, Ms. BALDWIN, Mr. WU, Ms. KILPATRICK, Mr. CROWLEY, Mr. PALLONE, Ms. ROYBAL-ALLARD, Ms. CORRINE BROWN of Florida, Ms. MILLENDER-MCDONALD, Ms. NORTON, Mr. SMITH of Washington, Ms. WATERS, Mrs. JOHNSON of Connecticut, Ms. PELOSI, Ms. ESHOO, Ms. WATSON, Ms. VELÁZQUEZ, Mr. PASCRELL, Ms. CARSON of Indiana, Mr. BACA, Mr. FROST, and Mrs. TAUSCHER):

H. Res. 21. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. CUBIN:

H.R. 229. A bill for the relief of Ashley Ross Fuller; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 230. A bill for the relief of Gao Zhan; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 231. A bill for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Batool Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sondos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh; to the Committee on the Judiciary.

By Mr. THOMPSON of California:

H.R. 232. A bill for the relief of Kuan-Fan Hsieh; to the Committee on the Judiciary.

By Mr. WEXLER:

H.R. 233. A bill for the relief of Akintomide Apara; to the Committee on the Judiciary.

SENATE—*Tuesday, January 7, 2003*

The seventh day of January being the day prescribed by Senate Joint Resolution 53 for the meeting of the 1st session of the 108th Congress, the Senate assembled in its Chamber at the Capitol and at 12 noon was called to order by the Vice President (Mr. CHENEY).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we are one Nation under Your sovereignty, one body of leaders ready to be led by You, one band of patriots called to love You and serve our Nation above party or personal popularity, one family charged to work together in spite of differences to achieve Your will for our society. Today is an awesome time of dedication for the Senators-elect who will make an unreserved commitment to You, our beloved Nation, and our cherished Constitution. Give them a vision of their potential greatness as leaders; make them riverbeds for the flow of Your wisdom. Thank You for the families that nurtured them, the mentors who help them realize their talents and the power of Your gifts, and the loved ones who now stand by them to uphold and sustain them. May the vows they are about to take engender in them true humility. Save them from the seduction of power, political aggrandizement, and the bogus might of manipulation. With only You to please, set them free to speak truth, honed by study and prayer, to discern what is right and do it regardless of who gets the credit, to be distinguished for their integrity. All of the Senators and Officers of the Senate join with these new Senators once again in putting You and their families first, the good of the Nation second, consensus around truth, third; party loyalties, fourth; and, last of all, personal success. The time for greatness is now; the place for greatness is here; and the secret of greatness is in constant dependence on Your guidance and strength! You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD CHENEY 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.

CERTIFICATE OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate one certificate of election to fill an unexpired term, two letters of resignation, and two certificates of appointment to fill the vacancies created thereby, and the certificates of election of 33 Senators elected for 6-year terms beginning January 3, 2003.

All certificates, the Chair is advised, are in the form suggested by the Senate, or contain all of the essential requirements of the form suggested by the Senate.

If there be no objection, the reading of the above-mentioned letters and the certificates will be waived, and they will be printed in full in the RECORD.

The documents ordered to be printed in the RECORD are as follows:

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

U.S. SENATE,
Washington, DC, November 20, 2002.

Hon. RICHARD B. CHENEY,
President of the United States Senate, Dwight D. Eisenhower Executive Office Building, Washington, DC.

DEAR MR. PRESIDENT: I herewith tender my resignation as a Member of the United States Senate from Texas to become effective at the close of business on Saturday, November 30, 2002.

Yours respectfully,

PHIL GRAMM,
U.S. Senator.

STATE OF TEXAS

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Texas, I, Rick Perry, the governor of said State, do hereby appoint, effective December 1, 2002, John Cornyn, a Senator from said State to represent said State in the Senate of the United States to complete the term caused by the resignation of Phil Gramm.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 21st day of November, in the year of our Lord 2002.

By the Governor:

RICK PERRY,
Governor.

U.S. SENATE,
Washington, DC, December 2, 2002.

Hon. RICHARD CHENEY,
Vice President of the United States, President of the United States Senate, Capitol, Washington, DC

DEAR MR. PRESIDENT: I hereby tender my resignation as a Member of the United States Senate from Alaska to be effective at 3:59 PM, Eastern Standard Time, (11:59 a.m Alaska Standard Time) on Monday, December 2, 2002.

Respectfully yours,

FRANK H. MURKOWSKI.

STATE OF ALASKA

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Alaska, I, Frank H. Murkowski, the governor of said State, do hereby appoint Lisa Murkowski a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by my resignation from the Senate, is filled by election as provided by law.

Witness: His excellency our governor, Frank H. Murkowski, and our seal hereto affixed at Anchorage this 20th day of December, in the year of our Lord 2002.

By the governor:

FRANK H. MURKOWSKI,
Governor.

STATE OF TENNESSEE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Lamar Alexander was duly chosen by the qualified electors of the State of Tennessee as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our Governor, Don Sundquist, and our seal hereto affixed at Nashville this 2nd day of December, in the Year of our Lord, Two Thousand Two.

By the Governor:

DON SUNDQUIST,
Governor.

STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on November 5, 2002, A. Wayne Allard was duly chosen by the qualified electors of the State of Colorado, a Senator from the State of Colorado to represent the people of the State of Colorado in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 2003.

As Governor of the State of Colorado, I serve as witness to this certification and affix our State Seal hereto.

Given under my hand and the Executive Seal of the State of Colorado, this 10th day of December, 2002.

BILL OWENS,
Governor.

STATE OF MONTANA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM TO THE UNITED STATES SENATE

I, Bob Brown, Secretary of State of the State of Montana, do hereby certify that Max Baucus was duly chosen on November 5, 2002, by the qualified electors of the State of Montana as the United States Senator from said State to represent said State in the United States Senate. The term commences January 3, 2003.

Witness: Her excellency our Governor Judy Martz, and our seal hereunto affixed at the

City of Helena, the Capital, this 4th day of December, in the year of our Lord 2002.

By the Governor:

JUDY MARTZ,
Governor.

STATE OF DELAWARE

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

Be it known that at an election, in due manner held according to the form of the Act of the General Assembly of the State of Delaware, and of the Act of Congress in such case made and provided, on the first Tuesday after the first Monday of the month of November, 2002, Joseph R. Biden, Jr. was elected to be a Senator from the said State in the Senate of the United States for the constitutional term to commence at noon on the third day of January A.D. 2003.

Given under my hand and the Great Seal of the said State, at Dover, the 3rd day of December in the year of our Lord two thousand two and in the year of the Independence of the United States of America the two hundred and twenty-sixth.

RUTH ANN MINNER,
Governor.

STATE OF GEORGIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Saxby Chambliss was duly chosen by the qualified electors of the State of Georgia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our governor Roy E. Barnes, and our seal hereto affixed at 5:00 pm this 13th day of December, in the year of our Lord 2002.

ROY E. BARNES,
Governor.

STATE OF MISSISSIPPI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Thad Cochran was duly chosen by the qualified electors of the State of Mississippi, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Ronnie Musgrove, and our seal hereto affixed this 4th day of December, in the year of our Lord 2002.

RONNIE MUSGROVE,
Governor.

STATE OF MINNESOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Fifth day of November 2002, Norm Coleman was duly chosen by the qualified electors of the State of Minnesota, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the Third day of January, 2003.

Witness: His excellency our Governor Jesse Ventura, and our seal hereto affixed at St. Paul, Minnesota this 19th day of November, in the year of our Lord 2002.

By the Governor:

JESSE VENTURA,
Governor.

STATE OF MAINE

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the Fifth day of November, Two Thousand and Two, Susan M. Collins was duly chosen by the qualified electors of the State of Maine, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, in the year Two Thousand and Three.

Witness: His excellency our Governor, Angus S. King, Jr., and our seal hereto affixed at Augusta, Maine this twenty-fifth day of November, in the year of our Lord Two Thousand and Two.

By the Governor:

ANGUS S. KING, Jr.,
Governor.

STATE OF TEXAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John Cornyn was duly chosen by the qualified electors of the State of Texas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Rick Perry, and our seal hereto affixed at Austin, Texas this 20th day of November, in the year of our Lord 2002.

By the Governor:

RICK PERRY,
Governor.

STATE OF IDAHO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States.

This is to certify that on the 5th day of November, 2002, Larry E. Craig was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Dirk Kempthorne, and our seal hereto affixed at Boise this 20th day of November, in the year of our Lord 2002.

By the Governor:

DIRK KEMPTHORNE,
Governor.

STATE OF NORTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th Day of November, 2002, Elizabeth H. Dole was duly chosen by the qualified electors of the State of North Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Michael F. Easley, and our seal hereto affixed at Raleigh this 16th Day of December, in the Year of our Lord 2002.

MIKE EASLEY,
Governor.

STATE OF NEW MEXICO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States

This is to certify that on the 5th day of November, 2002, Pete V. Domenici was duly chosen by the qualified electors of the State of New Mexico, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2003.

Witness: His excellency our governor Gary Johnson, and our seal hereto affixed at Santa Fe this 26th day of November, in the year of our Lord 2002.

By the governor:

GARY JOHNSON,
Governor.

STATE OF ILLINOIS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two thousand and two Richard J. Durbin was duly chosen by the qualified electors of the State of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and three.

Witness: His excellency our governor George H. Ryan, and our seal hereto affixed at the City of Springfield this twenty-fifth day of November, in the year of our Lord two thousand and two.

By the governor:

GEORGE H. RYAN,
Governor.

STATE OF WYOMING

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Michael B. Enzi was duly chosen by the qualified electors of the State of Wyoming, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor, Jim Geringer, and our seal hereto affixed at the Wyoming State Capitol, Cheyenne, Wyoming, this 18th day of November, in the year of our Lord 2002.

By the governor:

Jim Geringer,
Governor.

STATE OF SOUTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, Honorable Lindsey O. Graham was duly chosen by the qualified electors of the State of South Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 2003.

Witness: His excellency our governor, Jim Hodges, and our seal hereto affixed at Columbia, South Carolina this fifteenth day of November, in the year of our Lord, 2002.

JIM HODGES,
Governor.

STATE OF NEBRASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Chuck Hagel was duly chosen by the qualified electors of the State of Nebraska, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Mike Johanns, and our seal hereto affixed at Lincoln, Nebraska this 9th day of December in the year of our Lord 2002.

By the governor:

MIKE JOHANNS,
Governor.

STATE OF IOWA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senator of the United States:

This is to certify that on the 5th day of November, 2002, Tom Harkin was duly chosen by the qualified electors of the State of Iowa a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2003.

Witness: His Excellency our Governor Thomas J. Vilsack, and our seal hereto affixed at Des Moines, Iowa, this twenty-sixth day of November, in the year of our Lord 2002.

THOMAS J. VILSACK,
Governor.

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Jim Inhofe was duly chosen by the qualified electors of the State of Oklahoma, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3d day of January, 2003.

Witness: His Excellency our Governor Frank Keating, and our seal hereto affixed at Oklahoma City, Oklahoma this 12th day of November, in the year of our Lord 2002.

By the Governor.

FRANK KEATING,
Governor.

STATE OF SOUTH DAKOTA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

This is to certify that on the fifth day of November, 2002, at a general election, Tim Johnson was elected by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six years, beginning on the third day of January, 2003.

In witness whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 20th day of November, 2002.

WILLIAM J. JANKLOW,
Governor.

COMMONWEALTH OF MASSACHUSETTS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two thousand and two John F. Kerry was duly chosen by the qualified electors of the Commonwealth of Massachusetts a Senator from said Commonwealth to represent said Commonwealth in the Senate of the United States for the term of six years, beginning on the third day of January, two thousand and three.

Witness: Her Excellency, our Acting Governor, Jane W. Swift, and our seal hereto affixed at Boston, this fourth day of December in the year of our Lord two thousand and two.

By Her Honor the Acting Governor

JANE M. SWIFT.

STATE OF LOUISIANA

CERTIFICATION OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

I, M.J. ''Mike'' Foster, Jr., Governor of the State of Louisiana, do hereby certify that, in accordance with the provisions of the Louisiana Election Code, on the 7th day of December, 2002, Mary Landrieu was elected by the qualified electors of the state of Louisiana a Senator to represent the state of Louisiana in the United States Senate for the term of six years, beginning at noon on the 3rd day of January, 2003. The votes cast, 638,564 for Mary Landrieu (Democrat) and 596,642 for Suzanne Haik Terrell (Republican), are on file and of record in the Office of the Secretary of State of Louisiana.

In witness whereof, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of December, 2002.

M.J. FOSTER, Jr.,
Governor.

STATE OF NEW JERSEY

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Frank R. Lautenberg, was duly chosen by the qualified electors of the State of New Jersey, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Given, under my hand and the Great Seal of the State of New Jersey, this 11th day of December, in the year of Our Lord two thousand and two.

JAMES E. MCGREEVEY,
Governor.

STATE OF MICHIGAN

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Carl Levin was duly chosen by the qualified electors of the State of Michigan, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Given under my hand and the Great Seal of the State of Michigan this 27th day of November, in the Year of our Lord, two thousand and two.

JOHN ENGLER,
Governor.

COMMONWEALTH OF KENTUCKY

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To all to Whom These Presents Shall Come, Greeting: Know Ye, That Honorable Mitch McConnell having been duly certified, that on November 5, 2002 was duly chosen by the qualified electors of the Commonwealth of Kentucky a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning the 3rd day of January 2003.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent and the seal of the Commonwealth to be hereunto affixed. Done in Frankfort, the 2nd day of December in the year of our Lord two thousand and two and in the 211th year of the Commonwealth,

PAUL E. PATTON,
Governor.

STATE OF ARKANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Mark Lunsford Pryor was duly chosen by the qualified electors of the State of Arkansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at the capitol in Little Rock, on this 3rd day of December, in the year of our Lord 2002.

MIKE HUCKABEE,
Governor.

STATE OF RHODE ISLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John F. Reed duly chosen by the qualified electors of the State of Rhode Island and Providence Plantations, a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our Governor Lincoln C. Almond, and our seal affixed on this 10th day of December, in the year of our Lord 2002.

LINCOLN C. ALMOND,
Governor.

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Pat Roberts was duly chosen by the qualified electors of the state of Kansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Bill Graves, and our seal hereto affixed at Topeka, Kansas this 2nd day of December, in the year of our Lord 2002.

By the governor:

BILL GRAVES,
Governor.

STATE OF WEST VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, Jay Rockefeller was duly

chosen by the qualified electors of the State of West Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2003.

Witness: His excellency our governor Bob Wise, and our seal hereto affixed at Charleston this 20 day of December, in the year of our Lord 2002.

By the governor:

BOB WISE,
Governor.

STATE OF ALABAMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, 2002, The Honorable Jeff Sessions was duly chosen by the qualified electors of the State of Alabama Senator from said State to represent said State in the United States Senate for the term of six years, beginning on the Third day of January, 2003.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of Alabama, at the Capitol, in the City of Montgomery, on this 20th day of November, in the year of our Lord, 2002.

DON SIEGELMAN,
Governor.

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Gordon H. Smith was duly chosen by the qualified electors of the State of Oregon, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our Governor, John Kitzhaber, and our seal hereto affixed at Salem, Oregon this 3rd day of December, 2002.

By the governor:

JOHN A. KITZHABER,
Governor.

STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Ted Stevens was duly chosen by the qualified electors of the State of Alaska, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His excellency our governor Tony Knowles, and our seal hereto affixed at Juneau this 2d day of December, in the year of our Lord 2002.

TONY KNOWLES,
Governor.

STATE OF NEW HAMPSHIRE

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the fifth day of November, two-thousand and two, John E. Sununu was duly chosen by the qualified electors of the State of New Hampshire to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, two thousand and three.

Witness: Her Excellency, Governor, Jeanne Shaheen and the and the Seal of the State of New Hampshire hereto affixed at Concord, this fourth day of December, in the year of Our Lord two thousand and two.

JEANNE SHAHEEN,
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, Jim Talent was duly chosen by the qualified electors of the State of Missouri, a Senator for the unexpired term ending at noon on the 3rd day of January, 2007, to fill the vacancy in the representation from said State of the United States caused by the death of Mel Carnahan.

Witness: His Excellency our Governor, Bob Holden, and our seal hereto affixed at 2:00 p.m. this 21st day of November, in the year of our Lord 2002.

By the governor:

BOB HOLDEN,
Governor.

COMMONWEALTH OF VIRGINIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 5th day of November, 2002, John W. Warner was duly chosen by the qualified electors of the Commonwealth of Virginia, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2003.

Witness: His Excellency our Governor, Mark R. Warner, and our seal hereto affixed at Richmond this 26th day of November, in the year of our Lord 2002.

MARK R. WARNER,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer their oaths of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. ALEXANDER of Tennessee, Mr. ALLARD of Colorado, Mr. BAUCUS of Montana, and Mr. BIDEN of Delaware.

These Senators, escorted by Mr. FRIST, Mr. CAMPBELL, Mr. BURNS, and Mr. CARPER, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. CHAMBLISS of Georgia, Mr. COCHRAN of Mississippi, Mr. COLEMAN of Minnesota, and Ms. COLLINS of Maine.

These Senators, escorted by Mr. MILLER, Mr. LOTT, Mr. DAYTON, and Ms. SNOWE, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. CORNYN of Texas, Mr. CRAIG of Idaho, Mrs. DOLE of North Carolina, and Mr. DOMENICI of New Mexico.

These Senators, escorted by Mrs. HUTCHISON, Mr. CRAPO, Mr. EDWARDS, former Senator Dole, and Mr. BINGAMAN, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. DURBIN of Illinois, Mr. ENZI of Wyoming, Mr. GRAHAM of South Carolina, and Mr. HAGEL of Nebraska.

These Senators, escorted by Mr. INOUYE, Mr. THOMAS, Mr. HOLLINGS, and Mr. BEN NELSON of Nebraska, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. HARKIN of Iowa, Mr. INHOFE of Oklahoma, Mr. JOHNSON of South Dakota, and Mr. KERRY of Massachusetts.

These Senators, escorted by Mr. GRASSLEY, Mr. NICKLES, Mr. DASCHLE, and Mr. HOLLINGS, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Ms. LANDRIEU of Louisiana,

Mr. LAUTENBERG of New Jersey, Mr. LEVIN of Michigan, and Mr. MCCONNELL of Kentucky.

These Senators, escorted by Mr. BREAUX, Mr. CORZINE, Ms. STABENOW, and Mr. BUNNING, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will please call the names of the next group of Senators.

The legislative clerk called the names of Ms. MURKOWSKI of Alaska, Mr. PRYOR of Arkansas, Mr. REED of Rhode Island, and Mr. ROBERTS of Kansas.

These Senators, escorted by former Senator Murkowski, Mr. STEVENS, Mrs. LINCOLN, former Senator Pryor, former Senator Bumpers, Mr. CHAFEE, Mr. BROWNBACK, and former Senator Dole, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. ROCKEFELLER of West Virginia, Mr. SESSIONS of Alabama, Mr. SMITH of Oregon, and Mr. STEVENS of Alaska.

These Senators, escorted by Mr. BYRD, Mr. SHELBY, Mr. WYDEN, and Ms. MURKOWSKI, respectively, advanced to the desk of the Vice President, the oath prescribed by law was administered to them by the Vice President and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. SUNUNU of New Hampshire, Mr. TALENT of Missouri, and Mr. WARNER of Virginia.

These Senators, escorted by Mr. GREGG, Mr. BOND, and Mr. ALLEN, respectively, advanced to the desk of the Vice President, the oath prescribed by law as administered to them by the Vice President, and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader.

CALL OF THE ROLL

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

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll, and the following Senators answered to their names:

Alexander	Dodd	Lott
Allard	Dole	Lugar
Allen	Domenici	McCain
Baucus	Dorgan	McConnell
Bayh	Durbin	Mikulski
Bennett	Edwards	Miller
Biden	Ensign	Murkowski
Bingaman	Enzi	Murray
Bond	Feingold	Nelson (FL)
Boxer	Feinstein	Nelson (NE)
Breaux	Frist	Nickles
Brownback	Graham (FL)	Pryor
Bunning	Graham (SC)	Reed
Burns	Grassley	Reid
Byrd	Gregg	Roberts
Campbell	Hagel	Rockefeller
Cantwell	Harkin	Santorum
Carper	Hatch	Sarbanes
Chafee	Hollings	Schumer
Chambliss	Hutchison	Sessions
Clinton	Inhofe	Shelby
Cochran	Inouye	Smith
Coleman	Jeffords	Snowe
Collins	Johnson	Specter
Conrad	Kerry	Stabenow
Cornyn	Kyl	Stevens
Corzine	Landrieu	Sununu
Craig	Lautenberg	Talent
Crapo	Leahy	Thomas
Daschle	Levin	Warner
Dayton	Lieberman	Wyden
DeWine	Lincoln	

The VICE PRESIDENT. A quorum is present.

LIST OF SENATORS BY STATE

ALABAMA

Jeff Sessions
Richard C. Shelby

ALASKA

Lisa Murkowski
Ted Stevens

ARIZONA

Jon Kyl
John McCain

ARKANSAS

Blanche L. Lincoln
Mark L. Pryor

CALIFORNIA

Barbara Boxer
Dianne Feinstein

COLORADO

Wayne Allard
Ben Nighthorse Campbell

CONNECTICUT

Christopher J. Dodd
Joseph I. Lieberman

DELAWARE

Joseph R. Biden, Jr.
Thomas R. Carper

FLORIDA

Bob Graham
Bill Nelson

GEORGIA

Saxby Chambliss
Zell Miller

HAWAII

Daniel K. Akaka
Daniel K. Inouye

IDAHO

Larry E. Craig
Michael D. Crapo

ILLINOIS

Richard Durbin
Peter G. Fitzgerald

INDIANA

Evan Bayh
Richard G. Lugar

IOWA

Chuck Grassley
Tom Harkin

KANSAS

Sam Brownback
Pat Roberts

KENTUCKY

Jim Bunning
Mitch McConnell

LOUISIANA

John B. Breaux
Mary L. Landrieu

MAINE

Susan M. Collins
Olympia J. Snowe

MARYLAND

Barbara A. Mikulski
Paul S. Sarbanes

MASSACHUSETTS

Edward M. Kennedy
John F. Kerry

MICHIGAN

Carl Levin
Debbie Stabenow

MINNESOTA

Norm Coleman
Mark Dayton

MISSISSIPPI

Thad Cochran
Trent Lott

MISSOURI

Christopher S. Bond
Jim Talent

MONTANA

Max Baucus
Conrad R. Burns

NEBRASKA

Chuck Hagel
E. Benjamin Nelson

NEVADA

John Ensign
Harry Reid

NEW HAMPSHIRE

Judd Gregg
John E. Sununu

NEW JERSEY

Jon S. Corzine
Frank R. Lautenberg

NEW MEXICO

Jeff Bingaman
Pete V. Domenici

NEW YORK

Hillary Rodham Clinton
Charles E. Schumer

NORTH CAROLINA

Elizabeth Dole
John Edwards

NORTH DAKOTA

Kent Conrad
Byron L. Dorgan

OHIO

Mike DeWine
George V. Voinovich

OKLAHOMA

James M. Inhofe

Don Nickles

OREGON

Gordon H. Smith
Ron Wyden

PENNSYLVANIA

Rick Santorum
Arlen Spector

RHODE ISLAND

Lincoln Chafee
Jack Reed

SOUTH CAROLINA

Lindsey Graham
Ernest F. Hollings

SOUTH DAKOTA

Thomas A. Daschle
Tim Johnson

TENNESSEE

Lamar Alexander
William H. Frist

TEXAS

John Cornyn
Kay Bailey Hutchison

UTAH

Robert F. Bennett
Orrin G. Hatch

VERMONT

James M. Jeffords
Patrick J. Leahy

VIRGINIA

George Allen
John Warner

WASHINGTON

Maria Cantwell
Patty Murray

WEST VIRGINIA

Robert C. Byrd
John D. Rockefeller IV

WISCONSIN

Russell D. Feingold
Herb Kohl

WYOMING

Michael B. Enzi
Craig Thomas

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 1) reads as follows:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

Pursuant to Senate Resolution 1, the Chair appoints the Senator from Tennessee, (Mr. FRIST), and the Senator from South Dakota, (Mr. DASCHLE), as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and that the Congress is ready to receive any communication he may be pleased to make.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution, (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 2) reads as follows:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

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

ELECTION OF THE HONORABLE TED STEVENS AS PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) to elect the Honorable TED STEVENS, a Senator from the State of Alaska, to be President pro tempore of the Senate of the United States.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 3) reads as follows:

S. RES. 3

Resolved, That Ted Stevens, a Senator from the State of Alaska, be, and he is hereby, elected President of the Senate pro tempore.

Mr. FRIST. I ask unanimous consent that the motion to reconsider be laid upon the table.

The VICE PRESIDENT. Without objection, it is so ordered.

ADMINISTRATION OF OATH TO SENATOR TED STEVENS AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 108TH CONGRESS

The VICE PRESIDENT. The President pro tempore-elect will be escorted to the desk for the oath of office by the President pro tempore-elect, the Senator from West Virginia (Mr. BYRD).

The President pro tempore-elect, escorted by Senator BYRD, advanced to the desk of the Vice President, the oath was administered to him by the Vice President, and he subscribed to the oath in the Official Oath Book.

[Applause, Senators rising.]

[The President pro tempore assumed the chair.]

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4) notifying the President of the United States of the election of a President pro tempore.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 4) reads as follows:

S. RES. 4

Resolved, That the President of the United States be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 5) notifying the House of Representatives of the election of a President pro tempore of the U.S. Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res 5) reads as follows:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 6) fixing the hour of daily meeting of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 6) reads as follows:

S. RES. 6

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

ELECTING EMILY J. REYNOLDS OF TENNESSEE AS SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 7) electing Emily J. Reynolds of Tennessee as Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 7) reads as follows:

S. RES. 7

Resolved, That Emily J. Reynolds of Tennessee be, and she is hereby, elected Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table and that any statements relating to this appointment be printed in the RECORD.

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

ADMINISTRATION OF THE OATH TO THE SECRETARY OF THE SENATE

The Honorable Emily J. Reynolds, escorted by the Honorable WILLIAM FRIST and the Honorable THOMAS A. DASCHLE, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to her by the President pro tempore.

The PRESIDENT pro tempore. Congratulations.

(Applause, Senators rising.)

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 8) notifying the President of the United States of the election of a Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 8) reads as follows:

S. RES. 8

Resolved, That the President of the United States be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 9) notifying the House of Representatives of the election of a Secretary of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 9) reads as follows:

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

Mr. FRIST. I ask unanimous consent the motion to reconsider be laid upon the table.

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

Mr. BYRD. Mr. President, I call attention to the fact that the motion to reconsider is not being made. I think it should be made so that the record will so read.

I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING DAVID J. SCHIAPPA OF MARYLAND AS THE SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 10) electing David J. Schiappa of Maryland as Secretary for the majority of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 10) reads as follows:

S. RES. 10

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Majority of the Senate.

Mr. DASCHLE. I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ELECTING MARTIN P. PAONE AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 11) electing Martin P. Paone as Secretary for the minority of the Senate.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 11) reads as follows:

S. RES. 11

Resolved, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Minority of the Senate.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO MAKE EFFECTIVE THE REAPPOINTMENT OF SENATE LEGAL COUNSEL

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 12) to make effective reappointment of Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 12) reads as follows:

S. RES. 12

Resolved, That the reappointment of Patricia Mack Bryan to be Senate Legal Counsel make by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

Mr. FRIST. I move to reconsider.

Mr. NICKLES. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

TO MAKE EFFECTIVE REAPPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 13) to make effective reappointment of Deputy Senate Legal Counsel.

The PRESIDENT pro tempore. Without objection, the resolution is agreed to.

The resolution (S. Res. 13) reads as follows:

S. RES. 13

Resolved, That the reappointment of Morgan J. Frankel to be Deputy Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

Mr. DASCHLE. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. FRIST. Mr. President, I now send to the desk 12 routine housekeeping unanimous consent agreements and ask they be agreed to en bloc.

The PRESIDENT pro tempore. Is there objection?

Mr. BYRD. What are the resolutions? Will the clerk state them.

The PRESIDENT pro tempore. The clerk will read the unanimous consent requests.

The legislative clerk read as follows:

1. That for the duration of the 108th Congress, the Ethics Committee be authorized to meet during the session of the Senate;

2. That for the duration of the 108th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes;

3. That during the 108th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate;

4. That the Majority and Minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal;

5. That the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 108th Congress;

6. That, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed;

7. That the Committee on Appropriations be authorized during the 108th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed;

8. That, for the duration of the 108th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to House bills or resolution;

9. That for the duration of the 108th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions and concurrent resolutions—messages fro the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions;

10. That for the duration of the 108th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows:

11. That for the duration of the 108th Congress; it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day; and

12. That for the remainder of the 108th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

The PRESIDENT pro tempore. Is there objection? Without objection, the unanimous consent request is agreed to.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business for up to 2 hours, equally divided in the usual form, with Senators permitted to speak for up to 10 minutes each.

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

OPENING OF THE 108TH CONGRESS

Mr. FRIST. Mr. President, 35 of our colleagues have just sworn the oath of a United States Senator. I wish to congratulate all 35 of our colleagues, the 11 new Members and the 24 returning to this Chamber. I also want to welcome back to the Senate the rest of our esteemed colleagues, the former Members and the many friends that we have with us today, and family members—all who have joined us on what is truly a historic day as we convene the 108th Congress.

The very special tradition that we have just witnessed dates back to that first Congress in 1789, when that oath was a very simple one sentence, the oath being:

I do solemnly swear that I will support the Constitution of the United States.

Those words in the version that we just heard recited—when you come down to the essence—are a truly sacred bond that we all share in this body, regardless of what status, what State, what party, or what rank and what creed we represent.

Indeed, it is my hope that in this Congress we will be defined by achievement as well as a cooperative spirit.

At this point in time, our Nation faces truly historic challenges—winning the war against terror, boosting economic growth, job creation, addressing multiple health care challenges that now have become crises, and ensuring our agenda is inclusive of all Americans.

I look forward to working with our colleagues both on our side of the aisle and on the other side of the aisle—in particular with my colleague from South Dakota, Senator DASCHLE—to ensure that we succeed. I am convinced that we will find, based on our own principles, common ground to bridge this aisle between us.

As majority leader of the Senate, I pledge to serve this body, to serve the people of Tennessee, and to serve the American people to the best of my ability. I will remain guided by those same timeless principles of our founding documents. And, above all, I hope to enable this body to continue to contribute to the greatness of all Americans.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The democratic leader.

THE SENATE AT ITS BEST

Mr. DASCHLE. Mr. President, let me congratulate the majority leader on his ascension to his new responsibilities and on his remarks just now. I have little doubt that we will be led well, and we will be led fairly. I look forward to working with him, as I know my whole caucus does as well.

I also congratulate our 35 returning colleagues—those 11 new Members and 24 Senators who are returning. There can be no more awesome responsibility than to sit at these historic desks—especially as we begin the 108th Congress.

Let me also thank my colleagues for their support, for their encouragement, and for the friendship they have given me these many months and years. At this time in particular in my life, I am extraordinarily grateful for that. I wish to express that in the most heartfelt way.

The 107th Congress was filled with history—filled in the way we elected a President, the way we governed as a 50–50 Senate, and in the way we addressed so many issues. I have no doubt that the momentous decisions made during the 107th Congress will be recorded and reported and analyzed and considered for generations to come. We begin a new Congress and a new day with a new spirit and a new mood for the recognition of new responsibilities and a new opportunity to write history.

Just yesterday, as I was coming back from South Dakota, an older woman stopped me in the airport. She pulled me at my arm. And she said: Senator DASCHLE, do your best. Do your best, and remember that history is in your hands.

I think that is our charge—to do our best, to recognize that history is now in our hands, and that as we face the challenges and the responsibilities as Senators in the 108th Congress, I hope we can look back with satisfaction, with pride and with a realization that, indeed, we did our best.

(Applause, Senators rising.)

The PRESIDENT pro tempore. The majority leader is recognized.

PROVISION OF A 5-MONTH EXTENSION OF THE TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACT OF 2002

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. 23, an unemployment insurance extension bill introduced today by Senators FITZGERALD, CLINTON, and others; further, that the bill be read the third time and passed, and the motion to reconsider be laid upon the table.

Mrs. CLINTON. Mr. President, reserving the right to object——

The PRESIDENT pro tempore. The Senator from New York.

Mrs. CLINTON. Mr. President, I ask unanimous consent that there be one amendment in order which would provide benefits for those who have previously exhausted their Federal unemployment benefits—approximately 1 million Americans and over 150,000 New Yorkers—that there be a time limitation on the amendment of 30 minutes for debate, equally divided in the usual form, and that no other amendments or motions be in order to the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. NICKLES. Mr. President, I object.

Mr. FRIST. Mr. President, reserving the right to object, a number of Senators on both sides of the aisle have been very aggressively working on this legislation for, indeed, several months and most intensively over the last several days. I believe we have reached a bipartisan agreement to allow us to pass the bill today so that the House will consider it and in order for it to become public law this week.

As most of my colleagues in the Senate Chamber know, if this bill is not passed by Thursday and signed by the President of the United States, there will be tremendous dislocation among the American people. With that, I urge that we proceed with the underlying unanimous consent.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the initial request?

Mrs. CLINTON. Mr. President, reserving the right to object, I thank the majority leader for bringing this very important matter to the floor so early in our session. I also thank my colleague from Oklahoma, Senator NICKLES, for working with me and others over the last week to try to reach consensus. While I do not object at all to this final bill—in fact, I am a lead Democratic sponsor—I would point out that passage of this bill, as important as it is, will leave many, many people without any means of support, and I think that we must turn our attention to these people who have exhausted their benefits. I look forward to working with the majority and minority leader in doing so.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, reserving the right to object, I would simply also commend those responsible for bringing the resolution to this point. We could have accomplished this in the last Congress, but we were unable to complete our work. I remind my colleagues that by simply passing this resolution we are leaving out over 1 million people who have absolutely no recourse and have no assistance whatsoever because their benefits have expired. We are leaving them out. This will only address those who are about to see their benefits expire—about one-half of the 1 million people who otherwise would be eligible for these benefits.

To simply say we are doing half means that we are doing half the job. We are leaving half on the table. We are leaving 1 million people with absolutely no recourse in their efforts to try to bring about any quality of life in these difficult times.

So I urge my colleagues to reconsider. We will continue to offer this with the hope that we can find some resolution, that we can include all 2 million unemployed workers, and that we do so as quickly as is possible.

The PRESIDING OFFICER. Is there objection?

The Senator from Rhode Island.

Mr. REED. Mr. President, reserving the right to object, as I understand it, if we do not accept the unanimous consent request proposed by the Senator from New York, we will leave 1 million Americans without unemployment compensation benefits at a time they desperately need it. I also understand her amendment simply calls for 30 minutes of debate and a vote. I think it would be appropriate to vote.

If the majority leader can give us some indication as to when we will deal with the issue of these 1 million people who will be without benefits, I think it might help us as we try to respond and decide on this issue.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, reserving the right to object, and I will not object, while the Senators who had expressed their concerns may be correct, I believe we should commend those who have worked so hard to get this bill here, and our majority leader for bringing it up today because, while we wait to do some more, if more is needed, we will leave all of the unemployed without any new benefits. That is the issue. To do it today is to do it the way it is proposed. To debate it, or send it back to committee for refinement, means none of them will get benefits—not only those who have run out of benefits, but there will be no extension and no money.

I believe it is good that we comment, but it is better that we proceed and get the bill done.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, prior to our taking a recess, we begged the administration to do something to allow us to pass unemployment benefits for the people we knew would be out of unemployment benefits. We in Nevada now have thousands of people who need those benefits. I heard my friend from New York say there are 150,000 people who need them in her State. I believe that is the figure she used. But regardless, there are thousands and thousands

of people all over this country, adding up to a million, who need these benefits.

We on this side of the aisle believe we should do everything. I have to respectfully say to my friend, the majority leader, and his colleagues, the reason they are not going to allow us to vote is we would win the vote. We would win if we were allowed to vote to include all 2 million people who are desperately in need of these unemployment checks. We would win the vote.

I do not believe we should adjourn today until this matter is resolved. We want a vote. The people of America want a vote. The people we are leaving out are the ones who are in most need. There is no question the people we would help by passing this resolution need the help, but the million people are those who are chronically unemployed and are in desperate need of help.

We should not adjourn today until we are allowed to have a vote on this most important resolution with the amendment that has been offered by the Senator from New York.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, reserving the right to object, it is important that we take care of these individuals who will be left out without the amendment by Senator CLINTON. The issue is, unemployment benefits not only help these individuals who have lost their jobs through no fault of their own—whether it is the Boeing Company in a downturn or other people impacted by 9/11 who have lost their jobs and need these unemployment benefits—but more importantly, unemployment benefits are also an economic stimulus. Economists have said every $1 spent on unemployment insurance generates $2.15 of economic stimulus.

I can think of no better package for us to support in a bipartisan fashion than putting more dollars into our local economies that are hurting. I know our State, with one of the highest unemployment rates in the country, has an economic forecast that says the next 6 months will not get any better. So if not today, I say to my colleagues on the other side of the aisle, when will we realize this is an economic stimulus package that we must support.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, my understanding is this unemployment extension mirrors the unemployment extension we did in the last session of Congress. We extended benefits for 13 weeks.

There are some for which the 26 weeks plus the 13 weeks have expired. I assume the million people we are talking about are those people in places where there is not high unemployment, who do not qualify for an additional 13 weeks above the 13 weeks that have already been extended.

As you know, under this bill, as under the prior bill, in States where there are high rates of unemployment, people do get 26 weeks, the 13 plus 13. So what you are talking about is a million people, in places where there are lower rates of unemployment, not getting an additional 13 weeks on top of the 13 weeks they now get on top of the 26 weeks which the original unemployment act provided.

So when we talk about people being left out, what we are talking about is a change in what the original extension is. I am not too sure that is being left out. Those are people who went through their 26 weeks, went through their 13 weeks, and have still not been able to find a job but are not in States with high unemployment.

So what we are doing is extending last year's unemployment benefits to this year. I think that is a fair way to start. It is a way to get things done. If you want to change unemployment extension and turn it into 26 weeks, we can have that debate. But to suggest we are leaving people out, I am not too sure that is really what is factually happening in this situation.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, in response to the question by the Senator from Rhode Island, it is clear we are not solving the problem today. Because of the reality of scheduling, and in part because of what happened in the last Congress, we are faced with the reality that if we do not act today, there are going to be as many as 750,000 people who will have a disruption in benefits as of Thursday. I believe the House is going out tomorrow.

We have a compromise on both sides of the aisle we have been working on that was agreed to—worked on by Senators CLINTON, FITZGERALD, NICKLES, SPECTER, CANTWELL, and a range of people.

I understand what we are doing today, if this is accepted by unanimous consent, is taking care of the 750,000 people who will be able to continue to receive their benefits. I know there is a lot more to do.

I am not sure it is necessary to go over everything that is in the bill. Basically, what the compromise does is extend unemployment benefits from December 28—which was while we were all out on vacation—up until June 1, 2003, which is an additional 5 months of coverage. That is what we would be agreeing to today, well recognizing there are other issues in addition to this that we are going to have to do as we go forward on this issue.

The compromise, I should also add, since some of the details were brought up, also provides coverage allowing benefits to be phased out rather than just shut off immediately when the program ends.

President Bush has made it very clear that the extension of unemployment benefits is a top priority. On both sides of the aisle, we have tried to come together. Given the circumstances of having been on our recent holiday, I would like to see us respond in a timely manner, meaning now, through the unanimous consent request, recognizing there is more work to do as we go forward.

The President, as we speak, or in the last hours, has addressed other parts of reemployment. At the end of the day, people want the checks, but what they really want are the jobs. There are other ways we will continue to address that in the future.

I urge my colleagues, very soon, to take the regular order—I will not call for it at this point—so we can take this first important step very significant to the American people, many of whom are not going to see their checks unless we act, and act today.

Mr. GRASSLEY. Mr. President, I rise today in support of extending the temporary extended unemployment compensation program.

In March of last year, Congress enacted the ''Job Creation and Worker Assistance Act of 2002.'' This Act created a temporary program to provide additional unemployment benefits to workers in every State.

Specifically, this program provided up to 13 weeks of federally funded employment benefits for workers who become unemployed and exhaust their regular State unemployment benefits. In addition, the program provided up to 13 weeks of additional benefits in high unemployment States—that's a maximum of 26 weeks.

When this extended benefit program was originally enacted last year, it was scheduled to expire at the end of 2002.

Unfortunately, the economy has not performed as well as we all hoped and the unemployment rate in many States continued to rise throughout last year.

As my colleagues may recall, the Senate agreed to a unanimous consent request last year to extend the deadline. Unfortunately, the 107th Congress adjourned before reaching a final agreement on the extension.

So, we are here again today seeking unanimous consent to extend the temporary extended unemployment compensation program.

This agreement which has been cosponsored by Senators FITZGERALD, SPECTER, COLLINS, GREGG, NICKLES, and CLINTON would provide a 5-month extension of the program through the end of May. This agreement has been reached in consultation with the House Leadership.

I believe a 5-month extension is an appropriate timeframe to see how the

economy will perform this year, as well as give Congress the opportunity to consider further economic stimulus legislation.

Our goal should be make sure that everyone who wants a job gets a paycheck, instead of just an unemployment check.

I also believe it is important to point out that although the program expired last week, if we can get this measure through the House and onto the President's desk by Thursday, no one will miss a check.

Unemployment benefits are the bridges that help people get from one job to another. These benefits are not huge, but they're certainly better than nothing for those who are out of work and desperately looking for jobs. People have to put food on the table. They have to heat their homes. They have to buy their kids clothes, shoes and school supplies. Their needs are immediate, and they need immediate relief.

While Congress is approving unemployment benefits, we need to do everything in our power to create jobs. I don't mean just any jobs, but quality opportunities that pay enough income to sustain families and build careers. I look forward to working with my colleagues and the President on creating jobs. Americans are the world's greatest workforce. Folks need and deserve to use their abilities and skills to the fullest.

According to the Department of Labor, more than 780,000 individuals were collecting extended benefits in mid-December. If we act now to extend this program, workers who qualified before December 28th will be able to continue receiving their weekly benefit check without interruption.

I urge my colleagues to support this measure.

Mr. SARBANES. Mr. President, I am pleased to join my colleagues today as cosponsor of the measure that will extend unemployment insurance benefits. We have a long bipartisan tradition of extending unemployment benefits during periods of prolonged joblessness. We have this policy because it is the right thing to do for people and for the economy. Before I present the case for why extended unemployment benefits are needed—a case which by now almost everyone agrees with—I want to remind my colleagues why we are at this point today.

Led by the late Senator Wellstone, several of my colleagues and I, began this discussion last September. At that point it appeared clear that this economy was still in a weak, 'jobless recovery.' Yet, the administration failed to understand the basic economic reality, and consequently refused to support an extension of benefits. During the next 2 months the economy remained weak and more jobs were lost. My colleagues and I returned to the Senate floor repeatedly, attempting to pass a reasonable extension of unemployment insurance benefits. We asked for unanimous consent eight times, each time pointing out the weak economy, the lack of job creation, the growing number of Americans who had exhausted their benefits, and the upcoming cliff that more Americans were facing, should Congress fail to act. All this while the President remained silent.

Finally, at the eleventh hour of the last Congress, on November 14, we came to an agreement within the Senate. And I would like to thank Senators CLINTON, CANTWELL and NICKLES for their leadership in reaching that compromise. That compromise was needed in order to prevent almost 1 million Americans who should have received benefits from having their benefits terminated. But even that compromise, which passed the Senate by unanimous consent, failed to elicit the support of the President. And without his urging the House failed to act.

Now finally, today we are passing this compromise again. Actually we are passing a slightly improved version which will last for five months, providing individuals with the opportunity to begin receiving extended benefits until June 1st, and allowing all of those who begin to receive their benefits to receive the full 13 weeks, in the event that they are unable to find a job. And it is my understanding that if the House acts on this tomorrow, and the President signs this measure by Thursday, that everyone who should receive a benefit will continue to do so.

However, even with passage of this measure, there is still significant work that needs to be done. This legislation, despite the valiant efforts of some of my colleagues, fails to provide benefits to those who have already exhausted their benefits and are still unable to find a job. There are an estimated 1 million Americans who are in such a position. They are in such a position because the economy has continued to remain weak and is failing to create jobs.

The latest unemployment report showed unemployment at an 8 year high of six percent. We have 2.17 million fewer private sector jobs today than when President Bush took office. We lost 48,000 private sector jobs last month alone.

As a result of the lack of jobs, there are over 1.7 million Americans who have been unemployed and looking for work for more than 26 weeks. There are 150,000 more long-term unemployed than in September and over 1 million more than when President Bush took office. Over 20 percent of those who are unemployed have been so for more than 26 weeks, a greater percentage than at any point in the past eight years.

The premise of the unemployment insurance system is that you give people some short-term support, the labor market picks up, and they can go back and find a job. Today, they cannot find jobs. In fact, not only can they not find them, more people are losing their jobs. So the labor market is contracting, not expanding. Extending benefits in this situation is the proper economic policy. Fed Chairman Greenspan, before the Joint Economic Committee this past November stated: ''I have always argued that in periods like that the economic restraints on the unemployment insurance system almost surely ought to the eased.''

This easing ought to include extending benefits to those who have already exhausted all of their benefits. I can not understand why anyone is objecting to extending benefits to these individuals. It is not because we lack the resources to extend benefits. Extending benefits to these individuals is projected to cost around $7.5 billion. Our unemployment insurance trust funds, specifically designed to meet this kind of situation, are in strong financial condition with approximately $24 billion. Those moneys have been paid into the trust fund over a period of time. The whole system was structured to have these trust funds build up in good times, and then to utilize them in bad times.

We will spend much time debating the wisdom of various economic stimulus plans over the coming months, but one thing that everyone should be able to agree on is the stimulative effects of extending unemployment insurance benefits. As the Baltimore Sun wrote in an editorial on January 3, 2003, ''Few dispute the clear returns from directing short-term relief to those who lose their jobs as a result of the fiscal turbulence. Giving money to people who need it to pay their bills ensures that it will be spent and multiply as it ripples through the economy.''

In closing, I would like to thank all of those who have worked so hard to pass the measure that we passed today. As a result many Americans will receive the benefits that they deserve and our economy will receive some of the stimulus that it needs. And I will continue to work to extend benefits to the 1 million Americans who have exhausted their unemployment insurance coverage.

Ms. MIKULSKI. Mr. President, I rise in support of the Emergency Unemployment Compensation Act. On December 28, 2002, the Federal Government played Scrooge to nearly 800,000 Americans. We left town, and we left a lot of people holding no money for the new year. Because the House of Representatives failed to pass an extension of unemployment benefits, 780,000 unemployed Americans—including 10,000 unemployed Marylanders—had their benefits abruptly cut off just a few days after Christmas.

Yet the story gets even worse. One million Americans have already exhausted both Federal and state aid

without finding a new job, and 2 million are expected to run out of state benefits in the next five months. We must act now to help these working Americans who have been hardest hit by the economic downturn.

That is why I am proud to cosponsor the Emergency Unemployment Compensation Act. This bill will give immediate assistance to those who need it most and it will put money back into the economy to keep it going. The Emergency Unemployment Compensation Act will help nearly 2.85 million Americans who are facing the highest unemployment rate since the recession during the first Bush Administration. It will restore benefits for those who were unfairly cut off in December and it will help those who will lose their benefits in the next five months. It will provide relief for approximately 30,000 people in my own state of Maryland who still have not been able to find a job.

Extending UI not only helps those who are hardest hit by bad economic times, it also helps turn the economy around. A good economic stimulus puts money in the hands of the people who will spend it. That is precisely what the Emergency Unemployment Compensation Act does. Workers who have lost their jobs because of September 11th or the economic downturn will spend this money. They will spend it on necessities, like rent and food, to keep the economy going. This bill will inject $7.25 billion into the economy as an immediate stimulus. I believe this will do more to help the people and stimulate the economy than the across the board tax cuts for the wealthy.

I am so pleased that the Senate is ready to pass this bill. But this measure doesn't go far enough. As long term unemployment balloons due to the weak economy, we can't forget about the 1 million Americans who have already exhausted both Federal and state unemployment benefits and have still not found a job. These people have no income, and now they have no safety net. I urge my colleagues to provide an additional 13 weeks of extended unemployment benefits for these Americans.

Mr. FITZGERALD. Mr. President, I rise today to urge the Senate to pass the extension of the Temporary Extended Unemployment Compensation, TEUC, Program.

In November, the Senate acted unanimously to extend the TEUC program through the end of March by passing a bill that I cosponsored along with Senators CLINTON, CANTWELL, SPECTER, SARBANES, KENNEDY, and DURBIN. However, the House and Senate were unable to reach a compromise that would have allowed President Bush to sign the extension into law. This is our last chance to act before there is an interruption in the receipt of benefits pursuant to the TEUC program.

November 2002, the nationwide unemployment level shot up to 6.0 percent from 5.7 percent in October. The law authorizing the TEUC program expired on December 28, 2002. If we do not act now to extend this program, as many as 800,000 workers who are receiving temporary benefits will not receive their full 13 weeks of extended unemployment benefits. 1.6 million workers will exhaust their regular unemployment benefits between December 28, 2002 and the end of May 2003 if we fail to act. If we act today to extend this important program, we will ensure that these workers will receive their next unemployment check.

The unemployment situation in my home State of Illinois is critical. It would be particularly adversely affected if we do not act. In November 2002, Illinois had a 6.7-percent unemployment rate, tying Mississippi with the third highest unemployment rate in the country behind Alaska and Oregon. Illinois' rate was substantially higher than the nationwide 6.0-percent unemployment rate. Over the 3-month period from September through November 2002, the average unemployment rate in Illinois was 6.6 percent, which is significantly higher than the national average of 5.8 percent over the same period. In November, there were 416,200 unemployed persons in Illinois.

I have introduced legislation that would extend the provisions of the Temporary Extended Unemployment Compensation Act of 2002 to allow individuals receiving benefits to continue collecting them until they expire in full. This bill is retroactive, and permits people who otherwise would have had their TEUC benefits cut off on December 28 to receive the full 13 weeks of TEUC benefits. Furthermore, this legislation would make individuals who have exhausted their regular 26 weeks of unemployment insurance eligible for a 13-week extension, and would allow these individuals to apply for such extensions through the end of May. Under my bill, even those who enrolled in the TEUC program just prior to the expiration of the program would be eligible to receive full 13 weeks of extended unemployment benefits.

This bill is a more generous extension of the TEUC program than the extension that the Senate approved last November. It provides for 5-month extension of the temporary unemployment insurance program, which is more than the 3 months of benefits provided by the extension that the Senate passed last year. Passing this legislation will help millions of families nationwide, easing the burden that these families might otherwise experience if their unemployment insurance were to have expired on December 28, 2002. It will help unemployed Americans feed their families and pay their bills while giving them an additional 5 months to find new jobs.

I would like to thank the Senators on both sides of the aisle who have helped to negotiate this bipartisan compromise bill that will extend unemployment insurance benefits to the millions of Americans who need them.

President Bush has called upon us to quickly pass legislation that will extend the TEUC program, a program whose benefits fell off a cliff on December 28, 2002. I urge may colleagues in the Senate to support this necessary legislation. I also urge the House of Representatives to take up and pass this bill in an expeditious manner so that President Bush can sign the measure into law by this Thursday and prevent any interruption in the receipt of temporary unemployment insurance benefits.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I fully appreciate the suggestion made by the distinguished Republican leader, the majority leader. Clearly, we have to resolve what we can resolve. I know a good deal of effort has been put forth in getting us to this point. But that does not acknowledge the urgency with which we have to address all of those people who are not considered in this resolution.

The Senator mentioned the fact that our Republican colleagues in the House have chosen to recess tomorrow. You do not have the luxury of recessing if you are unemployed. You do not have the luxury of recessing if there is no other option for you but to seek unemployment compensation.

I hope, as Senator REID has suggested, that we continue to find a way this afternoon to address this second group of people who need help, this 750,000 to 1 million people who are not covered in this resolution. I think he is right. I don't think we ought to leave until we get the job done this afternoon. There is no reason why we can't complete our work on both groups today, and I urge my colleagues to stay until we get the job done.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I yield to my friend and colleague.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I yield to my friend from Oklahoma.

Go ahead.

Mr. NICKLES. Mr. President, we have to talk about what is doable. If people want to revisit what we did last year, I am happy to do that. We passed temporary Federal unemployment compensation extension last March or April. We passed that. It was a benefit. It passed overwhelmingly in the Congress. It expired on December 28. Several people said we need to extend that.

Last year some people wanted to double the program from a 13-week Federal program to 26 weeks. This Senator, along with others, objected to that. The cost of that program or expansion was about $17- or $18 billion. I objected to it several times. I will object to it today.

What I did agree to and what this Senate passed last year was a simple extension of present law. We agreed, Senator CLINTON and myself, Senator FITZGERALD, Senator SPECTER, Senator CANTWELL—by unanimous vote, the Senate agreed to a 3-month extension of the present program. That passed the Senate. It did not pass the House. The cost of that program was about $4.9 billion. The House had passed a program that cost a little less than $1 billion. I tried to work out the differences between the House and the Senate late in the legislative session. I was not successful. Some of us have been working, frankly, for some period of time trying to get something done now.

We have a letter from the Secretary of Labor, Elaine Chao. I ask unanimous consent to print this letter in the RECORD.

SECRETARY OF LABOR,
Washington, DC, January 6, 2002.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Capitol Building, Washington, DC.

DEAR SENATOR FRIST: Although the economy is showing some positive signs, we believe that a short extension of Temporary Extended Unemployment Compensation (TEUC) benefits is needed to give many unemployed workers continued access to the necessities of life while they look for new jobs. As the 108th Congress convenes, we urge you to quickly pass an extension of the TEUC program retroactive to December 28, 2002. The only way for states to continue paying TEUC benefits without disruption is if a bill is presented to the President for signature no later than Thursday, January 9, 2003.

If you have any questions, please do not hesitate to have a member of your staff contact Mr. Anthony Bedell, Senior Legislative Officer, Office of Congressional and Intergovernmental Affairs, who will coordinate a departmental response. Mr. Bedell can be reached at (202) 693–4600.

Sincerely,

ELAINE L. CHAO.

Mr. NICKLES. The essence of the letter says the only way for States to continue paying temporary unemployment compensation benefits without disruption is if a bill is presented to the President for signature no later than Thursday, January 9, the day after tomorrow.

We had to resolve the differences between the House and the Senate. The Senate passed a $4.9 billion bill; the House passed a $1 billion bill. We have worked with our colleagues in the House. I think we have been successful. I believe we have been successful in getting them to accept a straight extension of present law.

We were originally talking 3 months. After negotiations with the House, I consulted with my colleague and friend from New York and said, let's make it a 5-month extension. So we extended the program all the way through May, and then the phaseout would occur. So there would not be a shutoff date as there was December 28, a much better transition. It was my understanding that colleagues had agreed upon this 5-month extension. The cost of this proposal is estimated to be $7.2, $7.3 billion on a 2002 scoring base. It might go up if benefits go up on the calendar year. It might even be a little bit more than that.

That is a significant change that I believe we have the House concurring with to pass. We will not pass and they will not concur with a doubling of the program to 26 weeks. I will not agree with it, and I don't believe my House colleagues will, either.

If we are going to provide unemployment compensation extension benefits so it would be a seamless transition, so those people who are presently receiving Federal temporary unemployment compensation, if they are in this 13-week window, one week or 10, that they could continue to receive benefits without missing a week, we need to pass it. We need to pass it today. It needs to go to the House, and it needs to go to the President by Thursday for his signature. The only way that will happen will be by unanimous consent.

I believe the only bill that will pass will be basically a clean extension of present law, and I believe the proposal we have before us is deserving of all of our support, just as the bill we passed last November, maybe October, we passed by unanimous consent a 3-month extension, this is a unanimous consent extension for 5 months with a phaseout.

I urge my colleagues not to object to the majority leader's unanimous consent request.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Let me just see if we can resolve this issue. We have two questions. One is the substantive question about who ought to be included in the unemployment compensation package. We believe all of those who ought to benefit ought to be provided the coverage in this resolution. Our Republican colleagues say that half of those ought to benefit. The other question is whether we ought to be able to have a procedural vote, whether we ought to have an opportunity to vote on the amendment offered by the distinguished Senator from New York.

I again ask consent that we have the one vote on the amendment offered by the Senator from New York and then obviously whatever the Senate may decide on that amendment would give us an opportunity to come to closure on the resolution itself.

I see no reason why the Senate should be denied that opportunity on an issue this important on the very first day of the session. I ask unanimous consent that that amendment be allowed a vote at this time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I respond to the comments by the Senator from South Dakota by saying the Senator from Oklahoma laid out clearly why a vote and adoption of such an amendment would be devastating. It would be devastating for the million people we want to cover with the unanimous consent request we have proposed. The House will not accept it. I am not too sure, even if we did pass it here and send it over to the House, the House would not accept it. We will be in conference and the opportunity for us to pass an unemployment extension by Thursday will be lost. I think it is important for us to pass a bill which, I remind everybody in the Chamber, passed when the Senator from South Dakota was the majority leader and the Senator from Montana was the head of the Finance Committee. They passed this unemployment extension.

All we are saying is, let's continue the unemployment extension that you proposed and you passed in the last session of Congress. All of a sudden your handiwork is no longer sufficient today. I don't know what happened between what you did then and what we did today. I don't know what possibly changed the dynamic that would now cause what we are proposing to be insufficient, when what you did was sufficient.

The fact is, this is exactly what you passed under your leadership and what we should do today. We should stop playing politics out of the box with this very important issue to over 1 million people in this country and get the job done.

Mrs. BOXER. Will the Senator yield for a question?

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, the Senator from Pennsylvania has made a number of errors in his comment. Let me clarify. We passed the resolution that we passed in the last session of Congress over the objections of many of those on our side, all of those on our side who felt this very amendment should have been included then. We were told back then we would revisit this issue immediately upon coming back.

Well, we are doing that. But we had a clear understanding that there would be an occasion for us to have a debate and have the amendment we have suggested by the Senator from New York. That is No. 1.

No. 2, I hope this body will never be dictated to by the House of Representatives. We are the Senate of the United States. As the Senate of the United States, I don't want the House telling

us what to do. We ought to do what is right. We ought to be the ones to dictate what our position is, not the House.

I would hope we could accommodate the need to address this resolution and the need to address the resolution offered by the Senator from New York. I will suggest a new approach. I would ask unanimous consent that we send two resolutions to the House, the resolution before us and the resolution offered by the Senator from New York. I make that request at this time.

Mr. NICKLES. I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the present business? Is the request by the Senator from Tennessee the pending business?

The PRESIDING OFFICER. The original unanimous consent request of the majority leader is before the body.

Mr. BAUCUS. Mr. President, reserving the right to object, I have a couple of points. One, the Senator from Pennsylvania says, ''what's changed?'' A lot has changed. The unemployment rate is higher than it was last March. That is a significant change. Second, the nature of unemployment in America regrettably is becoming more long term. Economists debate why that is happening; nevertheless, it is a fact. It is becoming more long term. Some of it is Rust Belt jobs not being replaced. A lot of it is in the service industries, whether in technology and financial; but it is becoming more long term.

These people are having a hard time with the change in the nature of our economy and finding jobs. I think, frankly, the request by the Senator from New York is more than reasonable, that at least we should have an opportunity to vote on that; or we can take up the suggestion by the Senator from South Dakota, that we have two different options.

I might also add that this is stimulative. The Senator from Washington pointed out, quite correctly, that economists say for every dollar spent on unemployment, $2.15 is recirculated into the economy. Essentially, a lot of the discussion at the beginning of this year is stimulus—how are we going to stimulate the economy? I think that at least helping people who don't have jobs gain a little bit of benefits is a good idea because it stimulates the economy. I further add that there will be a lot of discussion over the next weeks and months about the President's stimulus plan, which includes tremendous tax breaks, whether it is dividends or income-tax breaks for these people who have jobs and income.

What about the people who don't have jobs, the people who don't have income? If we are going to ''stimulate'' the economy by giving tax breaks, the very least we can do is help people who are unemployed in an economy whose very nature means there is longer unemployment.

People who do not have income don't pay income tax. I suggest that we find a way to have a vote on the amendment of the Senator from New York. Senators can vote against it. If Senators do not want to be ''dictated'' to by the House, they can vote their conscience and do what they think is right. If Senators believe the House trumps this body, they can vote against the amendment. They have that option. But at the very least, I believe that we, as responsible Senators—I heard a couple of great speeches not long ago about defending the Constitution of the United States and doing what is right. Clearly, doing what is right is helping people who need some help. That is what is right. That is why we are here.

I understand it is a little inconvenient, and I don't denigrate that because of the receptions and the parties that are going on here. I don't think the Constitution had that in mind when the Framers wrote the provisions in that document, the oath of office which we took to support and defend our country.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I hope the leaders will provide some time for debate. The majority leader has made a unanimous consent request. Senators are reserving the right to object. They have no right to yield to other Senators when they are reserving the right to object. Let's have an orderly procedure here.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCHUMER. I will reserve the right to object.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I reserve the right to object, and I will not object. I think there is a lot of good debate points being raised. But I hope we don't start this session the way we ended much of last year, which was getting in great debates about big topics and at the end of the day not passing anything. I think that is really where we ended, and we fouled up on a lot of bills last year—big bills. There were significant bills that we would work for weeks and months on and we didn't get them done.

We have a chance to do something here. I think everybody is agreed that there is more that could be done. That would be good, but we don't have that agreement. We can start this session off with doing something or nothing. I hope at some point in time we can get to the point of doing something.

We have a reasonable proposal that is agreed to by the basic principles in this proposal at least. Let's pass that. Let's start this session off with getting something that is going to be helpful for people. It may not be perfect for everybody, and that is obvious, but we can get something done here. It will be significant and it will be important and helpful. I hope we can move that forward and get this cleared through.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in my unanimous consent request, I wanted to close what has become some debate here and basically say that we have an opportunity—and I believe an obligation—to finish up the business that we didn't finish in the last Congress, on which we have an opportunity to take the next very important step, which will affect the lives of 750,000 people after next Thursday, which doesn't have anything to do with the House or the Senate. Thursday is the deadline for these checks. If they don't go out, it affects 750,000 people. The 5 months' extension that is being proposed here also affects the lives of about 2½ million other people who will be enrolling over that period. Because we worked so hard on both sides of the aisle over so many months and weeks—and over the last several days—I didn't recognize that we would get to a point now where we would have so many reservations of the right to object. We are talking about Thursday, checks not going out, a dislocation affecting 750,000 people, an additional 2½ million, if we don't address this today. With that, I will call for the regular order.

The PRESIDING OFFICER. The regular order has been called for. Is there objection?

Mr. DURBIN. I object.

Mr. BYRD. What is the regular order?

The PRESIDING OFFICER. The regular order is a unanimous consent request made by the majority leader. The Senator can object.

Mr. BYRD. Parliamentary inquiry: Is the resolution before the Senate?

The PRESIDING OFFICER. The request is to have the measure sent to the desk and passed.

Mr. BYRD. Then the resolution is not before the Senate. There is nothing before the Senate that can be amended at this point.

The PRESIDING OFFICER. The Senator is correct. A request has been made that it be granted so it can be brought for a vote.

Mr. BYRD. The request is an all-encompassing request. It doesn't give the Senate a chance to amend the resolution? That is what I am trying to find out.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

The majority leader has asked for regular order. Senators may not reserve the right to object when the regular order has been called for. They either must object or permit the request to be granted. Is there objection?

Mrs. BOXER. Mr. President, may I make a further unanimous consent request?

Mr. BYRD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BYRD. He made a request, but he sent something to the desk, didn't he?

The PRESIDING OFFICER. The majority leader has made a unanimous consent request and he retains the floor.

Mr. BYRD. Yes, he does. I understand that. I had hoped to suggest the absence of a quorum, but he does retain the floor. I ask unanimous consent that I may speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I ask to speak for a minute following the Senator——

The PRESIDING OFFICER. The Chair believes that objection is heard. Is there objection to the majority leader's request?

Mr. DURBIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The majority leader has the floor.

Mr. FRIST. Mr. President, I am obviously disappointed with this objection for the reasons that I have set out. There are 750,000 people and their dependents who depend on these distributions, as well as another 2½ million people. We had been told this had been cleared on both sides after a lot of hard work. I am obviously disappointed, because this is the first move out for me, after it had been cleared on both sides, but I guess that is what I can come to expect. I do hope that my colleagues will rethink today's objection and allow us, for the reasons I have said, to have this cleared later today.

Mr. DASCHLE addressed the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. FRIST. I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object—and I will not object the objection I raised earlier within the caucus has been discussed at length and it is clear to me that the Democratic leadership, Senator DASCHLE through the membership, will continue to fight for the million people who are not covered by this resolution, but we cannot turn our backs on the 2.8 million who need this check on Thursday.

I will not object to this unanimous consent request.

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

The bill (S. 23) was read the third time and passed.

EXTENSION OF MORNING BUSINESS

Mr. FRIST. I ask the period of morning business be extended for 3 hours under the earlier parameters.

Mr. DASCHLE. I ask unanimous consent the 3 hours be divided equally.

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

The Democratic leader.

UNEMPLOYMENT ASSISTANCE

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Illinois for not objecting to this resolution. He and my colleagues feel very strongly, as is evidenced by the debate this afternoon. We will not give up, we will not relent, we will not allow those million Americans who have no coverage not getting the consideration they deserve in the Senate. We will continue to offer amendments.

I put my colleagues on notice: On this legislation and on any other occasion that we have the opportunity to avail ourselves of an amendment, we will do so, because this deserves a vote. It deserves debate. It deserves passage. It is shameful we are leaving out these million people today. There is absolutely no excuse, especially when the President of the United States today is in Chicago talking about more tax cuts for those at the very top. That is wrong.

It is an illustration of the extraordinary difference in philosophy about how we stimulate the economy. This is not only good for the economy, it is good for 1 million people left out as a result of the actions today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. On the Democratic side we have a number of Senators who have asked for a specific time. I ask unanimous consent on our side, and on an alternating basis if, in fact, there are Republicans who wish to speak, that Senator BOXER first be recognized for 5 minutes, Senator SCHUMER for 5 minutes, Senator STABENOW for 5 minutes, Senator DORGAN for 5 minutes, Senator REID of Rhode Island for 5 minutes, Senator MURRAY for 5 minutes. That is a total, I believe, of 35 minutes, leaving 55 minutes for other Senators on this side of the aisle who wish to speak. The normal procedure is to alternate back and forth on the time evenly divided between now and 5 p.m.

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

The Senator from California.

Mrs. BOXER. Mr. President, I thank my assistant Democratic leader for the time.

During the brief debate we had before we voted to extend these unemployment benefits, the Senator from Pennsylvania asked, What is wrong with you people? What has changed, that you really want to protect now these 1 million people, when several months ago you did not speak as loudly for their inclusion?

I state for the record what has happened in this period of time. As we go out and about our States, as I think we all did during this break, we find high anxiety among the people—high anxiety because of this economy. We are seeing more foreclosures than ever. Two million jobs have been lost in the private sector. On top of that we are seeing budget deficits that we have not seen in many years.

My friend who is now presiding, my esteemed colleague, understands this anxiety. We have teamed up to work on giving a jump-start to the high-tech sector with a bill on wireless fidelity, which I believe is going to really help this economy. He understands that.

We have a sense of urgency about that bill because we know we can turn things around. In my State we have a horrible situation in the northern areas because of what I would call a depression, really, in the high-tech sector. Some of it was to be expected; we went through this huge period of growth. We have some settling down there. But nonetheless, it is a problem. We have thousands of people in northern California who are suffering through no fault of their own. These people, who are intelligent, educated, and excellent workers, are out on the street. They are running out of benefits, and some of them have run out already. That is why we on this side of the aisle believe those million people should not be left out of the equation.

I have a State of 35 million people. In terms of its economy, it would be the sixth largest economy in the world. The fact is, the good people in that State need help. Why we on this side of the aisle were so upset and why we kept objecting or reserving the right to object is we wanted to make sure the people's voices were heard. That is what the Senate ought to be, a place where the voice of the people is heard.

We have a situation where our States are worse off. They cannot come in and help because they are financially strapped because of the recession. So people are turning to us. Today we took care of some people. I am very proud we did that, but we have left out in the cold a million people. I will not be satisfied, speaking as one Senator, until we have taken care of all those who are in need.

The Senator from Pennsylvania also made a comment that just some of the States have problems. This is not true. These million people reside in all of the States. In my own State, the pockets of real trouble are in the north of the

State right now; the south of the State is doing better. But individuals all over this country need help.

In summary, I say the Democrats are back. We are ready to go to work. We will stay. We will stay late into the night. But we are going to offer, all through this day and all through the coming days, a unanimous consent request saying we need to take care of those million people, those long-term unemployed people whose checks have already run out, who do not know where they are going to get the money to pay the rent, who don't know if they will get evicted, who don't know if they can take care of their children.

There is a new term of art that has come about. It is called ''food insecurity.'' Food insecurity—that is a delicate way of saying people are hungry.

We are seeing food insecurity. We are seeing housing insecurity. We are seeing joblessness. Can we turn it around? Of course we could turn it around.

I have seen the President's plan. In my personal opinion, having looked at where the benefits go, it is a bonanza to the wealthiest in the country, and it is a bust for the middle class. It is a budget deficit disaster. But he has a plan out there. It is a huge plan, and we are going to work to make it better, to get the benefits to those who need them. But if you want to talk about stimulus, talk about the million people who have no money to put bread on the table.

In closing, let's help those million people. I intend to stay here all this week and next and into future weeks to make sure we do.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I have been here throughout this debate. I have not been involved in this issue prior to this point, as many have. But it has been an interesting and rather surprising sequence of events here on this first day, this sort of ceremonial day, in which we get into this kind of head-to-head arrangement. It is surprising.

I do understand why this issue was brought to the floor. That is because there is a time element. We heard a letter from the Secretary of Labor indicating that in order to get a continuation of the unemployment benefits of those who are still eligible, we have to do it by Thursday. So I think that is a pretty compelling issue. In order to get that done, we obviously also have to do something that has been agreed to, apparently, by the House as well.

So it is surprising to me that we have this effort made within the Senate, and also with House leadership, to try to do something within this time that is imperative we do, yet we come to the floor and apparently the very people who helped make the agreement now are proposing an amendment which would kill the bill. Certainly it would not make it available in the time that is necessary.

There is no reason for anybody to argue with the fact that there are those out there who need some additional help. This bill is not a total remedy. I think everyone admits that. We have to come back and do some other things. But this was argued last year. We could not get it done. We should have gotten it done last year and didn't. Now we have an opportunity to do something today to get it to the President, to get it through the House before they adjourn—apparently today.

It really sounds as if the process is such that it is pretty compelling that we do what seems to be available, and that is to pass a bill which would extend unemployment benefits to, apparently, up to 2 million people whose benefits otherwise would expire at the end of this week. If there are others who are eligible who still need some help—and there obviously are—then we can do that. We can come back and do that. But to sacrifice what we can do today to argue about something that we do not agree on yet and can do tomorrow does not seem to make good sense.

I hate to think it is a political issue, bringing up now the President's economic package. It really is not a part of this debate. The President has said all along that he wants to have the unemployment relief extended. So it is a puzzle to me. I hope we can now move forward. We have passed the bill. I say that is the greatest thing we could have done today. Certainly we needed to do that. We can come back and take a look at these other issues and everyone can get their opportunity to express their political issues and, I think, seek to separate us from the other side. I hate to think that is the case, but it seems to be. And it is too bad.

The notion that some of us do not want to do anything is not accurate. How we do it is what we are talking about. We have been through it before.

I am glad we are able to move forward. I think we ought to get in our minds a way to work on the issues that remain to be worked on and do that in the appropriate time. But I am reluctant to think we want to continue to confront one another today and to talk about all the bad things we can think of. That is not quite what is involved with this first session of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, there is no question that today is a day for family, a day for congratulations. I congratulate all my colleagues who were just sworn in. I know it is a very exciting day. I remember being in this position 2 years ago. It is a very special day.

But in addition to celebrating family in the Senate today, we are very concerned about those families who find themselves in the difficult position of having no income coming in because of unemployment, through no cause of their own.

They want to work. But because of the changing economy, the structure of the economy, or because of a variety of other reasons, they have found themselves unemployed. Certainly in Michigan we find that the changing economic structure has occurred for many people. Many of us have been asking that we remember them. We asked during the holidays that we remember those whose unemployment benefits would be ending during the holidays and that we take action before we left last year. That did not happen. We are back today.

I commend the new leadership for their willingness to come forward with this issue of unemployment compensation. However, what we have seen today is a willingness to only do half the job. How can we say to a million people, and to their families, on a day when we celebrate families, that they don't count? We are told that the House of Representatives would not support solving this problem completely or addressing it completely—that they would only support addressing half of it.

We have said let us support solving the problem. And we did in fact pass a resolution to move forward solving half the problem.

But our leader, Senator DASCHLE, also proposed that we add a separate resolution to complete the job to help those 1 million individuals who also find themselves in a situation of needing to extend their unemployment benefits. Yet we were told no again. We have been told no so many times on this floor as it relates to helping unemployed workers. It is very regrettable that today, one more time, we were told no. I think, more specifically, families were told no. Those who have lost their jobs were told no. One million people were told no.

We celebrate today people coming into new commissions, new jobs, and with great pride, as they should. We know the ability to work and to be able to provide an income and care for your family is one of the basics of our society and our economy. We know that there are Americans today who find themselves in a difficult situation of searching for work, of being unemployed, and asking that their Government support their families as they move forward to find new employment so that they can care for their families in the way they would like to provide for them. Unfortunately, I believe today a tone was set by choosing not to address this problem completely at a time when we are seeing, unfortunately, one more time, an economic plan rolled out to help those who have been helped so many times who are at

the very top of the income bracket in our country.

As a member of the Budget Committee, I have heard many economists, including Alan Greenspan, say that by extending unemployment benefits—and by putting dollars into people's pockets so they can pay their bills, buy the shoes for their children, and be able to continue providing groceries for their families and paying other bills which they have—we actually stimulate the economy. We create demand. When there is money in people's pockets, they are spending it. We know someone who is unemployed is going to be spending it because they have to. The money coming in is not being saved. It is being spent on clothes, food, the electric bills, the car payment, the mortgage payment, and so on.

We know that is a short-term economic stimulus—certainly at a time when we are debating economic stimulus.

What we have been asking for today is something that is not only fair and right to address—all of those who find themselves in a situation of being unemployed, not leave 1 million people out of the solution—but we are also asking, as we talk about economic stimulus, that we in fact provide the kind of stimulus that puts money back into the economy and helping those who need to spend it to care for their families, to pay their bills, to be able to remain independent in their homes, and to be able to know that they are a part of the economic equation, and when we talk economic stimulus, that they are not left out.

While I am pleased we were able to pass the resolution, I am very disappointed that this very first time we were not able to address or even bring forward in a separate resolution the ability to address 1 million people today who are looking to us, at a time of celebration, and asking us to remember them; to ask on their behalf so they, too, can have the ability to care for their families. I hope we will, as quickly as possible, finish the job.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I first ask unanimous consent that Senator SCHUMER be placed as the next Democrat to be recognized in the order of recognition.

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

Mr. REED. Thank you, Mr. President.

Mr. President, let me remind not only my colleagues, but the American people, why we are forced today, at the eleventh hour, to make a very cruel choice between helping some Americans and abandoning other Americans. It is because all through last fall, the Republican House of Representatives refused to take up and vote upon unemployment benefits in a meaningful way that would lead to successful passage. The President did not involve himself on this issue until the unemployment rate reached 6 percent. He fired his economic team, and they discovered there really were Americans who desperately need help.

Today we were forced to make those choices that you see sometimes in the movies about who gets to stay in the life boat. It was a completely unnecessary choice.

The Senator from Oklahoma talked about one proposal costing $4 billion and another proposal costing $1 billion. The House wanted $1 billion.

There is a surplus today in the unemployment insurance trust fund of $24 billion. There is absolutely no fiscal reason we could not provide these benefits to 1 million Americans who have exhausted their unemployment benefits. We heard from colleagues on the other side of the aisle that they are categorically opposed to giving any extension of benefits beyond a certain time. This not only defies logic and defies the fiscal status of the trust fund but also defies history.

In the early 1990s, this Government extended unemployment compensation a total of five times—three times under President George Herbert Walker Bush because unemployment continued to rise for the 15th month after the so-called end of the recession. There are cases in which individuals were able to collect unemployment benefits for a total of 52 weeks because they qualified for these extensions.

Why is this so important? Because people are desperate. They had good jobs. They lost those jobs. They are looking for comparable work. They cannot find it. The record of this economy under this President is dismal. Family incomes have fallen for the first time in 8 years. Poverty is increasing. Families at all income levels are losing their health insurance left and right. Gross domestic product is growing, but it is growing too feebly to generate the jobs these people need.

Since the President took office, 2.2 million private payroll jobs have been lost. We are losing jobs. We are not gaining jobs. We are asking them to find jobs; we are setting them on a task that is extraordinarily difficult.

So what can we do in the interim?

We can at least give them unemployment compensation, extended, if necessary. It is the fair thing to do. It is the wise thing to do. The President, in his economic speech in Chicago, talked about some special $3,000 benefit for those people who are unemployed. Let's do the mathematics. That $3,000 represents probably a fraction of the unemployment insurance someone would collect if we voted for these benefits. That is not a good deal for the people of America—a $3,000, one-time payment, some type of scheme in which they can use it either to pay their household costs or go to training versus receiving, on a regular basis, unemployment compensation as they look for work.

The reality, as my colleague from Montana pointed out, is that unemployment is different today than it was even 10 years ago in the recession of the early 1990s. It is different because the economy has changed.

The State which the Presiding Officer and I represent used to be a manufacturing center, not just to the United States but to the world. That is changing. As I go about our State talking to people, the unemployed are 50-year-old, former mid-level management people who used to work for a company. They did not get fired. They did not get laid off. The company went away, went out of business, moved its operations to Mexico, moved its operations to Singapore. And then you ask this person, with a mortgage, college tuitions—and the health care benefits which they used to get at work are now his responsibility or her responsibility—to go look for a job with comparable pay? They are not hiring people like that. They are looking for the 35-year-old, with a computer degree, who will work cheaper, who does not have those responsibilities of a family, of a mortgage.

That is the reality out there. That is what we are fighting about today, not the number ''1 million,'' but a million Americans, struggling to find work, trying to find work. They need help. And we turn our back on them today. I heard my colleague, the Senator from Oklahoma, say he would never bring up extension of these benefits to people who have exhausted their benefits already. I heard the majority leader sort of talk about: Well, we want to deal with this issue, but let's get this issue done first.

The message is pretty clear to me and should be clear to the American public: We are walking away today from a million people. We should not do that.

This seems to me to be so clear and so obvious that I am, in fact, amazed and shocked at what we did. The money is there. This is a benefit for people who are looking for work. Once they find work, the benefit expires. We are talking about stimulating the economy. What is more stimulating than giving people money to pay for their household goods as they look for work?

I am more than disappointed. But we were forced today, because of the inattention of the administration and the House, at the last minute, to choose between denying benefits to all unemployed Americans or abandoning about a million—a cruel, unnecessary choice. We can do better. We should do better.

I yield the floor.

The PRESIDING OFFICER. If nobody yields time, time will be charged equally to both sides.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. 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. REED. Mr. President, I also ask unanimous consent that the time be equally charged to both sides during the quorum call I am about to suggest.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. BENNETT. Mr. President, I ask unanimous consent to proceed for up to 10 minutes as in morning business.

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

TRIBUTE TO SENATOR TRENT LOTT

Mr. BENNETT. Mr. President, this is the first day of the 108th Congress. I remember the former Senator from Kansas, Nancy Kassebaum, used to refer to these days as the first day of school, coming back after the recess. Of course, it is a time of celebration as new Senators gather. This one is particular in that it is a time of a new majority leader. I rise to express my confidence in and give my congratulations to Senator FRIST of Tennessee in his assuming the position as majority leader. He will prove to be an outstanding leader. The Senate and the people of the United States will be well served by his stewardship.

However, I wish to take this opportunity to make a few comments about the previous majority leader, Senator LOTT of Mississippi. Senator LOTT has been very much in the news of the last few weeks. He ultimately made what I consider to be the right decision in stepping aside so that the challenges raised to him would not get in the way of the business of the Senate or of the country. The caricature of Senator LOTT that appeared in much of the national media did not match in any way the man that I know and love.

I rise to comment briefly on the contribution Senator LOTT has made to this institution and to the Nation and take the opportunity of the shifting of power to pay tribute to Senator LOTT and the work he has done.

There are many things in his career that we could point to. This is not his funeral so I won't run through a list. But there is one in particular that stands out in my mind, which I will share with those who may be watching, that demonstrates the kind of leader TRENT LOTT was. I refer to the experience many of us described as the most significant of our careers, and that was the historic moment when the Senate sat in judgment as a trial for the impeachment of the President of the United States. For only the second time in our history, a President had been impeached by the House of Representatives, and we were required under the Constitution to hold a trial to determine whether the President should be convicted of those crimes of which he was impeached.

Many in the press, many uninformed, asked: Why is the Senate wasting its time dealing with this challenge?

The Constitution left us with no choice. Once the House of Representatives had voted impeachment, the Senate was required under the Constitution to hold a trial, with the Chief Justice of the United States presiding. It was a historic time, and many of my colleagues commented that this was the most significant vote they would ever cast in their political careers.

We met in the old Senate Chamber to discuss what we should do. That was a historic meeting, off the record, if you will, because it was not here with an official reporter taking down every word. But it was an opportunity for Senators to speak freely and openly. In very solemn and somber proceedings, we discussed what we should do. I am not violating any confidences because it has been reported in the press that the Senator from West Virginia, Mr. BYRD, spoke on behalf of the Democrats as we addressed that issue. He made this point. I can't remember his exact words, but these were the words that are in my mind.

Referring to the case before us, he said: This case is toxic. It has besmirched the Presidency, and it has soiled the House of Representatives. And it is about to do the same thing to us.

I believe his analysis was correct, that the case of President Clinton and his actions did indeed besmirch the Presidency, degrade the Presidency, and I think the way it ultimately played out in the House of Representatives stained that body and left bitterness that is still producing bitter fruit. Senator BYRD warned this case, this toxic case, was about to affect the Senate.

The majority leader, who had to handle such a case, was TRENT LOTT of Mississippi. I was at his side in many of his meetings. I watched from afar in many of the other things he did. Senator LOTT handled that historic challenge with as much sensitivity, finesse, wisdom and, yes, grace as it would be possible to do.

When it was over, Senator LOTT and Senator DASCHLE met in the well of the Senate, embraced each other, and said: We did it.

Yes, they did. And they did it together. But the primary responsibility was on the shoulders of Senator LOTT. He made Senator BYRD's prophecy not come true. Instead of staining the Senate, instead of soiling the Senate the way that case soiled the Presidency and the House, it was in many ways the Senate's finest hour. The case was handled with dignity. The case was handled with dispatch. And the case was handled with a minimum of bad feelings on both sides.

There are some outside the Senate who attacked Senator LOTT and said: You should have had a full-blown trial. You should have let this drag on for 6 weeks, even 6 months. And at the end of that period of time, maybe, just maybe, you would have had a conviction.

Senator LOTT understood that the dignity of this body and the unity of the country required the kind of handling of that case that he gave us.

History will look back on the stewardship of TRENT LOTT as majority leader of the United States with great approval and kindness. This is a man of extraordinary skills who handled himself in an extraordinary way, and all of us who sat in the Senate through that experience benefited by his leadership.

Now he is moving on to other assignments. As I congratulate Senator FRIST on his ascension to the majority leadership, I also congratulate Senator LOTT on the prospect of a continued career of contribution, perhaps in the policy area more than in the process area. He has demonstrated that he can master the legislative process as well as anyone on the planet. I expect he will now demonstrate that he can make contributions of equal significance in the policy area.

On a personal note, while he is many years my junior in this business of politics, he has acted as my mentor and my teacher. I can think of many times when I have been tangled up in the minutia and arcane nature of the way this body works, where I had nowhere else to go to get myself untangled and set straight. I called Senator LOTT and, with calmness and clarity, he said, why don't we do this and, suddenly, the Gordian knot was cut and I emerged ready to go forward in my career because of his wisdom and his guidance.

Again, I congratulate Senator FRIST. I was happy to vote for him when the opportunity came. I am looking forward to working with Senator FRIST as he demonstrates his ability to lead this body. I have every confidence that that will be a tremendous period in the Senate's history, but, at the same time, I

wanted to rise and make it clear that as we embrace Senator FRIST's leadership we should recognize and pay tribute to the contribution made to this body and ultimately to the country by Senator TRENT LOTT of Mississippi.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

UNEMPLOYMENT BENEFITS

Mr. SCHUMER. Mr. President, first, I congratulate all of my new colleagues who were sworn in today, and all of those who won reelection—but particularly those who are here for the first time, and my good friend from New Jersey who is here for the second time, with a hiatus. I congratulate the new leadership on the Republican side, along with Majority Leader FRIST. We look forward to working together for the good of our country.

Today, I stand here feeling, I guess I would say, boxed in because we on this side of the aisle who feel that the unemployment package was not adequate are faced with the choice of taking half a loaf or none. Of course, when you are in a legislative body, you tend to take that half loaf. We will do it today—or we have done it already today. But when it comes to people out of work, when it comes to the pain in the eyes of fathers and mothers, young men and women who talk about missing or losing a job, knocking on doors and not being able to find one, half a loaf is not very adequate.

I find it confounding that the other side did not allow the amendment my colleague from New York proffered. We only asked for a half hour of debate, so it cannot be that it would take up much time. We certainly do not believe that they didn't want to help the unemployed. So the only logical answer is dollars. They thought it might be too expensive. To me—the main point I want to make this afternoon is this—the contrast of our President speaking in Chicago and putting forward a $600 billion plan of relief, mostly on the tax side—and the vast majority of that plan goes to the very highest income levels. I read somewhere that 42 percent goes to 1 percent; 1 percent of the highest income get 42 percent of the relief. One percent is 311,000. So there is $600 billion to go to tax relief, mainly for the most well off, and there is not a billion dollars to include a million people—150,000 New Yorkers—to give them the unemployment benefits they now do not have.

How many Americans would support that? Our job is to juxtapose those two issues. I hope the media will do that. These are not two separate issues because we have not heard a single reason that we cannot take the larger bill. They say our colleagues in the House will object. Then let the American people look at them and say to them, if you can afford and you are going to support $600 billion in tax relief, largely to extremely wealthy, high-income individuals and families, why can't you support a billion dollars for the unemployed?

If the election we just held were on that issue, what do you think would have happened? My guess is that the results would have been quite different. Frankly, our colleagues in the House and some on the other side of the aisle don't like to see this issue contrasted. The tax relief—huge amounts of it—is going to the upper income spectrums and the stingiest, the parsimonious attitude when it comes to the unemployed. It is not that we cannot afford it, because I offer to my colleagues, let's do $599 billion of tax relief and do this billion dollars. Hardly anyone would notice, except those million people who are out of work and desperately looking for work.

So I hope we will have another opportunity to work this amendment forward. I worry that we can make a lot of speeches on the floor of the Senate, but, yes, they will say, bring it up as part of the stimulus package, we will pass it in the Senate. But it will die in conference, and then there is nothing we can do legislatively.

So while I didn't agree with my colleague from Illinois for objecting because we are in such a box—I thought we should not object and try to persuade them—I sympathize with his anger and with his frustration that we could not spend a half hour to talk about some money for people who are out of work, or our colleagues here would have withdrawn the bill and hurt the 2.8 million who will benefit, and justifiably so.

The issue of money for the jobless doesn't change America. Unfortunately, it is not the most important issue we face. Getting a good education and good health care and more jobs for people is far more important than a stopgap measure. Until we are able to do that—so far we have not—we have to help those who need help. These are not people sitting on their duffs trying to get a check. They are people who are knocking on doors every day. When a notice goes out that one company is hiring, you see hundreds and even thousands in my city and elsewhere throughout my State lined up around the block.

People desperately want work. The best thing we can do is give them jobs by stimulating the economy in a real way. But until we do, it is our fundamental and solemn and important responsibility to at least let them live a life of dignity, maintain the payment on the home, feed the child, put a coat on the spouse's back. That is all we were trying to do today. It is unfortunate that we were put in such a box and we were told take half a loaf or none. When it comes to unemployment, we should not have to deal with half a loaf.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I regret what happened in the Senate today. We passed some legislation that will offer some assistance to some who are unemployed in this country, but we left 1 million people who should have received the help of Members of the Senate, from the Congress, and from the President, without the kind of help they need. A lot of folks in this country don't have people clogging the hallways of the Capitol lobbying on their behalf—certainly not the people who are without means, at the lower end of the economic ladder; they have not hired people in the hallways of the Capitol to represent their interests. They rely on us to do that. There are so many families in this country who know things that Members of the Senate do not know. They know about a second shift, they know about a second job, they know about a second mortgage, and they know about buying a secondhand car. They know firsthand that they are the first in this country during an economic downturn to be called into an office and be told, by the way, you are being laid off, you are losing your job.

Hundreds and hundreds and hundreds of thousands of Americans have had to go home to tell their families that, through no fault of theirs, they were given a notice that their job was gone. They are no longer employed. It is a devastating thing for families to experience that. In most cases, during an economic downturn, the Congress has moved very quickly to say, yes, you lost your job, but it wasn't through your fault, it wasn't something you did, and we want to help you, we want to extend a helping hand during this rough spell in the American economy. Congress has always done that—that is, until last year when we tried and tried in the Senate to pass legislation to extend that helping hand and extend unemployment benefits, and now again today when we made the effort once again.

It is terribly disappointing that today the President is in Chicago announcing his tax proposal. At a time when we are experiencing very substantial budget deficits, the President is proposing a tax cut of $675 billion over the next 10 years. That is $65 billion, $70 billion a year for 10 years in tax cuts, and then we are told: But there is not enough money really to fund that rather small amount needed to help those who are unemployed, who have lost their jobs. I do not understand that.

It is interesting to me, and also a little perplexing, that we are told the budget deficits are just a result of the economy; it is just because the economy turned sour. A year and three-

quarters ago, we had a debate in the Chamber of the Senate about a new fiscal policy. We were told we ought to embrace the idea of very large tax cuts for the long term.

Some of us stood up at these desks and said: Wait a second, it is pretty hard to see very far down the road. Shouldn't we worry perhaps some unforeseen consequences could run this economy into the ditch and cause very serious problems? Not to worry, they said. We have all that covered. We have contingency plans. So just pass this big tax cut of ours. The Congress did—not with my vote, but they did pass that large tax cut.

Within months, we discovered our economy was in a recession. Months later, on September 11, we were attacked by terrorists. And then there were corporate scandals almost unprecedented in this country's history. The tech bubble burst in the stock market. All of a sudden, very large Federal budget surpluses turned into very large Federal budget deficits, and now we are in a fix. Now we have competing needs, one of which is the item we discussed today: The need during an economic downturn to reach out a hand and help those who need help, to help those who have lost their job, by extending unemployment benefits.

Another competing interest and need was announced today by President Bush, saying what we really need at a time of unprecedented budget deficits—as far as the eye can see—is more tax cuts, $675 billion in additional tax cuts.

Interestingly enough, in terms of priorities, they say no to the people who have lost their jobs and need their unemployment extended, but they say yes in public policy, in this tax proposal, that we ought to tax people who work: Let's tax work and let's exempt investment. What kind of a value system is that?

There are many ways of making money. Some of them are to go to work, work hard, and get a paycheck. No one is proposing eliminating the tax on the paycheck, are they? So they say: Let's tax work.

Another way to make money is to collect substantial dividends from stockholdings and stock purchases, and the President is saying: Let's exempt that; we should not tax that at all.

I do not understand the value system: Let's tax work but exempt investment. Guess what that says. That says to the American people who are working—who, in my judgment, are the people who make this economic engine work well—we are going to tax you, but the folks who just sit back and collect their dividends—incidentally, the folks at the top of the income earning ladder—we are going to exempt you. Not with my vote we are not. Yet in terms of priorities on the very day the President says let's have a $675 billion tax cut, let's keep taxing work and exempt from taxation investment, he and our colleagues on the other side of the aisle say: We cannot afford that small amount of money to extend unemployment benefits to those at the bottom of the economic ladder, those who have had to come home with shattered dreams to tell their family: I have lost my job. What a devastating situation that is. These are people who want to work, who did work and, through no fault of their own but through a bad economy, lost their ability to work.

The best tradition in this country has always been for this Congress, during an economic downturn, for sound reasons, including trying to provide some stimulus to the economy, to say to those who have lost their jobs: We want to help you. It helps this country to help you. We are there now to give you some help during a tough time for you and your family.

I regret very much that today we were not able to do that for 1 million Americans who look to Capitol Hill and this capital city for us to make the right decision at the right time.

Today, regrettably, the majority in the Senate failed. There will be another day, and my hope is we will see a different decision, a better decision for those folks at the bottom of the economic ladder who want to work, who did work but lost their jobs, and for whom no one is clogging the hallways of Congress lobbying on their behalf. If this were a big economic interest, you can bet this Capitol would be full of people, well paid, with dark suits, ready to make the case for their economic interest.

There are a lot of folks out there today who are going to gather around their supper table and talk about their lot in life during an economic downturn and talk about where they looked for a job today, talk about the job they used to have, and talk about the hopes they had that we would help them during this tough period. They today will be mighty disappointed.

My hope is in a week or in a month, perhaps we can persuade our colleagues that today's decision was the wrong choice for our country and certainly the wrong choice for a lot of American families relying on the Congress to make the right decision today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I associate myself with the remarks of the Senator from North Dakota who has, once again, eloquently put this issue into a much larger context, a context that concerns the economic and tax policies of our country.

Today I have introduced a bill to help those who have exhausted their unemployment benefits, the nearly 1 million Americans we have heard spoken about from so many of my colleagues from Washington to North Dakota to Rhode Island, who have just run out of time and run out of money. They were eligible for the programs that each State administers, as it should be, because in many of our States we have had an increase in unemployment over the last year.

We now have a 6 to 6.5-percent unemployment rate in many parts of the country. In New York City, which is still dealing with the aftermath of the terrorist attacks of September 11, 2001, we have an 8-percent unemployment rate. Many of these people who lost their jobs have been working all their lives. When something happened—a layoff, a bankruptcy, a terrorist attack—and many of them have spent month after month looking for work and not finding it. In an economy such as we have now, which is not producing jobs, many people for the first time ever, especially given what we enjoyed during the 1990s, are finding it impossible, not just to find a job that paid what they were used to receiving through their job, but paying anything.

I recently had a number of such New Yorkers to my office in New York City shortly before the December 28 cutoff of unemployment benefits. I wish they could be here in the Chamber.

I wish that all of my colleagues could speak with the man who had worked on the Windows of the World restaurant at the top of the World Trade Center for more than 20 years, a manual laborer but a good hearted, decent American who, year after year, showed up, did what he was supposed to do, and luckily for him and his family was not at work on the morning of September 11, but unluckily for him and his four children, he no longer has any work. He has gone from place to place.

I wish my colleagues could meet the woman from Queens who was widowed when her husband died 3 years ago, had worked in the same business for many years, and now has lost her job and no longer has unemployment benefits. What are we supposed to tell these people?

We ended welfare as we knew it because we did not want anyone to be dependent, to produce generational dependency, and I supported that. There is not any better social program than a job. But when we do not produce jobs in the economy for decent, hard-working Americans, what do we expect to happen?

Some of the things that are happening: In many States, after being in decline for years, welfare rolls are climbing. In many States, homelessness is increasing, and it is homelessness of families with children. Bankruptcies are growing. Individuals who are chronically unemployed are going on Social Security disability in order to have some kind of income, one of the fastest growing programs in our country.

When we first started talking about extending unemployment benefits—I

introduced a bill last July—we did not get to first base. We did not even get out of the dugout. We would raise it time and again. My wonderful friend, our late colleague, Senator Wellstone from Minnesota, used to be at that desk. He would never be in the chair but would be pacing about. Before his tragic accident, every day he came to the floor asking that we extend unemployment benefits.

We often harkened back to the situation during the recession of the early 1990s when unemployment benefits were extended five times and signed into law by the first President Bush, as well as President Clinton. Finally, the Senate passed a measure.

I appreciated greatly working with my colleague, Senator NICKLES from Oklahoma, to get that done last year. We could not get it through the House. We did not have the support of the administration. But today, we have done the right thing, at least half the right thing. I am very grateful for that. I thank the President for his support. I thank the Republican leadership in the House for their support, but I mostly thank my colleagues and our new majority leader, Senator FRIST, for making sure this was the first order of business for this 108th Congress.

What we did today to help the nearly 800,000 Americans who watched their unemployment benefits disappear at the stroke of midnight on Saturday, December 28, to make sure the program will be there for those who are unfortunately coming on to the unemployment rolls was important, but it was not enough. We have to do more. We have to recognize the people who have exhausted their benefits, who are working as hard as they can to get work, who are found throughout our country, in every walk of life, doing every kind of job with every sort of challenge one could imagine. But what are we going to say to them?

We have a big task ahead of us to try to get our economy growing again, create jobs, move our Nation in the right direction. This new problem in the 21st century—new in the wake of the economic boom of the 1990s, that we have tens of thousands of Americans who want to work but cannot find a job—will have to be addressed.

Mr. President, I would now like to discuss a bill I am introducing.

THE PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. I thank the Chair.

(The remarks of Mrs. CLINTON pertaining to the introduction of S. 87 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Montana.

WESTERN DROUGHT

Mr. BURNS. Mr. President, in listening to my friend from New York talk about homeland security and the work we will be doing, she agreed to cochair the A 9/11 caucus. I invite other Members of this body to get interested. We found out cell phones worked pretty well during 9/11. Communications worked fairly good. There were some weak points, but those are being addressed. When we talk about 9/11 and wireless communications, there will be several of those issues that will come up in this Congress. We welcome the input of our colleagues as those issues move along.

Today we did take care of part of the unemployment compensation problem, extending it to workers involuntarily and who became involuntarily unemployed during 9/11 or as a result of 9/11. There is not one in this body who was not sympathetic to their cause. However, I have another segment of the American economy that is hurting just as badly. I will talk a little, by the way, today about the situation called drought. It is expanding throughout not only the upper Midwest but through the western part of Kansas, Nebraska, Dakotas, Montana, and Colorado, and extending down into New Mexico and the panhandle of Oklahoma.

There are always islands and spots that get enough moisture. In this morning's newspaper, the Billings Gazette in my hometown of Billings, MT, it was reported the water contents in the lower Yellowstone Basin snow pack rank the third lowest on record. It is only 63 percent of average. That one year at 63 percent average does not give cause for alarm. However, when you look at the sixth year of these situations, you get alarmed.

Last Friday, I drove to Sheridan, MT. I have never seen in the Big Horns, in the range west and northwest of Sheridan, WY, a snow pack that is as small as it is for this time of the year. The same is true in the Bear Tooth, but further west it is better. In the area important to irrigators and water users in my State, those snow packs are very low.

Agriculture in those droughted areas is just hanging on. If not relief this year, then we do not have to worry about them next year. They will be unemployed, too, and for reasons beyond their control. It is beyond anyone's control. Yet they do not qualify for unemployment benefits that we have approved today. A disaster package is being worked on. There are some folks averse to that.

Many of my colleagues in the Senate and in the administration continue to cite the farm bill as a solution for drought-stricken American agriculture. This bill is not retroactive, folks. It does not account for the losses incurred in 2001 and 2002. I remember the debate on that farm bill. The amount of money going to the Department of Agriculture sounded huge, spending almost $74.4 billion a year with the USDA. But they ignored that 27 percent of that figure was dedicated to farm programs and no money dedicated for disaster. Regarding the rest of the money, the American taxpayer should be overwhelmingly thanked for their generosity by those who perhaps cannot speak for themselves. That is, the working poor, women, infants and children, and food stamps. Mr. President, 63 percent of that humongous figure that people thought would go to production agriculture does not even go near production agriculture.

We thank the American taxpayer for making sure that, yes, there are food and nutrition programs dedicated to those seeing tough times in other sectors the Senior Farmers Market Nutrition Program, school lunches and breakfasts, food stamps, WIC, a program administered by the counties, to make sure young women, and usually young, single women, know something about nutrition, and of course the programs that feed them and their infants.

There are other programs under the umbrella of the USDA not directly to the producer, such as a nonagricultural loan and grant program to communities and individuals. How about this, folks? A historic barn preservation; or studies of animal welfare to see if mice should be used in scientific research. All this is from the huge pot of money that made every headline, in every newspaper across the Nation as excess spending for production agriculture.

So we thank the American taxpayer for funding those programs. We are trying to work on a bill, to be introduced before this week is out, for drought assistance. We cannot fight a natural hazard. If there were a way I could do it, I would. But we need just plain old rain and we need it before the spring thaw sets in.

So we passed the unemployment benefits today. What I am saying is there are other wants and needs in this country, too, and they have to do with the security and the safety of a good, strong agricultural food program. Once the legislation is introduced, the debate will begin, and it will be an interesting debate.

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

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

THE ECONOMY

Mr. NICKLES. Mr. President, I spoke earlier today on unemployment compensation, and I am not going to repeat those statements. I think it is really

unfortunate that some people maybe want to play politics with this issue. I don't know. I am concerned. I am pleased we were able to pass a bill that will help a lot of Americans. I had resisted in the past and will continue to resist efforts to double the Federal program from 13 weeks to 26 weeks for every State. This is a Federally financed program—financed entirely by the Federal Government. In other words, people who participate in this program have already exhausted State benefits which are 26 weeks. Last year in March or April we passed a Federal program for 13 weeks of benefits. Some people are saying that 13 weeks should be 26 weeks. In other words, an unemployed person would be able to receive 1 full year of unemployment compensation benefits regardless of whether or not they are in the high unemployment State. I disagree with that. If you continue to expand unemployment benefits for a longer duration, in some cases you are going to expand unemployment. It will create disincentives for people to go to work.

I believe a fact of interest is that 70 percent of people receiving unemployed benefits are living in a household with an employed worker.

I just mention these facts not really to debate it but just to say there is a real concern trying to turn a Federal program which is to be temporary into a permanent program and to take a temporary program of 13 weeks for all States and make that 26 weeks. That is very expensive. I have strong reservations about it. I opposed that several times last year for months and will continue to do so if persons try to pass that proposal.

I might also mention there are several other expansions of unemployment compensation in the bill that was promoted last year. I brought that to individuals' attention who were sponsoring it because I think it had fatal flaws. I think, more importantly, rather than just trying to figure out ways in which we could expand unemployment, we should be figuring out ways to expand employment. How can we grow the economy? How can we expand jobs? How can we create more jobs, and not reward people for not working but reward them for working? Let's create greater incentives for work.

The President's speech today in Chicago outlined a growth package. I compliment him for it. It is different. In many cases, it is very good tax policy. I really hope when we work on tax issues that will work for things that are good tax policy. There are a lot of things under the present code that need to be changed and that need to be corrected that are wrong and that are real disincentives to grow, build or expand—one of which is double taxation of dividends.

I used to run a corporation. Why in the world would a corporation or somebody who runs a corporation want to pay dividends? The corporation has to pay a 35-percent tax on the earnings. And dividends come out after tax. So you have already paid a 35-percent rate. Then they are paid out to individuals. They also have to pay tax. The individual in all likelihood would be at a 27-percent rate, or a 30-percent rate, or a 38-percent rate. So you had the 37 percent plus the 35 percent. You are already at a 73-percent tax rate. If a corporation makes $100, $73 of the $100 goes to taxation. That is not very good use of resources from a corporate manager's position. It is not very encouraging of investment. A lot of us would like to eliminate that unfair penalty of double taxation.

The President proposed that today. There are different ways of doing it. He proposed one. I compliment him for it. I also believe the President had a provision to allow greater use of what we call expensing—allowing individuals—I believe in this case small companies—to expense items, I believe up to $75,000.

I used to run a small business. I have run a corporation. As I say, I have also run a small business. But if you allow small business to expense, they are going to be able to recoup the investment they make that year. They make the investment that year, they expense it, and they recoup that investment. That would greatly increase their incentives to make another investment. I think that is very positive for job creation, maybe the most positive as far as getting jobs for the dollars that we are talking about.

So I am pleased the President has that in his proposal. I hope this Congress will aggressively pursue expensing and/or accelerated depreciation or more realistic depreciation schedules over the life of these properties.

Far too many properties, under current tax laws and current regulations, require depreciation over a long period of time, much longer, in some cases, than the actual lives of the property. That discourages investment. So I encourage our colleagues, if we want to create jobs, let's work on accelerating depreciation or allow people to expense items or at least allow a shorter depreciation cycle for a lot of goods and services.

One example is software. A year ago, I believe, or 2 years ago, the depreciable life of software was 5 years. It was the same thing for computers and equipment. But we all know software is obsolete in a couple years, and hardware, for the most part, is probably obsolete in 2 or 3 years, certainly not 5 years. So allowing for a more realistic depreciation schedule makes sense.

Another example is improvements that you would make for apartments and homes if you are in the rental business. Right now, you have to depreciate these improvements over 39 years. If you have an apartment complex, and you want to make some investments to upgrade that apartment, you should be able to depreciate those improvements over a much shorter period of time than 39 years. It should be more like 15 years, maybe even 10 years. If we made that change, a lot of people would make those investments. A lot of jobs would be created in the process.

The President's proposal also says that we should have acceleration of the tax cuts that are already on the books. I agree with him wholeheartedly. Tax cuts, some of which are now scheduled for 2004, some of which are scheduled for 2006, in my opinion, should be made immediate, January 1, 2003.

If we want to have any positive economic impact from them, it does not do a lot of good knowing that they are going to come in a couple of years. Let's make them immediate. I know some people want to play class warfare and say: Wait a minute, that is a tax cut for the wealthy. If we did it immediately, the maximum tax rate would be 35 percent. When President Clinton was elected, the maximum tax rate was 31 percent. So it is still almost 20 percent higher than it was when President Clinton was elected. Now, 35 percent—why should the Federal Government be entitled to take over a third of what an individual makes? I believe 35 percent is a little over a third.

So why is that such a bad deal? We have to look at taxation policy, what is right, what is fair. Should the Federal Government be entitled to automatically take that amount?

I talk about marginal tax rates a lot because high marginal tax rates inhibit individuals, investors, entrepreneurs, small businesspeople, farmers, and ranchers from building and expanding if they have to work for the Government the majority of the time.

I used to be self-employed. Self-employed individuals pay the highest marginal tax rates of anybody. And guess what they create: about 70 or 80 percent of the jobs in America. You do not have to be very wealthy before you find out you are working as much for Uncle Sam as for yourself.

I will give you an example. A self-employed individual who has a taxable income of $30,000 is in a 20-percent marginal Federal income-tax bracket. I believe any additional dollar they make above $27,000, $28,000 is taxed at a 27-percent rate. That individual also has to pay what are commonly called FICA taxes, Social Security, and Medicare tax. That tax totals 15.3 percent. If you add 15.3 percent, plus the 27 percent, you get to 42.3 percent. So any additional dollar of income profits that the painter makes—I used to be a janitor—or a janitor makes, or someone who has some type of business, any profit they make above that $30,000, the Federal Government gets 42.3 percent of it.

If they are working in most States, they end up paying a State income tax. There are a few States that do not have an income tax. Most States have an income tax of 6 or 7 percent.

If you add 7 percent on top of the 42.3 percent, you are already right at 50 percent in taxes on any additional dollar of income generated from their work. That is a real disincentive to build, grow, or expand. I have been there. I was there with a janitorial service, so it did not take me very long to realize, wait a minute, why should this business grow if we are going to be working more for the Government than we work for ourselves?

The President, talking about trying to accelerate the existing tax cuts that are on the books, is exactly right. It is a small reduction in marginal rates. Even at that, the rates are still much higher for upper income people, far higher than they were during the Clinton administration.

The President has also proposed making the child tax credit effective immediately. Several years ago, we passed, as part of the 1997 bill, a $500 tax credit per child. I was one of the sponsors of that. We passed that. That became law. That was good. In 2001, President Bush's first tax bill, we passed another $500 tax credit per child, but we phased it in over several years. In the first year, we gave a $100 tax credit. There is still $400 that becomes effective in the outyears.

What the President has proposed is, let's make that effective this year. I have heard some say: Wait a minute. The President's proposal doesn't do anything for people making $35,000 or $40,000 a year.

That is not true. If they have one child, it is $400. If they have three children, that is $1,200 more per year they get to keep.

So I urge my colleagues to look at the President's proposal because I think it is a positive change. Let's make that $1,000 tax credit per child effective this year, not $600, as is present law. Let's make it $1,000 this year. That will help families. That will help individuals who have children as dependents.

The President, as well, has also proposed making the marriage penalty elimination, that is now spread out over several years, effective immediately. The net impact of this is a great positive change for married couples, particularly married couples who have incomes in the range from $30,000 to $40,000 to $50,000, $55,000. They will be the biggest beneficiaries of this proposal because the changes that we made in 2001 in the Tax Code say that really what we should do, for a married couple, is double the 15-percent bracket for an individual.

I believe the figures are something like, an individual pays 15 percent on their taxable income up to about $27,750. But a couple pays 15 percent up to an income of about $46,400. So an individual pays 15 percent up to $27,750, but a couple pays—or another way of saying that is, anything above $27,750, an individual pays 27 percent, anything above $46,400, a couple has to pay 27 percent. So if they were taxed as individuals, they could have a combined income of $55,500 before they would go into the 27-percent tax bracket. What we did in eliminating the marriage penalty relief was, over some period of time, double that individual 15-percent bracket. So the couple would not have to pay 27 percent until they had income above $55,500. Right now, they pay about $10,000 or $12,000 of that at the 27-percent bracket instead of the 15-percent bracket. The net result is, you are talking about $1,200 in savings, tax savings for couples who have taxable incomes of $40,000 to $50,000. That is a pretty good change. If they have a couple kids, they get another $400 tax credit per child. So if you have four kids and a taxable income of $54,000, the way I am thinking, that is $1,600 and $1,200, so $2,800. It is a pretty significant reduction and savings for a married couple with four kids with a taxable income of $50,000 or $60,000. And it happens to apply to a lot of middle-income Americans.

So I compliment the President for his combination of changes where he wants to grow the economy. It helps married families. It helps families with kids. It helps taxpayers. And it helps eliminate a well-known double taxation in the Tax Code, the double taxation of dividends that are really at exorbitant rates, which discourages investment, which discourages corporate ownership, which discourages equity, and encourages debt, which is not a very good policy—present law.

The President says, let's correct it. I think he is right in doing so. I look forward to working with my colleagues to see if we can't work in a bipartisan fashion to put together a real package that will help grow jobs this year.

I think that should be our challenge, not to say, here is the Democrat package, here is the Republican package. I say let's work together as we have done historically in the Finance Committee to see if we can't pass something good for America, good for American taxpayers and good for American families and good for our economy.

We should have our economy grow. Revenues declined last year by 7 percent. Somebody said, why is there a deficit? There is a deficit because of the tax cut?

The deficit is not because of the tax cut. It is because there has been a real recession. Revenues have declined because the stock market started declining dramatically in March of 2000. The Nasdaq index was at 5,000. It is around 1,500, 1,600 now. So you see there has been a real decline in markets. That has caused a real decline in revenues to the Government.

We need to do some positive things that will increase equity values and increase ownership in America's companies, that will create jobs, that will create real growth in the economy. The President has outlined a constructive package. I look forward to working with the President and my colleagues to enact a positive package for America this year.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THANKING SUPPORTERS AND UNEMPLOYMENT COMPENSATION

Ms. LANDRIEU. Mr. President, I rise to spend a few minutes this afternoon commenting on the debate that is before the Senate, our challenge to shape an unemployment compensation package or relief package that will help workers and do what is right by them.

Before I do, I wish to take a moment to thank many people, many friends, many family members who are gathered in Washington and at home in Louisiana and around the country for their support, their prayers, and their help in the recent election cycle. I am back in the Senate at work in large part because of so many wonderful people who went beyond the call of duty, beyond what is expected and believed in what our campaign represented and what we spoke about and what I spoke about—putting the interests of Louisiana first as it comes to representing that great State in this body, speaking about the issues people all over the Nation are concerned about, primarily the economy, keeping their families, their homes, their hearth together, protecting the Nation from the threat of terrorism, and shoring up our defenses against the great challenges before the Nation.

I said many times over those months that it was important for us to speak the truth, that what Washington needed was leaders, not labels; that while we were proud of our parties respectively, we should not follow them blindly but should try to, as our new leader from Tennessee spoke this morning, put the country first. I hope his words and agenda and the words and agendas that come out of the Senate, fashioned by the men and women now in this body, will put the country first, will think about the fathers and mothers, the children, the workers who make up America, who are attempting as a nation, together, unified, black

and white, Hispanic, Asian, and many other nationalities from all over the world, to speak with one voice to help lead this world in a challenging time.

I thank particularly my husband and two children, the many members of my family, my parents, brothers and sisters and cousins. I joke often in Louisiana that one of the reasons I win is because if my family just votes for me, that is so many votes I always have a little advantage over my opponent. But truly, their votes, their work, and their prayers were noted in my heart today.

I couldn't think of a better way to thank the people of Louisiana and the Nation than to actually be on the floor of the Senate speaking about an issue important to them and taking a few minutes out of the festivities, as we all celebrate our return, our victories, large and small, to the Senate and to Washington, new assignments, et cetera, to spend a moment speaking about the unemployment insurance program and the desperate need of people in this country.

We have not seen unemployment rates this high in so many years. We have not seen a downturn in the economy such as this in so many years. I rise to speak for a moment about the great need, as we fashion a stimulus package, as we fashion an aid package, not a charity package, not a handout package, but a hand up package, a package not to people who are undeserving, a package not to people who don't work, a package not to people who don't want to work, but a stimulus package that honors the strength of America, the fact that people are working not just one job in many cases but two and three jobs, in this time of uncertainty, moving from job to job, people doing whatever it takes to keep that mortgage paid, to keep their car notes paid, to invest in the tools and resources they need to keep their families together and keep their net worth growing, not decreasing.

That has been a challenge for average Americans. It has been a challenge for everyone, as many people have seen their retirements shrink, not through any fault of their own. Every one realizes there is risk associated with investment. But I am sure the workers from Enron and WorldCom and others affected all over our country would have reason to stand on the floor of the Senate, if they could get here, and say, listen, some of this was out of my control or my ability to manage or regulate.

Some of it was done, as we know, fraudulently and without respect for the law. Frankly, maybe Congress didn't have as tight reins on some of these situations as we should have. So there are Americans who are angry and anxious and frustrated. I most certainly appreciate that. Having just come off a long and grueling campaign, I heard from many of these workers in Louisiana.

Here we are, the first day, trying to fashion a package. I have listened to people talking about the program. I want to explain the unemployment insurance program. First, there is $26 billion in the trust fund. It is a program, an enterprise established for the purposes of helping Americans when they need help. It is not a welfare or a charity program. There are certain times when welfare is good. And all the time, charity is good. But we are not talking about charity. We are talking about money that workers from their pockets put into a trust fund that grows with interest so when the economy turns down, they can, if the Members of Congress say it is OK, pull that money down, put it in their pocket, pay their car note, which makes the car dealer happy, pay their house note, which makes the banker happy, pay their loan to the credit card companies, which makes them happy, pay their money to the credit union that keeps the credit unions going, pay the grocery store, pay the gas bill, pay the cleaners to keep the small businesses going. Does anybody think these unemployment checks go in the bank just sitting there waiting to be invested?

I hope not, because people who have worked hard at a $50,000, $60,000, $70,000 job, who went to school sometimes late at night to get their skills, studied after putting their children to bed, way into the night, and worked hard to get those skills, now look to Washington to help.

We have people on this floor who talk about this as if it is a charity program. These people are due, number one, the money they put in the trust fund. Number two, it is not their fault that unemployment is 6, 7, or 8 percent. It is our fault, if it is anybody's fault, because we are not managing the situation well enough—not that it can be perfectly done, but it hasn't happened yet. It most certainly is not the fault of the workers who have been laid off. They came not to ask for money that belongs to somebody else, but to ask us to give them their money so they can get through this hard time.

We have to listen to House Republican leaders tell us that there is not enough money in the trust fund, when there is $26 billion in the trust fund, and we are arguing about whether we want something that costs $1 billion or $4 billion. And if we weren't spending the unemployment trust fund now, when would we spend it?

So for the 1.6 million full-time workers in Louisiana, for the 303,000 part-time workers in Louisiana, for the 1.085 million workers in Louisiana who work on an hourly wage, and for the 42,000 workers in Louisiana who work at the minimum wage, $5.15—I will repeat that—$5.15—because this President and the Republican leadership refuse to increase the minimum wage, so these workers are working at $5.15 an hour because this President refuses to raise the minimum wage, or to support a raise in the minimum wage—we are going to tell these people that while there is $26 billion in the trust fund, we choose not to ''expand'' the program.

Let me register my strongest objection to that, and let me on behalf of the 4.5 million people in my State register their strong objection to that and say how disappointed they are that this administration and the House Republican leadership refuse to give them the money they put in the fund so when times went bad they would have it to keep paying their house note, so they didn't lose all the equity they have spent the last 20 years of their lives working for.

Let me also object to the sentiment expressed too often on this floor that we have to give people an incentive to work. I don't know too many people who don't want to work. I really don't. Whether they work for a paycheck or stay at home raising seven children, or nine children, or four children, they work very hard. I don't know too many Americans who don't want to work because with work comes dignity, with work comes self-satisfaction, with work comes thinking that you are doing something to help yourself and your family and your country. I know that a job or a small business is what most people aspire overwhelmingly to. But when that small business or that job slips out of their hands, not because they didn't do a great job or because they don't enjoy working, but because the company and because the policies that we are managing have come short, and we hand them that pink slip and we say, go for it, you have 13 weeks to find another job—a job having the same benefits and salary—and when it runs out, we might consider giving you another 13 weeks, we have to look people in the eye and say I am sorry, there is no more help—when there is $26 billion sitting in this account.

So I wanted to register my strongest objection to leaving out a portion of these workers and to say for the workers in my State that I am going to be here now for 6 years fighting for them, talking for them. I hope I can do it adequately to meet how worthy they are. I am going to do my very best to represent them in as forceful and effective way possible on this and many other issues.

Let me close with giving a few concrete suggestions. If we are going to have a stimulus package, let's be truthful and honest about the portions of it that will actually stimulate the economy and those that might stimulate our conference next election time. I ask the administration to relook at their package. Why don't we have the payroll tax holiday? The payroll tax holiday has been judged by conservative and liberal think tanks to be one

of the most effective, immediate stimuli we can provide for the Nation. The money doesn't have to come out of the Social Security trust fund. It can come out of the general fund, based on payroll taxes. It is fair to every worker—the very wealthy, the middle income, and the poor. It rewards the idea of work. It is immediate and it is $1,500 per family. That $1,500 could be used immediately in this economy to give people confidence and to prime the pump, if you will.

The Social Security offset—again, putting money into the hands of workers, retirees, people who have worked hard now, instead of getting both their full retirement checks—teachers in many instances are offset by their Social Security benefits—what good does that do if we can provide both, which we have the money to do, which is less expensive than this package, and give them both of those checks.

Those people are in a time of their life when they are spending that money—not saving it, but spending it to live. That primes the pump in this Nation, as well as everything we can do to give depreciation for real estate, which would help in investments, and accelerating tax reductions for small business owners. But anything outside of that is actually nothing but stimulating some other special interests for other purposes, other than, in my opinion, strengthening this economy. That is wrong.

I hope Congress and this Senate will work hard to fashion a stimulus package that is truly stimulative, affordable, financially responsible, and something that really helps all people, and not just those at the very top, but those who count on us to do our part to help them do what they are trying to do for their families and their communities.

Mr. President, I am here giving my strongest support for moving forward with the unemployment compensation benefits, but very disappointed—extremely disappointed—that over a third to a half of workers in this Nation have been left out, and to say that we should include everyone, and we should focus on making the program better and more effective so that it is more helpful. I will tell you $182 a week, or $250 a week—the average payment in Louisiana—doesn't go far. You cannot even pay a grocery bill for a family with three or four children with $200 a week. I don't know where you get gas money, rent money, or mortgage payments on top of that. So this Congress has a lot to do when it comes to reforming, reshaping, revitalizing, and redesigning the unemployment insurance program for this Nation. I hope to be a part of that. But for today, extending that benefit—at least for all the workers who deserve it—again, it is not our money; it is theirs. They worked hard for it. There is $26 billion in the trust fund and we should give it to them.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Ms. LANDRIEU. Mr. President, I ask that the time be equally charged to both sides.

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

Ms. LANDRIEU. 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. ALLARD. 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. ALLARD. Mr. President, we also are in morning business; is that correct?

The PRESIDING OFFICER. That is correct.

The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Chair.

(The remarks of Mr. ALLARD pertaining to the introduction of S. 98 are located in today's RECORD under ''Statements on Introduced bills and Joint Resolutions.'')

THE MISSING MILLION

Mr. GRASSLEY. Mr. President, I am happy we were able to get an extension of unemployment compensation earlier today so there is a seamless flow of checks from December 28 through the period of our new legislation. If we had not completed it today, and hopefully in the House tomorrow and with the President's signature on Thursday, there would have been a lapse of those checks. We could have gone back and made up the difference but there still would have been a period of time that unemployed people would not get checks. I know there was a lot of concern on the other side of the aisle that we were trying to pass this too quickly. I am glad they backed down and allowed us to move ahead.

During the debate that took the form of reserving the right to object, there were a number of statements made about what they wanted to do. I take the opportunity to clarify the record of what my Democratic colleagues were really talking about. A number of colleagues have made the statement that the unemployment extension we passed earlier today leaves out a million workers.

Under the regular State unemployment program—and this is under longstanding law—workers are entitled to as much as 26 weeks of unemployment benefits. Under the temporary federally funded unemployment program that Congress passed last March, which we are continuing now, those who exhaust their State regular unemployment benefits can receive up to 13 weeks of additional benefits. In addition, the program we passed last March provided up to 13 weeks of yet more benefits in extremely high unemployment States. In those high unemployment States, that means a maximum of 26 weeks of Federal benefits on top of the usual 26 weeks of State benefits. I repeat, workers in every State can collect 39 weeks of benefits—26 weeks State, plus 13 weeks Federal. And workers in high unemployment States can collect 52 weeks of benefits—26 weeks of State benefits and 13 weeks Federal, plus an additional 13 weeks for unemployed people in the high unemployment States.

As we discussed, the bill we passed earlier today would allow more than 2 million workers to collect extended benefits through May of this year. According to some of my Democratic colleagues, that is not enough. They want to let workers who have collected 26 weeks of regular State benefits plus 13 weeks of federally funded benefits collect an additional 13 weeks of benefits, for a total of 52 weeks of benefits for everyone, every place, regardless of the unemployment rate of a particular State. In other words, the agreement we reached last March to provide up to 9 months of benefits in every State, and 12 months of benefits in high unemployment States, is no longer good enough as indicated by the debate of my colleagues on the other side of the aisle earlier this afternoon. They want 12 months of benefits for everyone in every State regardless of whether unemployment is going up or going down.

They claim extending last year's agreement leaves out a million workers. I respectfully disagree. Their proposal goes well beyond anything Congress has ever done. It provides 12 months of federally funded benefits to all workers in every State. While the national unemployment rate is higher than it was at this time last year, the unemployment rate in 20 States is now lower than it was a year ago.

Under current law, no one can receive more in federally funded benefits than they received in State benefits. In other words, those who collect 26 weeks of State benefits could also collect 26 weeks of federally funded benefits; but in those States that might have only 20 weeks of State benefits, then there would only be 20 weeks of federally funded benefits under current law. So there is a link between what we give in Federal benefits and State benefits. This link is designed to give States the

ability to honor their unemployment program.

Although we have not seen the latest version, the Democratic proposal would break this link. By breaking the link, it would pay federally funded benefits without regard to the 26 week level of State benefits. This represents a very historic and unprecedented expansion of the unemployment program.

While we may need to revisit the issue of unemployment benefits later this year, it seems to me that we should carefully review this proposal before final action. In the meantime, we have had an opportunity to make sure that there is a seamless flow of checks from December 28, now, to those 750,000 unemployed people who would otherwise have had a lapse in receiving unemployment compensation, plus probably 2.5 million people connected with those respective families. And, for people on the other side of the aisle who think they have legitimacy and want to discuss these additional issues, the institution of the Senate is very prone towards hearing any idea that Senators want presented, having an environment or a forum for the presentation of that. So we probably will be forced to, and maybe ought to, review what the Democrats propose today. But we should not do it in an environment as we had today. If it had been adopted today, I am sure the House of Representatives would not have accepted it and, obviously, if we had gone to conference to work out the differences, no bill would have been presented to the President of the United States by Thursday—for his signature in time, then, to keep a seamless flow of unemployment checks.

So I am glad we were able to work this out. Obviously, as chairman of the Senate Finance Committee, I have to be open to discussion of any issues dealing with unemployment. I look forward to those discussions but in an environment that does not stall the flow of checks for people who are deserving of them, and that is those people who would have otherwise been cut off on December 28.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRASSLEY. Mr. President, I will again suggest the absence of a quorum, but I ask the time be evenly charged against each side.

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

Mr. GRASSLEY. I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, we are going to have a vote in a short time. It is going to be a vote on adjourning the Senate. That is what the vote will be.

But in substance it is more than that. We have had a number of Senators here who have requested a vote on adjournment. The reason they have done that is because they believe they should be able to have a vote on unemployment benefits for the people who are not covered in the legislation we just passed. So let there be no mistake, even though this procedurally is a vote on adjourning the Senate, the substantive aspect of this vote is that people who vote to adjourn the Senate today at approximately 5 o'clock will be voting to not allow about 1 million people to have unemployment benefits.

That is what this is about. I have told my friend, my counterpart, that there are a number of people who believed a vote was inappropriate. There are people who have worked on both sides of the aisle not to have a vote today. But there are a number of people who believe the vote is important. I want to make sure, before that vote occurs at 5 o'clock, that people know what the purpose of the vote is.

Mr. MCCONNELL. Mr. President, with all due respect to my friend from Nevada, the motion to adjourn will have absolutely nothing to do with unemployment benefits. It is simply, in the judgment of this Senator, an ill-advised attempt to disrupt what is typically a ceremonial day. We have Members of the Senate who were sworn in today—some of them brand new, some of them for the second and third and fourth and fifth terms—who have family in town. They are scattered all about the Capitol and off the Capitol with receptions for their friends.

There is nothing, I would say, that the other side could do today on this issue that they could not do on Thursday on this issue. If they want to make a point on the subject, certainly that is always possible in the Senate, the Senate being the Senate.

But this is going to be extremely disruptive to the Members and their families. I am told by floor staff there is nothing we can do to prevent this vote, and so we will have it. But hopefully we will have it with enough notice to give our colleagues, who are scattered around town with their families and friends, an opportunity to come back and cast a completely unnecessary vote, which has nothing to do with anything other than whether or not we adjourn tonight.

Make no mistake about it, this is a meaningless vote. It is simply a procedural vote that we normally would not take at the end of the day. No effort to describe it otherwise would be sufficient to convince anyone that this is anything more than simply a motion to adjourn.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. 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.

DEPARTMENT OF HOMELAND SECURITY NOMINATIONS

Mr. FRIST. Mr. President, today the Senate received from the President the nominations for the positions of Secretary of Homeland Security and Deputy Secretary of Homeland Security. I understand that these nominations will be referred to the Committee on Governmental Affairs because at this time the primary responsibility of these two officials will be to implement the structural reorganization of disparate entities into this new agency. I understand that in the future nominations for various positions created by the Homeland Security Act of 2002 may be referred on the basis of the responsibilities of those officials at that time, and that the initial referral of these nominations will not serve as precedent binding the Chair in the future.

ADDITIONAL STATEMENTS

THE SALT RIVER PROJECT'S 100TH ANNIVERSARY

• Mr. KYL. Mr. President, my best wishes today go to the Salt River Project on the celebration of its centennial of service to the communities of central Arizona.

When the Salt River Project, or SRP, was created on February 7, 1903, Arizona was still a territory and the people who had settled its central desert valleys had just endured a period of devastating droughts. They knew the future of their farms, businesses, and families depended on securing a reliable supply of water. If they failed, they were sure to witness the continued withering of their farms and livelihoods.

With commitment, they banded together to form the Salt River Valley Water Users Association, later to become SRP. With courage, they mortgaged their lands as debt collateral for a federal loan that was granted under terms of the National Reclamation Act of 1902. And the result eight years later was the completion of a great monolithic stone dam that was named after

the President, Theodore Roosevelt. It would be the first of other dams and water works built through partnership with SRP and federal and local governments to ensure the economic vitality of my native state.

Without Roosevelt Dam, Arizona's early communities could not have grown. Similarly, growth would not have continued without SRP's development and management of early hydropower resources and later leadership and partnership in constructing extensive generation and transmission systems to fuel Arizona's economy.

In the past century, SRP has become Arizona's largest water supplier and the third largest public power provider in the nation. It has gained a reputation as a utility with a record for service, safety, and commitment to the environment and human services. As SRP celebrates its centennial, it deserves recognition for its past achievements and for the important role it will continue to play in Arizona's advancement in the 21st century.●

TRIBUTE TO GOVERNOR FELIX CAMACHO AND LT. GOVERNOR KALEO MOYLAN

● Mr. BURNS. Mr. President, hafa adai and happy new year from our Nation's capital. It gives me great pleasure to congratulate Governor Felix Camacho and Lt. Governor Kaleo Moylan on their inauguration day as the seventh elected governor and lieutenant governor of Guam.

Guam's people have shown their patriotism to America time and time again. Indeed, it is this allegiance, coupled with a rich island culture, that make Guam so unique in our American family and an integral and indispensable part of our nation. As incoming Chairman of the Appropriations Subcommittee on Interior and Related Agencies, I look forward to working with both the governor and lieutenant governor, as we tackle Guam's present challenges.

As they embark on rebuilding their community, some progress will be swift and dramatic. At other times, improvements may be slower and only with perseverance and diligent hard work will they be finally achieved. Together, Guam and Washington will overcome these challenges.

I join the people of Guam in congratulating Governor Felix Camacho and Lt. Governor Kaleo Moylan, once again, and I look forward to meeting and working with them to address their island's needs. For this reason and in order to memorialize this moment, I have submitted this letter to be published in the CONGRESSIONAL RECORD on January 7, 2003.●

RETIREMENT OF JERRY SONGY

● Mr. BOND. Mr. President, in 1998, the Senate passed the Internal Revenue Service Restructuring and Reform Act, which I strongly supported. This landmark legislation set the Internal Revenue Service, IRS, on a new course, one that most Members of this body would agree is the right one. Today, the IRS is much more focused on customer service and education to achieve compliance with the Nation's tax laws.

It takes more than a new law, however, to change the way an agency fulfills its mission. It takes talented people committed to those reforms in order to turn the words in the statute into reality. We all know the role that former Commissioner Charles O. Rossotti played in restructuring the agency, and I commend him again for his invaluable service to the IRS and the Nation.

Today, I rise to recognize one of Mr. Rossotti's key aides, Jerry Songy, who is retiring after 34 years of dedication to agency. In early 1998, Jerry was selected to lead an organizational modernization effort that was intended to transform the IRS into a more customer-focused organization. Jerry's contributions to this business-process reengineering effort have greatly improved the delivery of products and services to all of America's taxpayers, and small businesses and the self-employed taxpayers in particular.

In addition to serving as Executive Director, Modernization Design, Jerry was instrumental in the design of the Small Business/Self-Employed, SB/SE, operating division, which serves approximately 45 million small businesses and self-employed taxpayers. He was also a driving force in the creation of the Taxpayer Education and Communication, TEC, section and has led the SB/SE division in its outreach and education efforts to small business and self-employed taxpayers. As the former Chairman and Ranking Member of the Committee on Small Business and Entrepreneurship, I had the pleasure of working with Jerry in that capacity.

Through his efforts, the IRS has created innovative web site applications, multilingual CDs, and a series of web cast programs to assist taxpayers with their tax filing and payment responsibilities. The IRS has partnered with tax practitioner and payroll organizations, trade and professional organizations, educational institutions, and corporate America on joint tax education initiatives. In short, our constituents are seeing the tangible benefits of Jerry's hard work on behalf of small enterprises across the nation.

Jerry was born and raised in New Orleans, LA and graduated from Loyola University with a Bachelor of Science degree in Accounting. He has two sons, three grandchildren, and will be joined in retirement by his wife, Lea, who also has had a distinguished career with the IRS.

On behalf of the 45 million small businesses and self-employed taxpayers throughout the country that have benefitted from his hard work and dedication, I commend Jerry Songy for his exemplary contributions to public service.●

TRIBUTE TO BONNIE NICKOL

● Mrs. LINCOLN. Mr. President, I rise today to pay tribute to Bonnie Nickol of Little Rock, Arkansas, who has committed herself to helping working families in Arkansas through the Arkansas Single Parent Scholarship Fund.

Bonnie's first involvement with the scholarship fund came in 1997. The fund's director, Ralph Nesson, knowing of Bonnie's interest in education, introduced her to several of the people who benefit from this statewide network of scholarship programs that help single parents get the education they need to better provide for their families. Bonnie was touched by the efforts of these women and men to raise children, hold steady jobs, and attend college—and she resolved to help.

And help she did. Upon learning that the Pulaski County Single Parent Scholarship Fund was able to offer only about 10 scholarships per year, and that many deserving single parents were being turned away due to a lack of funds and resources. Bonnie joined the board of directors and committed herself to expanding the program. From 1998 until 2002, Bonnie chaired the fund's board of directors. Under her leadership, the fund began to grow dramatically. In 1998, the fund awarded 16 scholarships worth a total of $8,000. By 2002, the fund was awarding 98 scholarships worth more than $63,000. That's an increase of 600 percent in just four years. On top of that, the amount of each scholarship awarded increased by $150, meaning that every recipient is now enjoying a more generous benefit than ever before. The Single Parent Scholarship Fund has also raised its profile by pursuing corporate and foundation grants and through private fund-raising events.

In addition to increasing the fund's size, Bonnie has spearheaded the effort to provide enhanced support services to scholarship recipients. Among these services are volunteer mentors and loaned computers to help ensure student success. In addition, Bonnie made a point of forging personal relationships with many of the scholarship recipients, meeting with each of them once per semester to encourage them and seek feedback; coordinating the selection process to ensure that scholarships are awarded in a fair, timely, and efficient manner; and continually working to improve service available to recipients.

These efforts are paying real dividends for the fund in terms of success. Since January 1998, an astonishing 94 percent of scholarship recipients have either graduated or are still in school

working toward their degrees. Fifty-eight parents have graduated since 1998. That's a tremendous record of success, for which Bonnie and all of the other volunteers with the Arkansas Single Parent Scholarship Fund can be justifiable proud.

Bonnie Nickol will retire from the Arkansas Single Parent Scholarship Fund this year, and while her leadership will be sorely missed, others who share Bonnie's vision and commitment will most certainly follow. In the meantime, she continues to provide her valuable leadership and volunteer energy for a number of groups in Arkansas, including New Futures for Youth, the Jewish Federation of Arkansas, and the Artspace Artists Cooperative. But of all her contributions, her most impressive may be the work that she's done with the Arkansas Single Parent Scholarship Fund, work that has made it possible for dozens of single parents in Arkansas to get their degrees and improve their job prospects for the future. I salute Bonnie's efforts, and I hope that others will look to her as an example of how one person can lend their time, talents, and energy to make a difference in his or her community and in the lives of others.●

TRIBUTE TO FALLEN FIREFIGHTERS

● Mr. SMITH. Mr. President, on November 25, 2002, Oregonians were reminded once again what the whole nation witnessed on September 11, 2001, that the men and women who run into burning buildings when everyone else is running out, are true heroes.

For it was on November 25, 2002, when Randy Carpenter, Jeffrey Common and Chuck Hanners, all members of the Coos Bay Fire Department, gave their lives while protecting others, when the roof of a warehouse collapsed during a fire.

Randy Carpenter was a thirteen year veteran of the Coos Bay Fire Department. He was a mentor to many young firefighters, and was respected as a man of integrity and professionalism. Along with fighting fires, Randy built houses and taught emergency medical aid classes. He was a loving father to two daughters.

Like his father, Jeffrey Common was a volunteer member of the Coos Bay Fire Department. He worked in the tugboat business and was the devoted father of three young children.

Chuck Hanners was also a volunteer member of the Coos Bay Fire Department. He served as the manager of a retail sporting goods department, but always carried a scanner in his back pocket so he could rush to a fire whenever help was needed. He left behind a wife and six children.

At a very moving memorial service, which was attended by over 7,000 community members and delegations of firefighters from across Oregon and the Pacific Northwest, Chuck's 17-year-old son, Daniel, read from the Firefighter's Prayer. The last line of this prayer says, ''If according to fate, I am to lose my life, please bless with your hand my children and my wife.''

I join with countless other Oregonians in extending my prayers and condolences to the family, friends, and colleagues of these three courageous Oregonians. While I was not privileged to know Randy, Jeff, and Chuck, I know of the pride they took in serving as a first responder, and I know that in giving themselves for others, they made themselves special, not just to us, but to God. The Bible tells us that ''Greater love than this has no man than to lay down his life for his friends.'' Because God is love, we know He was there with them when they died, and that He is with them still.

One of America's most beautiful monuments to courage and unselfish service is the National Fallen Firefighters Memorial in Emmitsburg, MD. Flags at this Memorial were flown at half-staff in honor of Randy, Jeff and Chuck. And their names will also be added to a plaque at the monument, which stands near an eternal flame that represents the spirit of the firefighter, past, present, and future.

The holiday season was a tough one for many in Coos Bay, but I hope that community members can take solace in the fact that they are fortunate to live in a community and we are all fortunate to live in a country that produces individuals like Randy, Jeff, and Chuck, individuals who are willing every day to risk their life so others might be safe. May God Bless the men and women of the Coos Bay Fire Department, and all fire department across the country, and may God Bless America.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

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

EC–1. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, the National Defense Stockpile (NDS) Annual Materials Plan (AMP) to increase the quantities of celestite and quinidine available for disposal; to the Committee on Armed Services.

EC–2. A communication from the Under Secretary of Defense, transmitting, the report entitled Selected Acquisition Reports for the quarter ending September 30, 2002; to the Committee on Armed Services.

EC–3. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the transportation of Chemical Warfare Agent from Pine Bluff Arsenal, Arkansas, to Aberdeen Proving Grounds, Maryland; to the Committee on Armed Services.

EC–4. A communication from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Class Exemption to Permit Certain Transactions Identified in the Voluntary Fiduciary Correction Program'' received on November 25, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report entitled ''Department of Defense Annual Implementation Report''; to the Committee on Governmental Affairs.

EC–6. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled ''U.S. Office of Personnel Management's Annual Report to Congress on Veterans' Employment in the Federal Government''; to the Committee on Veterans' Affairs.

EC–7. A communication from the Assistant Secretary of Commerce for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Exports and Re-exports to the Federal Republic of Yugoslavia: Lifting of U.N. Arms Embargo-Based Contents; Clarification of U.N. Arms Embargo-Based Controls on Rewards'' received on November 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–8. A communication from the President, transmitting, pursuant to law, the report relative to the aggregate number, locations, activities, and lengths of assignment for all U.S. military personnel and civilians retained as contractors involved in the anti narcotics campaign in Columbia; received on November 14, 2002; to the Committee on Appropriations.

EC–9. A communication from the Director of Congressional Affairs, Central Intelligence Agency, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel of the Central Intelligence Agency, received on November 25, 2002; to the Select Committee on Intelligence.

EC–10. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Tax Policy, received on November 18, 2002; to the Committee on Finance.

EC–11. A communication from the Attorney/Advisor, Bureau of Transportation Statistics, transmitting, pursuant to law, the report of vacancy of the position of Director, received on December 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–12. A communication from the General Counsel, Department of Commerce, transmitting, the report relative to the reauthorizing the programs of the Technology Administration and the National Institute of Standards and Technology and to make a number of improvements to the Advanced Technology Program and the Manufacturing Extension Partnership Program and Technical Amendments, received on October 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–13. A communication from the General Counsel, Department of Commerce, transmitting, the report of a draft bill entitled ''The Hydrographic Services Amendments Act of 2002'' received on October 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–14. A communication from the Director, Office of Personnel Manager, transmitting, the report of a legislative proposal entitled ''Postal Civil Service Retirement System Funding Reform Act of 2002'' received on November 12, 2002; to the Committee on Governmental Affairs.

EC–15. A communication from the Secretary of the Interior, transmitting, the report of a bill ''to authorize the Secretary of the Interior to assist in the implementation of fish passage and screening facilities and habitat improvements at non-Federal water projects and on non-Federal lands when required for a Federal reclamation project in the Columbia River Basin to comply with the Endangered Species Act'' received on October 30, 2002; to the Committee on Energy and Natural Resources.

EC–16. A communication from the President, transmitting, pursuant to law, the report relative to the Reorganization Plan for the Department of Homeland Security providing information concerning the elements identified in section 1502(b), received on December 2, 2002; to the Committee on Governmental Affairs.

EC–17. A communication from the Special Assistant to the President and Director, Office of Administration, transmitting, pursuant to law, the report of personnel employed in the White House Office, the executive Residence at the White House, the Office of the Vice-President, the Office of the Policy Development (Domestic Policy Staff) and the Office of Administration, received on December 2, 2002; to the Committee on Governmental Affairs.

EC–18. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report entitled Inspector General Semiannual Report to Congress and Management Response, received on December 1, 2002; to the Committee on Governmental Affairs.

EC–19. A communication from the Chair, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report addressing the Federal Managers' Financial Integrity Act, received on November 25, 2002; to the Committee on Governmental Affairs.

EC–20. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the report of the Agency in accordance with the requirements of the Federal Manager's Fiscal Integrity Act of 1982, and the Inspector General Act of 1988, received on November 25, 2002; to the Committee on Governmental Affairs.

EC–21. A communication from the Chair, Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the report relative to the Fiscal Year 2002 on the Foundations' Audit and Investigative Activities; to the Committee on Governmental Affairs.

EC–22. A communication from the Senior Deputy Chairman, National Endowment of the Arts, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Chairman's Semiannual report on the final action for the National Endowment of the Arts for the period of April 1, 2002 through September 30, 2002; to the Committee on Governmental Affairs.

EC–23. A communication from the Senior Deputy Chairman, National Endowment of the Arts, transmitting, pursuant to law, the report entitled National Endowment for the Arts 2002 FAIR Act inventory of activities; to the Committee on Governmental Affairs.

EC–24. A communication from the Secretary of Treasury, transmitting, pursuant to law, the Department of Treasury's Performance and Accountability Report for Fiscal Year 2002, received on December 1, 2002; to the Committee on Governmental Affairs.

EC–25. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Carl Wilson Basketball Court Designation Act of 2002''; to the Committee on Governmental Affairs.

EC–26. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Mandarin Oriental Hotel Project Tax Deferral Act of 2002''; to the Committee on Governmental Affairs.

EC–27. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Government Sport Utility Vehicle Purchasing Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–28. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Prostate Cancer Screening Insurance Coverage Requirement Act of 2002''; to the Committee on Governmental Affairs.

EC–29. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Square 456 Payment in Lieu of Taxes Act of 2002'', to the Committee on Government Affairs.

EC–30. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Department of Insurance and Securities Regulation Procurement Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–31. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–32. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''District of Columbia Flag Adoption and Design Act of 2002''; to the Committee on Governmental Affairs.

EC–33. A communication from the Chairman of the Council, Council of the District of Columbia, transmitting, pursuant to law, the report of a bill entitled ''Medical Support Establishment and Enforcement Temporary Amendment Act of 2002''; to the Committee on Governmental Affairs.

EC–34. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a bill entitled ''The Audit Report Issued During the Fiscal Year 2002 Regarding the Thrift Savings Plan''; to the Committee on Governmental Affairs.

EC–35. A communication from the Acting Special Counsel, transmitting pursuant to law, the report on Agency Management of Commercial Activities; to the Committee on Governmental Affairs.

EC–36. A communication from the Director, Trade and Development Agency, transmitting, the report relative to the audit and internal management activities; to the Committee on Governmental Affairs.

EC–37. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report relative to the Annual Inventory of the Commercial Activities of NASA; to the Committee on Governmental Affairs.

EC–38. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report relative to the Annual Inventory of the Commercial Activities of NASA; to the Committee on Governmental Affairs.

EC–39. A communication from the Employment Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Excepted Service—Schedule A Authority for Nontemporary Part-Time of Intermittent Positions''; to the Committee On Governmental Affairs.

EC–40. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution District, Ventura County Air Pollution Control District'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–41. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–42. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protecting Agency, transmitting, pursuant to law, the report of a rule entitled ''New Jersey: Final Authorization of State Hazardous Waste Program Revision'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–43. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Prevention of Significant Deterioration (PSB) and Nonattianment New Source Review (NRS): Baseline Emissions Determination, Actual-to-future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' received on December 4, 2002; to the Committee on Environment and Public Works.

EC–44. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation on Plans for the State of Montana; Revisions to the Administration Rules of Montana'' received on November 18, 2002; to the Committee on Environmental and Public Works.

EC–45. A communication from the Acting Principal Deputy Associate Administrator,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Indiana'' received on November 18, 2002; to the Committee on Environmental and Public Works.

EC–46. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plan for Designated Facilities and Pollutants; State of Mississippi'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–47. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–48. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; One Hour Ozone Attainment Demonstration for the Massachusetts portion of the Boston-Lawrence-Worchester, MA-NH Ozone Nonattianment Area'' received on November 18, 2002; to the Committee on Environment and Public Works.

EC–49. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; One-hour Ozone Attainment Demonstration for the New Hampshire Portion of the Boston-Lawrence-Worcester, MA-NH Ozone Nonattainment Area'' received on December 2002; to the Committee on Environmental and Public Works.

EC–50. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''Approval and Promulgation of the Implementation Plans for Texas: Transportation Control Measures Rule'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–51. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Air Pollution from New Motor Vehicles: Amendments to the Tier 2 Motor Vehicle Emission Regulations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–52. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a bill entitled ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–53. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–54. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Certain Federal Human and Health and Aquatic Life Water Quality Criteria Applicable to Vermont, the District of Columbia, Kansas and New Jersey'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–55. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Montana; State of Implementation Plan Correction'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–56. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Six Control Measures to meet EPA-Identified Shortfalls in Delaware's One-Hour Ozone Attainment Demonstration'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–57. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans and Operating Permits Programs; State of Missouri'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–58. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation Plans; State of Missouri'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–59. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Notice of Halting the Sanctions Clocks for the commonwealth of Virginia's Failure to Submit Required State Implementation Plan for the NOX SIP Call'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–60. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Designation of Areas for Air Quality Planning Purposes; Pennsylvania; Redesignation of the Allegheny County Carbon Monoxide Nonattainment Area and Approval of Miscellaneous Revisions'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–61. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Plan Designated Facilities and Pollutants; State of Mississippi'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–62. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–63. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standard Benzene Waste Operations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–64. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of the rule entitled ''Notice of Request for Initial Proposals (IPs) for Projects to be funded from the Water quality Cooperation Agreement allocation (CFDA 66.463—Water Quality Cooperation Agreements)'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–65. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revised Freedom of Information Act Regulations'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–66. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Arizona State Implementation Plan, Pinal County Air Quality County Control District'' received on December 2, 2002; to the Committee on Environment and Public works.

EC–67. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Withdrawal of Federal Human Health and Aquatic Life Water Quality Criteria for Toxic Pollutants Applicable to Michigan'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–68. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revised Settlement Policy and Contribution Waiver Language Regarding Exempt De Micromis and Non-Exempt De Micromis Parties'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–69. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Repeal of Emission Standards for Perchloroethylene Dry Cleaning Systems'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–70. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Revisions to the Alabama Nitrogen Oxides Budget and Allowance Trading Program'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–71. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State

Plans for Designated Facilities; Virgin Islands'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–72. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Primary Drinking Water Regulations: Minor Revisions to Public Notification Rule, Consumer Confidence Report Rule and Primary Rule'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–73. A communication from the Acting Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled Revisions to Operating Permits Program in Washington'' received on December 2, 2002; to the Committee on Environment and Public Works.

EC–74. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''List of Approval Spent Fuel Storage Casks: VSC–24 Revision'' (RIN 3150–AH05) received on November 18, 2002; to the Committee on Environment and Public Works.

EC–75. A communication from Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Metropolitan Transportation Planning and Programming'' received on October 15, 2002; to the Committee on Environment and Public works.

EC–76. A communication from Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Design Build Contracting'' received on October 15, 2002; to the Committee on Environment and Public Works.

EC–77. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Locational Requirements for Dispatching of United States Rail Operations'' received on December 17, 2002; to the Committee on Environment and Public works.

EC–78. A communication from the Assistant Secretary for Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Five Carbonate Plants from the San Bernardino Mountains in Southern California'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–79. A communication from A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the commission's monthly report on the status of licensing and regulatory duties for September 2002; to the committee on Environment and Public Works.

EC–80. A communication from A communication from the Director, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Lomatium cooki (Cook's Lomatium) and Limnanthes floccosa ssp. grandiflora (Large-flowered Wooly Meadowfoam) from Southern Oregon; Final Rule''; to the Committee on Environment and Public Works.

EC–81. A communication from the Director, Fish and wildlife Service, Department of Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Deindra Conjugens (Otay tarplant)'' received on December 17, 2002; to the Committee on Environment and Public Works.

EC–82. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the Superfund Five Year Review Report to Congress for Fiscal Years 1999–2001, received on November 25, 2002; to the Committee on Environment and Public Works.

EC–83. A communication from the Deputy Administrator, General Services Administration, transmitting, pursuant to law, the report entitled ''Reports of Building Building Projects Survey for the Federal Trade Commission building in Washington, DC''; to the Committee on Environment and Public Works.

EC–84. A communication from the Chairman, Commission on the Future of the United States Aerospace Industry, transmitting, pursuant to law, the report entitled ''Final Report of the Commission on the Future of the United States Aerospace Industry''; to the Committee on Commerce, Science, and Transportation.

EC–85. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Trip limit Adjustments; Correction'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–86. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 8-Closure of the Commercial Fishery from Humbug Mountain, OR, to the Oregon-California Border'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–87. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 12-Adjustment of the Recreational fishery from the Queets River to Leadbetter point, WA (Westport Area)'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–88. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 10-Adjustment of the Commercial Fishery from the U.S.-Canada Border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–89. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 9-Closure and Reopening of the Recreational Fishery from Cape Falcon to Humbug Mountain, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–90. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 13-Adjustment of the Commercial Fishery from the U.S.-Canada border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–91. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Modification of a closure—re-opening of directed fishing by vessels using trawl gear in the Gulf of Alaska (GOA)'' received on November 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–92. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure Notice for Maine Mahogany Fishery; Commercial Quota Harvested for 2002 fishing year'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–93. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–94. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–95. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Closure of the commercial fishery for king mackerel in the exclusive economic zone in the western zone of the Gulf of Mexico'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–96. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NMFS is closing directed fishing for Pacific cod by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This Action is necessary to prevent exceeding the 2002 Pacific halibut bycatch allowance specified for the trawl Pacific cod fishery'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–97. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department

of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 14-Adjustment of the Recreational Fishery from Leadbetter Point, WA to Cape Falcon, OR (Columbia River Area)'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–98. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 17-Adjustment of the Ceremonial and subsistence Harvest Regulations for the Ocean Salmon Fisheries of the Quileute Tribe'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–99. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 16-Adjustment of the Commercial Fishery from the Oregon-California Border to the Humboldt South Jetty'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–100. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 15-Closure of the Commercial Fishery from Humbug Mountain, OR to the Oregon-California Border'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–101. A communication from the Acting Director, Office of Sustainable Fisheries National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off the West Coast and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 4-Adjustment of the Commercial fishery from the U.S.-Canada Border to Cape Falcon, OR'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–102. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regulated Navigation Areas: Long Island Sound Marine Inspection and Captain of the Port Zone (CGD01–01–187)'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–103. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations (Including 2 regulations) [CGD08–02–030] [CGD08–02–031]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–104. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety and Security Zone Regulations; Lower Mississippi River, Miles 87.2 to 91.2, above Head of Passes, New Orleans, LA (COTP New Orleans 02–002)'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–105. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations [including 7 regulations] ((RIN2115–AE47) (2002–0098))'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–106. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Northeast Cape Fear River, Wilmington, NC (CGD05–02–014]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–107. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Including 2 regulations [CGD07–02–144] [CGD07–021–45]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–108. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Ports of Jacksonville and Canaveral, FL (CGD07–02–148)'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–109. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Harlem River (CGD01–02–135)'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–110. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Charleston Harbor, Cooper River, S.C. [COTP Charleston–02–146]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–111. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: Drilling and Blasting Operations, Hubline Project, Captain of the Port Boston, Massachusetts [CGD01–02–131]'' received on December 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–112. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: New Rochelle Harbor, NY [CGD01–02–134]'' received on December 10, 2002; to the Committee on Commerce, Science, and Transportation.

EC–113. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: San Pedro Bay, CA [COPT Los Angeles-Long Beach 02–004]'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–114. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations: Winterfest Boat Parade, Broward County, Fort Lauderdale, Florida [CGD07–02–122]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–115. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Mississippi River, Clinton IA [CGD08–02–027]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–116. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations: Hutchinson River, Eastchester Creek, NY [CGD01–02–138]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–117. A communication from the Chief, Regulations and Administration Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations: (Including 2 regulations) [CDG07–02–042] [COPT Los Angeles-Long Beach 02–006]'' received on December 17, 2002; to the Committee on Commerce, Science, and Transportation.

EC–118. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NOAA Ocean Exploration Initiative, Fiscal Year 2003'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–119. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, Department of Commerce, transmitting pursuant to law, the report of a rule entitled ''Joint Program Announcement on Climate Variability and Human Health for 2003'' received on December 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–120. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Tire Safety Information; Final Rule'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–121. A communication from the Attorney-Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Reporting the causes of Airline Delays and Cancellations under 14 CFR Part 234'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–122. A communication from the Trial Attorney, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Acceleration of Manufacturer's Remedy Program'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–123. A communication from the Director, Office of Sustainable Fisheries, National

Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; General category closure'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–124. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species NOAA Information, Collection Requirements; Regulatory Adjustments; Technical Amendment'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–125. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna; Quota transfers General category daily retention limit adjustment'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–126. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Opening of General category Atlantic Bluefin Tuna New York Bight setaside fishery'' received on November 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–127. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of rule entitled ''National Parks Air Tour Management; Doc. No. FAA–2001–8690 [10–25/12–2]'' received on December 4, 2002; to the Committee on Commerce, Science, and Transportation.

EC–128. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Experimental Setnet Sablefish landing to Qualify Limited Entry Sablefish Endorsed Permits for Tier Assignments'' received on November 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–129. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Monkfish Fishery Management Plan; Emergency Rule Extension'' received on December 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–130. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Bell Helicopters Textron, Inc. Model 204B, 205A, 212, 214B, and 214B–1 Helicopters Doc. No. 2001–SW–42 [11–08–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–131. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Cessna Aircraft Company Models 208 and 208B Airplanes Doc. No. 2002–CE–23 [11–12–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–132. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Textron Lycoming AEIO–540, IO–540, LTIO–540, O–540, and TIO–540 Series Reciprocating Engines Doc. No. 2002–NE–31 [11–14–11–14]'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–133. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Turbomeca Artouste III Series Turboshaft Engines Docket No. 99–NE–33 ((RIN 2120–AA64)(2002–0482))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–134. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Titeflex Corporation Doc. No. 2000 NE57 ((RIN 2120–AA64)(2002–0481))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–135. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Gulfstream Aerospace LP Model Galaxy and Gulfstream 200 Airplanes Doc. No. 2002–NM–265((2120–AA64)(11–13/11–14))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–136. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Moravan a.s. Models Z–243L and Z–242L, Airplanes CORRECTION Doc. No. 99–CE–71((RIN 2120–AA64)(2002–0476))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–137. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France model AS355N Helicopters Doc. No. 2002–SW–32 ((RIN 21220–AA64)(2002–0477))'' received on November 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–138. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter France model EC 155B Helicopters Doc. No. 2002–SW–26((RIN212–AA64)(2002–0478))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–139. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Request for Comments PIAGGIO Aero Industries S.P.A. Model P–180 Airplanes Doc. No. 2002–CE–48 ((RIN 2120–AA64)(2002–0484))'' received on December 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–140. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (23) Amendment No. 3032 ((RIN2120–AA65)(2002–0061))'' received on December 17, 2002; to the Committee on Commerce, Science and Transportation.

EC–141. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (51) Amendment No. 3031 ((RIN2120–AA645)(2002–0060))'' received on December 17, 2002; to the Committee on Commerce, Science and Transportation.

EC–142. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Needles Airport; Needles, CA; Doc. No. 010–AWP–15 ((RIN2120–AA66)(2002–0181))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–143. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revocation of restricted Area R–5207, Romulus, NY Doc. No. 02–AEA–17 ((RIN2120–AA66)(2002–0180))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–144. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to using Agency for Restricted Area 2301W Ajo West, AZ Doc. No. 02–AWP–08 ((RIN 2120–AA66)(2002–0179))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–145. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Ulyssess, KS Class E Airspace Area Doc. No. 02–ACE–11((RIN 2120–AA66)(2002–0182))'' received on November 18, 2002; to the Committee on Commerce, Science and Transportation.

EC–146. A communication from the Acting Under Secretary of Transportation for Security, Department of Transportation, transmitting, pursuant to law, the report relative to Federal Requirements concerning Federal Screening and Airport Security; to the Committee on Commerce, Science, and Transportation.

EC–147. A communication from the Acting Chairman, National Transportation Safety Board transmitting, pursuant to law, the report entitled ''2000–2001 National Transportation Safety Board Annual Report to Congress''; to the Committee on Commerce, Science, and Transportation.

EC–148. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting pursuant to law, the report of an interm rule relative to the Federal Acquisition Regulation (FAR) Supplement to revise the instructions for preparing NASA Form 1018, received on November 25, 2002; to

the Committee on Commerce, Science, and Transportation.

EC–149. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule relative to Federal Acquisition Regulation (FAR) Supplement to require internal Agency clearance before authorizing contractor use of interagency fleet management system vehicle; to the Committee on Commerce, Science, and Transportation.

EC–150. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Marketing Assistance Loans and Loan Deficiency Payments for Peanuts, Pulse Crops, Wheat, Feed Grains, Soybeans and Other Oilseeds (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–151. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''7 CFR 1412–Direct and Counter-Cyclical Payments (RIN0560–AG71)'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–152. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm Bill Regulations—Cooperative Marketing Associations; Cotton; Dairy; Honey (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–153. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''2002 Farm Bill Regulations—Cooperative Marketing Associations; Cotton; Dairy; Honey (RIN0560–AG72)'' received on December 12, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–154. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Special Supplement Nutrition Program for Women, Infants and Children (WIC): Exclusion of Military Housing Payments, State Agency option to exclude housing allowances paid to military personnel for privatized on-base or off-base housing (RIN0584–AD34)'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–155 A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitle ''Brucellosis: Testing of Rodeo Bulls—Doc. No. 01–095–2'' received on November 25, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–156. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Exotic Newcastle Disease: Designation of Quarantined Area—Doc. No. 02–117–1'' received on December 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–157. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Stall Reservations at Import Quarantine Facilities—Doc. No. 02–024–1'' received on December 10, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–158. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitle ''Coordinated Issue 'Basis Shifting' Tax Shelter'' received on December 4, 2002; to the Committee on Finance.

EC–159. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Rev. Proc. 2003–2'' received on December 17, 2002; to the Committee on Finance.

EC–160. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Revenue Ruling 2003–3—Accrual of State Tax Refunds'' received on December 17, 2002; to the Committee on Finance.

EC–161. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Captive Insurance—Group Captive'' received on December 17, 2002; to the Committee on Finance.

EC–162. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Deductibility of Insurance Premiums Paid to Brother-Sister Captive Insurance Company'' received on December 17, 2002; to the Committee on Finance.

EC–163. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Intercompany Transactions; Conforming Amendments to 446'' received on December 17, 2002; to the Committee on Finance.

EC–164. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Appeals Settlement Guidelines: Mining—Receding Face Deduction'' received on December 17, 2002; to the Committee on Finance.

EC–165. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Allocation of National Limitation for Qualified Zone Academy Bonds for Year 2003'' received on December 12, 2002; to the Committee on Finance.

EC–166. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''D plus A Drop—Rev. Rul. 2002–85, 2002–52'' received on December 17, 2002; to the Committee on Finance.

EC–167. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Indirect Stock Transfer Notice—Rev. Rul. 2002–77, 2002–52'' received on December 17, 2002; to the Committee on Finance.

EC–168. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Modification of Revenue Procedure 2002–3—Rev. Rul. 2002–75'' received on December 17, 2002; to the Committee on Finance.

EC–169. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Captive Insurance—Rev. Rul. 2002–89'' received on December 17, 2002; to the Committee on Finance.

EC–170. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Notice 2003–1—Treatment of Certain Amounts Paid to 170(c) Organization Under Employer Leave-Based Donation Program'' received on December 17, 2002; to the Committee on Finance.

EC–171. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Licensing of Viatical Settlement Providers—Rev. Rul 2002–82'' received on December 9, 2002; to the Committee on Finance.

EC–172. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Revenue Ruling 2002–70'' received on December 4, 2002; to the Committee on Finance.

EC–173. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Weighted Average Interest Rate Update Notice'' received on December 4, 2002; to the Committee on Finance.

EC–174. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''T.D. 9021—Loans From a Qualified Plan to Plan Participants and Beneficiaries'' received on December 4, 2002; to the Committee on Finance.

EC–175. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of Treasury, the report of a rule entitled ''Composite method for loss discounting—Rev. Rul 2002–74'' received on December 4, 2002; to the Committee on Finance.

EC–176. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Application of Inherent Reasonableness to all Medicare Part B Services (other than Physical Services)(CMS–1908–F)'' received on December 12, 2002; to the Committee on Finance

EC–177. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''The State Children's Health Insurance Program; a Summary Evaluation of States' Early Experience with SCHIP'' received on December 2, 2002; to the Committee on Finance.

EC–178. A communication from the Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Liability for Insurance Premium Excise Tax'' received on December 2, 2002; to the Committee on Finance.

EC–179. A communication from the Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the second annual report of the Task Force on the Prohibition of Importation of Products of Forced or Prison Labor, received on December 12, 2002; to the Committee on Finance.

EC–180. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, the report of a rule entitled ''Yadkin Valley Viticultural Area (2001R–88P)'' received on December 12, 2002; to the Committee on Finance.

EC–181. A communication from the Chairman, United States International Trade Commission, transmitting, pursuant to law, the Semi-annual Report of the Inspector General of the U.S. International Trade Commission for the period April 1, 2002 through September 30, 2002; to the Committee on Finance.

EC–182. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, agreements relative to treaties entered into by the United States under the Case-Zablocki Act; to the Committee on Foreign Relations.

EC–183. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to

law, the fiftieth report on the extent and disposition of the United States contributions to international organizations; to the Committee on Foreign Relations.

EC–184. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agent Registration Act of 1938, as amended for the six months ending June 30, 2002'' received on December 6, 2002; to the Committee on Foreign Relations.

EC–185. A communication from the Deputy Congressional Liaison, Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled ''Regulations W—Transactions Between Member Banks and Their Affiliates'' received on December 2, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–186. A communication from the Deputy Secretary, Division of Investment Management, Office of Investment Advisor Regulations, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Exemption for Certain Investment Advisors Operating Through the Internet'' received on December 17, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–187. A communication from the Chairman, Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Semiannual Report to Congress by the Board's Inspector General, to the Committee on Banking, Housing, and Urban Affairs.

EC–188. A communication from the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report entitled ''Stimulating Smarter Regulations: 2002 Report to Congress on the Costs and Benefits of the Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities'' received on December 20, 2002; to the Committee on Governmental Affairs.

EC–189. A communication from the Chairman, Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of rule entitled ''Disclaimers, Fraudulent Solicitations, Civil Penalties, and Personal use of Campaign Funds'' received on December 10, 2002; to the Committee on Rules and Administration.

EC–190. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administratior, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans, State of Utah; Utah County PM10, State Implementation Plan Revisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–191. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia: Reorganization of and Revisions to Administrative and General Conformity Provisions; Documents Incorporated by Reference; Recodification of Existing SIP Provisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–192. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Air Quality Standard, Particulate Matter'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–193. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Pollutant Discharge Elimination System Permit Regulations and Effluent Limitations Guidelines and Standards for Concentrated Animal Feeding Operations (CAFOs)'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–194. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Additional Reconsideration of Petition Criteria and Incorporation of Montreal Protocol Decisions'' received on December 20, 2002; to the Committee on Environment and Public Works.

EC–195. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans for Kentucky: Air Permit Regulations'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–196. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans North Carolina: Approval of Revisions top North Carolina State Implementation Plan: Transportation Conformity Rule and Interagency Memorandum of Agreements'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–197. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; North Carolina: Nitrogen Oxides Budget and Allowance Trading Program'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–198. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Pollutants Discharge Elimination System—Amendment of Final Regulations Addressing Cooling Water Intake Structures for New Facilities'' received on January 2, 2002; to the Committee on Environmental and Public Works.

EC–199. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–200. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Ambient Air Quality Standards for Ozone: Final Response to Remand'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–201. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–202. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allocation of Essential Use Allowances for Calendar Year 2003'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–203. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Allowance System for Controlling HCFC Production, Import and Export'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–204. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NRS): Baseline Emissions Determination, Actual-to-Future-actual Methodology, Plantwide Applicability Limitations, Clean Units, Pollution Control Projects'' received on January 2, 2002; to the Committee on Environment and Public Works.

EC–205. A communication from the Acting Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Innovations: Pilot-Specific Rule for Electronic Materials in the EPA Region III Mid-Atlantic States; Hazardous Waste Management System; Modification of the Hazardous Waste Program; Cathode Ray Tubes'' received on January 2, 2002; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES RECEIVED DURING SINE DIE ADJOURNMENT

Under the authority of the order of the Senate of November 15, 2002, the following reports of committees were submitted on December 20, 2002:

By Mr. GRAHAM, from the Committee on Intelligence:

Special Report entitled ''Joint Inquiry into Intelligence Community Before and After the Terrorist Attacks of September 11, 2001'' (Rept. No. 107–351). Additional Views filed. Printing will occur following declassification of classified portions.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Mr. JEFFORDS, and Mr. REID):

S. 6. A bill to enhance homeland security and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Ms. STABENOW, Mr. SCHUMER, Mr. KENNEDY, Mrs. CLINTON, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Ms. MIKULSKI, Mr. LEAHY, Mr. LEVIN, Mr. JOHNSON, Mr. REED, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 7. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DODD, Mr. BREAUX, Mr. JOHNSON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, Mr. BIDEN, Ms. STABENOW, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, Mr. REID, and Mr. BAUCUS):

S. 8. A bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DURBIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SCHUMER, Mr. DAYTON, and Mr. REID):

S. 9. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. AKAKA , Mr. JOHNSON, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REID, and Mr. PRYOR):

S. 10. A bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mr. EDWARDS, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. HARKIN, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. REID):

S. 16. A bill to protect the civil rights of all Americans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BIDEN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. REID):

S. 17. A bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 18. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BREAUX, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 19. A bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Ms. LANDRIEU, Mrs. BOXER, and Mr. PRYOR):

S. 20. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. HARKIN, Mrs. CLINTON, Ms. MIKULSKI, Mr. SARBANES, Mr. LEVIN, Mr. HOLLINGS, Mr. SCHUMER, Mr. DORGAN, Mr. DURBIN, Mrs. MURRAY, Mr. DAYTON, Mr. JOHNSON, Mr. KERRY, Mrs. LINCOLN, Ms. CANTWELL, Mr. BAUCUS, Mr. EDWARDS, Ms. STABENOW, Mr. CONRAD, Mr. REID, Mr. BREAUX, and Ms. LANDRIEU):

S. 21. A bill to provide emergency disaster assistance to agricultural producers; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. SCHUMER, Mr. DURBIN, Mrs. CLINTON, Mrs. MURRAY, Mr. DAYTON, Mr. CORZINE, and Mr. REED):

S. 22. A bill to enhance domestic security, and for other purposes; to the Committee on the Judiciary.

By Mr. FITZGERALD (for himself, Mrs. CLINTON, Mr. NICKLES, Ms. CANTWELL, Mr. SPECTER, Mr. KENNEDY, Ms. COLLINS, Mr. DASCHLE, Mr. GREGG, Mr. DURBIN, Mr. GRASSLEY, Mr. SARBANES, Mrs. BOXER, Mr. SCHUMER, Mr. BAUCUS, Mr. BAYH, Ms. MIKULSKI, Mrs. MURRAY, and Mr. NELSON of Florida):

S. 23. A bill to provide for a 5-month extension of the Temporary Extended Unemployment Compensation Act of 2002 and for a transition period for individuals receiving compensation when the program under such Act ends; considered and passed.

By Mrs. HUTCHISON:

S. 24. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income dividends received by individuals; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 25. A bill to amend the Internal Revenue Code of 1986 to provide that dividend income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 26. A bill to amend the Internal Revenue Code of 1986 to provide that dividend and interest income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. ENZI, and Mr. HARKIN):

S. 27. A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for a packer to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. NELSON of Nebraska:

S. 28. A bill to amend the provisions of the Homeland Security Act of 2002 relating to the establishment of university-based centers for homeland security; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DAYTON:

S. 29. A bill to amend the Homeland Security Act of 2002 (Public Law 107–296) to provide that waivers of certain prohibitions on contracts with corporate expatriates shall apply only if the waiver is required in the interest of national security; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 30. A bill to redesignate the Colonnade Center in Denver, Colorado, as the ''Cesar E. Chavez Memorial Building''; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 31. A bill for the relief of Benjamin M. Banfro; to the Committee on the Judiciary.

By Mr. KYL (for himself, Mr. DOMENICI, Mr. ALLARD, Mr. CAMPBELL, and Mr. BINGAMAN):

S. 32. A bill to establish Institutes to conduct research on the prevention of, and restoration from, wildfires in forest and woodland ecosystems of the interior West; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN:

S. 33. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of

certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. LINCOLN:

S. 34. A bill to amend the Internal Revenue Code of 1986 to provide for the immediate and permanent repeal of the estate tax on family-owned businesses and farms, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. CLINTON, Ms. CANTWELL, Mr. BAUCUS, Mr. SMITH, Mr. DURBIN, Mr. SARBANES, Mr. REED, Mrs. BOXER, Mrs. MURRAY, Mr. BAYH, Ms. MIKULSKI, and Mr. NELSON of Florida):

S. 35. A bill to provide economic security for America's workers; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. KOHL):

S. 36. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule, to provide incentives necessary to attract educators and clinical practitioners to underserved areas, and to revise the area wage adjustment applicable under the prospective payment system for skilled nursing facilities; to the Committee on Finance.

By Mr. McCONNELL (for himself and Mr. BUNNING):

S. 37. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

By Mr. VOINOVICH:

S. 38. A bill to designate the Federal building and United States courthouse located at 10 East Commerce Street in Youngstown, Ohio, as the ''Nathaniel R. Jones Federal Building and United States Courthouse; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 39. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 40. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself and Mr. DASCHLE):

S. 41. A bill to strike certain provisions of the Homeland Security Act of 2002 (Public Law 107-296), and for other purposes; to the Committee on Governmental Affairs.

By Mr. FEINGOLD:

S. 42. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD:

S. 43. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal Milk Marketing Order reform; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Ms. CANTWELL):

S. 44. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain hardrock mines, and for other purposes; to the Committee on Finance.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 45. A bill to make changes to the Office for State and Local Government Coordination, Department of Homeland Security; to the Committee on Governmental Affairs.

By Mr. CRAIG:

S. 46. A bill for the relief of Robert Bancroft of Hayden Lake, Idaho, to permit the payment of backpay for overtime incurred in missions flown with the Drug Enforcement Agency; to the Committee on Governmental Affairs.

By Mr. FEINGOLD (for himself, Mr. KOHL, and Mr. WYDEN):

S. 47. A bill to terminate operation of the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 48. A bill to repeal the provisions of law that provides automatic pay adjustments for Members of Congress; to the Committee on Governmental Affairs.

By Mr. FEINGOLD:

S. 49. A bill to reduce the deficit of the United States; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON (for himself, Ms. COLLINS, Mr. REID, Mr. INOUYE, Mr. DORGAN, Mr. HARKIN, Mr. KERRY, Mr. DASCHLE, and Mr. BAUCUS):

S. 50. A bill to amend title 38, United States Code, to provide for a guaranteed adequate level of funding for veterans health care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 51. A bill to provide access and choice for use of generic drugs instead of nongeneric drugs under Federal health care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WYDEN:

S. 52. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself and Mrs. CLINTON):

S. 53. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for employee health insurance expenses paid or incurred by the employer; to the Committee on Finance.

By Mr. SCHUMER (for himself, Mr. MCCAIN, Mr. EDWARDS, Ms. COLLINS, Mr. KENNEDY, Mr. MILLER, Mr. JOHNSON, Mrs. CLINTON, Mr. KOHL, Mr. FEINGOLD, Ms. STABENOW, Mr. DASCHLE, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LEAHY, Mr. REED, Mr. PRYOR, Mr. DURBIN, and Mr. DORGAN):

S. 54. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Ms. COLLINS):

S. 55. A bill to amend title 38, United States Code, to modify the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. JOHNSON:

S. 56. A bill to restore health care coverage to retired members of the uniformed services; to the Committee on Armed Services.

By Mr. INOUYE:

S. 57. A bill for the relief of Donald C. Pence; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

By Mr. INOUYE:

S. 59. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. INOUYE:

S. 60. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. INOUYE:

S. 61. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

By Mr. INOUYE:

S. 63. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State medicaid programs; to the Committee on Finance.

By Mr. INOUYE:

S. 64. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

By Mr. INOUYE:

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 66. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 67. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 68. A bill to amend title 38, United States Code, to improve benefits for Filipino

veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 69. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 71. A bill for the relief of Ricke Kaname Fujino of Honolulu, Hawaii; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 72. A bill to provide for a special application of section 1034 of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. INOUYE:

S. 73. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 74. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professionals loan program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 75. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Ms. CANTWELL, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEVIN, Mr. SARBANES, Mrs. CLINTON, Mr. DODD, Mr. JOHNSON, Mr. LEAHY, Mrs. MURRAY, Mr. REID, Mr. SCHUMER, Mr. BINGAMAN, and Mr. BREAUX):

S. 76. A bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 77. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under the certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 78. A bill to amend title 38, United States Code, to revise certain provisions relating to the appointment of professional psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 79. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 80. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 81. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Governmental Affairs.

By Mr. INOUYE:

S. 82. A bill to amend the Internal Revenue Code of 1986 to exempt certain helicopter uses from ticket taxes on transportation by air; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DASCHLE, Mr. BAYH, Mr. KOHL, and Mr. INHOFE):

S. 83. A bill to expand aviation capacity in the Chicago area, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 84. A bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes; to the Committee on Armed Services.

By Mr. LUGAR:

S. 85. A bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 86. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the health insurance expenses of small businesses; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. DURBIN, Mr. CORZINE, Mrs. BOXER, Mr. SCHUMER, Mrs. FEINSTEIN, and Ms. STABENOW):

S. 87. A bill to provide for homeland security block grants; to the Committee on Governmental Affairs.

By Mr. HOLLINGS:

S. 88. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of income tax rates if the Social Security surpluses are used to fund such tax rate cuts; to the Committee on Finance.

By Mr. HOLLINGS:

S. 89. A bill to provide for the common defense by requiring that all young persons in the United States, including women, perform a period of military service or a period of civilian service in furtherance of the national defense and homeland security, and for other purposes; to the Committee on Armed Services.

By Mr. GREGG (for himself and Mr. FEINGOLD):

S. 90. A bill to extend certain budgetary enforcement to maintain fiscal accountability and responsibility; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. ENZI, and Mr. HARKIN):

S. 91. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 92. A bill to accelerate and make permanent the child tax credit; to the Committee on Finance.

By Mr. INOUYE:

S. 93. A bill for the relief of Sung Jun Oh; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 94. A bill to accelerate and make permanent the 10 percent tax bracket; to the Committee on Finance.

By Mrs. LINCOLN:

S. 95. A bill to make permanent the pension and individual retirement arrangement provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001; to the Committee on Finance.

By Mr. KYL:

S. 96. A bill to repeal the sunset of the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 97. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, Mr. FEINGOLD, Mr. BURNS, Mr. SESSIONS, Mr. HARKIN, and Mr. CORZINE):

S. 98. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HOLLINGS:

S. 99. A bill for the relief of Jaya Gulab Tolani and Hitesh Gulab Tolani; to the Committee on the Judiciary.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 100. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 101. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003; to the Committee on Governmental Affairs.

By Mrs. LINCOLN:

S. 102. A bill to make permanent the increase in the alternative minimum tax exemption; to the Committee on Finance.

By Mr. NICKLES:

S. 103. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

By Mr. HOLLINGS (for himself, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mr. MILLER, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, and Mr. STEVENS):

S. 104. A bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself, Mr. DASCHLE, Mrs. BOXER, Mr. LEVIN, Mr. LEAHY, Ms. LANDRIEU, Mr. DODD, Mr. DAYTON, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 105. A bill to repeal certain provisions of the Homeland Security Act (Public Law 107–

296) relating to liability with respect to certain vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

By Mr. CRAIG:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

By Mr. FRIST:

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. FRIST:

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. FRIST:

S. Res. 3. A resolution to elect TED STEVENS, a Senator from the State of Alaska, to be President pro tempore of the Senate of the United States; considered and agreed to.

By Mr. FRIST:

S. Res. 4. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. FRIST:

S. Res. 5. A resolution notifying the House of Representatives of the election of a President pro tempore of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 6. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 7. A resolution electing Emily J. Reynolds of Tennessee as Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 8. A resolution notifying the President of the United States of the election of a Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 9. A resolution notifying the House of Representatives of the election of a Secretary of the Senate; considered and agreed to.

By Mr. FRIST:

S. Res. 10. A resolution electing David J. Schiappa of Maryland as Secretary for the Majority of the Senate; considered and agreed to.

By Mr. DASCHLE:

S. Res. 11. A resolution electing Martin P. Paone as Secretary for the Minority of the Senate; considered and agreed to.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 12. A resolution to make effective reappointment of Senate Legal Counsel; considered and agreed to.

By Mr. FRIST (for himself and Mr. DASCHLE):

S. Res. 13. A resolution to make effective reappointment of Deputy Senate Legal Counsel; considered and agreed to.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. Res. 14. A resolution commending the Ohio State University Buckeyes football team for winning the 2002 NCAA Division 1–A collegiate national football championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BIDEN, Mr. LEAHY, Mr. LEVIN, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. AKAKA, Mrs. MURRAY, Mr. DURBIN, Mr. SCHUMER, Mrs. CLINTON, Mr. CORZINE, Ms. STABENOW, Mr. JEFFORDS, and Mr. REID):

S. 6. A bill to enhance homeland security and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Ms. STABENOW, Mr. SCHUMER, Mr. KENNEDY, Mrs. CLINTON, Mr. AKAKA, Mr. CORZINE, Mr. DURBIN, Ms. MIKULSKI, Mr. LEAHY, Mr. LEVIN, Mr. JOHNSON, Mr. REED, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 7. A bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program and to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. DODD, Mr. BREAUX, Mr. JOHNSON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mrs. CLINTON, Mr. AKAKA, Mr. SCHUMER, Mr. BIDEN, Ms. STABENOW, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, Mr. REID, and Mr. BAUCUS):

S. 8. A bill to encourage lifelong learning by investing in public schools and improving access to and affordability of higher education and job training; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. BINGAMAN, Ms. MIKULSKI, Mr. HARKIN, Mrs. CLINTON, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. SCHUMER, Mr. DAYTON, and Mr. REID):

S. 9. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Ms. STABENOW, Mrs. CLINTON, Mr. SCHUMER, Mrs. MURRAY, Mr. CORZINE, Mr. DURBIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LEVIN, Mr. ROCKEFELLER, Mr. AKAKA, Mr. JOHNSON, Mr. SARBANES, Mr. DAYTON, Mr. LAUTENBERG, Mr. LEAHY, Mr. REID, and Mr. PRYOR):

S. 10. A bill to protect consumers in managed care plans and other health coverage, to provide for parity with respect to mental health coverage, to reduce medical errors, and to increase the access of individuals to quality health care; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. KENNEDY, Mr. BIDEN, Mr. SCHUMER, Mr. DURBIN, Mr. EDWARDS, Mr. AKAKA, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. HARKIN, Ms. LANDRIEU, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. SARBANES, Ms. STABENOW, Mr. LAUTENBERG, and Mr. REID):

S. 16. A bill to protect the civil rights of all Americans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. JEFFORDS, Mrs. FEINSTEIN, Mr. AKAKA, Mr. BIDEN, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DODD, Mr. KENNEDY, Mr. LIEBERMAN, Mr. LEAHY, Mrs. MURRAY, Mr. SCHUMER, Mr. LAUTENBERG, and Mr. REID):

S. 17. A bill to initiate responsible Federal actions that will reduce the risks from global warming and climate change to the economy, the environment, and quality of life, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mrs. CLINTON, Mr. LEAHY, Mr. ROCKEFELLER, Mr. BINGAMAN, Mrs. MURRAY, Mr. LEVIN, Mr. DURBIN, Mr. SARBANES, Mr. AKAKA, Mr. SCHUMER, Mr. REED, Mr. JOHNSON, Mr. BIDEN, Mr. CORZINE, Mr. DAYTON, Mr. LAUTENBERG, and Mr. REID):

S. 18. A bill to improve early learning opportunities and promote preparedness by increasing the availability of Head Start programs, to increase the availability and affordability of quality child care, to reduce child hunger and encourage healthy eating habits, to facilitate parental involvement, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DASCHLE (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BREAUX, Ms. CANTWELL, Mrs. CLINTON, Mr. CORZINE, Mr. DAYTON, Mr. DORGAN, Mr. DURBIN, Mr. HOLLINGS, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Ms. STABENOW):

S. 19. A bill to amend the Internal Revenue Code of 1986 and titles 10 and 38, United States Code, to improve benefits for members of the uniformed services and for veterans, and for other purposes; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. KENNEDY, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mrs. MURRAY, Mr. EDWARDS, Mrs. CLINTON, Mr. AKAKA, Mr. BAYH, Mr. BIDEN, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CORZINE, Mr. DAYTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. KOHL, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. WYDEN, Mr. LAUTENBERG, Ms. LANDRIEU, Mrs. BOXER, and Mr. PRYOR):

S. 20. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage; to the Committee on Health, Education, Labor, and Pensions.

DEMOCRATIC LEADERSHIP PRIORITIES FOR THE 108TH CONGRESS

Mr. DASCHLE. Mr. President, officially, the Congress that ended in December was the 107th Congress. But history will almost surely record it as the September 11th Congress. From the moment the first plane hit the first tower until the last moments of the lameduck session, helping America recover from that horrific day, bringing its plotters to justice and making changes to protect America from future terrorist attacks dominated the Senate's agenda.

We continued that work—even as we confronted unprecedented challenges in the Senate: anthrax, the rise of new threats to our Nation, and the loss of our friend and colleague, Paul Wellstone.

Through tragic and historic events, the 107th Senate under Democratic control produced a number of important legislative accomplishments: aviation security and counterterrorism legislation; the toughest corporate accountability law since the SEC was created in 1934; the most far-reaching campaign finance reforms since Watergate; the most significant overhaul of Federal education policies since 1965; and a new farm bill to replace the failed Freedom to Farm Act.

However, other important legislation fell victim to special-interest armtwisting, and the other party's unwillingness to compromise on their proposals, or even consider ours. We saw that on proposals to dedicate greater resources to homeland security, a Medicare prescription drug benefit, and a real, enforceable patients' bill of rights.

The proposals we are introducing today recognize that the American people have real concerns about their security, and that Republicans and the Bush administration have not done enough to address those concerns.

But they also recognize that security means more than national security, and homeland security. It means economic security, retirement security, and the security of knowing that our children are getting a good education, and that, if you get sick, health care is available and affordable.

It means giving people who work fulltime the security of knowing they can earn a decent wage—whether they work on a farm, in a factory, or at a fast-food restaurant. It is the security of knowing that our air is safe to breathe and our water is safe to drink, that America is living up to its commitment to civil rights, and that we are keeping our promises to our veterans.

Democrats are committed to tackling terrorism abroad, and making our country more secure.

One of our first priorities will be to make Americans safer by enhancing protections for our ports, borders, food and water supplies, and chemical and nuclear plants.

We are introducing a bill to commit real resources to doing all of those things, and to hiring more police and first responders and providing them the tools and training to do the difficult jobs we are now asking them to do.

We also recognize that national strength also depends on economic strength, and in the last 2 years, America's economy has weakened. In the coming weeks, we will put forward our ideas for how best to stimulate the economy in the short term.

But, in the long term, one of the most important things we can do is give people greater confidence that their private pensions will be there for them. That is why another of our leadership bills is one to strengthen pension protections, expand pension coverage, and crack down on rogue corporations.

It has been said that almost every problem any society faces can be solved with two things: good health, and a good education—and we have bills in each of those areas.

The Right Start for Children Act makes Head Start fully available for 4- and 5-year-olds, and increases availability for infants and toddlers. It will help improve childcare quality, make childcare more affordable for 1 million additional children, and strengthen child nutrition programs to reduce child hunger.

The Educational Excellence for All Learners Act builds on that foundation by improving education every step of the way—from kindergarten, to college, to lifelong learning. It makes sure that we match the real reforms we passed last year with the real resources they demand. It will help us recruit, hire, and train qualified teachers, build new schools, and make college and job training more affordable and more available.

President Bush pledged to leave no child behind, and then proposed more than a billion dollars of education cuts. We are proposing to put our money where the Republicans' mouths are—and help secure a good start, a good education, and good prospects for all Americans.

When it comes to health care, it was an outrage that 40 million Americans were uninsured 2 years ago. In the past year, over 1 million more Americans have lost health insurance. And those who are lucky enough to have health insurance are seeing their premiums skyrocket.

With the Health Care Coverage Expansion and Quality Improvement Act, we hope to reduce the number of uninsured by making health care coverage more available to small businesses, parents of children eligible for CHIP and Medicaid, pregnant women, and others.

We also want to improve the quality of care people receive by overcoming Republican resistance to a real, enforceable, patients' bill of rights.

We will also insist that mental illness be treated like any other illness—something that will not only honor Paul Wellstone's legacy, but also help millions of families.

We are also committed to passing a prescription drug benefit under Medicare, and lowering the price of prescription drugs for all Americans. Last year, we passed a bill to lower the price of generic drugs, but the House refused to take it up. And we had 52 Senators support our Medicare prescription drug benefit—but it was blocked on a procedural motion.

The high cost of prescription drugs—combined with the increasing need for such drugs—is destroying the life savings—and threatening the dignity—of millions of older Americans. And that is simply unacceptable.

A couple of months ago in elections all across the country, and in words spoken here in the Senate, we have seen that when it comes to protecting equal rights, we still have a lot of work to do in changing hearts, minds, and laws.

That is why we are introducing The Equal Rights and Equal Dignity for

Americans Act. This bill will enforce employment nondiscrimination, fund the election-reform measures we passed last year, outlaw hate crimes, and take other steps to see that as a nation, we live up to the promise of equal rights.

I hope those Republicans who have recently expressed their support for civil rights will join us in expressing their support for this legislation. I also hope they will join us in supporting our bill to combat drug and gun violence, to crack down on new crimes like identity theft, and to protect against and prevent crimes against children and seniors.

We also need to ensure greater dignity for our minimum wage workers, our farmers, and our veterans. The purchasing power of the minimum wage is now the lowest it has been in more than 30 years. And a full-time minimum wage income won't get you over the poverty line. If we can afford over a trillion dollars in tax cuts for those at the top of the income scale, we can afford a dollar fifty more an hour for those at the bottom.

We need to help our rural economy, and help those impacted by a drought and other natural disasters that are being called among the costliest for agricultural producers in our Nation's history.

And we need to maintain our commitment to those currently serving, and keep our promises to our veterans. One way we do that is by allowing our wounded veterans to receive both their full disability and retirement benefits. Another way is by addressing the current crisis in veterans' health care. With each of these proposals—we stand with the leading veterans organizations, and for those who served our country.

Finally, we are committed to stopping what is adding up to an all-out assault on our environment. By unilaterally abandoning the Kyoto process, the Bush administration took us out of position to lead the world on the issue of climate change. The Global Climate Security Act will help America reassert our position of world leadership on this vital issue of world health.

Each of these things is relevant, not revolutionary. If they seem familiar, it is because most of what is in them has been introduced before.

But they are not law, despite the support of the American people and, in some cases, a bipartisan majority of Senators.

They have been opposed by an extreme few, and their special interest supporters. And while those bills have languished, we have seen the rise of more threats to our country; more people have lost their jobs and their health care; and more of our national challenges have gone unmet.

These are our priorities. In the last couple of days, the President has made clear his priorities—more tax cuts for those who need them least.

The President's plan won't help middle income families. It won't contribute to economic growth; it won't make our homeland more secure; it won't expand educational opportunity for the young, or strengthen health care for the elderly.

Instead—by putting us deeper into deficit and debt—it makes all of these things, and all of our other goals, harder to achieve.

Our bills will help us create an America that is stronger, safer, and better for all Americans—and I hope my colleagues will join me in supporting them.

By Mr. DASCHLE (for himself, Mr. LEAHY, Mr. BIDEN, Mr. KENNEDY, Mr. SCHUMER, Mr. DURBIN, Mrs. CLINTON, Mrs. MURRAY, Mr. DAYTON, Mr. CORZINE, and Mr. REED):

S. 22. A bill to enhance domestic security, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to join Senator DASCHLE and other Democratic Senators in introducing the Justice Enhancement and Domestic Security Act of 2003. This comprehensive crime bill builds on prior Democratic crime initiatives, including the landmark Violent Crime Control and Law Enforcement Act of 1994, that worked to bring the crime rate down.

This year marked an unfortunate turn after a decade of remarkable declines in the Nation's crime rate. The decade of progress we made under the leadership of a Democratic President helped revitalize our cities and restore a sense of security for millions of Americans. According to the latest FBI report, however, the number of murders, rapes, robberies, assaults, and property crimes is up across the United States in all regions of the country except the Northeast, the first year-to-year increase since 1991. This upswing has been fueled by the faltering economy and high unemployment rates. The President's ill-conceived tax cut in 2001, along with the new cuts he proposes now, are likely to exacerbate these economic woes by plunging us deeper into deficit spending.

It is troubling that, at this crucial moment, the Bush Administration is proposing to reduce by nearly 80 percent the Community Oriented Policing Services, COPS, program that has helped to put 115,000 new police officers on the beat since 1994. I believe that we must fight to maintain and extend the COPS program, which has proven its value in increasing the security of our cities, towns, and neighborhoods.

The Justice Enhancement and Domestic Security Act is designed to get our Nation's crime rates moving downward, in the right direction, again. It also aims to bolster our security against terrorists, and to improve the administration of justice throughout the country.

This bill shows the way to making Americans safer. That objective will not be achieved by partisan posturing, ''tough on crime'' rhetoric, and a few executions. It will be achieved by giving law enforcement the tools they need to do their job, focusing on both immediate and long-term threats we face, and protecting the most vulnerable in our society.

Most importantly, we should not divert all our attention to fighting foreign terrorism and foreign wars only to discover that the safety of Americans at home is jeopardized by losing the fight on crime. Unfortunately, the rising crime rate shows the risk of not paying attention to the domestic crime issue. The safety of our schools, homes, streets, neighborhoods and communities cannot become a casualty of the economic downturn and our international engagements.

Among other things, the bill does the following: Provides $12 billion over three years to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Increases border security by authorizing funds for additional INS personnel and technology. Provides statutory authority for the President to use military tribunals to try suspected terrorists in appropriate circumstances. Targets crime against the most vulnerable members of our society: children and senior citizens. Combats the insidious crime of identity theft. Provides enhanced rights and protections for crime victims. Extends the COPS program and authorizes law enforcement improvement and training grants for rural communities. Increases funding to reduce the backlog of untested DNA evidence in the Nation's crime labs. Proposes important reforms to FBI policies on whistleblowers and other issues critical to our security. Cracks down on war criminals from other nations seeking sanctuary in the United States. Protects against the execution of innocent individuals.

In sum, the bill represents an important next step in the continuing effort by Senate Democrats to enhance homeland security and to enact tough yet balanced reforms to our criminal justice system.

I should note that the bill contains no new death penalties and no new or increased mandatory minimum sentences. We can be tough without imposing the death penalty, and we can ensure swift and certain punishment without removing all discretion from the judge at sentencing.

As we provide the necessary tools for Federal law enforcement officials to protect our homeland security, we must remember that State and local

law enforcement officers, firefighters and emergency personnel are our full partners in preventing, investigating and responding to criminal and terrorist acts.

As a former State prosecutor, I know that public safety officers are often the first responders to a crime. On September 11, the Nation saw that the first on the scene were the heroic firefighters, police officers and emergency personnel in New York City. These real-life heroes, many of whom gave the ultimate sacrifice, remind us of how important it is to support our State and local public safety partners.

Subtitle A of title I of the Justice Enhancement and Domestic Security Act establishes a First Responders Partnership Grant program, which will provide $4 billion in annual grants for each of the next three years to support our State and local law enforcement officers in the war against terrorism. First Responder Grants will be made directly to State and local governments and Indian tribes for equipment, training and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism. Grants may be used to pay up to 90 percent of the cost of the equipment, training or facility, and each State will be guaranteed a fair minimum amount. This is essential Federal support that our State and local public safety officers need and deserve.

Our State and local public safety law enforcement partners welcome the challenge to join in our national mission to protect our homeland security. But we cannot ask State and local law enforcement officers, firefighters and emergency personnel to assume these new national responsibilities without also providing new Federal support. The First Responders Partnership Grants will provide the necessary Federal support for our State and public safety officers to serve as full partners in our fight to protect homeland security and respond to acts of terrorism.

BORDER SECURITY

Subtitle B of title I provides for additional increases in INS personnel and improvements in INS technology to guard our borders. Just in the last few weeks, we have seen reports suggesting that numerous aliens crossed our Northern border illegally with the intention of planning terrorist acts. Through the USA PATRIOT Act and the Enhanced Border Security and Visa Reform Act, we have attempted to bolster our borders by creating additional positions. But our work is not done. This legislation would authorize such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007. It would also authorize $250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance. Finally, this subtitle requires the Attorney General to report to Congress about the Department's implementation of the border improvements we have already legislated, and about his recommendations for any additional improvements.

MILITARY TRIBUNAL AUTHORIZATION ACT

On November 13, 2001, President Bush signed a military order authorizing the use of military commissions to try suspected terrorists. This order stimulated an important national debate and led to a series of Judiciary Committee hearings with the Attorney General and others to discuss the many legal, constitutional, and policy questions raised by the use of such tribunals. Our hearings, and the continued public discourse, helped to clarify the scope of the President's order and better define the terms of the debate.

Administration officials have taken the position that the President does not need the sanction of Congress to convene military commissions, but I disagree. Military tribunals may be appropriate under certain circumstances, but only if they are backed by specific congressional authorization. At a minimum, as the distinguished senior senator from Pennsylvania stated on this floor on November 15, ''the executive will be immeasurably strengthened if the Congress backs the President.'' Clearly, our government is at its strongest when the executive and legislative branches of government act in concert.

Subtitle C of title I, the Military Tribunal Authorization Act of 2003 would provide the executive branch with the specific authorization it now lacks to use extraordinary tribunals to try members of the al Qaeda terrorist network and those who cooperated with them. Specifically, this legislation authorizes the use of ''extraordinary tribunals'' for al Qaeda members and for persons aiding and abetting al Qaeda in terrorist activities against the United States who are apprehended in, or fleeing from, Afghanistan. It also authorizes the use of tribunals for those al Qaeda members and abettors who are captured in any other place where there is armed conflict involving the U.S. Armed Forces.

The Military Tribunal Authorization Act defines the jurisdiction and procedure of tribunals in a way that ensures a ''full and fair'' trial for anyone detained. It incorporates basic due process guarantees, including the right to independent counsel. These procedures do not as some have claimed provide greater protections to suspected terrorists than we offer our own soldiers. These are rather, the very basic guarantees provided under various sources of international law. Finally, the bill comes down squarely on the side of transparency in government by providing that tribunal proceedings should be open and public, and include public availability of the transcripts of the trial and the pronouncement of judgment. Passage of authorizing legislation would ensure the constitutionality of military tribunals and protect any convictions they might yield, while at the same time showing the world that we will fight terrorists without sacrificing our principles.

Title I of our bill would also provide a new tool for law enforcement to deal with the problem of serious hoaxes and malicious false reports relating to the use of biological, chemical, nuclear, or other weapons of mass destruction. These so-called ''hoaxes'' inflict both mental and economic damage on victims. They drain away scarce law enforcement resources from the investigation of real terrorist activity. They interrupt vital communication facilities. Finally, they feed a public fear that the vast majority of law abiding Americans are working hard to dispel.

Federal, State, and local law enforcement already have statutes which they have been using aggressively to prosecute those who have taken advantage of these times to perpetrate hoaxes about anthrax contamination. Existing statutes create serious penalties for threats to use biological, chemical, or nuclear weapons, for sending any threatening communication through the mail, or for making a willful false statement of Federal authorities. Indeed, current Federal threat laws do not require that the defendant have either the intent or present ability to carry out a threat. However, while they carry high penalties, including a maximum of life imprisonment, these statutes can sometimes be awkward when applied in the hoax context.

The Justice Enhancement and Domestic Security Act provides a well-tailored statute that deals specifically with the problem of biological, chemical, nuclear and other mass destruction hoaxes. For instance, it gives prosecutors a means to distinguish between a person who is actually threatening to use anthrax on a victim, and a person who never intends to use it, but wants the victim or the police to think they have done so. Another provision provides for mandatory restitution to any victim of these crimes, including the costs of any and all government response to the hoax. An earlier Administration proposal, offered during the debate over the terrorism bill, would have limited such restitution to the Federal government. As we know all too well from recent events, however, it is State and local authorities, along with private victims, who are often the first responders and primary victims when these incidents occur. Our bill

provides a mechanism so that they, too, can be reimbursed for their expenses.

The second title of the Justice Enhancement and Domestic Security Act contains a several proposals aimed at protecting the most vulnerable members of our society: children and seniors.

First, part 1 of subtitle A would enhance the operation of the AMBER Alert communications network in order to aid the recovery of abducted children. It is disturbing to see on TV or in the newspapers photo after photo of missing children from every corner of the Nation. As the father of three Children, as well as a grandfather of two, I know that an abducted child is a parent's or grandparent's worst nightmare.

Unfortunately, it appears this nightmare occurs all too often. Indeed, the Justice Department estimates that the number of children taken by strangers annually is between 3,000 and 4,000. These parents and grandparents, as well as the precious children, deserve the assistance of the American people and helping hand of the Congress.

The AMBER Plan was created as a reaction to the kidnapping and brutal murder of 9-year-old Amber Hagerman of Arlington, Texas, By coordinating their efforts, law enforcement, emergency management and transportation agencies, radio and television stations, and cable systems have worked to develop an innovative early warning system to help find abducted children by broadcasting information including descriptions and pictures of the missing child, the suspected abductor, a suspected vehicle, and any other information available and valuable to identifying the child and suspect to the public as speedily as possible.

The AMBER Alert system's popularity has raced across the United States: since the original AMBER Plan was established in 1996, 55 modified versions have been adopted at local, regional, and statewide levels. Eighteen States have already implemented statewide plans. It is also a proven success: to date, the AMBER Plan has been credited with recovering 30 children.

The National AMBER Alert Network Act of 2003 directs the Attorney General, in cooperation with the Secretary of Transportation and the Chairman of the Federal Communications Commission, to appoint a Justice Department National AMBER Alert Coordinator to oversee the Alert's communication network for abducted children. The AMBER Alert Coordinator will work with States, broadcasters, and law enforcement agencies to set up AMBER plans, serve as a point of contact to supplement existing AMBER plans, and facilitate regional coordination of AMBER alerts. In addition, the AMBER Alert Coordinator will work with the FCC, local broadcasters, and local law enforcement agencies to establish minimum standards for the issuance of AMBER alerts and for the extent of their dissemination. In sum, our bill will help kidnap victims while preserving flexibility for the States in implementing the Alert system.

Because developing and enhancing the AMBER Alert system is a costly endeavor for States to take on alone, our bill establishes two Federal grant programs to share the burden. First, the bill creates a Federal grant program, under the direction of the Secretary of Transportation, for statewide notification and communications systems, including electronic message boards and road signs, along highways for alerts and other information regarding abducted children. Second, the bill establishes a grant program managed by the Attorney General for the support of AMBER Alert communications plans with law enforcement agencies and others in the community.

Similar legislation was proposed in the last Congress by Senators FEINSTEIN and HUTCHISON and approved by both the Senate Judiciary Committee and the full Senate by unanimous consent only one week after introduction. When the bill passed, it had garnered 41 cosponsors from both sides of the aisle. Unfortunately, despite our great efforts to have the bill passed on its own merits, the House failed to pass it as a stand-alone bill. Instead, it was included in a larger package of bills dubbed the Child Abduction Prevention Act, introduced by Judiciary Committee Chairman SENSENBRENNER. Most of the incorporated bills had passed the House but were stalled in the Senate due to controversial language.

Our Nation's children, parents, and grandparents deserve our help to stop the disturbing trend of child abductions. The AMBER Alert National Network Act ensures that our communications systems help rescue abducted children from kidnappers and return them safely to their families.

Subtitle A of title II also includes the Protecting Our Children Comes First Act of 2003, which would double funding for the National Center for Missing and Exploited Children, (NCMEC), reauthorize the Center through fiscal year 2006, and increase Federal support to help NCMEC programs find missing children.

As the Nation's top resource center for child protection, the NCMEC spearheads national efforts to locate and recover missing children and raises public awareness about ways to prevent child abduction, molestation, and sexual exploitation, As a national voice and advocate for those too young to vote or speak up for their own rights, the NCMEC works to make our children safer. The Center operates under a Congressional mandate and works in cooperation with the Justice Department's Office of Juvenile Justice and Delinquency Prevention in coordinating the efforts of law enforcement officers, social service agencies, elected officials, judges, prosecutors, educators, and the public and private sectors to break the cycle of violence that historically has perpetuated such needless crimes against children.

NCMEC professionals have disturbingly busy jobs, they have worked on more than 90,000 cases of missing and exploited children since its 1984 founding, helping to recover more than 66,000 children. The Center raised its recovery rate from 60 percent in the 1980s to 94 percent today. It set up a nationwide, toll free, 24-hour telephone hotline to take reports about missing children and clues that might lead to their recovery. It also manages a national Child Pornography Tipline to handle calls from individuals reporting the sexual exploitation of children through the production and distribution of pornography and a CyberTipline to process online leads from individuals reporting the sexual exploitation of children. It has taken the lead in circulating millions of photographs of missing children, and serves as a vital resource for the 17,000 law enforcement agencies located throughout the United States.

Today, the NCMEC is truly a national organization, with its headquarters in Alexandria, Virginia and branch offices in five other locations throughout the country to provide hands-on assistance to families of missing children and conduct an array of prevention and awareness programs. It has also grown into an international organization, establishing the International Division of the National Center for Missing and Exploited Children, which works to fulfill the Hague Convention on the Civil Aspects of International Child Abduction. The International Division provides assistance to parents, law enforcement, attorneys, nonprofit organizations, and other concerned individuals who are seeking assistance in preventing or resolving international child abductions.

The NCMEC manages to do all of this good work with only a $10 million annual grant, which expired at the end of fiscal year 2002. We should act now both to extend its authorization and increase the center's funding to $20 million each year through fiscal year 2006 so that it can continue to help keep children safe and families intact around the nation. There is so much more to be done to ensure the safety of our children, and this provision will help the Center in its efforts to prevent crimes that are committed against them.

The Protecting Our Children Comes First Act also increases Federal support of NCMEC programs to find missing children by allowing the U.S. Secret Service to provide forensic and investigative support to the NCMEC. In

addition, it facilitates information sharing by allowing Federal authorities to share the facts or circumstances of sexual exploitation crimes against children with State authorities without a court order, and by allowing the NCMEC to make reports directly to State and local law enforcement officials instead of only through Federal agencies.

I applaud the ongoing work of the NCMEC and hope both the Senate and the House of Representatives will support this effort to provide more Federal support for the Center to continue to find missing children and protect exploited children across the country.

Finally, subtitle A of title II addresses the problems caused by housing juveniles who are prosecuted in the criminal justice system in adult correctional facilities. It assists the States in providing safe conditions for their confinement and appropriate access to educational, vocational, and health programs. Improving conditions for juveniles today will improve the public safety in the future, as juveniles who are not exposed to adult inmates have a lower likelihood of committing future crimes.

As a Nation, we increasingly rely on adult facilities to house juveniles. Nearly all of our States house juveniles in adult jails and prisons, and only half maintain designated youthful offender housing units. I believe that there is a will in the States to improve conditions for these juveniles, but resources are often lacking. The Federal Government can play a useful role by providing funding to States that want to take account of the differences between juveniles and adults.

Although many juvenile offenders serving time in adult prisons have committed extraordinarily serious offenses, others are there because of relatively minor crimes and will be released at a young age. Certainly, many of these juveniles can be convinced not to commit further crimes. The social and moral cost of not making that attempt is simply incalculable.

Many scholars have questioned whether housing juvenile offenders with adult inmates serves our long-term interest in public safety. Multiple studies have shown that youth transferred to the adult system recidivate at higher rates and with more serious offenses than youth who have committed similar offenses but are retained in the juvenile justice system. We must ensure that juveniles are treated humanely in the criminal justice system to reduce the risks that upon release they will commit additional and more serious crimes. One of the ways we can do that is by helping States improve confinement conditions.

Our bill creates a new incentive grant program for State and local governments and Indian tribes. These grants can be used for the following purposes related to juveniles under the jurisdiction of an adult criminal court: 1. alter existing correctional facilities, or develop separate facilities, to provide segregated facilities for them; 2. provide orientation and ongoing training for correctional staff supervising them; 3. provide monitors who will report on their treatment; and 4. provide them with access to educational programs, vocational training, mental and physical health assessment and treatment, and drug treatment. Grants can also be used to seek alternatives to housing juveniles with adult inmates, including the expansion of juvenile facilities.

It is important to note that States that choose not to house juveniles who are convicted as adults with adult inmates are still eligible for grants under this bill. For example, they could use the money to train staff, or to provide education or other program for juveniles, or to improve juvenile facilities.

In addition to these grants, part 5 of subtitle II reauthorizes the Family Unity Demonstration Project, which provides funding for projects allowing eligible prisoners who are parents to live in structured, community-based centers with their young children. A study by the Bureau of Justice Statistics found that about two-third of incarcerated women were parents of children under 18 years old. According to the White House, on any given day, America is home to 1.5 million children of prisoners. And according to Prison Fellowship Industries, more than half of the juveniles in custody in the United States had an immediate family member behind bars. This is a serious problem that reauthorizing the Family Unity Demonstration Project will help to address.

The remainder of title II includes a number of provisions designed to improve the safety and security of older Americans.

During the 1990s, while overall crime rates dropped throughout the nation the rate of crime against seniors remained constant. In addition to the increased vulnerability of some seniors to violent crime, older Americans are increasingly targeted by swindlers looking to take advantage of them through telemarketing schemes, pension fraud, and health care fraud. We must strengthen the hand of law enforcement to combat those criminals who plunder the savings that older Americans have worked their lifetime to earn. Subtitle B of title II of our bill, the Seniors Safety Act of 2003, tries to do exactly that, through a comprehensive package of proposals to establish new protections and increase penalties for a wide variety of crimes against seniors.

This legislation addresses the most prevalent crimes perpetrated against seniors, containing proposals to reduce health care fraud and abuse, combat nursing home fraud and abuse, prevent telemarketing fraud, and safeguard pension and employee benefit plans from fraud, bribery, and graft. In addition, this legislation would help seniors obtain restitution if their pension plans are defrauded.

Many of the proposals in this legislation are just common sense. For example, we would authorize the Attorney General to block telephone service to people using it to commit telemarketing fraud. We would also establish a ''Better Business Bureau'' style clearinghouse at the Federal Trade Commission, so that senior citizens and their families could call and find out whether a telemarketer who was bothering them had a criminal record or had received past complaints.

We would make it a new criminal offense to engage in multiple willful violations of the regulations or laws that protect nursing home residents. We would also protect employees at nursing homes who blow the whistle on the mistreatment of residents by giving them the power to bring a lawsuit for damages if they get fired as a result. And we would tell the Sentencing Commission that if you commit a crime against someone who is old and vulnerable, you should get a longer sentence.

We want to fight health care fraud and pension fraud because these are benefits that older Americans have earned and that they count on everyday. We must do more to prevent crooks from robbing seniors of their security. That is why we want to create new criminal penalties for pension fraud and give law enforcement more tools to root out and stop health care fraud.

The third title of the Justice Enhancement and Domestic Security Act contains important provisions to prevent and punish identify theft, a crime that victimizes thousands of Americans every year. Once a skilled scam artist gets his hands on a consumer's Social Security or bank account number, he can wreak unimaginable havoc on a family's finances.

With society conducting more and more of its business electronically, the incidence of identity theft in America is on the rise. In 2001, the Federal Trade Commission consumer hotline received 86,000 complaints of identity theft. Through the first six months of 2002, it received 70,000 such complaints. These complaints are mainly from people who have been hurt by identify theft, but thousands of others come from consumers worried about becoming an identity thief's next victim.

Our bill would help identity theft victims restore their credit ratings and reclaim their good names. It gives victims the tools they need, such as the right to obtain relevant business records and the ability to have fraudulent charges blocked from reporting in their consumer credit reports. It also

includes provisions designed to thwart identity theft, for example by requiring credit card companies to notify consumers of any change of address request on an existing credit account, by ensuring that credit card receipts no longer bear the expiration date or more than the last five digits of the customer's credit card number, and by entitling every citizen to a free credit report once per year upon request. Finally, it includes important provisions to prevent Social Security numbers from being sold, or published without express consent.

Title III also represents the next step in Senate Democrats' continuing efforts to afford dignity and recognition to victims of crime. It provides for comprehensive reform of the Federal law to establish enhanced rights and protections for victims of Federal crime. Among other things, it provides crime victims the right to consult with the prosecution prior to detention hearings and the entry of plea agreements, and generally requires the courts to give greater consideration to the views and interests of the victim at all stages of the criminal justice process. Responding to concerns raised by victims of the Oklahoma City bombing, the bill would provide standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial.

Assuring that victims are provided their statutorily guaranteed rights is a critical concern for all those involved in the administration of justice. That is why the bill establishes an administrative authority in the Department of Justice to receive and investigate victims' claims of unlawful or inappropriate action on the part of criminal justice and victims' service providers. Department of Justice employees who fail to comply with the law pertaining to the treatment of crime victims could face disciplinary sanctions, including suspension or termination of employment.

In addition to these improvements to the Federal system, the bill proposes several programs to help States provide better assistance for victims of State crimes. These programs would improve compliance with State victim's rights laws, promote the development of state-of-the-art notification systems to keep victims informed of case developments and important dates on a timely and efficient basis, and encourage further experimentation with the community-based restorative justice model in the juvenile court setting. The bill also provides assistance for shelters and transitional housing for victims of domestic violence.

Of particular significance, title III would eliminate the cap on distributions from the Crime Victims Fund, which has prevented millions of dollars in Fund deposits from reaching victims and supporting essential services. With violent crime on the increase and State governments struggling to overcome growing budget deficits, crime victim compensation and assistance programs are facing dire threats to their fiscal stability. We should not be imposing artificial caps on spending from the Crime Victims Fund while substantial needs remain unmet. Our bill proposes replacing the cap with a self-regulating formula, which would ensure stability and protection of Fund assets, while allowing more money to go out to the States for victim compensation and assistance.

While we have greatly improved our crime victims programs and made advances in recognizing crime victims rights, we still have more to do. The Justice Enhancement and Domestic Security Act would help make victims' rights a reality.

Title IV of the bill includes proposals for supporting Federal, State and local law enforcement and promoting the effective administration of justice.

An important element of this effort is the COPS program. As noted earlier, the Bush Administration has proposed to cut the COPS program by nearly 80 percent, despite the success of this program in putting 115,000 new police officers on the beat since 1994. Title IV extends the COPS program through fiscal year 2008, authorizing funding to deploy up to 50,000 additional police officers, 10,000 additional prosecutors, and 10,000 defense attorneys for indigents. It also authorizes $15 million per year for five years to help rural communities retain officers hired through the COPS program for an additional year.

In addition, title IV includes the Hometown Heroes Survivors Benefits Act, which would effectively erase any distinction between traumatic and occupational injuries when surviving families apply to the U.S. Department of Justice Public Safety Officers Benefits, PSOB, Program. The PSOB fund currently pays just over $260,000 to families of firefighters, police officers and emergency medical technicians who die in the line of duty. The survivors of emergency responders who die of heart attacks while performing in the line of duty, however, are ineligible to collect benefits. The Hometown Heroes bill would fix the loophole in the PSOB Program to ensure that the survivors of public safety officers who die of heart attacks or strokes in the line of duty or within 24 hours of a triggering effect while on duty, regardless of whether a traumatic injury is present at the time of the heart attack or stroke, are eligible to receive financial assistance.

The families of these brave public servants deserve to participate in the PSOB Program if their loved ones die of a heart attack or other cardiac-related ailments while selflessly protecting us from harm. It is time for Congress to show its support and appreciation for these extraordinarily brave and heroic public safety officers by passing the Hometown Heroes Survivors Benefit Act.

Title IV would also correct a disparity in the law that denies Federal prosecutors the same retirement benefits as other Federal law enforcement officers. These lawyers, who are more and more often on the front lines in the war on terrorism, deserve the same benefits as the other men and women with whom they work.

Also included in title IV of the bill is the FBI Reform Act of 2003, which stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning in June 2001. Even more recently, the important changes which are being made under the FBI's new leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming a pressing matter of national importance.

Since the attacks of September 11, 2001, and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. I think that we have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel, and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at the FBI. We must face the mistakes of the past, and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fiber of the FBI based on lessons learned from recent problems the Bureau has experienced.

The view is not mine alone. When Director Bob Mueller testified at his confirmation hearings in July 2001, he forthrightly acknowledged ''that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges.'' Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased power, with our increased reliance on them to stop terrorism, and with the increased funding requested in the President's budget will come increased scrutiny. Until the Bureau's problems are resolved and new challenges overcome, we have to take a hands-on approach. Indeed our hearing and other oversight activities have highlighted tangible steps the Congress should take in an FBI Reform bill as part of this hands-on approach. Among other things, these hearings demonstrated the need to extend whistleblower protection, end the double standard for discipline of senior FBI executives, and enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case.

When Director Mueller announced the first stage of his FBI reorganization in December 2001, he stressed the importance of taking a comprehensive look at the FBI's missions for the future, and Deputy Attorney General Thompson's office has told us that the Attorney General's management review of the FBI is considering this matter. Director Mueller has stated that the second phase of FBI reorganizations will be part of a ''comprehensive plan to address not only the new challenges of terrorism, but to modernize and streamline the Bureau's more traditional functions.'' Thus, through our hearings, our oversight efforts, and the statements and efforts of the new management team at the FBI, a list of challenges facing the FBI has been developed.

Our bill addresses each of these challenges. It strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing. It addresses the issue of a double standard for discipline of senior executives by eliminating the disparity in authorized punishments between Senior Executive Service members and other federal employees. It establishes an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards, and an FBI Career Security Program, which would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities. It also requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

The FBI Reform Act of 2003 is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional legislation may prove necessary. Especially important will be the lessons from the attacks of September 11, 2001, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures. Strengthening the FBI cannot be accomplished overnight, but with this legislation, we take an important step into the future.

In addition to protecting, FBI whistleblowers, title IV of this bill provides new and important protections for other whistleblowers who provide information to Congress.

The 107th Congress was one of rejuvenated bipartisan oversight. On the Judiciary Committee we convened the first series of comprehensive bipartisan FBI oversight hearings in decades after I assumed the Chairmanship. The Joint Intelligence Committee conducted bipartisan hearings to ascertain what shortcomings on the part of our intelligence community need to be corrected so as not the allow the 9–11 terrorist attacks to recur. The Senate Banking Committee conducted extensive oversight of the SEC and its relationship with the accounting industry, to ascertain whether a new regulatory scheme was required. Both the Senate and House Judiciary Committees are still attempting to ascertain how the new powers we provided in the USA PATRIOT Act are being used. These are only a few examples.

A vital part of the increased oversight was the courage of the whistleblowers who provided information. Their revelations have led to important reforms. The Enron scandal and the subsequent hearing led to the most extensive corporate reform legislation in decades, including the criminal provisions and the first ever corporate whistleblower protections, which I authored. The testimony of the rank and file FBI agents that we heard on the Judiciary Committee helped us to craft bipartisan FBI reform legislation. The same day as Coleen Rowley's nationally televised testimony before the Judiciary Committee, President Bush not only reversed his previous opposition to establishing a new cabinet level Department of Homeland Security, but gave a national address calling for the largest government reorganization in 50 years. In the last year we have learned once again that the public as a whole can benefit from a lone voice. Indeed, Time Magazine recognized the courage of these whistleblowers by naming them the ''People of the Year'' for 2002.

Unfortunately, the people who very rarely benefit from these revelations are the whistleblowers themselves. We have heard testimony in oversight hearings on the Judiciary Committee that there is quite often retaliation against those who raise public awareness about problems within large organizations even to Congress. Sometimes the retaliation is overt, sometimes it is more subtle and invidious, but it is almost always there. The law needs to protect the people who risk so much to protect us and create a culture that encourages employees to report waste, fraud, and mismanagement.

For those who provide information to Congress, that protection is a hollow promise. On one hand, the law is very clear that it is illegal to interfere with or deny, ''the right of employees, individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or Member thereof . . .'' Amazingly, however, this simple provision is a right without a remedy. Employees who are retaliated against for providing information to Congress cannot pursue any avenue of redress to protect their statutory rights. The only exception to this applies to employees of publicly traded companies, who are now covered by the whistleblower provision included in the Sarbanes-Oxley Act that we passed last year. Thus, under current law, government whistleblowers reporting to Congress have less protection than private industry whistleblowers.

Title IV would correct this anomaly by providing government employees that come to Congress with the right to bring an action in court when they suffer the type of retaliation already prohibited under the law. Thus, it does not create new statutory rights, but merely provides a statutory remedy for existing law. That way, we can promise future whistleblowers who come before Congress that their rights to access the legislative branch is not an illusion. We can also assure the public at large that our efforts at Congressional oversight and improving the functions of government will be effective. This legislation is strongly supported by leading whistleblower groups, including the National Whistleblower Center and the Government Accountability Project.

Title IV of the bill also aims to improve the effective administration of justice by offering a two-pronged attack on sexual assault crime in America. First, it adds more Federal resources for States and for the first time, makes those resources directly available to local governments as well, so that they may eliminate the backlog of untested DNA samples, and in particular, the troubling backlog of untested rape kits. Second, because tapping the potential of DNA technology requires more than eliminating existing backlogs, the bill provides increased Federal support for sexual assault examiner programs, DNA training of law enforcement personnel and prosecutors, and updating the national DNA database. To ensure that these grants are effective, the bill heightens the standards for DNA collection and

maintenance, and requires the Department of Justice to promulgate national privacy guidelines. The bill also authorizes the issuance of John Doe DNA indictments for Federal sexual assault crimes, which toll the applicable statute of limitations and permit prosecution whenever a DNA match is made.

Congress began to attack the problem of the DNA backlog when it passed the DNA Analysis Backlog Elimination Act of 2000. That legislation authorized $170 million over four years for grants to States to increase the capacity of their forensic labs and to carry out DNA testing of backlogged evidence. Despite the new law and some Federal funding, the persistent backlogs nationwide make it plain that more must be done to help the States. Our bill takes the next step and provides more comprehensive assistance so that the criminal justice system can harness the full power of DNA.

A significant problem that arose during Special Prosecutor Kenneth Starr's investigation of President Clinton was the loss of confidentiality that had previously attached to the important work of the U.S. Secret Service. The Department of Justice and Treasury and even a former Republican President advise that the safety of future Presidents may be jeopardized by forcing U.S. Secret Service agents to breach the confidentiality they need to do their job by testifying before a grand jury. I trust the Secret Service on this issue; they are the experts with the mission of protecting the lives of the President and other high-level elected official and visiting dignitaries. I also have confidence in the judgment of former President Bush, who has written, ''I feel very strongly that [Secret Service] agents should not be made to appear in court to discuss that which they might or might not have seen or heard.''

Section 4502 of the Justice Enhancement and Domestic Security Act provides a reasonable and limited protective function privilege so future Secret Service agents are able to maintain the confidentiality they say they need to protect the lives of the President, Vice President and visiting heads of state.

Title V of this bill would create new treatment and prevention programs to reduce drug abuse, and reauthorize existing successful ones. Treatment and prevention efforts are often overshadowed by law enforcement needs. Indeed, a recent study by the Center on Addiction and Substance Abuse showed that of every dollar States spent on substance abuse and addiction, only four cents went to prevention and treatment. The States and the Federal government have undeniably important law enforcement obligations, but we must do more to balance those obligations with farsighted efforts to prevent drug crimes from happening in the first place.

Heroin is an increasing problem in my State. In other States, methamphetamines or other drugs present a growing challenge. This legislation will help States address their most pressing drug problems, and places a particular emphasis on States that may not have been able to address their treatment and prevention needs in the past. Indeed, among other provisions, the bill offers funding for rural States like Vermont to establish or enhance treatment centers. It instructs the Director of the Center for Substance Abuse Treatment to make grants to public and nonprofit private entities that provide treatment and are approved by State experts. This will allow the Vermont agencies looking to provide heroin treatment—or to prevent heroin abuse in the first place, to acquire Federal funding to help in their efforts.

The bill also authorizes funding for residential treatment centers that treat mothers who are addicted to heroin, methamphetamine, or other drugs. This will help mothers, and the children who depend on them to rebuild their lives, it will keep families together. And I hope it will help avoid further stories like one that appeared in the Burlington Free Press in February 2001, in which a young mother told a reporter how heroin ''made it easier for [her] to take care of [her] kids.''

The bill also would fund drug treatment programs for juveniles, who can see their lives quickly deteriorate under the influence of drugs. This is why I have worked to provide Vermont with funding to establish a long-term residential treatment facility for adolescents. I hope to continue that effort through this bill, in the hope that we may be able to prevent future tragedies.

We also would reauthorize substance abuse treatment in Federal prisons. It is critical that our prisons be drug-free, both because lawbreaking within our correctional system is a national embarrassment, and because prisoners who are released while still addicted to drugs are far more likely to commit future crimes than prisoners who are released sober. At the same time we are extending the 'carrot' of treatment opportunities, we also authorize grants to States and localities for programs supporting comprehensive drug testing of criminal justice populations, and to establish appropriate interventions to illegal drug use for offender populations.

Among other additional provisions, we would extend the Safe and Drug-Free Schools and Communities Program, and authorize grants to establish methamphetamine prevention and treatment pilot programs in rural areas.

I am particularly proud of title VI of the bill—the Innocence Protection Act, IPA, of 2003. For nearly three years, I have been working hard with members on both sides of the aisle, and in both houses of Congress, to address the horrendous problem of innocent people being condemned to death. The IPA represents the fruits of those efforts. This landmark legislation proposes a number of basic, commonsense reforms to our criminal justice system, aimed at reducing the risk that innocent people will be put to death.

We have come many miles since I first introduced the IPA in February 2000, along with four Democratic cosponsors. There is now a broad consensus across the country—among Democrats and Republicans, supporters and opponents of the death penalty, liberals and conservatives, that our death penalty machinery is broken. We know that the nightmare of innocent people on death row is not just a dream, but a frequently recurring reality. Since the early 1970s, more than 100 people who were sentenced to death have been released, not because of technicalities, but because they were innocent. Goodness only knows how many were not so lucky.

These are not just numbers; these are real people whose lives were ruined. Anthony Porter came within two days of execution in 1998; he was exonerated and released from prison only because a class of journalism students investigated his case and identified the real killer. Ray Krone spent ten years in prison, including three on death row; he was released last year after DNA testing exculpated him and pointed to another man as the real killer. These are just two of the many tragedies we learn of every year.

Today, Federal judges are voicing concern about the death penalty. Justice Sandra Day O'Connor has warned that ''the system may well be allowing some innocent defendants to be executed.'' Justice Ginsberg has supported a state moratorium on the death penalty. Another respected jurist, Sixth Circuit Judge Gilbert Merritt, has referred to the capital punishment system as ''broken.''

We can all agree that there is a grave problem. The good news is, there is also a broad consensus on one important step we must take, we can pass the Innocence Protection Act.

At the close of the 107th Congress, the IPA was cosponsored by a substantial bipartisan majority of the House and by 32 Senators from both sides of the aisle. In addition, a version of the bill had been reported by a bipartisan majority of the Senate Judiciary Committee. It is that version of the bill that we introduce today as title VI of the Justice Enhancement and Domestic Security Act.

What would the IPA do? In short, it proposes two minimum steps that we need to take, not to make the system perfect, but simply to reduce what is currently an unacceptably high risk of error. First, we need to make good on

the promise of modern technology in the form of DNA testing. Second, we need to make good on the constitutional promise of competent counsel.

DNA testing comes first because it is proven and effective. We all know that DNA testing is an extraordinary tool for uncovering the truth, whatever the truth may be. It is the fingerprint of the 21st Century. Prosecutors across the country rightly use it to prove guilt. By the same token, it should also be used to do what it is equally scientifically reliable to do, prove innocence.

Where there is DNA evidence, it can show us conclusively, even years after a conviction, where mistakes have been made. And there is no good reason not to use it.

Allowing testing does not deprive the state of its ability to present its case, and under a reasonable scheme for the preservation and testing of DNA evidence, the practical costs, burdens and delays involved are relatively small.

The Innocence Protection Act would therefore provide improved access to DNA testing for people who claim that they have been wrongfully convicted. It would also prevent the premature destruction of biological evidence that could hold the key to clearing an innocent person and, as we recently saw in Ray Krone's case, identifying the real culprit.

But DNA testing addresses only the tip of the iceberg of the problem of wrongful convictions. In most cases, there is no DNA evidence to be tested, just as in most cases, there are no fingerprints. In the vast majority of death row exonerations, no DNA testing has or could have been involved.

So the broad and growing consensus on death penalty reform has another top priority. All the statistics and evidence show that the single most frequent cause of wrongful convictions is inadequate defense representation at trial. By far the most important reform we can undertake is to ensure minimum standards of competency and funding for capital defense.

Under the IPA, States may choose to work with the federal government to improve the systems by which they appoint and compensate lawyers in death cases. These States would receive an infusion of new Federal grant money, but they would also open themselves up to a set of controls that are designed to ensure that their systems truly meet basic standards. In essence, the bill offers the States extra money for quality and accountability.

A State may also decline to participate in the new grant program, In that case, the money that would otherwise be available to the state would be used to fund one or more organizations that provide capital representation in that state. One way or another, the bill would improve the quality of appointed counsel in capital cases.

This is a reform that does not in any way hinder good, effective law enforcement. More money is good for the States. More openness and accountability is good for everyone. And better lawyering makes the trial process far less prone to error.

We can never guarantee that no innocent person will be convicted. But surely when people in this country are put on trial for their lives, they should be defended by lawyers who meet reasonable standards of competence and who have sufficient funds to investigate the facts and prepare thoroughly for trial. That bare minimum is all that the counsel provisions in the IPA seek to achieve.

The Innocence Protection Act addresses grave and urgent problems with moderate, fine-tuned practical solutions. It has passed out of Committee in the Senate and is supported by a majority of the House. Justice demands that we pass it before more lives are ruined.

Title VII of the bill includes various proposals for strengthening the Federal criminal laws, including, in subtitle A, the Anti-Atrocity Alien Deportation Act of 2003. This bill would close loopholes in our immigration laws that have allowed war criminals and human rights abusers to enter and remain in this country. I am appalled that this country has become a safe haven for those who exercised power in foreign countries to terrorize, rape, murder and torture innocent civilians. A recent report by Amnesty International claims that nearly 150 alleged human rights abusers have been identified living here, and warns that this number may be as high as 1,000.

The problem of human rights abusers seeking and obtaining refuge in this country is real, and requires an effective response with the legal and enforcement changes proposed in this legislation. We have unwittingly sheltered the oppressors along with the oppressed for too long. We should not let this situation continue. We need to focus the attention of our law enforcement investigators to prosecute and deport those who have committed atrocities abroad and who now enjoy safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would provide a stronger bar to human rights abusers who seek to exploit loopholes in current law. The Immigration and Nationality Act currently provides that 1. Participants in Nazi persecutions during the time period from March 23, 1933 to May 8, 1945, 2. aliens who engaged in genocide, and 3. aliens who committed particularly severe violations of religious freedom, are inadmissible to the United States and deportable. This legislation would expand the grounds for inadmissibility and deportation to 1. Add new bars for aliens who have engaged in acts, outside the United States, of ''torture'' and ''extrajudicial killing'' and 2. remove limitations on the current bases for ''genocide'' and ''particularly severe violations of religious freedom.''

The bill would not only add the new grounds for inadmissibility and deportation, it would expand two of the current grounds. First, the current bar to aliens who have ''engaged in genocide'' defines that term by reference to the ''genocide'' definition in the Convention on the Prevention and Punishment of the Crime of Genocide. For clarity and consistency, the bill would substitute instead the definition in the Federal criminal code, which was adopted pursuant to the U.S. obligations under the Genocide Convention. The bill would also broaden the reach of the provision to apply not only to those who ''engaged in genocide,'' as in current law, but also to cover any alien who has ordered, incited, assisted or otherwise participated in genocide. This broader scope will ensure that the genocide provision addresses a more appropriate range of levels of complicity.

Second, the current bar to aliens who have committed ''particularly severe violations of religious freedom,'' as defined in the International Religious Freedom Act of 1998, limits its application to foreign government officials who engaged in such conduct within the last 24 months. Our bill would delete reference to prohibited conduct occurring within a 24-month period since this limitation is not consistent with the strong stance of the United States to promote religious freedom throughout the world.

Changing the law to address the problem of human rights abusers seeking entry and remaining in the United States is only part of the solution. We also need effective enforcement, which I believe we can obtain by updating the mission of the Justice Department's Office of Special Investigations, or OSI. Our country has long provided the template and moral leadership for dealing with Nazi war criminals. The OSI, which was created to hunt down, prosecute, and remove Nazi war criminals who had slipped into the United States among their victims under the Displaced Persons Act, is an example of effective enforcement. Since the OSI's inception in 1979, over 60 Nazi persecutors have been stripped of U.S. citizenship, almost 50 have been removed from the United States, and more than 150 have been denied entry.

The OSI was created by the power of Attorney General Civiletti almost 35 years after the end of World War II and it is only authorized to track Nazi war criminals. As any prosecutor, or, in my case, former prosecutor, knows instinctively, delays make documentary and testimonial evidence more difficult to obtain. Stale cases are the hardest to make. We should not repeat the mistake of waiting decades before tracking

down war criminals and human rights abusers who have settled in this country. War criminals should find no sanctuary in loopholes in our current immigration policies and enforcement. No war criminal should ever come to believe that he is going to find safe harbor in the United States.

The Anti-Atrocity Alien Deportation Act would for the first time provide statutory authorization for the OSI within the Department of Justice, with authority to denaturalize any alien who has participated in Nazi persecution, torture, extrajudicial killing or genocide abroad. The bill would also expand the OSI's jurisdiction to deal with any alien who participated in torture, extrajudicial killing and genocide abroad, not just Nazis. Unquestionably, the need to bring Nazi war criminals to justice remains a matter of great importance. Funds would not be diverted from the OSI's current mission. Additional resources are authorized in the bill for OSI's expanded duties.

Title VII of the Justice Enhancement and Domestic Security Act also includes a proposal to increase the maximum penalties for violations of three existing statutes that protect the cultural and archaeological history of the American people, particularly Native Americans. The United States Sentencing Commission recommended the statutory changes contained in this proposal, which would complement the Commission's strengthening of Federal sentencing guidelines to ensure more stringent penalties for criminals who steal from our public lands. Passage of this legislation would demonstrate Congress' commitment to preserving our nation's history and our cultural heritage.

The Justice Enhancement and Domestic Security Act is a comprehensive and realistic set of proposals for assisting local enforcement, preventing crime, protecting our children and senior citizens, and assisting the victims of crime. I look forward to working on a bipartisan basis for passage of as much of this bill as possible during the 108th Congress.

I ask unanimous consent that a section-by-section summary of the bill be printed in the RECORD.

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

JUSTICE ENHANCEMENT AND DOMESTIC SECURITY ACT OF 2003

SECTION-BY-SECTION ANALYSIS

TITLE I—COMBATING TERRORISM AND ENHANCING DOMESTIC SECURITY

Subtitle A—Supporting First Responders

Sec. 1101. Short title. Contains the short title, the ''First Responders Partnership Grant Act of 2003''.

Sec. 1102. Purpose. Purpose in support of this subtitle.

Sec. 1103. First Responders Partnership Grant Program for public safety officers. Authorizes grants to States, units of local government, and Indian tribes to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

Sec. 1104. Applications. Requires the Director of the Bureau of Justice Assistance to promulgate regulations specifying the form and information to be included in submitting an application for a grant under this subtitle.

Sec. 1105. Definitions. Defines terms used in this subtitle.

Sec. 1106. Authorization of appropriations. Authorizes $4 billion for each fiscal year through FY2005 to carry out this subtitle.

Subtitle B—Border Security

Sec. 1201. Short title. Contains the short title, the ''Safe Borders Act of 2003''.

Sec. 1202. Authorization of appropriations for hiring additional INS personnel. Authorizes such sums as may be necessary for the INS to hire an additional 250 inspectors and associated support staff, and an additional 250 investigative staff and associated support staff, during each fiscal year through FY2007.

Sec. 1203. Authorization of appropriations for improvements in technology for improving border security. Authorizes $250 million to the INS for the purposes of making improvements in technology for improving border security and facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

Sec. 1204. Report on border security improvements. Directs the Attorney General to submit a report to Congress detailing all steps the Department of Justice has taken to implement the increases in border security personnel and improvements in border security technology and equipment authorized in the USA PATRIOT Act (Pub. L. 107–56) and the Enhanced Border Security and Visa Entry Reform Act (Pub. L. 107–173). The report shall also include the Attorney General's analysis of what additional personnel and other resources, if any, are needed to improve security at U.S. borders, particularly the U.S.-Canada border.

Subtitle C—Military Tribunals Authorization

Sec. 1301. Short title. Contains the short title, the ''Military Tribunal Authorization Act of 2003''.

Sec. 1302. Findings. Legislative findings in support of this subtitle.

Sec. 1303. Establishment of extraordinary tribunals. Authorizes the President to establish tribunals to try non-U.S. persons who are al Qaeda members (and persons aiding and abetting al Qaeda in terrorist activities against the United States); are apprehended in Afghanistan, apprehended fleeing from Afghanistan, or apprehended in or fleeing from any other place where there is armed conflict involving the U.S. Armed Forces; and are not prisoners of war, as defined by the Geneva Conventions. Tribunals may adjudicate violations of the laws of war targeted against U.S. persons. The Secretary of Defense is charged with promulgating rules of evidence and procedure for the tribunals.

Sec. 1304. Procedural requirements. Describes minimum procedural safeguards for tribunals established under this subtitle, including that the accused be presumed innocent until proven guilty, and that proof of guilt be established beyond a reasonable doubt. Trial proceedings will generally be accessible to the public with limited exceptions for demonstrable public safety concerns. Convictions may be appealed to the U.S. Court of Appeals for the Armed Forces; any decisions of that court regarding proceedings of tribunals are subject to review by the U.S. Supreme Court by writ of certiorari.

Sec. 1305. Detention. Authorizes detention of individuals who are subject to a tribunal under this subtitle. In order to detain an individual under the authority of this section, the President must certify that the U.S. is in armed conflict with al Qaeda or Taliban forces in Afghanistan or elsewhere, or that an investigation, prosecution or post-trial proceeding against the detainee is ongoing. Detention determinations and the conditions of detention are subject to review by the Court of Appeals for the D.C. Circuit.

Sec. 1306. Sense of the Congress. Calls for the President to seek the cooperation of U.S. allies and other nations in the investigation and prosecution of those responsible for the September 11 attacks. It also calls for the President to use multilateral institutions to the fullest extent possible in carrying out such investigations and prosecutions.

Sec. 1307. Definitions. Defines terms used in this subtitle.

Sec. 1308. Termination of Authority. Authority under this subtitle ends on December 31, 2005.

Subtitle D—Anti Terrorist Hoaxes and False Reports

Sec. 1401 Short title. Contains the short title, the ''Anti Terrorist Hoax and False Report Act of 2003''.

Sec. 1402. Findings. Legislative findings in support of this subtitle.

Sec. 1403. Hoaxes, false reports and reimbursement. Sets penalties for (1) knowingly conveying false information concerning an attempt to violate 18 U.S.C. §§175 (relating to biological weapons), 229 (relating to chemical weapons), 831 (relating to nuclear material), or 2332a (relating to weapons of mass destruction), under circumstances where such information may reasonably be believed; and (2) transferring any device or material, knowing or intending that it resembles a nuclear, chemical, biological, or other weapon of mass destruction, and under circumstances where it may reasonably be believed to involve an attempt to violate 18 U.S.C. §§175, 229, 831,or 2332a. Convicted offenders shall be ordered to reimburse all victims and government agencies for losses and expenses incurred as a result of the offense. Authorizes civil actions by victims and by U.S. Attorney General.

Subtitle E—Amendments to Federal Antiterrorism Laws

Sec. 1501. Attacks against mass transit clarification of definition. Clarifies that 18 U.S.C. §1993, which proscribes terrorist attacks against mass transportation systems, extends to attacks against ''any carriage or other contrivance used, or capable of being used, as a means of transportation on land, water, or through the air''.

Sec. 1502. Release or detention of a material witness. Clarifies the conditions under which individuals can be arrested and detained as material witnesses in Federal criminal cases and grand jury investigations.

Sec. 1503. Clarification of sunset provision in USA PATRIOT Act. Clarifies that after sunset of certain provisions in the USA PATRIOT Act (Pub. L. 107–56), pursuant to section 224(a) of that Act, the law shall revert to what it was before that Act was enacted.

TITLE II—PROTECTING AMERICA'S CHILDREN AND SENIORS

Subtitle A—Children's Safety

Part I—National Amber Alert Network

Sec. 2111. Short title. Contains the short title, the ''National AMBER Alert Network Act of 2003''.

Sec. 2112. National coordination of AMBER Alert Communications Network. Requires the Attorney General to assign an AMBER Alert Coordinator of the Department of Justice to act as the national coordinator of the AMBER Alert communications network regarding abducted children. The Coordinator's duties include: (1) seeking to eliminate gaps in the network; and (2) working with States to ensure regional coordination.

Sec. 2113. Minimum standards for issuance and dissemination of alerts through AMBER Alert Communications Network. Directs the AMBER Alert Coordinator to establish minimum standards for the issuance of alerts and for the extent of their dissemination (limited to the geographic areas most likely to facilitate the recovery of the abducted child).

Sec. 2114. Grant program for notification and communications systems along highways for recovery of abducted children. Authorizes grants to States for the development or enhancement of notification or communications systems along highways for alerts and other information for the recovery of abducted children.

Sec. 2115. Grant program for support of AMBER Alert communications plans. Authorizes grants to States for the development or enhancement of education, training, and law enforcement programs and activities for the support of AMBER Alert communications plans.

Part 2—Prosecutorial Remedies and Tools Against the Exploitation of Children Today

Sec. 2121. Short title. Contains the short title, the ''Prosecutorial Remedies and Tools Against the Exploitation of Children Today Act of 2003'' or ''PROTECT Act''.

Sec. 2122. Findings. Legislative findings in support of this part.

Sec. 2123. Certain activities relating to material constituting or containing child pornography. Amends 18 U.S.C. §2252A, regarding activities relating to material constituting or containing child pornography, to prohibit: (1) promoting, distributing, or soliciting material through the mails or in commerce in a manner that conveys the impression that the material contains an obscene visual depiction of a minor engaging in sexually explicit conduct; or (2) knowingly distributing to a minor any such visual depiction that has been transported in commerce, or that was produced using materials that have been so transported, for purposes of inducing a minor to participate in illegal activity.

Sec. 2124. Admissibility of evidence. On motion of the Government, and except for good cause shown, certain identifying information of minors depicted in child pornography shall be inadmissible in any prosecution of such an act.

Sec. 2125. Definitions. Adds new definitions for interpretation of Federal criminal laws regarding sexual exploitation and other abuse of children.

Sec. 2126. Recordkeeping requirements. Increases penalties for violation of recordkeeping requirements applicable to producers of certain sexually explicit materials.

Sec. 2127. Extraterritorial production of child pornography for distribution in the United States. Sets penalties for employing or coercing a minor to engage in sexually explicit conduct outside of the United States for the purpose of producing a visual depiction of such conduct and transporting it to the United States.

Sec. 2128. Civil remedies. Authorizes civil remedies for offenses relating to material constituting or containing child pornography.

Sec. 2129. Enhanced penalties for recidivists. Increases penalties for certain recidivists who commit offenses involving sexual exploitation and other abuse of children.

Sec. 2130. Sentencing enhancements for interstate travel to engage in sexual act with a juvenile. Directs Sentencing Commission to ensure that guideline penalties are adequate in cases involving interstate travel to engage in a sexual act with a juvenile.

Sec. 2131. Miscellaneous provisions. Directs the Attorney General to appoint 25 additional trial attorneys to focus on the investigation and prosecution of Federal child pornography laws. Directs the Sentencing Commission to ensure that the guidelines are adequate to deter and punish violations of offenses proscribed in section 2123 of this Act.

Part 3—Reauthorization of the National Center for Missing and Exploited Children

Sec. 2141. Short title. Contains the short title, the ''Protecting Our Children Comes First Act of 2003''.

Sec. 2142. Annual grant to the National Center for Missing and Exploited Children. Doubles the annual grant to the National Center for Missing and Exploited Children (NCMEC) from $10 million to $20 million and extends funding through FY2006.

Sec. 2143. Authorization of appropriations. Amends the Missing Children's Assistance Act to reauthorize the appropriated such sums as may be necessary through FY2006.

Sec. 2144. Forensic and investigative support of missing and exploited children. Authorizes the U.S. Secret Service to provide forensic and investigative support to the NCMEC to assist in efforts to find missing children.

Sec. 2145. Creation of a Cyber-Tipline. Amends the Missing Children's Assistance Act to coordinate the operation of a Cyber-Tipline to provide online users an effective means of reporting Internet-related child sexual exploitation in the areas of distribution of child pornography, online enticement of children for sexual acts, and child prostitution.

Sec. 2146. Service provider reporting of child pornography and related information. Amends 42 U.S.C. §13032, which requires providers of electronic communications and remote computing services to report apparent offenses that involve child pornography. Under current law, communications providers must report to the NCMEC when the provider obtains knowledge of facts or circumstances from which a violation of sexual exploitation crimes against children occurs. The NCMEC then gives the information to Federal agencies designated by the Attorney General. This section authorizes Federal authorities to share the information with State authorities without a court order and also gives the NCMEC the power to make reports directly to State and local law enforcement. This section also clarifies that such tips must come from non-governmental sources, so as to prevent law enforcement from circumventing the statutory requirements of the Electronic Communications Privacy Act.

Sec. 2147. Contents disclosure of stored communications. Amends 18 U.S.C. §2702 to be consistent with the scope of reports under 42 U.S.C. §13032(d), which provides that, in addition to the required information that is reported to NCMEC by communications providers, the reports may include additional information, such as the identity of a subscriber who sent a message containing child pornography.

Part 4—National Child Protection and Volunteers for Children Improvement

Sec. 2151. Short title. Contains the short title, the ''National Child Protection and Volunteers for Children Improvement Act of 2003''.

Sec. 2152. Definitions. Defines new terms in the National Child Protection Act of 1993.

Sec. 2153. Strengthening and enforcing the National Child Protection Act and the Volunteers for Children Act. Amends the National Child Protection Act to allow qualified State programs that provide care for children, the elderly, or individuals with disabilities to apply directly to the Department of Justice to request national criminal background checks, which shall be returned within 15 business days. A qualified entity in a State that does not have a qualified State program can, one year after the date of enactment of this Act, also apply directly to the Department for a background check, which shall be returned within 20 business days.

Sec. 2154. Dissemination of information. Establishes an office within the Department of Justice to perform nationwide criminal background checks for qualified entities.

Sec. 2155. Fees. Caps fees for national criminal background checks for persons who volunteer with a qualified entity ($5) and persons who are employed by, or apply for a position with, a qualified entity ($18).

Sec. 2156. Strengthening State fingerprint technology. Directs the Attorney General to establish model programs in each State for the purpose of improving fingerprinting technology. Programs shall grant to each State funds to (1) purchase Live-Scan fingerprint technology and a State vehicle to make such technology mobile, or (2) purchase electric fingerprint imaging machines for use throughout the State to send fingerprint images to the Attorney General to conduct background checks. Additional funds shall be provided to each State to hire personnel to provide information and training regarding the requirements for input of criminal and disposition data into the National Criminal History Background Check System (NICS).

Sec. 2157. Privacy protections. Establishes privacy protections for information derived as a result of a national criminal fingerprint background check request under the National Child Protection Act of 1993.

Sec. 2158. Authorization of appropriations. Authorizes $100 million through FY2004, and such sums as may be necessary for the next four fiscal years.

Part 5—Children's Confinement Conditions Improvement

Sec. 2161. Findings. Legislative findings in support of this part.

Sec. 2162. Purpose. Legislative purpose in support of this part.

Sec. 2163. Definition. Defines term used in this part.

Sec. 2164. Juvenile Safe Incarceration Grant Program. Authorizes grants to fund efforts by State and local governments and Indian tribes to alter correctional facilities for detained juveniles so that they are segregated from the adult population, train corrections officers on the proper supervision of juvenile offenders, and build separate facilities to house limited numbers of juveniles sentenced as adults, among other things. Authorizes such sums as necessary through FY2007 for this grant program.

Sec. 2165. Rural State funding. Authorizes $20 million in each fiscal year through FY2006 for grants to assist rural States and economically distressed communities in providing secure custody for violent juvenile offenders.

Sec. 2166. GAO study. Directs the General Accounting Office to conduct a study and

provide a report within one year on the use of electroshock weapons, 4–point restraints, chemical restraints, and solitary confinement against juvenile offenders.

Sec. 2167. Family Unity Demonstration Project. Reauthorizes the Family Unity Demonstration Project Act through FY2006. The project provides funding for projects allowing eligible prisoners who are parents to live in structured, community-based centers with their young children.

Subtitle B—Seniors' Safety

Sec. 2201. Short title. Contains the short title, the ''Seniors Safety Act of 2003''.

Sec. 2202. Finding and purposes. Legislative findings in support of this subtitle, and statement of legislative purposes.

Sec. 2203. Definitions. Defines terms used in this subtitle.

Part 1—Combating Crimes Against Seniors

Sec. 2211. Enhanced sentencing penalties based on age of victim. Directs the U.S. Sentencing Commission to review and, if appropriate, amend the sentencing guidelines to include age as one of the criteria for determining whether a sentencing enhancement is appropriate. Encourages such review to reflect the economic and physical harm associated with criminal activity targeted at seniors and consider providing increased penalties for offenses where the victim was a senior.

Sec. 2212. Study and report on health care fraud sentences. Directs the U.S. Sentencing Commission to review and, if appropriate, amend the sentencing guidelines applicable to health care fraud offenses. Encourages such review to reflect the serious harms associated with health care fraud and the need for law enforcement to prevent such fraud, and to consider enhanced penalties for persons convicted of health care fraud.

Sec. 2213. Increased penalties for fraud resulting in serious injury or death. Increases the penalties under the mail fraud statute and the wire fraud statute for fraudulent schemes that result in serious injury or death. The maximum penalty if serious bodily harm occurred would be up to twenty years; if a death occurred, the maximum penalty would be a life sentence.

Sec. 2214. Safeguarding pension plans from fraud and theft. Punishes, with up to ten years' imprisonment, the act of defrauding retirement arrangements, or obtaining by means of false or fraudulent pretenses money or property of any retirement arrangement.

Sec. 2215. Additional civil penalties for defrauding pension plans. Authorizes the Attorney General to bring a civil action for retirement fraud, with penalties up to $50,000 for an individual or $100,000 for an organization, or the amount of the gain to the offender or loss to the victim, whichever is greatest.

Sec. 2216. Punishing bribery and graft in connection with employee benefit plans. Increases the maximum penalty for bribery and graft in connection with the operation of an employee benefit plan from three to five years' imprisonment. Broadens existing law to cover corrupt attempts to give or accept bribery or graft payments, and to proscribe bribery or graft payments to persons exercising de facto influence or control over employee benefit plans.

Part 2—Preventing Telemarketing Crime

Sec. 2221. Centralized complaint and consumer education service for victims of telemarketing fraud. Directs the Federal Trade Commission (FTC) to establish a central information clearinghouse for victims of telemarketing fraud and procedures for logging in complaints of telemarketing fraud victims, providing information on telemarketing fraud schemes, referring complaints to appropriate law enforcement officials, and providing complaint or prior conviction information. Directs the Attorney General to establish a database of telemarketing fraud convictions secured against corporations or companies, for uses described above.

Sec. 2222. Blocking of telemarketing scams. Clarifies that telemarketing fraud schemes executed using cellular telephone services are subject to the enhanced penalties for such fraud under 18 U.S.C. §2326. Authorizes termination of telephone service used to carry on telemarketing fraud. Requires telephone companies, upon notification in writing from the Department of Justice that a particular phone number is being used to engage in fraudulent telemarketing or other fraudulent conduct, and after notice to the customer, to terminate the subscriber's telephone service.

Part 3—Preventing Health Care Fraud

Sec. 2231. Injunctive authority relating to false claims and illegal kickback schemes involving Federal health care programs. Authorizes the Attorney General to take immediate action to halt illegal health care fraud kickback schemes under the Social Security Act. Attorney General may seek a civil penalty of up to $50,000 per violation, or three times the remuneration, whichever is greater, for each offense under this section with respect to a Federal health care program.

Sec. 2232. Authorized investigative demand procedures. Authorizes the Attorney General to issue administrative subpoenas to investigate civil health care fraud cases. Provides privacy safeguards for personally identifiable health information that may be obtained in response to an administrative subpoena and divulged in the course of a Federal investigation.

Sec. 2233. Extending antifraud safeguards to the Federal Employees Health Benefits program. Removes the anti-fraud exemption for the Federal Employee Health Benefits Act (FEHB), thereby extending anti-fraud and anti-kickback safeguards applicable to the Medicare and Medicaid program to the FEHB. Allows the Attorney General to use the same civil enforcement tools to fight fraud perpetrated against the FEHB program as are available to other Federal health care programs, and to recover civil penalties against persons or entities engaged in illegal kickback schemes.

Sec. 2234. Grand jury disclosure. Authorizes Federal prosecutors to seek a court order to share grand jury information regarding health care offenses with other Federal prosecutors for use in civil proceedings or investigations relating to fraud or false claims in connection with any Federal health care program. Permits grand jury information regarding health care offenses to be shared with Federal civil prosecutors, only after ex parte court review and a finding that the information would assist in enforcement of Federal laws or regulations.

Sec. 2235. Increasing the effectiveness of civil investigative demands in false claims investigations. Authorizes the Attorney General to delegate authority to issue civil investigative demands to the Deputy Attorney General or an Assistant Attorney General. Authorizes whistleblowers who have brought qui tam actions under the False Claims Act to seek permission ftom a district court to obtain information disclosed to the Department of Justice in response to civil investigative demands.

Part 4—Protecting Residents of Nursing Homes

Sec. 2241. Nursing home resident protection. Sets penalties for engaging in a pattern of willful violations of Federal or State laws governing the health, safety, or care of individuals residing in residential health care facilities. This section also provides additional whistleblower protection for persons who are retaliated against for reporting deficient nursing home conditions.

Part 5—Protecting the Rights of Elderly Crime Victims

Sec. 2251. Use of forfeited funds to pay restitution to crime victims and regulatory agencies. Authorizes the use of forfeited funds to pay restitution to crime victims and regulatory agencies.

Sec. 2252. Victim restitution. Allows the government to move to dismiss forfeiture proceedings to allow the defendant to use the property subject to forfeiture for the payment of restitution to victims. If forfeiture proceedings are complete, Government may return the forfeited property so it may be used for restitution.

Sec. 2253. Bankruptcy proceedings not used to shield illegal gains from false claims. Allows an action under the False Claims Act despite concurrent bankruptcy proceedings. Prohibits discharge of debts resulting from judgments or settlements in Medicare and Medicaid fraud cases. Provides that no debt owed for a violation of the False Claims Act or other agreement may be avoided under bankruptcy provisions.

Sec. 2254. Forfeiture for retirement offenses. Requires the forfeiture of proceeds of a criminal retirement offense. Permits the civil forfeiture of proceeds from a criminal retirement offense.

TITLE III—DETERRING IDENTITY THEFT AND ASSISTING VICTIMS OF CRIME AND DOMESTIC VIOLENCE

Subtitle A—Deterring Identity Theft

Part 1—Identity Theft Victims Assistance

Sec. 3111. Short title. Contains the short title, the ''Identity Theft Victims Assistance Act of 2003''.

Sec. 3112. Findings. Legislative findings in support of this part.

Sec. 3113. Treatment of identity theft mitigation. Requires business entities possessing information relating to an identity theft or that may have done business with a person who has made unauthorized use of a victim's means of identification to provide without charge to the victim or to any Federal, State, or local governing law enforcement agency or officer specified by the victim copies of all related application and transaction information. Limits liability for business entities that provide information under this section for the purpose of identification and prosecution of identity theft or to assist a victim. Authorizes civil enforcement actions by State Attorney General regarding identity theft.

Sec. 3114. Amendments to the Fair Credit Reporting Act. Amends the Fair Credit Reporting Act to direct a consumer reporting agency, at the request of a consumer, to block the reporting of any information identified by the consumer in such consumer's file resulting from identity theft, subject to specified requirements.

Sec. 3115. Coordinating committee study of coordination among Federal, State, and local authorities in enforcing identity theft laws. Amends the Internet False Identification Prevention Act of 2000 to (1) expand the membership of the coordinating committee on false identification to include the Chairman of the Federal Trade Commission, the

Postmaster General, and the Commissioner of the United States Customs Service; (2) extend the term of the coordinating committee through December 28, 2004; (3) direct the coordinating committee to include certain information regarding identity theft in its annual reports to Congress.

Part 2—Identity Theft Prevention Act

Sec. 3121. Short title. Contains the short title, the ''Identity Theft Prevention Act of 2003''.

Sec. 3122. Findings. Legislative findings in support of this part.

Sec. 3123. Identity theft prevention. Requires credit card companies to notify consumers within 30 days of a change of address request on an existing credit account. This section also codifies the current industry practice of ''fraud alerts'' and imposes penalties for non-compliance by credit issuers or credit reporting agencies. A fraud alert is a statement inserted in a consumer's credit report that notifies users that the consumer does not authorize the issuance of credit in his or her name unless the consumer is first notified in a pre-arranged manner.

Sec. 3124. Truncation of credit card account numbers. By 18 months after enactment of this Act, all new credit-card machines that print receipts electronically shall not print the expiration date or more than the last five digits of the customer's credit card number. By 4 years after enactment, all credit card machines that electronically print out receipts must comply.

Sec. 3125. Free annual credit report. Entitles every citizen to a free credit report once per year upon request.

Part 3—Social Security Number Misuse Prevention Act

Sec. 3131. Short title. Contains the short title, ''Social Security Number Misuse Prevention Act of 2003.''

Sec. 3132. Findings. Legislative findings in support of this part.

Sec. 3133. Prohibition of the display, sale, or purchase of social security numbers. Prohibits the sale and display of a social security number without the affirmatively expressed consent of the individual, but allows legitimate business-to-business and business-to-government uses of social security numbers as defined by the Attorney General. Financial institutions, though not subject to the Attorney General rule-making, are prohibited by their own regulators from selling or displaying social security numbers to the general public.

Sec. 3134. Application of prohibition of the display, sale, or purchase of social security numbers to public records. Prohibits government entities from displaying social security numbers on public records posted on the Internet. Only records posted on the Internet after the date of enactment are affected. In addition, the Attorney General may allow some entities that have already posted social security numbers on the Internet to continue doing so. This section also prohibits government entities from displaying a person's social security number on any record issued to the general public through CD–ROMs or other electronic media (for records issued after the date of enactment).

Sec. 3135. Rulemaking authority of the Attorney General. Allows the Attorney General to decide if social security numbers should be removed from the face of simple government documents like professional licenses.

Sec. 3136. Treatment of social security numbers on government documents. Requires social security numbers to be prospectively removed from drivers' licenses and government checks.

Sec. 3137. Limits on personal disclosure of a social security number for consumer transactions. Limits, for the first time, when businesses may require a customer to provide his or her social security number. Under this section, in general, businesses may not require that the social security number be provided. Exceptions include business purposes related to credit reporting, background checks, and law enforcement.

Sec. 3138. Extension of civil monetary penalties for misuse of a social security number. Authorizes the Social Security Administration to issue civil penalties of up to $5,000 for people who misuse social security numbers.

Sec. 3139. Criminal penalties for misuse of a social security number. Creates a five-year maximum prison sentence for anyone who obtains another person's social security number for the purpose of locating or identifying that person with the intent to physically injure or harm her.

Sec. 3140. Civil actions and civil penalties. Individuals whose social security numbers are misused may file a claim in State court to seek an injunction, or seek the greater of $500 in damages or their actual monetary losses. Businesses sued under the statute have an affirmative defense if they have taken reasonable steps to prevent violations of this part.

Sec. 3141. Federal injunctive authority. Provides the Federal government with injunctive authority with respect to any violation of this part by a public entity.

Subtitle B—Crime Victims Assistance

Sec. 3201. Short title. Contains the short title, the ''Crime Victims Assistance Act of 2003''.

Part 1—Victim Rights in the Federal System

Sec. 3211. Right to consult concerning detention. Requires the government to consult with victim prior to a detention hearing to obtain information that can be presented to the court on the issue of any threat the suspected offender may pose to the victim. Requires the court to make inquiry during a detention hearing concerning the views of the victim, and to consider such views in determining whether the suspected offender should be detained.

Sec. 3212. Right to a speedy trial. Requires the court to consider the interests of the victim in the prompt and appropriate disposition of the case, free from unreasonable delay.

Sec. 3213. Right to consult concerning plea. Requires the government to make reasonable efforts to notify the victim of, and consider the victim's views about, any proposed or contemplated plea agreement. Requires the court, prior to entering judgment on a plea, to make inquiry concerning the views of the victim on the issue of the plea.

Sec. 3214. Enhanced participatory rights at trial. Provides standing for the prosecutor and the victim to assert the right of the victim to attend and observe the trial. Extends the Victim Rights Clarification Act to apply to televised proceedings. Amends the Victims' Rights and Restitution Act of 1990 to strengthen the right of crime victims to be present at court proceedings, including trials.

Sec. 3215. Enhanced participatory rights at sentencing. Requires the probation officer to include as part of the presentence report any victim impact statement submitted by a victim. Extends to all victims the right to make a statement or present information in relation to the sentence. Requires the court to consider the victim's views concerning punishment, if such views are presented to the court, before imposing sentence.

Sec. 3216. Right to notice concerning sentence adjustment. Requires the government to provide the victim the earliest possible notice of the scheduling of a hearing on modification of probation or supervised release for the offender.

Sec. 3217. Right to notice concerning discharge from psychiatric facility. Requires the government to provide the victim the earliest possible notice of the discharge or conditional discharge from a psychiatric facility of an offender who was found not guilty by reason of insanity.

Sec. 3218. Right to notice concerning executive clemency. Requires the government to provide the victim the earliest possible notice of the grant of executive clemency to the offender. Requires the Attorney General to report to Congress concerning executive clemency matters delegated for review or investigation to the Attorney General.

Sec. 3219. Procedures to promote compliance. Establishes an administrative system for enforcing the rights of crime victims in the Federal system.

Part 2—Victim Assistance Initiatives

Sec. 3221. Pilot programs to enforce compliance with State crime victim's rights laws. Authorizes the establishment of pilot programs in five States to establish and operate compliance authorities to promote compliance and effective enforcement of State laws regarding the rights of victims of crime. Compliance authorities would receive and investigate complaints relating to the provision or violation of a crime victim's rights, and issue findings following such investigations. Amounts authorized are $8 million through FY2004, and such sums as necessary for the next two fiscal years.

Sec. 3222. Increased resources to develop state-of-the-art systems for notifying crime victims of important dates and developments. Authorizes grants to develop and implement crime victim notification systems. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Sec. 3223. Restorative justice grants. Authorizes grants to establish juvenile restorative justice programs. Eligible programs shall: (1) be fully voluntary by both the victim and the offender (who must admit responsibility); (2) include as a critical component accountability conferences, at which the victim will have the opportunity to address the offender directly; (3) require that conferences be attended by the victim, the offender, and when possible, the parents or guardians of the offender, and the arresting officer; and (4) provide an early, individualized assessment and action plan to each juvenile offender. These programs may act as an alternative to, or in addition to, incarceration. Amounts authorized are $10 million through FY2004, and $5 million for each of the next two fiscal years.

Part 3—Amendments to the Victims of Crime Act

Sec. 3231. Formula for distributions from the Crime Victims Fund. Replaces the annual cap on distributions from the Crime Victims Fund with a formula that ensures stability in the amounts distributed while preserving the amounts remaining in the Fund for use in future years. In general, subject to the availability of money in the Fund, the total amount to be distributed in any fiscal year shall be not less than 105% nor more than 115% of the total amount distributed in the previous fiscal year. This section also establishes minimum levels of annual funding for both State victim assistance grants and discretionary grants by the Office for Victims of Crime.

Sec. 3232. Clarification regarding anti-terrorism emergency reserve. Clarifies the intent of the USA PATRIOT Act regarding the restructured Antiterrorism emergency reserve, which was that any amounts used to replenish the reserve after the first year would be above any limitation on spending from the Fund.

Sec. 3233. Prohibition on diverting crime victims fund to offset increased spending. Ensures that the amounts deposited in the Crime Victims Fund are distributed in a timely manner to assist victims of crime as intended by current law and are not diverted to offset increased spending.

Subtitle C—Violence Against Women Act Enhancements

Sec. 3301. Transitional housing assistance grants. Authorizes grants to State and local governments, Indian tribes, and organizations to provide transitional housing and related support services (18-month maximum with a 6–month extension) to individuals and dependents who are homeless as a result of domestic violence, and for whom emergency shelter services or other crisis intervention services are unavailable or insufficient. Amounts authorized are $30 million for each fiscal year through FY2007.

Sec. 3302. Shelter services for battered women and children. Provides assistance to local entities that provide shelter or transitional housing assistance to victims of domestic violence. Provides means to improve access to information on family violence within underserved 15 populations. Reauthorizes funding for the Family Violence Prevention and Services Act at a level of $175 million through FY2006.

Title IV—Supporting Law Enforcement and the Effective Administration of Justice

Subtitle A—Support for Public Safety Officers and Prosecutors

Part I—Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods

Sec. 4101. Short title. Contains the short title, the ''Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training in Our Neighborhoods Act of 2003,'' or ''PROTECTION Act''.

Sec. 4102. Authorizations. Authorizes $1.15 billion per year through FY 2008 to continue and modernize the Community Oriented Policing Services (COPS) program, which has funded 114,000 new community police officers in over 12,400 law enforcement agencies. This amount includes $600 million for police hiring grants, $350 million per year for law enforcement technology grants, and $200 million per year for community prosecutor grants.

Part 2—Hometown Heroes Survivors Benefits

Sec. 4111. Short title. Contains the short title, the ''Hometown Heroes Survivors Benefits Act of 2003''.

Sec. 4112. Fatal heart attack or stroke on duty presumed to be death in line of duty for purposes of public safety officer survivor benefits. Closes a loophole in the Department of Justice Public Safety Officers Benefits Program by ensuring that the survivors of public safety officers who die of heart attacks or strokes while on duty or within 24 hours after participating in a training exercise or responding to an emergency situation—regardless of whether a traumatic injury was present at the time of the heart attack or stroke—are eligible to receive financial assistance. This section applies to deaths occurring on or after January 1, 2002.

Part 3—Federal Prosecutors Retirement Benefit Equity

Sec. 4121. Short title. Contains the short title, the ''Federal Prosecutors Retirement Benefit Equity Act of 2003''.

Sec. 4122. Inclusion of Federal prosecutors in the definition of a law enforcement officer. Amends 5 U.S.C. §§8331 and 8401 to extend the enhanced law enforcement officer (LEO) retirement benefits to Federal prosecutors, defined to include Assistant United States Attorneys (AUSAs) and such other attorneys in the Department of Justice as are designated by the Attorney General. This section also exempts Federal prosecutors from mandatory retirement provisions for LEOs under the civil service laws.

Sec. 4123. Provisions relating to incumbents. Governs the treatment of incumbent Federal prosecutors who would be eligible for LEO retirement benefits under this part. This section requires the Office of Personnel Management to provide notice to incumbents of their rights under this part; allows incumbents to opt out of the LEO retirement program; governs the crediting of prior service by incumbents; and provides for make-up contributions for prior service of incumbents to the Civil Service Retirement and Disability Fund. Incumbents are given the option of either contributing their own share of any make-up contributions or receiving a proportionally lesser retirement benefit. The Government may contribute its share of any makeup contribution ratably over a ten-year period.

Sec. 4124. Department of Justice administrative actions. Allows the Attorney General to designate additional Department of Justice attorneys with substantially similar responsibilities, in addition to AUSAs, as Federal prosecutors for purposes of this Act, and thus be eligible for the LEO retirement benefit.

Subtitle B—Rural Law Enforcement Improvement and Training Grants

Sec. 4201. Rural Law Enforcement Retention Grant Program. Authorizes grants to help rural communities retain law enforcement officers hired through the COPS program for an additional year. Under this program, rural communities are eligible to receive a one-time retention grant of up to 20% of their original COPS award. Priority is given to communities that demonstrate financial hardship. Authorizes $15 million a year for five years. Provides a 10% set-aside to assist tribal communities.

Sec. 4202. Rural Law Enforcement Technology Grant Program. Authorizes grants to help rural communities purchase crime-fighting technologies without a community policing requirement. Under this program, rural communities are eligible to receive funding for the following general categories of law enforcement-related technology: communications equipment; computer hardware and software; video cameras; and crime analysis technologies. Grant recipients must provide 10% of the total grant amount, subject to a waiver for extreme hardship. Authorizes $40 million a year for five years. Provides a 10% set-aside to assist tribal communities.

Sec. 4203. Rural 9–1–1 service. Authorizes $25 million in grants to establish and improve 911 emergency service in rural areas. Under this program, rural communities are eligible to receive a grant of up to $250,000 to provide access to, and improve, a communications infrastructure that will ensure reliable and seamless communications between law enforcement, fire, and emergency medical service providers. Priority is given to communities that do not have 911 service. Provides a 10% set-aside to assist tribal communities.

Sec. 4204. Small town and rural law enforcement training program. Authorizes funding to establish a Rural Policing Institute as part of the Small Town and Rural Training Program administered by the Federal Law Enforcement Training Center. Funds may be used to: (1) assess the needs of law enforcement in rural areas; (2) develop and deliver export training to rural law enforcement; and (3) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers in rural areas. Authorizes $10 million through FY2004 to establish the Rural Policing Institute, and $5 million a year for the next four years to continue programs under the Institute. Provides a 10% set-aside to assist tribal communities.

Subtitle C—FBI Reform

Sec. 4301. Short title. Contain the short title, the ''Federal Bureau of Investigation Reform Act of 2003''.

Part I—Whistleblower Protection

Sec. 4311. Increasing protections for FBI whistleblowers. Amends 5 U.S.C. §2303 to expand the types of disclosures that trigger whistleblower protections by protecting disclosures to a supervisor of the employee, the Inspector General for the Department of Justice, a Member of Congress, or the Special Counsel (an office associated with enforcement before the Merit Systems Protection Board provided for by 5 U.S.C. §1214).

Part 2—FBI Security Career Program

Sec. 4321. Security management policies. Requires the Attorney General to establish policies and procedures for career management of FBI security personnel.

Sec. 4322. Director of the Federal Bureau of Investigation. Authorizes the Attorney General to delegate to the FBI Director the Attorney General's duties with respect to the FBI security workforce, and ensures that the security career program will cover both headquarters and FBI field offices.

Sec. 4323. Director of Security. Directs the FBI Director to appoint a Director of Security to assist the FBI Director in carrying out his duties under this part.

Sec. 4324. Security career program boards. Provides for the establishment of a security career program board to advise in managing hiring, training, education, and career development of personnel in the FBI security workforce.

Sec. 4325. Designation of security positions. Directs the FBI Director to designate certain positions as security positions, with responsibility for personnel security and access control; information systems security and information assurance; physical security and technical surveillance countermeasures; operational, program and industrial security; and information security and classification management.

Sec. 4326. Career development. Requires that career paths to senior security positions be published. No requirement or preference for FBI Special Agents shall be used in the consideration of persons for security positions unless the Attorney General makes a special determination. All FBI personnel shall have the opportunity to acquire the education, training and experience needed for senior security positions. Policies established under this part shall be designed to select the best qualified individuals, with consideration also given to the need for a balanced workforce.

Sec. 4327. General education, training, and experience requirements. Directs the FBI Director to establish education, training, and

experience requirements for each security position. Before assignment as a manager or deputy manager of a significant security program, a person must have completed a security program management course accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or determined to be comparable by the FBI Director, and have six years experience in security.

Sec. 4328. Education and training programs. Directs the FBI Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, to establish education and training programs for FBI security personnel that are, to the maximum extent practical, uniform with Intelligence and Department of Defense programs.

Sec. 4329. Office of Personnel Management approval. Directs the Attorney General to submit any requirement established under section 4327 to the Office of Personnel Management for approval.

Part 3—FBI Counterintelligence Polygraph Program

Sec. 4331. Definitions. Defines terms used in this part.

Sec. 4332. Establishment of program. Establishes a counterintelligence screening polygraph program for the FBI, consisting of periodic polygraph examinations of employees and contractors in positions that are specified by the FBI Director as exceptionally sensitive. This program shall be established within six months of the publication of the results of the Polygraph Review by the National Academy of Sciences' Committee to Review the Scientific Evidence on the Polygraph.

Sec. 4333. Regulations. Directs the Attorney General to prescribe regulations for the polygraph program, which regulations shall include procedures for addressing ''false positive'' results and ensuring quality control. No adverse personnel action may be taken solely by reason of an individual's physiological reaction on a polygraph examination without further investigation and a personal determination by the FBI Director. Employees who are subject to polygraph 19 examinations shall have prompt access to unclassified reports regarding any such examinations that relate to adverse personnel actions.

Sec. 4334. Report on further enhancement of FBI personnel security program. Requires a report within nine months of the enactment of this Act on any further legislative action that the FBI Director considers appropriate to enhance the FBI's personnel security program.

Part 4—Report

Sec. 4341. Report on legal authority for FBI programs and activities. Requires a report within nine months after enactment of this Act describing the legal authority for all FBI programs and activities, identifying those that have express statutory authority and those that do not. This section also requires the Attorney General to recommend whether (1) the FBI should continue to have investigative responsibility for the criminal statutes for which it currently has investigative responsibility; (2) the authority for any FBI program or activity should be modified or repealed; (3) the FBI should have express statutory authority for any program or activity for which it does not currently have such authority; and (4) the FBI should have authority for any new program or activity.

Part 5—Ending the Double Standard

Sec. 4351. Allowing disciplinary suspensions of members of the Senior Executive Service for 14 days or less. Lifts the minimum of 14 days suspension that applies in the FBI's SES disciplinary cases and thereby provides additional options for discipline in SES cases and encourages equality of treatment. The current inflexibility of disciplinary options applicable to SES officials was cited at a Senate Judiciary Committee oversight hearing in July 2001 as one underlying reason for the ''double standard'' in FBI discipline.

Sec. 4352. Submitting Office of Professional Responsibility reports to congressional committees. Requires the OIG to submit to the Judiciary Committees, for five years, annual reports to be prepared by the FBI Office of Professional Responsibility summarizing its investigations, recommendations, and their dispositions, and also requires that such annual reports include an analysis of whether any double standard is being employed for FBI disciplinary action.

Part 6—Enhancing Security at the Department of Justice

Sec. 4361. Report on the protection of security and information at the Department of Justice. Requires the Attorney General to submit a report to Congress on the manner in which the Department of Justice Security and Emergency Planning Staff, Office of Intelligence Policy and Review (OIPR), and Chief Information Officer plan to improve the protection of security and information at the Department, including a plan to establish secure communications between the FBI and OIPR for processing information related to the Foreign Intelligence Surveillance Act.

Sec. 4362. Authorization for increased resources to protect security and information. Authorizes funds for the Department of Justice Security and Emergency Planning Staff to meet the increased demands to provide personnel, physical, information, technical, and litigation security for the Department, to prepare for terrorist threats and other emergencies, and to review security compliance by Department components. Amounts authorized are $13 million through FY2004, $17 million for FY2005, and $22 million for FY2006.

Sec. 4363. Authorization for increased resources to fulfill national security mission of the Department of Justice. Authorizes funds for the Department of Justice Office of Intelligence Policy and Review to help meet the increased personnel demands to combat terrorism, process applications to the Foreign Intelligence Surveillance Court, participate effectively in counterespionage investigations, provide policy analysis and oversight on national security matters, and enhance computer and telecommunications security. Amounts authorized are $7 million through FY2004, $7.5 million for FY2005, and $8 million for FY2006.

Subtitle D—DNA Sexual Assault Justice Act

Sec. 4401. Short title. Contains the short title, the ''DNA Sexual Assault Justice Act of 2003''.

Sec. 4402. Assessment of backlog in DNA analysis of samples. Requires the Attorney General to survey law enforcement to assess the extent of the backlog of untested rape kits and other sexual assault evidence. Within one year of enactment, the Attorney General shall submit his findings in a report to Congress with a plan for carrying out additional assessments and reports on the backlog as needed. Authorizes $500,000 to carry out this section.

Sec. 4403. The Debbie Smith DNA Backlog Grant Program. Names a section of the DNA Backlog Elimination Act after Ms. Debbie Smith, and amends the purpose section of that Act to ensure the timely testing of rape kits and evidence from non-suspect cases.

Sec. 4404. Increased grants for analysis of DNA samples from convicted offenders and crime scenes. Extends and increases authorizations in the DNA Analysis Backlog Elimination Act, 42 U.S.C. §14135. That Act authorizes $15 million dollars for FY2003 for DNA testing of convicted offender samples, and $50 million for FY2003 and FY2004 for DNA testing of crime scene evidence (including rape kits) and laboratory improvement. This section increases the convicted offender authorization to $15 million a year through FY2007—a total increase of $60 million—and increases the crime scene evidence and laboratory improvement authorizations to $75 million a year through FY2006, and $25 million for FY2007—a total increase of $275 million.

Sec. 4405. Authority of local governments to apply for and receive DNA Backlog Elimination Grants. Authorizes local State governments and Indian tribes to apply directly for Debbie Smith DNA Backlog Grants so that Federal resources can meet local needs more quickly.

Sec. 4406. Improving eligibility criteria for backlog grants. Amends the eligibility requirements for Debbie Smith DNA Backlog Grants to ensure that applicants adhere to certain protocols. In making Debbie Smith DNA Backlog Grants, the Department of Justice shall give priority to applicants with the greatest backlogs per capita.

Sec. 4407. Quality assurance standards for collection and handling of DNA evidence. Requires the Department of Justice to develop a recommended national protocol for the collection of DNA evidence at crime scenes, which will provide guidance to law enforcement and other first responders on appropriate ways to collect and maintain DNA evidence. This section also amends the Violence Against Women Act of 2000, 42 U.S.C. 3796gg, to ensure that the recommended national protocol for training individuals in the collection and use of DNA evidence through forensic examination in cases of sexual assault that is mandated by that Act is in fact developed, and to include standards for training of emergency response personnel.

Sec. 4408. Sexual Assault Forensic Exam Program Grants. Authorizes grants to establish and maintain sexual assault examiner programs, carry out sexual assault examiner training and certification, and acquire or improve forensic equipment. The grant program is authorized through FY2007, at $30 million per year. In awarding grants under this section, the Attorney General shall give priority to programs that are serving or will serve communities that are currently underserved by existing sexual assault examiner programs.

Sec. 4409. DNA Evidence Training Grants. Authorizes grants to train law enforcement and prosecutors in the collection, handling, and courtroom use of DNA evidence, and to train law enforcement in responding to drug-facilitated sexual assaults. Grants are contingent upon adherence to FBI laboratory protocols, use of the collection standards established pursuant to section 4407 and participation in a State laboratory system. The grant program is authorized through FY2007, at $10 million per year.

Sec. 4410. Authorizing John Doe DNA Indictments. In Federal sexual assault crimes, authorizes the issuance of ''John Doe'' DNA indictments that identify the defendant by his DNA profile. Such indictments must

issue within the applicable statute of limitations; thereafter, the prosecution may commence at any time once the defendant is arrested or served with a summons.

Sec. 4411. Increased grants for Combined DNA Index System (CODIS). Authorizes $9.7 million to upgrade the national DNA database.

Sec. 4412. Increased grants for Federal Convicted Offender Program (FCOP). Authorizes $500,000 to process Federal offender DNA samples and enter that information into the national DNA database.

Sec. 4413. Privacy requirements for handling DNA evidence and DNA analyses. Requires the Department of Justice to promulgate privacy regulations that will limit the use and dissemination of DNA information generated for criminal justice purposes, and ensure the privacy, security, and confidentiality of DNA samples and analyses. This section also amends the DNA Analysis Backlog Reduction Act of 2000 to increase criminal penalties for disclosing or using a DNA sample or DNA analysis in violation of that act by a fine not to exceed $100,000 per offense.

Subtitle E—Additional Improvements to the Justice System

Sec. 4501. Providing remedies for retaliation against whistleblowers making congressional disclosures. Provides a remedy for the currently existing right under 5 U.S.C. §7211 for Federal employees to provide information to a Member or Committee of Congress without retaliation. The existing statute provides a right without any remedy for such retaliation; this section creates a cause of action for the injured employee.

Sec. 4502. Establishment of protective function privilege. Establishes a privilege against testimony by Secret Service officers charged with protecting the President, those in direct line for the Presidency, and visiting foreign heads of state.

Sec. 4503. Professional standards for government attorneys. Clarifies the attorney conduct standards governing attorneys for the Federal Government to ensure that Federal prosecutors and agents can use traditional Federal law enforcement techniques without running afoul of State bar rules. This section also directs the U.S. Judicial Conference to develop national rules of professional conduct in any area in which local rules may interfere with effective Federal law enforcement, including, in particular, with respect to communications with represented persons.

TITLE V—COMBATING DRUG AND GUN VIOLENCE

Subtitle A—Drug Treatment, Prevention, and Testing

Part 1—Drug Treatment

Sec. 5101. Funding for treatment in rural States and economically depressed communities. Authorizes grants to States to provide treatment facilities in the neediest rural States and economically depressed communities that have high rates of drug addiction but lack resources to provide adequate treatment. Amount authorized is $50 million a year through FY2006.

Sec. 5102. Funding for residential treatment centers for women with children. Authorizes grants to States to provide residential treatment facilities for methamphetamine, heroin, and other drug addicted women who have minor children. These facilities offer specialized treatment for addicted mothers and allow their children to reside with them in the facility or nearby while treatment is ongoing. Amount authorized is $10 million a year through FY2006.

Sec. 5103. Drug treatment alternative to prison programs administered by State or local prosecutors. Authorizes grants to State or local prosecutors to implement or expand drug treatment alternatives to prison programs. Amounts authorized are $75 million through FY2004, $85 million for FY2005, $95 million for FY2006, $105 million for FY2007, and $125 million for FY2008.

Sec. 5104. Substance abuse treatment in Federal prisons reauthorization. Authorizes funding for substance abuse treatment in Federal prisons through FY2004.

Sec. 5105. Drug treatment for juveniles. Allows the Director of the Center for Substance Abuse to make grants to public and private nonprofit entities to provide residential drug treatment programs for juveniles. Authorizes such sums as necessary through FY2005, and $300 million a year through FY2007 from the Violent Crime Reduction Trust Fund.

Part 2—Funding for Drug-Free Community Programs

Sec. 5111. Extension of Safe and Drug-Free Schools and Communities Program. Extends funding for the Safe and Drug-Free Schools and Communities Program through FY2007, at $655 million a year through FY2005, and $955 million for FY2006 and FY2007.

Sec. 5112. Say No to Drugs Community Centers. Authorizes grants for the provision of drug prevention services to youth living in eligible communities during after-school hours or summer vacations. Authorizes $125 million a year through FY2005 from the Violent Crime Reduction Trust Fund.

Sec. 5113. Drug education and prevention relating to youth gangs. Extends funding under the Anti-Drug Abuse Act of 1988 through FY2007.

Sec. 5114. Drug education and prevention program for runaway and homeless youth. Extends funding under the Anti-Drug Abuse Act of 1988 through FY2007.

Part 3—Zero Tolerance Drug Testing

Sec. 5121. Grant authority. Authorizes grants to States and localities for programs supporting comprehensive drug testing of criminal justice populations, and to establish appropriate interventions to illegal drug use for offender populations.

Sec. 5122. Administration. Instructs Attorney General to coordinate with the other Department of Justice initiatives that address drug testing and interventions in the criminal justice system.

Sec. 5123. Applications. Instructs potential applicants on the process of requesting such grants, which are to be awarded on a competitive basis.

Sec. 5124. Federal share. The Federal share of a grant made under this part may not exceed 75% of the total cost of the program.

Sec. 5125. Geographic distribution. The Attorney General shall ensure that, to the extent practicable, an equitable geographic distribution of grant awards is made, with rural and tribal jurisdiction representation.

Sec. 5126. Technical assistance, training, and evaluation. The Attorney General shall provide technical assistance and training in furtherance of the purposes of this part.

Sec. 5127. Authorization of appropriations. Authorizes $75 million for FY2003 and such sums as are necessary through FY2007.

Sec. 5128. Permanent set-aside for research and evaluation. The Attorney General shall set aside between 1% to 3% of the sums appropriated under section 5127 for research and evaluation of this program.

Part 4—Crack House Statute Amendments

Sec. 5131. Offenses. Amends crack house statute (21 U.S.C. §856) to make it apply to those who (1) knowingly open, lease, rent, use or maintain a place either permanently or temporarily for the purpose of manufacturing, distributing or using any controlled substance and (2) manage or control any place, whether permanently or temporarily, for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance. These changes clarify that the law applies not just to ongoing drug distribution operations, but to ''single-event'' activities. This section also applies the law to outdoor as well as indoor venues.

Sec. 5132. Civil penalty and equitable relief for maintaining drug-involved premises. Establishes the civil penalty for violating 21 U.S.C. §856 as amended to either $250,000 or two times the gross receipts that were derived from each violation of that section.

Sec. 5133. Declaratory and injunctive remedies. Authorizes the Attorney General to commence a civil action for declaratory or injunctive relief for violations of 21 U.S.C. §856 as amended.

Sec. 5134. Sentencing Commission guidelines. Requires the Sentencing Commission to review Federal sentencing guidelines with respect to offenses involving gammahydroxybutyric acid and consider amending Federal sentencing guidelines to provide for increased penalties.

Sec. 5135. Authorization of appropriations for a demand reduction coordinator. Authorizes $5.9 million to the Drug Enforcement Administration to hire a special agent in each State to coordinate demand reduction activities.

Sec. 5136. Authorization of appropriations for drug education. Authorizes such sums as may be necessary to the Drug Enforcement Administration to educate youths, parents, and other interested adults about the drugs associated with raves.

Part 5—Cracking Down on Methamphetamine in Rural Areas

Sec. 5141. Methamphetamine treatment programs in rural areas. Authorizes grants to establish methamphetamine prevention and treatment pilot programs in rural areas. Provides a 10% set-aside to assist tribal communities.

Sec. 5142. Methamphetamine prevention education. Authorizes $5 million a year through FY2008 to fund programs that educate people in rural areas about the early signs of methamphetamine use. Provides a 10% set-aside to assist tribal communities.

Sec. 5143. Methamphetamine cleanup. Authorizes $20 million to make grants to States or units of local government to help cleanup methamphetamine laboratories in rural areas and improve contract-related response times for such cleanups. Provides a 10% set-aside to assist tribal communities.

Subtitle B—Disarming Felons

Part 1—Our Lady of Peace Act

Sec. 5201. Short Title. Contains the short title, the ''Our Lady of Peace Act of 2003''.

Sec. 5202. Findings. Legislative findings in support of this part.

Sec. 5203. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System. Amends the Brady Handgun Violence Prevention Act to require the head of each U.S. department or agency to ascertain whether it has such information on persons for whom receipt of a firearm would violate specified Federal provisions regarding excluded individuals or State law as is necessary to enable the National Instant Criminal Background Check System (NICS) to operate. Directs

that any such record that the department or agency has to be made available to the Attorney General for inclusion in the NICS.

Sec. 5204. Requirements to obtain waiver. Makes a State eligible to receive a waiver of the 10% matching requirement for National Criminal History Improvement Grants if the State provides at least 95% of the information described in this Act, including the name of and other relevant identifying information related to each person disqualified from acquiring a firearm.

Sec. 5205. Implementation grants to States. Directs the Attorney General to make grants to each State: (1) to establish or upgrade information and identification technologies for firearms eligibility determinations; and (2) for use by the State's chief judicial officer to improve the handling of proceedings related to criminal history dispositions and restraining orders. Authorizes $250 million a year through FY2006.

Sec. 5206 Continuing evaluations. Requires the Director of the Bureau of Justice Statistics to study and evaluate the operations of NICS and to report on grants and on best practices of States.

Sec. 5207. Grants to State courts for the improvement in automation and transmittal of disposition record. Directs the Attorney General to make grants to each State for use by the chief judicial officer of the State to improve the handling of proceedings related to criminal history dispositions and restraining orders. Authorizes $125 million a year through FY2006.

Part 2—Ballistics, Law Assistance, and Safety Technology

Sec. 5211. Short title. Contains the short title, the ''Ballistics, Law Assistance, and Safety Technology Act of 2003,'' or ''BLAST Act''.

Sec. 5212. Purposes. Statement of legislative purposes.

Sec. 5213. Definition of ballistics. Defines terms used in this part.

Sec. 5214. Test firing and automated storage of ballistics records. Requires a licensed manufacturer or importer to test fire firearms, prepare ballistics images, make records available to the Secretary of the Treasury for entry in a computerized database, and store the fired bullet and cartridge casings. Directs the Attorney General and the Secretary to assist firearm manufacturers and importers in complying. Specifies that nothing herein creates a cause of action against any Federal firearms licensee or any other person for any civil liability except for imposition of a civil penalty under this section. Authorizes $20 million a year through FY2006 to carry out this program.

Sec. 5215. Privacy rights of law abiding citizens. Prohibits the use of ballistics information of individual guns for (1) prosecutorial purposes, unless law enforcement officials have a reasonable belief that a crime has been committed and that ballistics information would assist in the investigation of that crime, or (2) the creation of a national firearms registry of gun owners.

Sec. 5216. Demonstration firearm crime reduction strategy. Directs the Secretary and the Attorney General to establish in the jurisdictions selected a comprehensive firearm crime reduction strategy. Requires the Secretary and the Attorney General to select not fewer than ten jurisdictions for participation in the program. Authorizes $20 million per year through FY2006 to carry out this program.

Part 3—Extension of Project Exile

Sec. 5221. Authorization of funding for additional State and local gun prosecutors. Authorizes $150 million to hire additional local and State prosecutors to expand the Project Exile program in high gun-crime areas. Requires interdisciplinary team approach to prevent, reduce, and respond to firearm related crimes in partnership with communities.

Part 4—Expansion of the Youth Crime Gun Interdiction Initiative

Sec. 5231. Youth Crime Gun Interdiction Initiative. Directs the Secretary of the Treasury to expand participation in the Youth Crime Gun Interdiction Initiative (YCGII). Authorizes grants to States and localities for purposes of assisting them in the tracing of firearms and participation in the YCGII.

Part 5—Gun Offenses

Sec. 5241 Gun ban for dangerous juvenile offenders. Prohibits juveniles adjudged delinquent for serious drug offenses or violent felonies from receiving or possessing a firearm, and makes it a crime for any person to sell or provide a firearm to someone they have reason to believe has been adjudged delinquent. This section applies only prospectively, and access to firearms may be restored under State restoration of rights provisions, but only if such restoration is on a case-by-case, rather than automatic basis.

Sec. 5242. Improving firearms safety. Requires gun dealers to have secure gun storage devices available for sale, including any device or attachment to prevent a gun's use by one not having regular access to the firearm, or a lockable safe or storage box.

Sec. 5243. Juvenile handgun safety. Increases the maximum penalty for transferring a handgun to a juvenile or for a juvenile to unlawfully possess a handgun from one to five years.

Sec. 5244. Serious juvenile drug offenses as armed career criminal predicates. Permits the use of an adjudication of juvenile delinquency for a serious drug trafficking offense as a predicate offense for determining whether a defendant falls within the Armed Career Criminal Act. That act provides additional penalties for armed criminals with a proven record of serious crimes involving drugs and violence.

Sec. 5245. Increased penalty for transferring a firearm to a minor for use in crime of violence or drug trafficking crime. Increases the maximum penalty for providing a firearm to a juvenile that one knows will be used in a serious crime from 10 to 15 years.

Sec. 5246. Increased penalty for firearms conspiracy. Subjects conspirators to the same penalties as are provided for the underlying firearm offenses in 18 U.S.C. §924.

Part 6—Closing the Gun Show Loophole

Sec. 5251. Findings. Legislative findings in support of this part.

Sec. 5252. Extension of Brady background checks to gun shows. Closes the gun show loophole by regulating firearms transfers at gun shows, including requiring criminal background checks on all transferees. Increases penalties for serious record-keeping violations by licensees, and for violations of criminal background check requirements. Amends the Brady law to prevent the Federal government from keeping records on qualified purchasers for more than 90 days.

TITLE VI—THE INNOCENCE PROTECTION ACT

Sec. 6001. Short title. Contains the short title, the ''Innocence Protection Act of 2003.''

Subtitle A—Exonerating the Innocent Through DNA Testing

Sec. 6101. DNA testing in Federal criminal justice system. Establishes rules and procedures governing applications for DNA testing by inmates in the Federal system, and prohibits the destruction of biological evidence in a criminal case while a defendant remains incarcerated, with exceptions.

Sec. 6102. DNA testing in State criminal justice system. Conditions receipt of Federal grants for DNA-related programs on assurances that the State will adopt adequate procedures for preserving DNA evidence and making DNA testing available to inmates. States must also agree to review their capital convictions and conduct DNA testing where appropriate and, in cases where DNA testing exonerates an inmate, investigate what went wrong and take steps to prevent similar errors in future cases.

Sec. 6103. Prohibition pursuant to section 5 of the 14th Amendment. Prohibits States from denying State prisoners access to evidence for the purpose of DNA testing, where such testing has the scientific potential to produce new, noncumulative evidence that is material to the prisoner's claim of innocence, and that raises a reasonable probability that he or she would not have been convicted.

Sec. 6104. Grants to prosecutors for DNA testing programs. Permits States to use grants under the Edward Byrn Memorial State and Local Law Enforcement Assistance Programs to fund the growing number of prosecutor-initiated programs that review convictions to identify cases in which DNA testing is appropriate and that offer DNA testing to inmates in such cases.

Subtitle B—Improving State Systems for Providing Competent Legal Services in Capital Cases

Sec. 6201. Capital Representation System Improvement Grants. Authorizes grants to States to improve the quality of legal representation provided to indigent defendants in capital cases. States that choose to accept Federal funds agree to create or improve an effective system for providing competent legal representation in capital cases. The following funds are authorized to carry out the grant programs: FY2003: $50.million; FY2004: $75 million; FY2005 and FY2006: $ 100 million per year; FY2007: $75 million; FY2008: $50 million.

Sec. 6202. Enforcement suits. A person may bring a civil suit in Federal district court against an officer of a State receiving Federal funds under section 6201, alleging that the State has failed to maintain an effective capital representation system as required under the grant program. The Attorney General may intervene in such suits, and where he does so, he assumes responsibility for conducting the action. If the court finds that the State has not met the grant conditions, it may order injunctive or declaratory relief, but not money damages.

Sec. 6203. Grants to qualified capital defender organizations. If a State does not qualify or does not apply for a grant under section 6201, a qualified capital defender organization in that State may apply for grant funds. Grants to such organizations may be used to strengthen systems, recruit and train attorneys, and augment an organization's resources for providing competent representation in capital cases.

Sec. 6204. Grants to train prosecutors, defense counsel, and State and local judges handling State capital cases. Authorizes grants to train State and local prosecutors, defense counsel, and judges in handling capital cases. Each program is authorized at $15 million through FY2007.

Subtitle C—Right to Review of the Death Penalty Upon the Grant of Certiorari

Sec. 6301. Protecting the rights of death row inmates to review of cases granted certiorari. Ensure that a defendant who is granted certiorari by the Supreme Court (an action requiring four affirmative votes by qualified Justices), but who is not granted a stay of execution by the Court (an action requiring five affirmative votes), is not executed while awaiting review of his case.

Subtitle D—Compensation for the Wrongfully Convicted

Sec. 6401. Increased compensation in Federal cases. Increases the maximum amount of damages that the U.S. Court of Federal Claims may award against the United States in cases of unjust imprisonment from a flat $5,000 to $10,000 per year.

Sec. 6402. Sense of Congress regarding compensation in State death penalty cases. Expresses the sense of Congress that States should provide reasonable compensation to any person found to have been unjustly convicted of an offense against the State and sentenced to death.

Subtitle E—Student Loan Repayment for Public Attorneys

Sec. 6501. Student loan repayment for public attorneys. Encourages qualified individuals to enter and continue employment as prosecutors and public defenders by establishing a program to repay Stafford loans for both prosecutors and defenders who agree to remain employed for the required period of service. This section also extends Perkins loan forgiveness—currently available only to prosecutors—to public defenders. Repayment benefits may not exceed $6,000 in a single calendar year, or a total of $40,000 for any individual.

TITLE VII—STRENGTHENING THE FEDERAL CRIMINAL LAWS

Subtitle A—Anti-Atrocity Alien Deportation Act

Sec. 7101. Short title. Contains the short title, the ''Anti-Atrocity Alien Deportation Act of 2003''.

Sec. 7102. Inadmissibility and deportability of aliens who have committed acts of torture or extrajudicial killing abroad. Amends the Immigration and Nationality Act by expanding the grounds for inadmissibility and deportation to cover aliens who have committed, ordered, incited, assisted, or otherwise participated in the commission of acts of torture or extrajudicial killing abroad and clarify and expand the scope of the genocide bar. This section applies to acts committed before, on, or after the date this legislation is enacted, and to all cases after enactment, even where the acts in question occurred or where adjudication procedures were initiated prior to enactment.

Sec. 7103. Inadmissibility and deportability of foreign government officials who have committed particularly severe violations of religious freedom. Amends 8 U.S.C. 11 82(a)(2)(G), which was added as part of the International Religious Freedom Act of 1998, to expand the grounds for inadmissibility and deportability of aliens who commit particularly severe violations of religious freedom.

Sec. 7104. Bar to good moral character for aliens who have committed acts of torture, extrajudicial killings, or severe violations of religious freedom. Amends 8 U.S.C. 1101(f), which provides the current definition of ''good moral character,'' to make clear that aliens who have committed torture, extrajudicial killing, or severe violation of religious freedom abroad do not qualify. This amendment prevents aliens covered by the amendments made in sections 7102 and 7103 from becoming U.S. citizens or benefitting from cancellation of removal or voluntary departure.

Sec. 7105. Establishment of the Office of Special Investigations. Provides explicit statutory authority for the Office of Special Investigations (OSI), which was established in 1979 within the Criminal Division of the Department, and expands OSI's current authorized mission beyond Nazi war criminals. This section also sets forth specific considerations in determining the appropriate legal action to take against an alien who has participated in Nazi persecution, genocide, torture or extrajudicial killing abroad, and expressly directs the Department of Justice to consider the availability of prosecution under U.S. laws for any conduct that forms the basis for removal and denaturalization. In addition, the Department is directed to consider deportation to foreign jurisdictions that are prepared to undertake such a prosecution.

Sec. 7106. Report on implementation. Directs the Attorney General, in consultation with the INS Commissioner, to report within six months on the implementation of the Act, including procedures for referral of matters to OSI, any revisions made to INS forms to reflect amendments made by the Act, and the procedures developed, with adequate due process protection, to obtain sufficient evidence and determine whether an alien is deemed inadmissible under the Act.

Subtitle B—Deterring Cargo Theft

Sec. 7201. Punishment of cargo theft. Clarifies Federal statute governing thefts of vehicles normally used in interstate commerce to includes trailers, motortrucks, and air cargo containers; and freight warehouses and transfer stations. Makes such a theft a felony punishable by three (not one) years in prison. Provides for appropriate amendments to the Sentencing Guidelines.

Sec. 7202. Reports to Congress on cargo theft. Mandates annual reports by the Attorney General to evaluate and identify further means of combating cargo theft.

Sec. 7203. Establishment of advisory committee on cargo theft. Establishes a 6-member Advisory Committee on Cargo Theft with representatives of the Departments of Justice, Treasury and Transportation, and three experts from the private sector. Committee will hold hearings and submit a report within one year with detailed recommendations on cargo security.

Sec. 7204. Addition of attempted theft and counterfeiting offenses to eliminate gaps and inconsistencies in coverage. Amends 22 statutes to clarify that an attempt to embezzle funds or counterfeit is a crime, just as is actual embezzlement or counterfeiting.

Sec. 7205. Clarification of scienter requirement for receiving property stolen from an Indian tribal organization. Provides that it is a crime to receive, conceal or retain property stolen from a tribal organization if one knows that the property has been stolen, even if one did not know that it had been stolen from a tribal organization.

Sec. 7206. Larceny involving post office boxes and postal stamp vending machines. Clarifies that it is a crime to steal from a post office box or stamp vending machine irrespective of whether it is in a building used by the Postal Service.

Sec. 7207. Expansion of Federal theft offenses to cover theft of vessels. Expands Federal law covering the transportation of stolen vehicles to include watercraft.

Subtitle C—Additional Improvements and Corrections to the Federal Criminal Laws

Sec. 7301. Enhanced penalties for cultural heritage crimes. Increases penalties for violations of the Archaeological Resources Protection Act of 1979 and other cultural heritage crimes.

Sec. 7302. Enhanced enforcement of laws affecting racketeer-influenced and corrupt organizations. Enhances the ability of Federal and State regulators to enforce existing law by giving State Attorneys General and the Securities and Exchange Commission explicit authority to bring a civil RICO action under 18 U.S.C. §1964. Currently, only the U.S. Attorney General has such authority.

Sec. 7303. Increased maximum corporate penalty for antitrust violations. Increases the maximum statutory fine for corporations convicted of criminal antitrust violations from the current Sherman Act maximum of $10 million to a new maximum of $100 million.

Sec. 7304. Technical correction to ensure compliance of sentencing guidelines with provisions of all Federal statutes. Ensures that sentencing guidelines promulgated by the United States Sentencing Commission are consistent with the provisions of all Federal statutes.

Sec. 7305. Inclusion of assault crimes and unlicensed money transmitting businesses as racketeering activity. Makes assault with a dangerous weapon, assault resulting in serious bodily injury, and operating an unlicensed money transmitting business predicate crimes for a RICO prosecution.

Sec. 7306. Inclusion of unlicensed money transmitting businesses and structuring currency transactions to evade reporting requirement as wiretap predicates. Adds §18 U.S.C. §§1960 and 5324 to list of offenses for which the Government may seek a wiretap.

By Mrs. HUTCHISON:

S. 24. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income dividends received by individuals; to the Committee on Finance

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By Mrs. HUTCHISON:

S. 25. A bill to amend the Internal Revenue Code of 1986 to provide that dividend income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 26. A bill to amend the Internal Revenue Code of 1986 to provide that dividend and interest income of individuals not be taxed at rates in excess of the maximum capital gains rate; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a package of three bills I hope will be the starting point for a long overdue discussion on reducing taxes on investment income, particularly dividends. The first bill would completely eliminate taxes on dividends. The second bill would reduce the tax on dividends to the capital gains rate. The third bill would lower the tax to the capital gains rate on dividends and interest income. These bills would not only stimulate the economy, but also correct long-term problems with the tax code.

The economy is currently on the way to recovery but faces significant bottlenecks along the way. Following a mild recession, we are experiencing moderate growth. Many believe we will continue on a slow yet steady pace, but we are not yet in the clear. We must take aggressive steps to create jobs and ensure the economy gets moving again.

The most effective tool government has for promoting growth is the tax code. By lowering taxes we allow people to keep more of their money and spend it more effectively than the government ever could.

Lowering the taxes on investment income would stimulate the economy on several levels. First, we would leave more money in the pockets of families to spend. Second, lowering taxes on dividends would encourage investors to re-enter the stock market and realize higher returns since the government would be taking less. The increased demand for stocks would stabilize the market and encourage economic growth. Third, these tax cuts would ultimately help to reduce the deficit as tax revenues increase from higher economic growth and increased capital gains revenue.

A tax cut on investment income would particularly help the elderly and others who rely on fixed incomes. A third of seniors received dividend income and more than half of dividends go to seniors. With such pressures as the rising cost of healthcare, it is critical that we let them keep as much of their money as possible. Also, these tax cuts would help a broad cross-section of Americans. For example, almost half of those who receive dividends have income of less than $50,000.

One of the problems with our tax code is the double taxation of dividends. People have already paid taxes on the money they use to invest. Then they must pay taxes on their investment income. This is not fair and discourages savings.

Also, companies must use after-tax dollars to pay dividends. Investors then have to pay taxes on their dividend income at the ordinary income tax rates. This leads to two unintended consequences.

First, it encourages investors to focus on returns through stock price appreciation, which are taxed at the lower capital gains rate. People are encouraged to invest in higher growth, but often in riskier companies, rather than more stable, dividend-paying companies. As anyone can see from the collapse of stock prices in high-growth sectors over the past two years, the current incentives in the tax code may not lead to the best decisions for investors.

Second, the double taxation of dividends encourages companies to raise capital by loading up on debt rather than issuing stock, because interest expense on debt can lower a company's taxes while dividend payments do not. This leads to an increase in highly leveraged companies that are at greater financial risk when the economy slows.

Whether investors should invest in growth stocks is a decision that must be left to individuals. Likewise, the issuance of debt is best decided by the company in question. By lowering the tax rates on dividends and interest income, we would reduce the influence of taxes on these decisions.

Increasingly, America is a Nation of investors. Today, half of U.S. households own stock. The number of shareholders has increased more than 60 percent since 1989. Thus, it is critical to ensure our tax laws lead to rational decisionmaking; decisions based on the best investment choices, not guided by tax inequities. Let's take tax rates out of the capital allocation decision process. People should make investment decisions based on what is the best investment.

I call on the Senate to bolster the economy, help senior citizens meet their financial needs, and level the way we tax investment gains by lowering taxes on investment income. Today, I offer three alternatives I hope will lead to a constructive discussion and action to achieve these goals.

I ask unanimous consent the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 24

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

SECTION 1. EXCLUSION OF DIVIDEND INCOME FROM TAX.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to amounts specifically excluded from gross income) is amended by inserting after section 115 the following new section:

''SEC. 116. EXCLUSION OF DIVIDENDS RECEIVED BY INDIVIDUALS.

''(a) EXCLUSION FROM GROSS INCOME.—Gross income does not include dividends otherwise includible in gross income which are received during the taxable year by an individual.

''(b) CERTAIN DIVIDENDS EXCLUDED.—Subsection (a) shall not apply to any dividend from a corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is a corporation exempt from tax under section 501 (relating to certain charitable, etc., organization) or section 521 (relating to farmers' cooperative associations).

''(c) SPECIAL RULES.—For purposes of this section—

''(1) EXCLUSION NOT TO APPLY TO CAPITAL GAIN DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

''For treatment of capital gain dividends, see sections 854(a) and 857(c).

''(2) CERTAIN NONRESIDENT ALIENS INELIGIBLE FOR EXCLUSION.—In the case of a nonresident alien individual, subsection (a) shall apply only—

''(A) in determining the tax imposed for the taxable year pursuant to section 871(b)(1) and only in respect of dividends which are effectively connected with the conduct of a trade or business within the United States, or

''(B) in determining the tax imposed for the taxable year pursuant to section 877(b).

''(3) DIVIDENDS FROM EMPLOYEE STOCK OWNERSHIP PLANS.—Subsection (a) shall not apply to any dividend described in section 404(k).''

(b) CONFORMING AMENDMENTS.—

(1)(A) Subparagraph (A) of section 135(c)(4) of such Code is amended by inserting ''116,'' before ''137''.

(B) Subsection (d) of section 135 of such Code is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) COORDINATION WITH SECTION 116.—This section shall be applied before section 116.''

(2) Subsection (c) of section 584 of such Code is amended by adding at the end thereof the following new flush sentence:

''The proportionate share of each participant in the amount of dividends received by the common trust fund and to which section 116 applies shall be considered for purposes of such section as having been received by such participant.''

(3) Subsection (a) of section 643 of such Code is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

''(7) DIVIDENDS.—There shall be included the amount of any dividends excluded from gross income pursuant to section 116.''

(4) Section 854(a) of such Code is amended by inserting ''section 116 (relating to exclusion of dividends received by individuals) and'' after ''For purposes of''.

(5) Section 857(c) of such Code is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

''(1) TREATMENT FOR SECTION 116.—For purposes of section 116 (relating to exclusion of dividends received by individuals), a capital gain dividend (as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.

''(2) TREATMENT FOR SECTION 243.—For purposes of section 243 (relating to deductions for dividends received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered as a dividend.''

(6) The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 115 the following new item:

''Sec. 116. Exclusion of dividends received by individuals.''

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

S. 25

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

SECTION 1. DIVIDENDS OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

''(13) DIVIDENDS TAXED AS NET CAPITAL GAIN.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph), increased by qualified dividend income.

''(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified dividend income' means dividends received from domestic corporations during the taxable year.

''(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

''(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

''(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

''(III) any dividend described in section 404(k).

''(iii) MINIMUM HOLDING PERIOD.—Such term shall not include any dividend on any share of stock with respect to which the holding period requirements of section 246(c) are not met.

''(C) SPECIAL RULES.—

''(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

''(ii) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, subparagraph (A) shall apply only—

''(I) in determining the tax imposed for the taxable year pursuant to section 871(b) and only in respect of amounts which are effectively connected with the conduct of a trade or business within the United States, and

''(II) in determining the tax imposed for the taxable year pursuant to section 877.

''(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

''For treatment of dividends from regulated investment companies and real estate investment trusts, see sections 854 and 857.''

(b) EXCLUSION OF DIVIDENDS FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) of the Internal Revenue Code of 1986 (defining net investment income) is amended by adding at the end the following flush sentence:

''Such term shall include qualified dividend income (as defined in section 1(h)(13)(B)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection.''

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 of the Internal Revenue Code of 1986 (relating to dividends received from regulated investment companies) is amended by inserting ''section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and'' after ''For purposes of''.

(2) Paragraph (1) of section 854(b) of such Code (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) MAXIMUM RATE UNDER SECTION 1(h).—

''(i) IN GENERAL.—If the aggregate dividends received by a regulated investment company during any taxable year is less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(13), rules similar to the rules of subparagraph (A) shall apply.

''(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

''(I) the net short-term capital gain from such sales or dispositions, over

''(II) the net long-term capital loss from such sales or dispositions.''

(3) Subparagraph (C) of section 854(b)(1) of such Code, as redesignated by paragraph (2), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

(4) Paragraph (2) of section 854(b) of such Code is amended by inserting ''the maximum rate under section 1(h)(13) and'' after ''for purposes of''.

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) of the Internal Revenue Code of 1986 (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—For purposes of section 1(h)(13) (relating to maximum rate of tax on dividends) and section 243 (relating to deductions received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

S. 26

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

SECTION 1. DIVIDENDS AND INTEREST OF INDIVIDUALS TAXED AT CAPITAL GAIN RATES.

(a) IN GENERAL.—Section 1(h) of the Internal Revenue Code of 1986 (relating to maximum capital gains rate) is amended by adding at the end the following new paragraph:

''(13) DIVIDENDS AND INTEREST TAXED AS NET CAPITAL GAIN.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'net capital gain' means net capital gain (determined without regard to this paragraph), increased by qualified dividend income and qualified interest income.

''(B) QUALIFIED DIVIDEND INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified dividend income' means dividends received from domestic corporations during the taxable year.

''(ii) CERTAIN DIVIDENDS EXCLUDED.—Such term shall not include—

''(I) any dividend from a corporation which for the taxable year of the corporation in which the distribution is made, or the preceding taxable year, is a corporation exempt from tax under section 501 or 521,

''(II) any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.), and

''(III) any dividend described in section 404(k).

''(iii) MINIMUM HOLDING PERIOD.—Such term shall not include any dividend on any share of stock with respect to which the holding period requirements of section 246(c) are not met.

''(C) QUALIFIED INTEREST INCOME.—For purposes of this paragraph, the term 'qualified interest income' means—

''(i) interest on deposits with a bank (as defined in section 581),

''(ii) amounts (whether or not designated as interest) paid, in respect of deposits, investment certificates, or withdrawable or repurchasable shares, by—

''(I) a mutual savings bank, cooperative bank, domestic building and loan association, industrial loan association or bank, or credit union, or

''(II) any other savings or thrift institution which is chartered and supervised under Federal or State law,

the deposits or accounts in which are insured under Federal or State law or which are protected and guaranteed under State law,

''(iii) interest on—

''(I) evidences of indebtedness (including bonds, debentures, notes, and certificates) issued by a domestic corporation in registered form, and

''(II) to the extent provided in regulations prescribed by the Secretary, other evidences of indebtedness issued by a domestic corporation of a type offered by corporations to the public,

''(iv) interest on obligations of the United States, a State, or a political subdivision of a State (not excluded from gross income of the taxpayer under any other provision of law), and

''(v) interest attributable to participation shares in a trust established and maintained by a corporation established pursuant to Federal law.

''(D) SPECIAL RULES.—

''(i) AMOUNTS TAKEN INTO ACCOUNT AS INVESTMENT INCOME.—Qualified dividend income and qualified interest income shall not include any amount which the taxpayer takes into account as investment income under section 163(d)(4)(B).

''(ii) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, subparagraph (A) shall apply only—

''(I) in determining the tax imposed for the taxable year pursuant to section 871(b) and only in respect of amounts which are effectively connected with the conduct of a trade or business within the United States, and

''(II) in determining the tax imposed for the taxable year pursuant to section 877.

''(iii) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES AND REAL ESTATE INVESTMENT TRUSTS.—

''For treatment of dividends from regulated investment companies and real estate investment trusts, see sections 854 and 857.''

(b) EXCLUSION OF DIVIDENDS AND INTEREST FROM INVESTMENT INCOME.—Subparagraph (B) of section 163(d)(4) of the Internal Revenue Code of 1986 (defining net investment income) is amended by adding at the end the following flush sentence:

''Such term shall include qualified dividend income (as defined in section 1(h)(13)(B)) or qualified interest income (as defined in section 1(h)(13)(C)) only to the extent the taxpayer elects to treat such income as investment income for purposes of this subsection.''

(c) TREATMENT OF DIVIDENDS FROM REGULATED INVESTMENT COMPANIES.—

(1) Subsection (a) of section 854 of the Internal Revenue Code of 1986 (relating to dividends received from regulated investment companies) is amended by inserting ''section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and'' after ''For purposes of''.

(2) Paragraph (1) of section 854(b) of such Code (relating to other dividends) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

''(B) MAXIMUM RATE UNDER SECTION 1(h).—

''(i) IN GENERAL.—If the sum of the aggregate dividends received, and the aggregate

interest described in section 1(h)(13)(C) received, by a regulated investment company during any taxable year is less than 95 percent of its gross income, then, in computing the maximum rate under section 1(h)(13), rules similar to the rules of subparagraph (A) shall apply.

''(ii) GROSS INCOME.—For purposes of clause (i), in the case of 1 or more sales or other dispositions of stock or securities, the term 'gross income' includes only the excess of—

''(I) the net short-term capital gain from such sales or dispositions, over

''(II) the net long-term capital loss from such sales or dispositions.''

(3) Subparagraph (C) of section 854(b)(1) of such Code, as redesignated by paragraph (2), is amended by striking ''subparagraph (A)'' and inserting ''subparagraph (A) or (B)''.

(4) Paragraph (2) of section 854(b) of such Code is amended by inserting ''the maximum rate under section 1(h)(13) and'' after ''for purposes of''.

(d) TREATMENT OF DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—Section 857(c) of the Internal Revenue Code of 1986 (relating to restrictions applicable to dividends received from real estate investment trusts) is amended to read as follows:

''(c) RESTRICTIONS APPLICABLE TO DIVIDENDS RECEIVED FROM REAL ESTATE INVESTMENT TRUSTS.—

''(1) IN GENERAL.—For purposes of section 1(h)(13) (relating to maximum rate of tax on dividends and interest) and section 243 (relating to deductions received by corporations), a dividend received from a real estate investment trust which meets the requirements of this part shall not be considered a dividend.

''(2) TREATMENT AS INTEREST.—

''(A) IN GENERAL.—For purposes of section 1(h)(13), in the case of a dividend (other than a capital gain dividend, as defined in subsection (b)(3)(C)) received from a real estate investment trust which meets the requirements of this part for the taxable year in which it paid—

''(i) such dividend shall be treated as interest if the aggregate interest received by the real estate investment trust for the taxable year equals or exceeds 75 percent of its gross income, or

''(ii) if clause (i) does not apply, the portion of such dividend which bears the same ratio to the amount of such dividend as the aggregate interest received bears to gross income shall be treated as interest.

''(B) ADJUSTMENTS TO GROSS INCOME AND AGGREGATE INTEREST RECEIVED.—For purposes of subparagraph (B)—

''(i) gross income does not include the net capital gain,

''(ii) gross income and aggregate interest received shall each be reduced by so much of the deduction allowable by section 163 for the taxable year (other than for interest on mortgages on real property owned by the real estate investment trust) as does not exceed aggregate interest received by the taxable year, and

''(iii) gross income shall be reduced by the sum of the taxes imposed by paragraphs (4), (5), and (6) of section 857(b).

''(C) AGGREGATE INTEREST RECEIVED.—For purposes of this subsection, aggregate interest received shall be computed by taking into account only interest which is described in section 1(13)(C).

''(D) NOTICE TO SHAREHOLDERS.—The amount of any distribution by a real estate investment trust which may be taken into account as interest for purposes of section 1(h)(13) shall not exceed the amount so designated by the trust in a written notice to its shareholders mailed not later than 45 days after the close of its taxable year.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

By Mr. GRASSLEY (for himself, Mr. JOHNSON, Mr. ENZI, and Mr. HARKIN):

S. 27 A bill to amend the Packers and Stockyards Act, 1921, to make it unlawful for packet to own, feed, or control livestock intended for slaughter; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. GRASSLEY. Mr. President, the goal of the farm bill was to improve the economic condition of America's farmers over the next few years. However one of the many shortcomings of the new law is that it fails to protect family farmers and independent livestock producers from vertical integration in the livestock industry.

In recent years, family farmers from across Iowa have contacted me to express their fears about the threat they fell from concentration in the livestock industry. They fear that if the trend toward increased concentration continues, they may be unable to compete effectively and will not be able to get a fair price for their livestock in the marketplace.

The bill I am introducing would prevent meat packers from assuming complete control of the meat supply by preventing packers from owning livestock.

This bill would make it unlawful for a packer to own or feed livestock intended for slaughter. Single pack entities and packs too small to participate in the Mandatory Price Reporting program would be excluded from the limitation. In addition, farmer cooperatives in which the members own, feed, or control the livestock themselves would be exempt under this new bill.

We have tightened down the limitations in this new version of the packer ban. The last version provided an exemption to plants that killed less than 2 percent of the Nation's livestock, per commodity. That meant plants that killed less than 1.9 million pigs or approximately 725,000 cattle were excluded under the old version. We have changed the standard to be consistent with the Mandatory Price Reporting law and other legislation I've introduced. That means the new limit will be 125,000 for cattle and 100,000 for swine.

It's also important to realize that this is not the original version I cosponsored with Senator JOHNSON. Instead, this is the version I successfully offered on the floor during the debate on the farm bill that removed the word ''control'' so that the packers couldn't attack us with a red-herring argument.

It's important for our colleagues to remember that family farmers ultimately derive their income from the agricultural marketplace, not the farm bill. Family farmers have unfortunately been in a position of weakness in selling their product to large processors and in buying their inputs from large suppliers.

Today, the position of the family has become weaker as consolidation in agribusiness has reached all time highs. Farmers have fewer buyers and suppliers than ever before. The result is an increasing loss of family farms and the smallest farm share of the consumer dollar in history.

One hundred years ago, this Nation reacted appropriately to citizen concerns about large, powerful companies by establishing rules constraining such businesses when they achieved a level of market power that harmed, or risked harming, the public interest, trade and commerce. The United State Congress enacted the first competition laws in the world to make commerce more free and fair. These competition laws include the Sherman Act, Clayton Act, Federal Trade Commission Act and Packers & Stockyards Act.

Since that time, many countries in the world have followed this U.S. example to constrain undue market power in their domestic economies.

Unfortunately, competition policy has been severely weakened in this country, especially in agriculture, due to Federal case law, underfunded enforcement, and unfounded reliance on efficiency claims. The result has been a significant degradation of the domestic agricultural market infrastructure. The current situation reflects a tremendous mis-allocation of resources across the food chain. Congress must strengthen competition policy within the farm sector to reclaim a properly operating marketplace.

While this legislation does not accomplish all that we need to do in this area, it's an important first step toward remedying the biggest problem facing farmers today, the problem of concentration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no object, the bill was ordered to be printed in the RECORD, as follows:

S. 27

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

SECTION 1. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

''(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent

that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

''(1) an arrangement entered into within 7 days (excluding any Saturday or Sunday) before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

''(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

''(A) own, feed, or control livestock; and

''(B) provide the livestock to the cooperative for slaughter;

''(3) a packer that is not required to report to the Secretary on each reporting day (as defined in section 212 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635a)) information on the price and quantity of livestock purchased by the packer; or

''(4) a packer that owns 1 livestock processing plant; or''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 30. A bill to redesignate the Colonnade Center in Denver, Colorado, as the ''Cesar E. Chavez Memorial Building''; to the Committee on Environment and Public Works.

Mr. CAMPBELL. Mr. President, today I am introducing legislation to name the Federal building located at 1244 Speer Boulevard, Denver CO, as the ''Cesar E. Chavez Memorial Building.''

Cesar E. Chavez was an ordinary American who left behind an extraordinary legacy of commitment and accomplishment.

Born on March 31, 1927 in Yuma, AZ on a farm his grandfather homesteaded in the 1880's, he began his life as a migrant farm worker at the age of 10 when the family lost the farm during the Great Depression. Those were desperate years for the Chavez family as they joined the thousands of displaced people who were forced to migrate throughout the country to labor in the fields and vineyards.

Motivated by the poverty and harsh working conditions, he began to follow his dream of establishing an organization dedicated to helping these farm workers. In 1962 he founded the National Farm Workers Association which would eventually evolve into the United Farm Workers of America.

Over the next three decades with an unwavering commitment to democratic principals and a philosophy of non-violence he struggled to secure a living wage, health benefits and safe working conditions for arguably the most exploited work force in our country, that they might enjoy the basic protections and worker's right to which all Americans aspire.

In 1945, at the age of 18 Cesar Chavez joined the U.S. Navy and served his country for two years. He was the recipient of the Martin Luther King Jr. Peace Prize as well as the Presidential Medal of Freedom, the highest award this country can bestow upon a civilian.

Chavez's efforts brought dignity and respect to this country's farm workers and in doing so became a hero, role model and inspiration to people engaged in human rights struggles throughout the world.

The naming of this building will keep alive the memory of his sacrifice and commitment for the millions of people whose lives he touched.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 30

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

SECTION 1. DESIGNATION OF CESAR E. CHAVEZ MEMORIAL BUILDING.

The building known as the ''Colonnade Center'', located at 1244 Speer Boulevard in Denver, Colorado, shall be known and designated as the ''Cesar E. Chavez Memorial Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the Cesar E. Chavez Memorial Building.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. KOHL):

S. 36. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule, to provide incentives necessary to attract educators and clinical practitioners to underserved areas, and to revise the area wage adjustment applicable under the prospective payment system for skilled nursing facilities; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleagues from Maine to introduce legislation to restore fairness to the Medicare program. This package of legislation will reduce regional inequalities in Medicare spending and support providers of high-quality, low-cost Medicare services.

The high cost of health care in Wisconsin is skyrocketing: A survey issued a few days ago found that the cost of health care benefits for employees in this State rose 14.8 percent this year, to an average of $6,940 per employee. That's 20 percent high than the national average of $5,758 for workers in businesses with 500 or more employees.

These costs are hitting our State hard, they are burdening businesses and employees, hurting health care providers, and preventing seniors from getting full access to the care that they deserve.

One of the major contributing factors to the high cost in our state is the inherent unfairness of the Medicare Program.

With the guidance and support of people across our State who are fighting for Medicare fairness. I have proposed this legislation to address Medicare's discrimination against Wisconsin's seniors, employers and health care providers. The Medicare program should encourage the kind of high-quality, cost-effective Medicare services that we have in Wisconsin. But as many in Wisconsin know, that's not the case.

To give an idea of how inequitable the distribution of Medicare dollars is, imagine identical twins over the age of 65. Both twins worked at the same company all their lives, at the same salary, and paid the same amount to the Federal Government in payroll taxes, the tax that goes into the Medicare Trust Fund.

But if one twin retired to New Orleans, Louisiana, and the other retired to Eau Claire, Wisconsin, they would have vastly different health options under the Medicare system. The twin in Louisiana would get much more.

For example, in most parts of Louisiana, the first twin would have more options under Medicare. The high Medicare payments in those areas allow Medicare beneficiaries to choose between an HMO or traditional fee-for-service plan, and, because area health care providers are reimbursed at such a high rate, those providers can afford to offer seniors a broad range of health care services. The twin in Eau Claire does not have the same access to care, there are no options to choose from in terms of Medicare HMOs, and sometimes fewer health care agencies that can afford to provide care under the traditional fee-for-service plan.

How can two people with identical backgrounds, who paid the same amount in payroll taxes, have such different options under Medicare? They can because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and much of the Upper Midwest. Wisconsinites pay payroll taxes just like every American taxpayer, but the Medicare funds

we get in return are lower than those received in many other states.

My legislation will take us a step in the right direction by reducing the inequities in Medicare payments to Wisconsin's hospitals, physicians, and skilled nursing facilities.

Last year, with the introduction my Medicare fairness legislation along with the efforts of many other Senators, we put Medicare fairness issues front and center in Congress. The Senate Budget Committee approved my amendment to promote Medicare fairness in any Medicare reform package. A wide range of Senators from both parties endorsed my proposal to create a Medicare fairness coalition. The House passed a number of Medicare fairness provisions that were a result of these successes, and both House and Senate leadership endorsed Medicare fairness issues. Now that we have finally brought these issues the attention that they deserve, we need to build on that momentum to pass Medicare fairness provisions into law.

My legislation demands Medicare fairness for Wisconsin and other affected States, plain and simple. Medicare shouldn't penalize high-quality providers of Medicare services, most of all. Medicare should stop penalizing seniors who depend on the program for their health care. They have worked had and paid into the program all their lives, and in return they deserve full access to the wide range of benefits that Medicare has to offer.

I look forward to working with my colleagues to move this legislation forward. I believe that we can re-balance the budget, while at the same time encouraging efficient, quality enhancing services, and that's what my legislation sets out to do.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 37. A bill to amend title II of the Social Security Act to permit Kentucky to operate a separate retirement system for certain public employees; to the Committee on Finance.

Mr. MCCONNELL. Mr. President, I rise today to introduce legislation to add Kentucky to the list of States that are permitted to offer ''divided retirement'' plans under the Social Security Act.

Last year, I was contacted by Brian James, President of the Louisville Fraternal Order of Police, FOP, and Tony Cobaugh, President of the Jefferson County FOP. These two law enforcement leaders called my attention to a problem that could jeopardize the retirement security of many of our community's police, fire, and emergency personnel.

In November of 2000, the citizens of Jefferson County and the City of Louisville, Kentucky voted to merge their communities and respective governments into a single entity, which will be known as Greater Louisville. As one might expect, combining two large metropolitan governments in such a short time frame cannot be done without encountering a few difficulties along the way. Jefferson County and the City of Louisville currently operate two very different retirement programs for their police officers. When these two governments merge today, current federal law will require the new government to offer a single retirement plan that could dramatically increase the cost of retirement for both our dedicated public safety officers and the new Greater Louisville government.

Thankfully, when the FOP's leaders called this problem to my attention, they also suggested a simple solution, let the police officers and firefighters choose for themselves the retirement system which best meets their needs.

I rise today to offer legislation that will provide retirement stability to our public safety officers by allowing Kentucky to operate what is known as a ''divided retirement system.''

With passage of my legislation and legislation already passed by the Kentucky General Assembly, Louisville's and Jefferson County's police officers would decide whether or not they want to participate in Social Security or remain in their traditional retirement plan. While future employees will be automatically enrolled in Social Security, no current officers would be forced into a new retirement system as a result of the merger without their approval.

Current Federal law allows twenty-one States the option of offering divided retirement systems. Unfortunately, Kentucky is not one of these twenty-one states. The legislation I am offering today would change that by adding Kentucky to list of states designated in the Social Security Act.

The language I introduce today was included in legislation, H.R. 4070, that passed both the House and the Senate in the 107th Congress. Unfortunately, there were differences in the House and Senate versions of H.R. 4070, unrelated to the Louisville language, that were resolved only shortly prior to the adjournment of the 107th Congress. Unfortunately, the 107th Congress adjourned *sine die* before this compromise version of H.R. 4070 could be considered by both bodies of Congress.

It is critical that the Senate provide this retirement stability to the brave men and women who protect the citizens of Louisville and Jefferson County everyday. There is extensive precedent for granting Kentucky this authority, and my legislation enjoys the broad, bipartisan support of policemen, firefighters, local and state officials, and the Social Security Administration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 37

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

SECTION 1. COVERAGE UNDER DIVIDED RETIREMENT SYSTEM FOR PUBLIC EMPLOYEES IN KENTUCKY.

(a) IN GENERAL.—Section 218(d)(6)(C) of the Social Security Act (42 U.S.C. 418(d)(6)(C)) is amended by inserting ''Kentucky,'' after ''Illinois,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on January 1, 2003.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 39. A bill to promote the development of health care cooperatives that will help businesses to pool the health care purchasing power of employers, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine to introduce legislation to help businesses form group-purchasing cooperatives to obtain enhanced benefits, to reduce health care rates, and to improve quality for their employees' health care.

High health care costs are burdening businesses and employees across the Nation. These costs are digging into profits and preventing access to affordable health care. Too many patients feel trapped by the system, with decisions about their health dictated by costs rather than by what they need.

The cost of health care in Wisconsin is skyrocketing: A recent survey found that the cost of health benefits for employees in Wisconsin rose 14.8 percent this year, to an average of $6,940 per employee. That's 20 percent higher than the national average of $5,758 for workers in businesses with 500 or more employees.

We must curb these rapidly-increasing health care premiums. I strongly support initiatives to ensure that everyone has access to health care. It is crucial that we support successful local initiatives to reduce health care premiums and to improve the quality of employees' health care.

By using group purchasing to obtain rate discounts, some employers have been able to reduce the cost of health care premiums for their employees. According to the National Business Coalition on Health, there are more than 90 employer-led coalitions across the United States that collectively purchase health care. Through these pools, businesses are able to proactively challenge high costs and inefficient delivery of health care and share information on quality. These coalitions represent over 7,000 employers and approximately 34 million employees Nationwide.

Improving the quality of health care will also lower the cost of care. By investing in the delivery of quality

health care, we will be able to lower long term health care costs. Effective care, such as quality preventive services, can reduce overall health care expenditures. Health purchasing coalitions help promote these services and act as an employer forum for networking and education on health care cost containment strategies. They can help foster a dialogue with health care providers, insurers, and local HMOs.

Health care markets are local. Problems with cost, quality, and access to health care are felt most intensely in the local markets. Health care coalitions can function best when they are formed and implemented locally. Local employers of large and small businesses have formed health care coalitions to track health care trends, create a demand for quality and safety, and encourage group purchasing.

In Wisconsin, there have been various successful initiatives that have formed health care purchasing cooperatives to improve quality of care and to reduce cost. For example, the Employer Health Care Alliance Cooperative, an employer-owned and employer-directed not-for-profit cooperative, has developed a network of health care providers in Dane County and 12 surrounding counties on behalf of its 170 member employers. Through this pooling effort, employers are able to obtain affordable, high-quality health care for their 110,000 employees and dependents.

This legislation seeks to build on successful local initiatives, such as the Alliance, that help businesses to join together to increase access to affordable and high-quality health care.

The Promoting Health Care Purchasing Cooperatives Act would authorize grants to a group of businesses so that they could form group-purchasing cooperatives to obtain enhanced benefits, reduce health care rates, and improve quality.

This legislation offers two separate grant programs to help different types of businesses pool their resources and bargaining power. Both programs would aid businesses to form cooperatives. The first program would help large businesses that sponsor their own health plans, while the second program would help small businesses that purchase their health insurance.

My bill would enable larger businesses to form cost-effective cooperatives that could offer quality health care through several ways. First, they could obtain health services through pooled purchasing from physicians, hospitals, home health agencies, and others. By pooling their experience and interests, employers involved in a coalition could better attack the essential issues, such as rising health insurance rates and the lack of comparable health care quality data. They would be able to share information regarding the quality of these services and to partner with these health care providers to meet the needs of their employees.

For smaller businesses that purchase their health insurance, the formation of cooperatives would allow them to buy health insurance at lower prices through pooled purchasing.

Also, the communication within these cooperatives would provide employees of small businesses with better information about the health care options that are available to them. Finally, coalitions would serve to promote quality improvements by facilitating partnerships between their group and the health care providers.

By working together, the group could develop better quality insurance plans and negotiate better rates.

Past health purchasing pool initiatives have focused only on cost and have tried to be all things for all people. My legislation creates an incentive to join the pools by giving grants to a group of similar businesses to form group-purchasing cooperatives. The pool are also given flexibility to find innovative ways to lower costs, such as enhancing benefits, for example, more preventive care, and improving quality. Finally, the cooperative structure is a proven model, which creates an incentive for businesses to remain in the pool because they will be invested in the organization.

We must reform health care in America and give employers and employees more options. This legislation, by providing for the formation of cost-effective coalitions that will also improve the quality of care, contributes to this essential reform process. I urge my colleagues to join me in cosponsoring this proposal to improve the quality and costs of health care.

By Mr. FEINGOLD (for himself and Mr. JEFFORDS):

S. 40. A bill to prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I am pleased to re-introduce the Quality Cheese Act of 2003. This legislation will protect the consumer, save taxpayer dollars and provide support to America's dairy farmers, who have taken a beating in the marketplace in recent years.

When Wisconsin consumers have the choice, they will choose natural Wisconsin cheese. But the Food and Drug Administration, FDA, and the U.S. Department of Agriculture, USDA, may change current law, and consumers won't know whether cheese is really all natural or not.

If the Federal Government creates a loophole for imitation cheese ingredients to be used in U.S. cheese vats, some cheese labels saying ''domestic'' and ''natural'' will no longer be truly accurate.

If USDA and FDA allow a change in Federal rules, imitation milk proteins known as milk protein concentrate, casein, or dry ultra filtered milk could be used to make cheese in place of the wholesome natural milk produced by cows in Wisconsin or other parts of the U.S.

I am deeply concerned by recent efforts to change America's natural cheese standard. This effort to allow milk protein concentrate and casein into natural cheese products flies in the face of logic and could create a loophole that could allow unlimited amounts of substandard imported milk proteins to enter U.S. cheese vats.

My legislation would close this loophole and ensure that consumers could be confident that they were buying natural cheese when they saw the natural label.

Over the past decade, cheese consumption has risen at a strong pace due in part to promotional and marketing efforts and investments by dairy farmers across the country. Year after year, per capita cheese consumption has risen at a steady rate.

Recent proposals to change to our natural cheese standards, however, could decrease consumption of natural cheese. These declines could result from concerns about the origin of casein and milk protein concentrate.

The addition of this kind of milk could significantly tarnish the wholesome reputation of natural cheese in the eyes of the consumer.

This change could seriously compromise decades of work by America's dairy farmers to build up domestic cheese consumption levels. It is simply not fair to America's farmers!

Consumers have a right to know if the cheese that they buy is unnatural. And by allowing milk protein concentrate milk into cheese, we are denying consumers the entire picture.

This legislation will require that labels paint the entire picture for the consumer, and allow them enough information to select cheese made from truly natural ingredients.

Allowing MPCs or dry ultra-filtered milk into natural cheeses would also harm dairy producers throughout the United States. Some estimate that the annual effect of the change on the dairy farm sector of the economy could be more than $100 million.

The proposed change to our natural cheese standard would also harm the American taxpayer. If we allow MPCs to be used in cheese, we will effectively permit unrestricted importation of these ingredients into the United States. Because there are no tariffs and quotas on these ingredients, these heavily-subsidized products would displace natural domestic dairy ingredients.

These unnatural domestic dairy products would enter our domestic cheese market and might further depress

dairy prices paid to American dairy producers. Low dairy prices result in increased costs to the dairy price support program. So, at the same time that U.S. dairy farmers would receive lower prices, the U.S. taxpayer would pay more for the dairy price support program.

This change does not benefit the dairy farmer, consumer or taxpayer. Who then is it good for?

It would benefit only unscrupulous foreign MPC producers out to make a fast buck at the expense of Americans.

This legislation addresses the concerns of farmers, consumers and taxpayers by prohibiting dry ultra-filtered milk from being included in America's natural cheese standard.

Congress must shut the door on any backdoor efforts to stack the deck against America's dairy farmers. And we must pass my legislation that prevents a loophole that would allow changes that hurt the consumer, taxpayer, and dairy farmer.

By Mr. LIEBERMAN (for himself and Mr. DASCHLE)

S. 41. A bill to strike certain provisions of the Homeland Security Act of 2002 (Public Law 107–296), and for other purposes; to the Committee on Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce a bill on behalf of myself and Senator DASCHLE to remedy some problems in landmark legislation passed at the end of the last Congress, and signed into law by President Bush, to establish a Department of Homeland Security. The legislation we are offering today would strike seven extraneous special interest provisions inserted into the Homeland Security Act by Republican leadership in the bill's waning hours, provisions that are contrary to the bipartisan spirit in which the Homeland Security Act was conceived.

Since the days following September 11, 2001, when terrorists viciously took the lives of 3,000 of our friends, family and fellow Americans, I have advocated establishing a Department of Homeland Security to beat the terrorist threat. Senator ARLEN SPECTER, and I initially proposed creating a new department in October 2001. Our measure was not just bipartisan. It was in fact intended to be nonpartisan.

Unfortunately, some partisan battles did ensue, primarily regarding longstanding civil service protections for homeland security workers, and I remain very concerned about the potential impact of these provisions. Nevertheless, the final bill was, for the most part, a critical, well-constructed piece of legislation that incorporated the majority of the provisions approved by the Governmental Affairs Committee, and which an overwhelming majority of the Senate embraced.

In some very specific ways, however, the bill was flawed. In the final stages of passing the bill, the Republican leadership hastily inserted several special interest provisions that had no place in this measure. Most of these provisions had never been in any version of the legislation before the Senate before they were presented in a take-it-or-leave-it package by Republicans, and several had not been considered by either chamber. The method and spirit in which these provisions found their way into what should have been a consensus piece of legislation was utterly objectionable and Senator DASCHLE and I made an effort to remove them at the time. That effort narrowly failed, but not before news of these special interest provisions had created great consternation for Democrats and the public, and even for some Republicans. Indeed, according to numerous published reports, the Republican leadership was able to muster the votes to preserve the provisions only after promising to revisit at least some of the most egregious additions during this session of Congress.

I believe that the seven extraneous provisions my legislation targets hurt the Homeland Security Act as it was finally passed by the Congress and signed by the President. And I believe that, by attaching these measures to what could have and should have been a common cause, the Republican leadership all but admitted that the provisions cannot withstand independent scrutiny. Following are the provisions my bill would strike.

First, perhaps the most egregious add-on to the Homeland Security Act was a provision that dramatically alters the way certain vaccine preservatives are treated for liability purposes under the law. To quickly summarize this very complicated issue, children who are hurt by childhood vaccines generally may not go directly to court to hold vaccine manufacturers liable. Instead, they have to go first to what's called the Federal Vaccine Injury Compensation Program, which offers compensation for some of these claims. Parents argued, however, that the bar on lawsuits didn't use to apply to claims regarding faulty vaccine additives.

These seemingly arcane legal distinctions were particularly important to a large number of parents of autistic children who have attributed their children's autism to thimerosal, a mercury-based preservative that used to be in some childhood vaccines. These parents sued the manufacturers of both vaccines and thimerosal, and they had many lawsuits pending in the courts as of last Fall.

If you are wondering what any of this has to do with Homeland Security, you are doing exactly what we all did last November when in the waning days of debate on the Homeland Security bill, a provision addressing this issue appeared for the very first time in any version of the bill. That provision fundamentally altered the way vaccine additive claims would be treated from then on. With the swoop of a pen, the pending additive lawsuits against both vaccine and additive manufacturers were thrown out of court and, the provision's supporters alleged, sent into the compensation fund.

As I said last Fall, I don't know whether there is any relationship between thimerosal and autism. I also don't know whether these cases really should be resolved in court or through the compensation fund. But I do know that figuring out where and how to resolve these claims is a very contentious, complex and challenging task, and is just one part of addressing broader problems with the vaccine compensation system. For example, the vaccine compensation fund's viability may be affected by the addition of claims regarding these additives. I also know that it is an issue that the committees of jurisdiction had been struggling with for a long time and that they should have been left to resolve. And I certainly know that a last second addition to the Homeland Security Act was absolutely the wrong way to deal with this issue and the wrong bill to use to take so many injured parents' and children's legal rights away. Indeed, we know that even more now, as it has become clear that while the provision closed the courthouse door to autistic children, it apparently didn't open the compensation fund window as its supporters said it would—because it didn't make the changes to either the fund's statute of limitations or to governing tax code provisions that would be necessary to obtain access to the fund for these cases.

The bottom line is that this was a wrong and poorly conceived provision to put in the Homeland Security bill—something I thought even the Republican leadership acknowledged when they were forced to make promises to get rid of this provision in order to save their bill. We should scrap it now, and let the committee of jurisdiction undertake a careful review and, I hope, get it right this time.

My legislation would also strike from the Act a measure that requires the Transportation Security Oversight Board to ratify within 90 days emergency security regulations issued by the Transportation Security Agency. If the oversight board does not ratify the regulations, they would automatically lapse. Despite the TSA having decided that they are necessary, 90 days later, lacking the board's approval, they'd disappear.

This doesn't make any sense. In the current climate, shouldn't we be trying to find new ways to expedite and implement TSA rules, not always to disrupt and derail them? This provision is contrary to new procedures that the Senate passed in 2001 in the aviation security bill. Under that law, regulations

go into effect and remain in effect unless they are affirmatively disapproved by the Board. I think that's a better system.

Another provision would extend liability protection to companies that provided passenger and baggage screening in airports on September 11.

But we in the Senate decided against extending such liability protection in at least two different contexts. First, the airline bailout bill limited the liability of the airlines, but not of the security screeners, due to ongoing concerns about their role leading up to September 11. Then, the conference report on the Transportation Security bill extended the liability limitations to others who might have been the target of lawsuits, such as aircraft manufacturers and airport operators, but again not to the baggage and passenger screeners.

Like that little mole you hit with the mallet in a whack-a-mole game, somehow this provision reappeared in the Homeland Security Act. We must strike it.

Another unnecessary and overreaching provision I seek to strike gives the Secretary of the new department broad authority to designate certain technologies as so-called ''qualified antiterrorism technologies.'' His granting of this designation, which appears to be unilateral, and probably not subject to review by anyone, would entitle companies selling that technology to broad liability protection from any claim arising out of, relating to, or resulting from an act of terrorism, no matter how negligently, or even wantonly and willfully, the company acted.

This provision seems to say that in many cases, the plaintiff can't recover anything from the seller unless an injured plaintiff can prove that the seller of the product that injured him or her acted fraudulently or with willful misconduct in submitting information to the Secretary when the Secretary was deciding whether to certify the product.

Even in cases where a seller isn't entitled to the benefit of that protection, the company still isn't fully, or in many cases even partially, responsible for its actions, even if it knew there was something terribly wrong with its product. Perhaps worst of all, this measure caps the seller's liability at the limits of its insurance policy. In other words, if injured people were lucky enough to get through the first hurdle and even hold a faulty seller liable, they still could go completely uncompensated even if a liable seller has more than enough money to compensate them.

The Homeland Security Act unwisely and unnecessarily allows the Secretary to exempt the new department's advisory committees from the open meetings requirements and other requirements of the Federal Advisory Committee Act, FACA.

Agencies throughout government make use of advisory committees that function under these open meetings requirements. Existing law is careful to protect discussions and documents that involve sensitive information, in fact, the FACA law currently applies successfully to the Department of Defense, the Department of Justice, the State Department, even the secretive National Security Agency.

So why should the Department of Homeland Security be allowed to exempt its advisory committees from its requirements? Why should its advisory committees be allowed to meet in total secret with no public knowledge?

We all say that we're for ''good government,'' for openness, integrity, and accountability. But as it now stands, few of us will be able to say with confidence that the new department's advisory committees are designed to be as independent, balanced, and transparent as possible. I know full well that the Homeland Security Department will deal with sensitive information involving life and death, but so does the National Security Agency. So does the FBI. So does the Department of Defense. Their advisory committees aren't allowed to hide themselves away from the public.

Finally, our legislation would alter a provision in the Act creating a university-based homeland security research center. Now, I have nothing against creating a university research center focused on homeland security.

But there's a problem with this particular provision as it is written. The research center that it would create is described so narrowly, through 15 specific criteria, that it appears Texas A&M University has the inside track, to say the least, to get the funding and house the center.

Science in this country has thrived over the years because, by and large, Congress has refused to intervene in science decisions. Science has thrived through peer review and competition over the best proposals—which are fundamentals of federal science policy. We are violating them here. This is nothing short of ''science pork.''

When it comes to making these research funding decisions, we need a playing field that's truly level, not one that only looks level when you tilt your head.

Our legislation keeps the university-based science center program. However, it removes the highly-specific criteria that appear to direct it to a particular university. That's the way we'll get the best science, not by making Congressional allocations to particular institutions.

I'm extremely pleased we have created a Department of Homeland Security and plan to do everything I can to help ensure its success. But these flaws are real. They are serious. And they are utterly unnecessary. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 41

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

SECTION 1. AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

(a) STRICKEN PROVISIONS.—

(1) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(A) in section 308(b)(2) by striking subparagraph (B) and inserting the following:

''(B) CRITERIA FOR SELECTION.—In selecting colleges or universities as centers for homeland security, the Secretary shall consider demonstrated expertise in interdisciplinary public policy research and communication outreach regarding science, technology, and public policy.'';

(B) in section 311—

(i) by striking subsection (i); and

(ii) redesignating subsection (j) as subsection (i);

(C) in title VIII, by striking subtitle G;

(D) by striking section 871;

(E) by striking section 890;

(F) by striking section 1707; and

(G) by striking sections 1714, 1715, 1716, and 1717.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—The table of contents for the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking the items relating to subtitle G of title VIII, and sections 871, 890, 1707, 1714, 1715, 1716, and 1717.

(b) ADVISORY GROUPS.—Section 232(b) of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking paragraph (2) and inserting the following:

''(2) To establish and maintain advisory groups to assess the law enforcement technology needs of Federal, State, and local law enforcement agencies.''.

(c) WAIVERS RELATING TO CONTRACTS WITH CORPORATE EXPATRIATES.—Section 835 of the Homeland Security Act of 2002 (Public Law 107–296) is amended by striking subsection (d) and inserting the following:

''(d) WAIVERS.—The Secretary shall waive subsection (a) with respect to any specific contract if the Secretary determines that the waiver is required in the interest of homeland security.''.

(d) EFFECTIVE DATE.—The amendments made by this Act shall take effect as though enacted as part of the Homeland Security Act of 2002 (Public Law 107–296).

By Mr. FEINGOLD:

S. 42. A bill to amend the Agricultural Adjustment Act to prohibit the Secretary of Agriculture from basing minimum prices for Class I milk on the distance or transportation costs from any location that is not within a marketing area, except under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. FEINGOLD. Mr. President, I rise today to offer a measure which could serve as a first step towards eliminating the inequities borne by the dairy farmers of Wisconsin and the upper Midwest under the Federal Milk Marketing Order system.

The Federal Milk Marketing Order system, created nearly 60 years ago, establishes minimum prices for milk paid to producers throughout various marketing areas in the U.S. For sixty years, this system has discriminated against producers in the Upper Midwest by awarding a higher price to dairy farmers in proportion to the distance of their farms from Eau Claire, Wisconsin.

My legislation is very simple. It identifies the single most harmful and unjust feature of the current system, and corrects it. Under the current archaic law, the price for fluid milk increases depending on the distance from Eau Claire, Wisconsin, even though most local milk markets do not receive any milk from Wisconsin.

The bill I introduce today would prohibit the Secretary of Agriculture from using distance or transportation costs from any location as the basis for pricing milk, unless significant quantities of milk are actually transported from that location into the recipient market. The Secretary will have to comply with the statutory requirement that supply and demand factors be considered as specified in the Agricultural Marketing Agreement Act when setting milk prices in marketing orders. The fact remains that single-basing-point pricing simply cannot be justified based on supply and demand for milk both in local and national markets.

This bill also requires the Secretary to report to Congress on specifically which criteria are used to set milk prices. Finally, the Secretary will have to certify to Congress that the criteria used by the Department do not in any way attempt to circumvent the prohibition on using distance or transportation cost as basis for pricing milk.

This one change is so crucial to Upper Midwest producers, because the current system has penalized them for many years. The current system provides disparate profits for producers in other parts of the country and creating artificial economic incentives for milk production. As a result, Wisconsin producers have seen national surpluses rise, and milk prices fall. Rather than providing adequate supplies of fluid milk, the prices have led to excess production.

The prices have provided production incentives beyond those needed to ensure a local supply of fluid milk in some regions, leading to an increase in manufactured products in those marketing orders. Those manufactured products directly compete with Wisconsin's processed products, eroding our markets and driving national prices down.

The perverse nature of this system is further illustrated by the fact that since 1995 some regions of the U.S., notably the Central states and the Southwest, are producing so much milk that they are actually shipping fluid milk north to the Upper Midwest. The high fluid milk prices have generated so much excess production, that these markets distant from Eau Claire are now encroaching upon not only our manufactured markets, but also our markets for fluid milk, further eroding prices in Wisconsin.

The market-distorting effects of the fluid price differentials in Federal orders are manifest in the Congressional Budget Office estimate that eliminating the orders would save $669 million over five years. Government outlays would fall, CBO concludes, because production would fall in response to lower milk prices and there would be fewer government purchases of surplus milk. The regions that would gain and lose in this scenario illustrate the discrimination inherent to the current system. Economic analyses show that farm revenues in a market undisturbed by Federal orders would actually increase in the Upper Midwest and fall in most other milk-producing regions.

While this system has been around since 1937, the practice of basing fluid milk price differentials on the distance from Eau Claire was formalized in the 1960's, when the Upper Midwest arguably was the primary reserve for additional supplies of milk. The idea was to encourage local supplies of fluid milk in areas of the country that did not traditionally produce enough fluid milk to meet their own needs.

That is no longer the case. The Upper Midwest is not the primary source of reserve supplies of milk. Unfortunately, the prices didn't adjust with changing economic conditions, most notably the shift of the dairy industry away from the Upper Midwest and towards the Southwest, and specifically California, which now leads the Nation in milk production.

The result of this antiquated system has been a decline in the Upper Midwest dairy industry, not because it can't produce a product that can compete in the market place, but because the system discriminates against it. Today, Wisconsin loses dairy farmers at a rate of more than 5 per day. The Upper Midwest, with the lowest fluid milk prices, is shrinking as a dairy region despite the dairy-friendly climate of the region. Other regions with higher fluid milk prices are growing rapidly.

In an free market with a level playing field, these shifts in production might be fair. But in a market where the government is setting the prices and providing that artificial advantage to regions outside the Upper Midwest, the current system is unconscionable.

I urge my colleagues to do the right thing and bring reform to this out dated system and work to eliminate the inequities in the current milk marketing order pricing system.

By Mr. FEINGOLD:

S. 43. A bill to allow modified bloc voting by cooperative associations of milk producers in connection with a referendum on Federal Milk Marketing Order reform; to the Committee on Agriculture, Nutrition and Forestry.

Mr. FEINGOLD. Mr. President, I rise to re-introduce a measure that will begin to restore democracy for dairy farmers throughout the Nation.

When dairy farmers across the country voted on a referendum four years ago, perhaps the most significant change in dairy policy in sixty years, they didn't actually get to vote. Instead, their dairy marketing cooperatives cast their votes for them.

This procedure is called ''bloc voting'' and it is used all the time. Basically, a Cooperative's Board of Directors decides that, in the interest of time, bloc voting will be implemented for that particular vote. It may serve the interest of time, but not always in the interest of their producer owner-members.

I do think that bloc voting can be a useful tool in some circumstances, but I have serious concerns about its use in every circumstance. Farmers in Wisconsin and in other states tell me that they do not agree with their Cooperative's view on every vote. Yet, they have no way to preserve their right to make their single vote count.

After speaking to farmers and officials at USDA, I have learned that if a Cooperative bloc votes, individual members simply have no opportunity to voice opinions separately. That seems unfair when you consider what significant issues may be at stake. Coops and their members do not always have identical interests. We shouldn't ask farmers to ignore that fact.

The Democracy for Dairy Producers Act of 2003 is simple and fair. It provides that a cooperative cannot deny any of its members a ballot if one or two or ten or all of the members chose to vote on their own.

This will in no way slow down the process at USDA; implementation of any rule or regulation would proceed on schedule. Also, I do not expect that this would often change the final outcome of any given vote. Coops could still cast votes for their members who do not exercise their right to vote individually. And to the extent that coops represent farmers interest, farmers are likely to vote along with the coops, but whether they join the coops or not, farmers deserve the right to vote according to their own views.

I urge my colleagues to return the democratic process to America's farmers, by supporting the Democracy for Dairy Producers Act.

By Mr. FEINGOLD (for himself and Ms. CANTWELL):

S. 44. A bill to amend the Internal Revenue Code of 1986 to repeal the percentage depletion allowance for certain

hardrock mines, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation to eliminate from the Federal Tax Code percentage depletion allowances for hardrock minerals mined on Federal public lands. I am pleased that the Senator from Washington, Ms. CANTWELL, is joining me as an original cosponsor.

President Clinton proposed the elimination of the percentage depletion allowance on public lands in his FY 2001 budget. President Clinton's FY 2001 budget estimated that, under this legislation, income to the Federal treasury from the elimination of percentage depletion allowances for hardrock mining on public lands would total $487 million over 5 years and $1.20 billion over 10 years. The Joint Committee on Taxation estimated that it would save $410 million over 5 years and $823 million over 10 years. These savings are calculated as the excess amount of Federal revenues above what would be collected if depletion allowances were limited to sunk costs in capital investments. Percentage depletion allowances are contained in the tax code for extracted fuel, minerals, metal and other mined commodities. These allowances have a combined value, according to estimates by the Joint Committee on Taxation, of $4.8 billion.

These percentage depletion allowances were initiated by the Corporation Excise Act of 1909. That's right, these allowances were initiated nearly one hundred years ago. Provisions for a depletion allowance based on the value of the mine were made under a 1912 Treasury Department regulation, but difficulty in applying this accounting principle to mineral production led to the initial codification of the mineral depletion allowance in the Tariff Act of 1913. The Revenue Act of 1926 established percentage depletion much in its present form for oil and gas. The percentage depletion allowance was then extended to metal mines, coal, and other hardrock minerals by the Revenue Act of 1932, and has been adjusted several times since.

Percentage depletion allowances were historically placed in the Tax Code to reduce the effective tax rates in the mineral and extraction industries far below tax rates on other industries, providing incentives to increase investment, exploration and output. Percentage depletion also makes it possible, however, to recover many times the amount of the original investment.

There are two methods of calculating a deduction to allow a firm to recover the costs of its capital investment: cost depletion, and percentage depletion. Cost depletion allows for the recovery of the actual capital investment, the costs of discovering, purchasing, and developing a mineral reserve, over the period during which the reserve produces income. Using cost depletion, a company would deduct a portion of its original capital investment minus any previous deductions, in an amount that is equal to the fraction of the remaining recoverable reserves. Under this method, the total deductions cannot exceed the original capital investment.

Under percentage depletion, however, the deduction for recovery of a company's investment is a fixed percentage of ''gross income,'' namely, sales revenue—from the sale of the mineral. Under this method, total deductions typically exceed, let me be clear on that point, exceed the capital that the company invested.

The rates for percentage depletion are quite significant. Section 613 of the U.S. Code contains depletion allowances for more than 70 metals and minerals, at rates ranging from 10 to 22 percent.

In addition to repealing the percentage depletion allowances for minerals mined on public lands, my bill would also create a new fund, called the Abandoned Mine Reclamation Fund. One fourth of the revenue raised by the bill, or approximately $120 million dollars, would be deposited into an interest bearing fund in the Treasury to be used to clean up abandoned hardrock mines in states that are subject to the 1872 Mining Law. The Mineral Policy Center estimates that there are 557,650 abandoned hardrock mine sites nationwide and the cost of clearing them up will range from $32.7 billion to $71.5 billion.

There are currently no comprehensive Federal or State programs to address the need to clean up old mine sites. Reclaiming these sites requires the enactment of a program with explicit authority to clean up abandoned mine sites and the resources to do it. My legislation is a first step toward providing the needed authority and resources.

In today's budget climate we are faced with the question of who should bear the costs of exploration, development, and production of natural resources: all taxpayers, or the users and producers of the resource? For more than a century, the mining industry has been paying next to nothing for the privilege of extracting minerals from public lands and then abandoning its mines. Now those mines are adding to the nation's environmental and financial burdens. We face serious budget choices this fiscal year, yet these subsidies remain persistent tax expenditures that raise the deficit for all citizens or shift a greater tax burden to other taxpayers to compensate for the special tax breaks provided to the mining industry.

The measure I am introducing is fairly straightforward. It eliminates the percentage depletion allowance for hardrock minerals mined on public lands while continuing to allow companies to recover reasonable cost depletion.

Though at one time, there may have been an appropriate role for a government-driven incentive for enhanced mineral production, there is now sufficient reason to adopt a more reasonable depletion allowance that is consistent with depreciation rates given to other businesses.

The time has come for the Federal Government to get out of the business of subsidizing one business over another. We can no longer afford its costs in dollars or its cost to the health of our citizens. This legislation is one step toward the goal of ending these corporate welfare subsidies.

I ask unanimous consent the text of the legislation be printed in the RECORD.

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

S. 44

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2003''.

SEC. 2. REPEAL OF PERCENTAGE DEPLETION ALLOWANCE FOR CERTAIN HARDROCK MINES.

(a) IN GENERAL.—Section 613(a) of the Internal Revenue Code of 1986 (relating to percentage depletion) is amended by inserting ''(other than hardrock mines located on lands subject to the general mining laws or on land patented under the general mining laws)'' after ''In the case of the mines''.

(b) GENERAL MINING LAWS DEFINED.—Section 613 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''(f) GENERAL MINING LAWS.—For purposes of subsection (a), the term ''general mining laws'' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SEC. 3. ABANDONED MINE RECLAMATION FUND.

(a) IN GENERAL.—Subchapter A of chapter 98 of the Internal Revenue Code of 1986 (relating to establishment of trust funds) is amended by adding at the end the following:

''SEC. 9511. ABANDONED MINE RECLAMATION FUND.

''(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Abandoned Mine Reclamation Trust Fund' (in this section referred to as 'Trust Fund'), consisting of such amounts as may be appropriated or credited to the Trust Fund as provided in this section or section 9602(b).

''(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Trust Fund amounts equivalent to 25 percent of the additional revenues received in the Treasury by reason of the amendments made by section 2 of the Elimination of Double Subsidies for the Hardrock Mining Industry Act of 2003.

''(c) EXPENDITURES FROM TRUST FUND.—

''(1) IN GENERAL.—Amounts in the Trust Fund shall be available, as provided in appropriation Acts, to the Secretary of the Interior for—

''(ii) for which the Secretary of the Interior makes a determination that there is no

continuing reclamation responsibility under State or Federal law, and

''(iii) for which it can be established to the satisfaction of the Secretary of the Interior that such lands or resources do not contain minerals which could economically be extracted through remining of such lands or resources.

''(B) CERTAIN SITES AND AREAS EXCLUDED.—The lands and water resources described in this paragraph shall not include sites and areas which are designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7901 et seq.) or which are listed for remedial action under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

''(3) GENERAL MINING LAWS.—For purposes of paragraph (2), the term 'general mining laws' means those Acts which generally comprise chapters 2, 12A, and 16, and sections 161 and 162 of title 30 of the United States Code.''.

(b) CONFORMING AMENDMENT.—The table of sections for subchapter A of chapter 98 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''Sec. 9511. Abandoned Mine Reclamation Trust Fund.''.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 45. A bill to make changes to the Office for State and Local Government Coordination, Department of Homeland Security; to the Committee on Governmental Affairs.

Mr. FEINGOLD. Mr. President I rise today with my colleague from Maine to introduce legislation to help first responders do what they do so well, protect our communities in an emergency.

The Department of Homeland Security will create a massive shift in the Federal Government. Nobody will feel the impact of this shift more than the brave men and women who work in law enforcement, as firefighters, as rescue workers, as emergency medical service providers, and in capacities as first responders.

We must make sure that these first responders have the resources that they need.

While I commend the Administration for raising the funding dedicated to first responders in the President's budget, I am concerned that new layers of bureaucracy and reorganization could reduce these funding levels, or just as harmful, put up barriers to first responders actually receiving these funds.

The Federal agencies in the proposed Department of Homeland Security must listen to the priorities of our communities. After all, the needs of first responders vary between regions, as well as between rural and urban communities. In Wisconsin, I have heard needs ranging from training to equipment to more emergency personnel in the field, just to name a few.

My legislation would promote effective coordination among Federal agencies under the Department of Homeland Security and ensure that our first responders, our firefighters, law enforcement, rescue, and EMS providers, can help Federal agencies and the new Department of Homeland Security to improve existing programs and future initiatives.

It would first establish a Federal Liaison on Homeland Security in each state and coordinate between the Department of Homeland Security and state and local first responders.

This office would serve not only as an avenue to exchange ideas, but also as a resource to ensure that the funding and programs are effective.

For example, my hope is that the Homeland Security Department will make programs such as the Fire Act a high priority. The Fire Act provides grants directly to fire departments across our nation for training and equipment needs. I recently visited one excellent example of this program in West Allis, Wisconsin, where the Department received a grant in 2001 to implement a wellness and fitness program for their firefighters. I am told that it is one of the first departments in the State to meet the goals of this program, and I commend the department for its efforts.

My legislation would also direct the agencies within the Department of Homeland Security to coordinate and prioritize their activities that support first responders, and at the same time, ensure effective use of taxpayer dollars.

As part of this coordination, the First Responders Support Act establishes a new advisory committee of those in the first responder community to identify and streamline effective programs.

Last year, both the original Senate and House homeland security bills lacked the provisions needed to ensure that the new Department of Homeland Security communicates and coordinates effectively with first responders.

During the Senate Governmental Affairs Committee mark-up of the Homeland Security bill, the Committee added our First Responders Support Act to the legislation. They did so knowing that we would have to reconcile the overlap between our legislation and the language in the Chairman's mark creating an office for state and local government coordination. Our amendment, which was approved by the full Senate, did just that. Unfortunately, our proposal was dropped from the final bill during backroom negotiations.

Because of this omission, I promised to make enacting this legislation one of our top priorities this Congress. That's why we are re-introducing this legislation today.

We must be aggressive in seeking the advice of our first responders, and helping them get the resources that they need to provide effective services. They are on the front lines, and deserve our strong support.

In almost any disaster, the local first responders and health care providers play an indispensable role. If the Department of Homeland Security is to be effective, we need to ensure that the resources are delivered to the front line personnel in an effective and coordinated manner. I urge my colleagues to join me in cosponsoring this proposal and support our first responders.

By Mr. FEINGOLD (for himself, Mr. KOHL, and Mr. WYDEN):

S. 47. A bill to terminate operation of the Extremely Low Frequency Communication System of the Navy; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation that would terminate the operation of the Navy's Extremely Low Frequency communications system, Project ELF, which is located in Clam Lake, WI, and Republic, MI.

I would like to thank the senior Senator from Wisconsin, Mr. KOHL, and the Senator from Oregon, Mr. WYDEN, for cosponsoring this bill.

Project ELF is a Cold War relic that was designed to send short one-way messages to ballistic and attack submarines that are submerged in deep waters. The bill that I am introducing today would terminate operations at Project ELF, while maintaining the infrastructure in Wisconsin and Michigan in the event that a resumption in operations becomes necessary.

Project ELF is ineffective and unnecessary in the post-Cold War era. This antiquated system does not facilitate the rapid mobilization that our military says it needs to respond to current threats from weapons of mass destruction. The horrific attacks of September 11, 2001, emphasized the need for rapid, reliable two-way communications. Since ELF cannot transmit detailed messages, it serves as an expensive ''beeper'' system to tell submarines to come to the surface to receive messages from other sources, and the subs cannot send a return message to ELF in the event of an emergency. It takes ELF four minutes to send a three-letter message to a deeply submerged submarine.

With the end of the Cold War, Project ELF becomes harder and harder to justify. Our submarines no longer need to take that extra precaution against Soviet nuclear forces. They can now surface on a regular basis with less danger of detection or attack. They can also receive more complicated messages through very low frequency, VLF, radio waves or lengthier messages through satellite systems. Taxpayers should not be asked to continue to pay for what amounts to a beeper system that tells our submarines to come to the surface to receive orders from another, more sophisticated source.

Further, continued operation of this facility is opposed by most residents in

my state. The members of the Wisconsin delegation have fought hard for years to close down Project ELF. I have introduced legislation during each Congress since taking office in 1993 to terminate it, and I have recommended it for closure to the Base Realignment and Closure Commission.

Project ELF has had a turbulent history. Since the idea for ELF was first proposed in 1958, the project has been changed or canceled several times. Residents of Wisconsin have opposed ELF since its inception, but for years we were told that the national security considerations of the Cold War outweighed our concerns about this installation in our State. Ironically, this system became fully operational in 1989, the same year the tide of democracy began to sweep across Eastern Europe and the Soviet Union. Now, fourteen years later, the hammer and sickle has fallen and the Russian submarine fleet is in disarray. But Project ELF still remains as a constant, expensive reminder to the people of my State that many at the Department of Defense remain focused on the past.

There also continue to be a number of public health and environmental concerns associated with Project ELF. For almost two decades, we have received inconclusive data on this project's effects on Wisconsin and Michigan residents. In 1984, a U.S. District Court ordered that ELF be shut down because the Navy paid inadequate attention to the system's possible health effects and violated the National Environmental Policy Act. Interestingly, that decision was overturned because U.S. national security, at the time, prevailed over public health and environmental concerns.

Numerous medical studies point to a possible link between exposure to extremely low frequency electromagnetic fields and a variety of human health effects and abnormalities in both animal and plant species.

In 1999, after six years of research, the National Institute of Environmental Health Sciences released a report that did not prove conclusively a link between electromagnetic fields and cancer, but the report did not disprove it, either. Serious questions remain, and many of my constituents are rightly concerned about this issue.

In addition, I have heard from a number of dairy farmers who are convinced that the stray voltage associated with ELF transmitters has demonstrably reduced milk production. As we continue our efforts to return to a sustainable balanced federal budget, and as the Department of Defense continues to struggle to address readiness and other concerns, it is clear that outdated programs such as Project ELF should be closed down.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 47

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

SECTION 1. TERMINATION OF OPERATION OF EXTREMELY LOW FREQUENCY COMMUNICATION SYSTEM.

(a) TERMINATION REQUIRED.—The Secretary of the Navy shall terminate the operation of the Extremely Low Frequency Communication System of the Navy.

(b) MAINTENANCE OF INFRASTRUCTURE.—The Secretary shall maintain the infrastructure necessary for resuming operation of the Extremely Low Frequency Communication System.

By Mr. FEINGOLD:

S. 48. A bill to repeal the provisions of law that provides automatic pay adjustments for Members of Congress; to the Committee on Governmental Affairs.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation that would put an end to automatic cost-of-living adjustments for Congressional pay.

As my Colleagues are aware, it is an unusual thing to have the power to raise our own pay. Few people have that ability. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the record.

Regrettably, current law permits Members to avoid such an open procedure. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. Unless Congress affirmatively acts, the annual pay raise takes effect.

This stealth pay raise technique began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that Act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

On occasion, Congress has voted to deny itself the raise. Traditionally, this has been done on the Treasury-Postal appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. In one instance, the Treasury-Postal bill was slipped into the conference report on the Legislative Branch appropriations bill, and thus completely shielded from amendment. And during 2002, the Senate did not consider the Treasury-Postal bill at all.

This makes getting a vote on the annual congressional pay raise a haphazard affair at best. And it should not be that way. No one should have to force a debate and public vote on the pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

The question of how and whether Members of Congress can raise their own pay was one that our Founders considered from the beginning of our Nation. In August of 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. Almost 214 years ago, on September 9, 1789, the Senate passed that amendment. In late September of 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th Amendment to the Constitution now states: 'No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened.''

I try to honor that limitation in my own practices. In my own case, throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or a pay raise we vote for ourselves. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th Amendment. The stealth pay raises like the one that Congress allowed last year, at a minimum, certainly violate the spirit of that amendment.

This practice must end. To address it, I am reintroducing this bill to end the automatic cost-of-living adjustment for Congressional pay. Senators and Congressmen should have to vote up-or-down to raise Congressional pay. My bill would simply require us to vote in the open. We owe our constituents no less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 48

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

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking ''(a)(1)'' and inserting ''(a)'';

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking ''as adjusted by paragraph (2) of this subsection'' and inserting ''adjusted as provided by law''.

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2005.

By Mr. FEINGOLD:

S. 49. A bill to reduce the deficit of the United States; to the Committee on Energy and Natural Resources.

Mr. FEINGOLD. Mr. President, today I am introducing a measure aimed at curbing wasteful spending. In the face of our return to Federal deficits, we must prioritize and eliminate programs that can no longer be sustained with limited Federal dollars, or where a more cost-effective means of fulfilling those functions can be substituted. The measure that I introduce today eliminates or modifies three Federal programs: it establishes a means test for large agribusinesses receiving subsidized water from the Bureau of Reclamation, it terminates the Uniformed Services University of the Health Sciences, USUHS, a medical school run by the Department of Defense, and it ends the future production of submarine launched D5 missiles, commonly known as the Trident II missiles. Eliminating or reforming these three programs would save the taxpayers in excess of $8 billion over ten years.

The irrigation means test provision is drawn from legislation that I that have sponsored in previous Congresses to reduce the amount of Federal irrigation subsidies received by large agribusiness interests. I believe that reforming Federal water pricing policy by reducing subsidies is important as a means to achieve our broader objectives of achieving a truly balanced budget. This legislation is also needed to curb fundamental abuses of reclamation law that cost the taxpayer millions of dollars every year.

In 1901, President Theodore Roosevelt proposed legislation, which came to be known as the Reclamation Act of 1902, to encourage development of family farms throughout the western United States. The idea was to provide needed water for areas that were otherwise dry and give small farms, those no larger than 160 acres, a chance, with a helping hand from the Federal Government, to establish themselves. According to a 1996 General Accounting Office report, since the passage of the Reclamation Act, the Federal Government has spent $21.8 billion to construct 133 water projects in the west which provide water for irrigation. Agribusinesses, and other project beneficiaries, are required under the law to repay to the Federal Government their allocated share of the costs of constructing these projects.

As a result of the subsidized financing provided by the Federal Government, however, some of the beneficiaries of Federal water projects repay considerably less than their full share of these costs. According to the 1996 GAO report, agribusinesses generally receive the largest amount of Federal financial assistance. Since the initiation of the irrigation program in 1902, construction costs associated with irrigation have been repaid without interest. The GAO further found, in reviewing the Bureau of Reclamation's financial reports, that $16.9 billion, or 78 percent, of the $21.8 billion of Federal investment in water projects is considered to be reimbursable. Of the reimbursable costs, the largest share, $7.1 billion, is allocated to irrigation interests. GAO also found that the Bureau of Reclamation will likely shift $3.4 billion of the debt owed by agribusinesses to other users of the water projects for repayment.

There are several reasons why large agribusinesses continue to receive such significant subsidies. Under the Reclamation Reform Act of 1982, Congress acted to expand the size of the farms that could receive subsidized water from 160 acres to 960 acres. The RRA of 1982 expressly prohibits farms that exceed 960 acres in size from receiving federally-subsidized water. These restrictions were added to the Reclamation law to close loopholes through which Federal subsidies were flowing to large agribusinesses rather than the small family farmers that Reclamation projects were designed to serve. Agribusinesses were expected to pay full cost for all water received on land in excess of their 960 acre entitlement.

Despite the express mandate of Congress, regulations promulgated under the Reclamation Reform Act of 1982 have failed to keep big agricultural water users from receiving Federal subsidies. The General Accounting Office and the Inspector General of the Department of the Interior continue to find that the acreage limits established in law are circumvented through the creation of arrangements such as farming trusts. These trusts, which in total acreage well exceed the 960 acre limit, are comprised of smaller units that are not subject to the reclamation acreage cap. These smaller units are farmed under a single management agreement often through a combination of leasing and ownership.

The Department of the Interior has acknowledged that these trusts do exist. Interior published a final rulemaking in 1998 to require farm operators who provide services to more than 960 nonexempt acres westwide, held by a single trust or legal entity or any combination of trusts and legal entities to submit RRA forms to the district(s) where such land is located. Water districts are now required to provide specific information about farm operators to Interior annually. This information is an important step toward enforcing the legislation that I am reintroducing today.

My legislation combines various elements of proposals introduced by other members of Congress to close loopholes in the 1982 legislation and to impose a $500,000 means-test. This new approach limits the amount of subsidized irrigation water delivered to any operation in excess of the 960 acre limit which claimed $500,000 or more in gross income, as reported on its most recent IRS tax form. If the $500,000 threshold were exceeded, an income ratio would be used to determine how much of the water should be delivered to the user at the full-cost rate, and how much at the below-cost rate. For example, if a 961 acre operation earned $1 million dollars, a ratio of $500,000, the means-test value, divided by its gross income would determine the full cost rate. Thus the water user would pay the full cost rate on half of their acreage and the below-cost rate on the remaining half.

This means-testing proposal was featured in the 2000 Green Scissors report. This report is compiled annually by Friends of the Earth and Taxpayers for Common Sense and supported by a number of environmental, consumer and taxpayer groups. The premise of the report is that there are a number of subsidies and projects that could be cut to both reduce the deficit and benefit the environment. The Green Scissors recommendation on means-testing water subsidies indicates that if a test is successful in reducing subsidy payments to the highest grossing 10 percent of farms, then the Federal Government would recover between $440 million and $1.1 billion per year, or at least $2.2 billion over five years.

When countless Federal programs are subjected to various types of means-tests to limit benefits to those who truly need assistance, it makes little sense to continue to allow large business interests to dip into a program intended to help small entities struggling to survive. Taxpayers have legitimate concerns when they learn that their hard-earned tax dollars are being expended to assist large corporate interests in select regions of the country, particularly in tight budgetary times.

The second element of my bill will help our Armed Services obtain physician services at a more reasonable cost by terminating the Uniformed Services University of the Health Sciences, USUHS. The measure is one I proposed when I ran for the U.S. Senate, and was part of a larger, 82-point plan to reduce the Federal budget deficit. The most

recent estimates of the Congressional Budget Office, CBO, project that terminating the school would save $273 million over the next five years, and when completely phased-out, would generate $450 million in savings over five years.

USUHS was created in 1972 to meet an expected shortage of military medical personnel. Today, however, USUHS accounts for only a small fraction of the military's new physicians, less than 12 percent in 1994, according to CBO. This contrasts dramatically with the military's scholarship program, which provided over 80 percent of the military's new physicians in that year.

What is even more troubling is that USUHS is also the single most costly source of new physicians for the military. CBO reports that based on figures from 1995, each USUHS trained physician costs the military $615,000. By comparison, the scholarship program cost about $125,000 per doctor, with other sources providing new physicians at a cost of $60,000. As CBO has noted, even adjusting for the lengthier service commitment required of USUHS trained physicians, the cost of training them is still higher than that of training physicians from other sources, an assessment shared by the Pentagon itself. Indeed, CBO's estimate of the savings generated by this measure also includes the cost of obtaining physicians from other sources.

The House of Representatives has voted to terminate this program on several occasions, joining others, ranging from the Grace Commission to the CBO, in raising the question of whether this medical school, which graduated its first class in 1980, should be closed because it is so much more costly than alternative sources of physicians for the military.

The real issue we must address is whether USUHS is essential to the needs of today's military structure, or if we can do without this costly program. The proponents of USUHS frequently cite the higher retention rates of USUHS graduates over physicians obtained from other sources as a justification for continuation of this program, but while a greater percentage of USUHS trained physicians may remain in the military longer than those from other sources, the Pentagon indicates that the alternative sources already provide an appropriate mix of retention rates. Testimony by the Department of Defense before the Subcommittee on Force Requirements and Personnel noted that the military's scholarship program meets the retention needs of the services.

And while USUHS provides only a small fraction of the military's new physicians, relying primarily on these other sources has not compromised the ability of military physicians to meet the needs of the Pentagon. According to the Office of Management and Budget, of the approximately 2,000 physicians serving in Desert Storm, only 103, about 5 percent, were USUHS trained.

USUHS has some dedicated supporters in the U.S. Senate, and I realize that there are legitimate arguments that those supporters have made in defense of this institution. The problem, however, is that the Federal Government cannot afford to continue every program that provides some useful function, especially when such services can be procured elsewhere.

The final provision of my legislation terminates another wasteful defense program, the continued production of new Trident II submarine-launched ballistic missiles. Trident submarines, and the deadly submarine-launched ballistic missiles they carry, were designed specifically to attack targets inside the Soviet Union from waters off the continental United States.

Let me say at the outset that this provision would in no way prevent the Navy from maintaining the current arsenal of Trident II missiles. Nor would it affect those Trident II missiles that are currently in production.

The Navy currently has ten Trident II submarines, each of which carries 24 Trident II, D5, missiles. Each of these missiles contains eight independently targetable nuclear warheads, for a total of 192 warheads per submarine. Each warhead packs between 300 to 450 kilotons of explosive power.

By way of comparison, the first atomic bomb that the United States dropped on Hiroshima generated 15 kilotons of force. Let's do the math for just one fully-equipped Trident II submarine. Each warhead can generate up to 450 kilotons of force. Each missile has eight warheads, and each submarine has 24 missiles. That equals 86.4 megatons of force per submarine. That means that each Trident II submarine carries the power to deliver devastation which is the equivalent of 5,760 Hiroshimas.

And that is just one fully equipped submarine. As I noted earlier, the Navy currently has ten such submarines.

Through fiscal year 2003, the Navy will have been authorized to purchase 408 Trident II missiles for these submarines. Even taking into account the 86 Trident II missiles that have been expended in testing through calendar year 2002, the Navy will still have 322 missiles in stock once those authorized to be purchased during FY2003 are completed.

The Navy needs 240 missiles to fully equip ten Trident II submarines with 24 missiles each. That leaves 82 ''extra'' missiles in the Navy's inventory. And the Navy still plans to buy at least 132 more missiles over the next two years, for a total purchase of 540 missiles. My bill would terminate production of these missiles after the currently authorized 408, saving taxpayers $6.6 billion over the next ten years.

The tragic events of September 11, 2001, and the recent resumption of nuclear activities by North Korea, serve as chilling reminders that there is still a potential threat from rogue states, and from independent operators such as al-Qaeda, who seek to acquire ballistic missiles and other weapons of mass destruction. I also recognize that our submarine fleet and our arsenal of strategic nuclear weapons still have an important role to play in warding off these threats. Their role, however, has diminished dramatically from what it was at the height of the Cold War. Our missile procurement decisions should reflect that change and should reflect the realities of the post-Cold War world.

Our current ballistic missile capability is far superior to that of any other county on the globe. And the capability of the Russian military, the very force which these missiles were designed to counter, is seriously degraded.

We should not be buying more Trident II missiles at a time when the governments of the United States and Russia have signed the Moscow Treaty, which calls for deep reductions in our nuclear forces. To spend scarce resources on building more missiles now is short-sighted and could seriously undermine our efforts to negotiate further arms reductions with Russia.

In conclusion, the time has come to rethink our Federal budget priorities, and to redirect needed funds appropriately. Eliminating or reforming these three programs will go a long way to doing just that, and I urge Congress to act swiftly to save money for the taxpayers. I ask unanimous consent that the text of this legislation be printed in the RECORD.

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

S. 49

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 'Deficit Reduction Act of 2003'.

TITLE I—REFORMED BUREAU OF RECLAMATION WATER PRICING

SECTION 101. SHORT TITLE.

This Act may be cited as the 'Irrigation Subsidy Reduction Act of 2001'.

SEC. 102. FINDINGS.

Congress finds that—

(1) the Federal reclamation program has been in existence for over 90 years, with an estimated taxpayer investment of over $70,000,000,000;

(2) the program has had and continues to have an enormous effect on the water resources and aquatic environments of the western States;

(3) irrigation water made available from Federal water projects in the West is a very valuable resource for which there are increasing and competing demands;

(4) the justification for providing water at less than full cost was to benefit and promote the development of small family farms and exclude large corporate farms, but this purpose has been frustrated over the years

due to inadequate implementation of subsidy and acreage limits;

(5) below-cost water prices tend to encourage excessive use of scarce water supplies in the arid regions of the West, and reasonable price increases to the wealthiest western farmers would provide an economic incentive for greater water conservation;

(6) the Federal Government has increasingly applied eligibility tests based on income for Federal entitlement and subsidy programs, measures that are consistent with the historic approach of the reclamation program's acreage limitations that seek to limit water subsidies to small farms; and

(7) including a means test based on gross income in the reclamation program will increase the effectiveness of carrying out the family farm goals of the Federal reclamation laws.

SEC. 103. AMENDMENTS.

(a) DEFINITIONS—Section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb) is amended—

(1) by redesignating paragraphs (7), (8), (9), (10), and (11) as paragraphs (9), (10), (11), (12), and (13), respectively;

(2) in paragraph (6), by striking 'owned or operated under a lease which' and inserting 'that is owned, leased, or operated by an individual or legal entity and that';

(3) by inserting after paragraph (6) the following:

'(7) LEGAL ENTITY—The term 'legal entity' includes a corporation, association, partnership, trust, joint tenancy, or tenancy in common, or any other entity that owns, leases, or operates a farm operation for the benefit of more than 1 individual under any form of agreement or arrangement.

''(8) OPERATOR—

''(A) IN GENERAL—The term 'operator'—

''(i) means an individual or legal entity that operates a single farm operation on a parcel (or parcel) of land that is owned or leased by another person (or persons) under any form of agreement or arrangement (or agreements or arrangements); and

''(ii) if the individual or legal entity—

''(I) is an employee of an individual or legal entity, includes the individual or legal entity; or

''(II) is a legal entity that controls, is controlled by, or is under common control with another legal entity, includes each such other legal entity.

''(B) OPERATION OF A FARM OPERATION—For the purposes of subparagraph (A), an individual or legal entity shall be considered to operate a farm operation if the individual or legal entity is the person that performs the greatest proportion of the decisionmaking for and supervision of the agricultural enterprise on land served with irrigation water.'; and

(4) by adding at the end the following:

''(14) SINGLE FARM OPERATION—

''(A) IN GENERAL—The term 'single farm operation' means the total acreage of land served with irrigation water for which an individual or legal entity is the operator.

''(B) RULES FOR DETERMINING WHETHER SEPARATE PARCELS ARE OPERATED AS A SINGLE FARM OPERATION—

''(i) EQUIPMENT—AND LABOR-SHARING ACTIVITIES—The conduct of equipment- and labor-sharing activities on separate parcels of land by separate individuals or legal entities shall not by itself serve as a basis for concluding that the farming operations of the individuals or legal entities constitute a single farm operation.

''(ii) PERFORMANCE OF CERTAIN SERVICES—The performance by an individual or legal entity of an agricultural chemical application, pruning, or harvesting for a farm operation on a parcel of land shall not by itself serve as a basis for concluding that the farm operation on that parcel of land is part of a single farm operation operated by the individual or entity on other parcels of land.'.

(b) IDENTIFICATION OF OWNERS, LESSEES, AND OPERATORS AND OF SINGLE FARM OPERATIONS—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended by inserting after section 201 the following:

''SEC. 201A. IDENTIFICATION OF OWNERS, LESSEES, AND OPERATORS AND OF SINGLE FARM OPERATIONS.

''(a) IN GENERAL—Subject to subsection (b), for each parcel of land to which irrigation water is delivered or proposed to be delivered, the Secretary shall identify a single individual or legal entity as the owner, lessee, or operator.

''(b) SHARED DECISIONMAKING AND SUPERVISION—If the Secretary determines that no single individual or legal entity is the owner, lessee, or other individual that performs the greatest proportion of decisionmaking for and supervision of the agricultural enterprise on a parcel of land—

''(1) all individuals and legal entities that own, lease, or perform a proportion of decisionmaking and supervision that is equal as among themselves but greater than the proportion performed by any other individual or legal entity shall be considered jointly to be the owner, lessee, or operator; and

''(2) all parcels of land of which any such individual or legal entity is the owner, lessee, or operator shall be considered to be part of the single farm operation of the owner, lessee, or operator identified under subsection (1);

(c) PRICING—Section 205 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ee) is amended by adding at the end the following:

''(d) SINGLE FARM OPERATIONS GENERATING MORE THAN $500,000 IN GROSS FARM INCOME.—

''(1) IN GENERAL.—Notwithstanding subsections (a), (b), and (c), in the case of—

''(A) a qualified recipient that reports gross farm income from a single farm operation in excess of $500,000 for a taxable year; or

''(B) a limited recipient that received irrigation water on or before October 1, 1981, and that reports gross farm income from a single farm operation in excess of $500,000 for a taxable year;

irrigation water may be delivered to the single farm operation of the qualified recipient or limited recipient at less than full cost to a number of acres that does not exceed the number of acres determined under paragraph (2).

''(2) MAXIMUM NUMBER OF ACRES TO WHICH IRRIGATION WATER MAY BE DELIVERED AT LESS THAN FULL COST.—The number of acres determined under this subparagraph is the number equal to the number of acres of the single farm operation multiplied by a fraction, the numerator of which is $500,000 and the denominator of which is the amount of gross farm income reported by the qualified recipient or limited recipient in the most recent taxable year.

''(3) INFLATION ADJUSTMENT.—

''(A) IN GENERAL.—The $500,000 amount under paragraphs (1) and (2) for any taxable year beginning in a calendar year after 2002 shall be equal to the product of—

''(i) $500,000, multiplied by

''(ii) the inflation adjustment factor for the taxable year.

''(B) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to any calendar year, a fraction the numerator of which is the GDP implicit price deflator for the preceding calendar year and the denominator of which is the GDP implicit price deflator for 2002. Not later than April 1 of any calendar year, the Secretary shall publish the inflation adjustment factor for the preceding calendar year.

''(C) GDP IMPLICIT PRICE DEFLATOR.—For purposes of subparagraph (B), the term 'GDP implicit price deflator' means the first revision of the implicit price deflator for the gross domestic product as computed and published by the Secretary of Commerce.

''(D) ROUNDING.—If any increase determined under subparagraph (A) is not a multiple of $100, the increase shall be rounded to the next lowest multiple of $100.''.

(d) CERTIFICATION OF COMPLIANCE.—Section 206 of the Reclamation Reform Act of 1982 (43 U.S.C. 390ff) is amended to read as follows:

''SEC. 206. CERTIFICATION OF COMPLIANCE.

''(a) IN GENERAL.—As a condition to the receipt of irrigation water for land in a district that has a contract described in section 203, each owner, lessee, or operator in the district shall furnish the district, in a form prescribed by the Secretary, a certificate that the owner, lessee, or operator is in compliance with this title, including a statement of the number of acres owned, leased, or operated, the terms of any lease or agreement pertaining to the operation of a farm operation, and, in the case of a lessee or operator, a certification that the rent or other fees paid reflect the reasonable value of the irrigation water to the productivity of the land.

''(b) DOCUMENTATION.—The Secretary may require a lessee or operator to submit for the Secretary's examination—

''(1) a complete copy of any lease or other agreement executed by each of the parties to the lease or other agreement; and

''(2) a copy of the return of income tax imposed by chapter 1 of the Internal Revenue Code of 1986 for any taxable year in which the single farm operation of the lessee or operator received irrigation water at less than full cost.''.

(e) TRUSTS.—Section 214 of the Reclamation Reform Act of 1982 (43 U.S.C. 390nn) is repealed.

(f) ADMINISTRATIVE PROVISIONS.—

(1) PENALTIES.—Section 224(c) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(c)) is amended—

(A) by striking ''(c) The Secretary'' and inserting the following:

''(c) REGULATIONS; DATA COLLECTION; PENALTIES.—

''(1) REGULATIONS; DATA COLLECTION.—The Secretary''; and

(B) by adding at the end the following:

''(2) PENALTIES.—Notwithstanding any other provision of law, the Secretary shall establish appropriate and effective penalties for failure to comply with any provision of this Act or any regulations issued under this Act.''.

(2) INTEREST.—Section 224(i) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(i)) is amended by striking the last sentence and inserting the following: ''The interest rate applicable to underpayments shall be equal to the rate applicable to expenditures under section 202(3)(C).''.

(g) REPORTING.—Section 228 of the Reclamation Reform Act of 1982 (43 U.S.C. 390zz) is amended by inserting ''operator or'' before ''contracting entity'' each place it appears.

(h) MEMORANDUM OF UNDERSTANDING.—The Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.) is amended—

(1) by redesignating sections 229 and 220 as sections 230 and 231; and

(2) by inserting after section 228 the following:

''SEC. 229. MEMORANDUM OF UNDERSTANDING.

''The Secretary, the Secretary of the Treasury, and the Secretary of Agriculture shall enter into a memorandum of understanding or other appropriate instrument to permit the Secretary, notwithstanding section 6103 of the Internal Revenue Code of 1996, to have access to and use of available information collected or maintained by the Department of the Treasury and the Department of Agriculture that would aid enforcement of the ownership and pricing limitations of Federal reclamation law.''.

TITLE II—TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES. SECTION 201. TERMINATION.

(a) IN GENERAL.—The Uniformed Services University of the Health Sciences is terminated.

(b) CONFORMING AMENDMENTS.—

(1) Chapter 104 of title 10, United States Code, is repealed.

(2) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part III of such subtitle, are each amended by striking out the item relating to chapter 104.

(C) EFFECTIVE DATES.—

(1) TERMINATION.—The termination of the Uniformed Services University of the Health Sciences under subsection (a)(1) shall take effect on the day after the date of the graduation from the university of the last class of students that enrolled in such university on or before the date of the enactment of the Act.

(2) AMENDMENTS.—The amendments made by subsection (a)(2) shall take effect on that date of the enactment of this Act, except that the provisions of chapter 104 of title 10, United States Code, as in effect on the day before such date, shall continue to apply with respect to the Uniformed Services University of the Health Sciences until the termination of the university under this section.

TITLE III—TERMINATION OF PRODUCTION UNDER THE D5 SUBMARINE LAUNCHED MISSILE PROGRAM.

SECTION 301. PRODUCTION TERMINATION.

(a) TERMINATION OF PROGRAM.—The Secretary of Defense shall terminate production of D5 submarine-launched ballistic missile program.

(b) PAYMENT OF TERMINATION COSTS.—Funds available on or after the date of the enactment of this Act for obligation for the D5 submarine-launched ballistic missile program may be obligated for production under that program only for payment of the costs associated with the termination of production under this Act.

SEC. 302. CURRENT PROGRAM ACTIVITIES.

Nothing in this legislation shall be construed to prohibit or otherwise affect the availability of funds for the following:

(1) Production of D5 submarine-launched ballistic missiles in production on the date of the enactment of this Act.

(2) Maintenance after the date of the enactment of this act of the arsenal of D5 submarine-launched ballistic missiles in existence on such date, including the missiles described in paragraph (1).

By Mr. WYDEN:

S. 52. A bill to permanently extend the moratorium enacted by the Internet Tax Freedom Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, predictions that the Internet Tax Freedom Act would topple Western Civilization have not come to pass. Since the moratorium on taxation of out-of-State, online sales was first enacted in October 1998, not a single community, county or state has come forward to prove it is being injured by its inability to impose discriminatory taxes on electronic commerce. There is simply no evidence that States have lost revenue by technology-driven commerce. On the contrary, the technology sector itself has been pounded as hard as any sector by the economic downturn.

Across the country States are facing tremendous budget pressures. My own State of Oregon is facing a nearly 20 percent budget shortfall, and Oregon has the highest unemployment rate in the Nation. The shift from black ink to red is the result of this Administration's failed economic policies, not the inability of States to impose discriminatory taxes on Internet sales.

Adding new taxes on the backs of consumers is not the way to salvage weakened State and local economies. Sales taxes are among the most regressive revenue measures, and imposing new sales taxes at this time could actually make a bad economic situation worse. A number of States seem to be arguing that their economic future is tied to taxing technology entrepreneurs located thousands of miles away with no physical presence in their jurisdiction. I don't share this view. The reason States don't tax remote sellers, as former Massachusetts Governor Celluci has testified before the Senate, is they don't want the political heat. Few of the 45 States that could collect a use tax on all items their residents have purchased out-of-State actually do so. Most States simply chose not to enforce their own laws, preferring to export their tax burden to out of state businesses who get no benefit from the taxing state.

Congress will soon be asked again by the Streamlined Sales Tax Project States to take the political heat for new sales taxes. The U.S. Senate has voted three times in recent years on whether to overturn Quill to require remote sellers with no nexus to serve the States as their tax collectors. Every time the Senate has rejected the notion. On January 19, 1995, the Senate voted 73–25 to table the amendment; on October 2, 1998, the Senate voted 66–29 to table the amendment; and most recently, on November 15, 2001, the Senate voted 57–43 to table the amendment.

As Congress revisits this issue again this year, we should remember what the Supreme Court said in Quill: ''Congress is . . . free to decide whether, when and to what extent the States may burden mail-order concerns with a duty to collect use taxes.'' The authority the Constitution vests in Congress to regulate interstate commerce—online or otherwise—is an enormous power that must be exercised with great care and caution. I believe the moratorium should be extended indefinitely, and that is what the legislation I introduce today would do. I am pleased to be joined once again in this effort by Representative CHRIS COX, and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 52

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 ''Internet Tax Nondiscrimination Act''.

SEC. 2. PERMANENT EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM.

(a) PERMANENT EXTENSION; INTERNET ACCESS TAXES.—Section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended—

(1) by striking ''taxes during the period beginning on October 1, 1998, and ending on November 1, 2003—'' and inserting ''taxes after September 30, 1998:'';

(2) by striking paragraph (1) of subsection (a) and inserting the following:

''(1) Taxes on Internet access.'';

(3) by striking ''multiple'' in paragraph (2) of subsection (a) and inserting ''Multiple'';

(4) by striking subsection (d); and

(5) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) CONFORMING AMENDMENT.—Section 1104(10) of the Internet Tax Freedom Act (47 U.S.C. 151 note) is amended by striking ''unless'' and all that follows through ''1998''.

By Mr. SCHUMER (for himself, Mr. MCCAIN, Mr. EDWARDS, Ms. COLLINS, Mr. KENNEDY, Mr. MILLER, Mr. JOHNSON, Mrs. CLINTON, Mr. KOHL, Mr. FEINGOLD, Ms. STABENOW, Mr. DASCHLE, Mr. NELSON of Florida, Mr. ROCKEFELLER, Mr. LEAHY, Mr. REED, Mr. PRYOR, Mr. DURBIN, and Mr. DORGAN):

S. 54. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the test of the bill be printed in the RECORD.

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

S. 54

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 ''Greater Access to Affordable Pharmaceuticals Act of 2003''.

SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) prescription drug costs are increasing at an alarming rate and are a major worry of American families and senior citizens;

(2) enhancing competition between generic drug manufacturers and brand-name manufacturers can significantly reduce prescription drug costs for American families;

(3) the pharmaceutical market has become increasingly competitive during the last decade because of the increasing availability and accessibility of generic pharmaceuticals, but competition must be further stimulated and strengthened;

(4) the Federal Trade Commission has discovered that there are increasing opportunities for drug companies owning patents on brand-name drugs and generic drug companies to enter into private financial deals in a manner that could restrain trade and greatly reduce competition and increase prescription drug costs for consumers;

(5) generic pharmaceuticals are approved by the Food and Drug Administration on the basis of scientific testing and other information establishing that pharmaceuticals are therapeutically equivalent to brand-name pharmaceuticals, ensuring consumers a safe, efficacious, and cost-effective alternative to brand-name innovator pharmaceuticals;

(6) the Congressional Budget Office estimates that—

(A) the use of generic pharmaceuticals for brand-name pharmaceuticals could save purchasers of pharmaceuticals between $8,000,000,000 and $10,000,000,000 each year; and

(B) generic pharmaceuticals cost between 25 percent and 60 percent less than brand-name pharmaceuticals, resulting in an estimated average savings of $15 to $30 on each prescription;

(7) generic pharmaceuticals are widely accepted by consumers and the medical profession, as the market share held by generic pharmaceuticals compared to brand-name pharmaceuticals has more than doubled during the last decade, from approximately 19 percent to 43 percent, according to the Congressional Budget Office;

(8) expanding access to generic pharmaceuticals can help consumers, especially senior citizens and the uninsured, have access to more affordable prescription drugs;

(9) Congress should ensure that measures are taken to effectuate the amendments made by the Drug Price Competition and Patent Term Restoration Act of 1984 (98 Stat. 1585) (referred to in this section as the ''Hatch-Waxman Act'') to make generic drugs more accessible, and thus reduce health care costs; and

(10) it would be in the public interest if patents on drugs for which applications are approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) were extended only through the patent extension procedure provided under the Hatch-Waxman Act rather than through the attachment of riders to bills in Congress.

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

(1) to increase competition, thereby helping all Americans, especially seniors and the uninsured, to have access to more affordable medication; and

(2) to ensure fair marketplace practices and deter pharmaceutical companies (including generic companies) from engaging in anticompetitive action or actions that tend to unfairly restrain trade.

SEC. 3. FILING OF PATENT INFORMATION WITH THE FOOD AND DRUG ADMINISTRATION.

(a) FILING AFTER APPROVAL OF AN APPLICATION.—

(1) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) (as amended by section 9(a)(2)(B)(ii)) is amended in subsection (c) by striking paragraph (2) and inserting the following:

''(2) PATENT INFORMATION.—

''(A) IN GENERAL.—Not later than the date that is 30 days after the date of an order approving an application under subsection (b) (unless the Secretary extends the date because of extraordinary or unusual circumstances), the holder of the application shall file with the Secretary the patent information described in subparagraph (C) with respect to any patent—

''(i)(I) that claims the drug for which the application was approved; or

''(II) that claims an approved method of using the drug; and

''(ii) with respect to which a claim of patent infringement could reasonably be asserted if a person not licensed by the owner engaged in the manufacture, use, or sale of the drug.

''(B) SUBSEQUENTLY ISSUED PATENTS.—In a case in which a patent described in subparagraph (A) is issued after the date of an order approving an application under subsection (b), the holder of the application shall file with the Secretary the patent information described in subparagraph (C) not later than the date that is 30 days after the date on which the patent is issued (unless the Secretary extends the date because of extraordinary or unusual circumstances).

''(C) PATENT INFORMATION.—The patent information required to be filed under subparagraph (A) or (B) includes—

''(i) the patent number;

''(ii) the expiration date of the patent;

''(iii) with respect to each claim of the patent—

''(I) whether the patent claims the drug or claims a method of using the drug; and

''(II) whether the claim covers—

''(aa) a drug substance;

''(bb) a drug formulation;

''(cc) a drug composition; or

''(dd) a method of use;

''(iv) if the patent claims a method of use, the approved use covered by the claim;

''(v) the identity of the owner of the patent (including the identity of any agent of the patent owner); and

''(vi) a declaration that the applicant, as of the date of the filing, has provided complete and accurate patent information for all patents described in subparagraph (A).

''(D) PUBLICATION.—On filing of patent information required under subparagraph (A) or (B), the Secretary shall—

''(i) immediately publish the information described in clauses (i) through (iv) of subparagraph (C); and

''(ii) make the information described in clauses (v) and (vi) of subparagraph (C) available to the public on request.

''(E) CIVIL ACTION FOR CORRECTION OR DELETION OF PATENT INFORMATION.—

''(i) IN GENERAL.—A person that has filed an application under subsection (b)(2) or (j) for a drug may bring a civil action against the holder of the approved application for the drug seeking an order requiring that the holder of the application amend the application—

''(I) to correct patent information filed under subparagraph (A); or

''(II) to delete the patent information in its entirety for the reason that—

''(aa) the patent does not claim the drug for which the application was approved; or

''(bb) the patent does not claim an approved method of using the drug.

''(ii) LIMITATIONS.—Clause (i) does not authorize—

''(I) a civil action to correct patent information filed under subparagraph (B); or

''(II) an award of damages in a civil action under clause (i).

''(F) NO CLAIM FOR PATENT INFRINGEMENT.—An owner of a patent with respect to which a holder of an application fails to file information on or before the date required under subparagraph (A) or (B) shall be barred from bringing a civil action for infringement of the patent against a person that—

''(i) has filed an application under subsection (b)(2) or (j); or

''(ii) manufactures, uses, offers to sell, or sells a drug approved under an application under subsection (b)(2) or (j).''.

(2) TRANSITION PROVISION.—

(A) FILING OF PATENT INFORMATION.—Each holder of an application for approval of a new drug under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) that has been approved before the date of enactment of this Act shall amend the application to include the patent information required under the amendment made by paragraph (1) not later than the date that is 30 days after the date of enactment of this Act (unless the Secretary of Health and Human Services extends the date because of extraordinary or unusual circumstances).

(B) NO CLAIM FOR PATENT INFRINGEMENT.—An owner of a patent with respect to which a holder of an application under subsection (b) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) fails to file information on or before the date required under subparagraph (A) shall be barred from bringing a civil action for infringement of the patent against a person that—

(i) has filed an application under subsection (b)(2) or (j) of that section; or

(ii) manufactures, uses, offers to sell, or sells a drug approved under an application under subsection (b)(2) or (j) of that section.

(b) FILING WITH AN APPLICATION.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) with respect to a patent that claims both the drug and a method of using the drug or claims more than 1 method of using the drug for which the application is filed—

''(i) a certification under subparagraph (A)(iv) on a claim-by-claim basis; and

''(ii) a statement under subparagraph (B) regarding the method of use claim.''; and

(2) in subsection (j)(2)(A), by inserting after clause (viii) the following:

''With respect to a patent that claims both the drug and a method of using the drug or claims more than 1 method of using the drug for which the application is filed, the application shall contain a certification under clause (vii)(IV) on a claim-by-claim basis and a statement under clause (viii) regarding the method of use claim.''.

SEC. 4. LIMITATION OF 30-MONTH STAY TO CERTAIN PATENTS.

(a) ABBREVIATED NEW DRUG APPLICATIONS.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) is amended—

(1) in subparagraph (B)—

(A) in clause (iii)—

(i) by striking ''(iii) If the applicant made a certification described in subclause (IV) of paragraph (2)(A)(vii),'' and inserting the following:

''(iii) SUBCLAUSE (IV) CERTIFICATION WITH RESPECT TO CERTAIN PATENTS.—If the applicant made a certification described in paragraph (2)(A)(vii)(IV) with respect to a patent (other than a patent that claims a process for manufacturing the listed drug) for which patent information was filed with the Secretary under subsection (c)(2)(A),''; and

(ii) by adding at the end the following: ''The 30-month period provided under the second sentence of this clause shall not apply to a certification under paragraph (2)(A)(vii)(IV) made with respect to a patent for which patent information was filed with the Secretary under subsection (c)(2)(B).'';

(B) by redesignating clause (iv) as clause (v); and

(C) by inserting after clause (iii) the following:

''(iv) SUBCLAUSE (IV) CERTIFICATION WITH RESPECT TO OTHER PATENTS.—

''(I) IN GENERAL.—If the applicant made a certification described in paragraph (2)(A)(vii)(IV) with respect to a patent not described in clause (iii) for which patent information was published by the Secretary under subsection (c)(2)(D), the approval shall be made effective on the date that is 45 days after the date on which the notice provided under paragraph (2)(B) was received, unless a civil action for infringement of the patent, accompanied by a motion for preliminary injunction to enjoin the applicant from engaging in the commercial manufacture or sale of the drug, was filed on or before the date that is 45 days after the date on which the notice was received, in which case the approval shall be made effective—

''(aa) on the date of a court action declining to grant a preliminary injunction; or

''(bb) if the court has granted a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug—

''(AA) on issuance by a court of a determination that the patent is invalid or is not infringed;

''(BB) on issuance by a court of an order revoking the preliminary injunction or permitting the applicant to engage in the commercial manufacture or sale of the drug; or

''(CC) on the date specified in a court order under section 271(e)(4)(A) of title 35, United States Code, if the court determines that the patent is infringed.

''(II) COOPERATION.—Each of the parties shall reasonably cooperate in expediting a civil action under subclause (I).

''(III) EXPEDITED NOTIFICATION.—If the notice under paragraph (2)(B) contains an address for the receipt of expedited notification of a civil action under subclause (I), the plaintiff shall, on the date on which the complaint is filed, simultaneously cause a notification of the civil action to be delivered to that address by the next business day.''; and

(2) by inserting after subparagraph (B) the following:

''(C) FAILURE TO BRING INFRINGEMENT ACTION.—If, in connection with an application under this subsection, the applicant provides an owner of a patent notice under paragraph (2)(B) with respect to the patent, and the owner of the patent fails to bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice is received, the owner of the patent shall be barred from bringing a civil action for infringement of the patent in connection with the development, manufacture, use, offer to sell, or sale of the drug for which the application was filed or approved under this subsection.''.

(b) OTHER APPLICATIONS.—Section 505(c)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(c)) (as amended by section 9(a)(3)(A)(iii)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (C)—

(i) by striking ''(C) If the applicant made a certification described in clause (iv) of subsection (b)(2)(A),'' and inserting the following:

''(C) CLAUSE (iv) CERTIFICATION WITH RESPECT TO CERTAIN PATENTS.—If the applicant made a certification described in subsection (b)(2)(A)(iv) with respect to a patent (other than a patent that claims a process for manufacturing the listed drug) for which patent information was filed with the Secretary under paragraph (2)(A),''; and

(ii) by adding at the end the following: ''The 30-month period provided under the second sentence of this subparagraph shall not apply to a certification under subsection (b)(2)(A)(iv) made with respect to a patent for which patent information was filed with the Secretary under paragraph (2)(B).''; and

(B) by inserting after subparagraph (C) the following:

''(D) CLAUSE (iv) CERTIFICATION WITH RESPECT TO OTHER PATENTS.—

''(i) IN GENERAL.—If the applicant made a certification described in subsection (b)(2)(A)(iv) with respect to a patent not described in subparagraph (C) for which patent information was published by the Secretary under paragraph (2)(D), the approval shall be made effective on the date that is 45 days after the date on which the notice provided under subsection (b)(3) was received, unless a civil action for infringement of the patent, accompanied by a motion for preliminary injunction to enjoin the applicant from engaging in the commercial manufacture or sale of the drug, was filed on or before the date that is 45 days after the date on which the notice was received, in which case the approval shall be made effective—

''(I) on the date of a court action declining to grant a preliminary injunction; or

''(II) if the court has granted a preliminary injunction prohibiting the applicant from engaging in the commercial manufacture or sale of the drug—

''(aa) on issuance by a court of a determination that the patent is invalid or is not infringed;

''(bb) on issuance by a court of an order revoking the preliminary injunction or permitting the applicant to engage in the commercial manufacture or sale of the drug; or

''(cc) on the date specified in a court order under section 271(e)(4)(A) of title 35, United States Code, if the court determines that the patent is infringed.

''(ii) COOPERATION.—Each of the parties shall reasonably cooperate in expediting a civil action under clause (i).

''(iii) EXPEDITED NOTIFICATION.—If the notice under subsection (b)(3) contains an address for the receipt of expedited notification of a civil action under clause (i), the plaintiff shall, on the date on which the complaint is filed, simultaneously cause a notification of the civil action to be delivered to that address by the next business day.''; and

(2) by inserting after paragraph (3) the following:

''(4) FAILURE TO BRING INFRINGEMENT ACTION.—If, in connection with an application under subsection (b)(2), the applicant provides an owner of a patent notice under subsection (b)(3) with respect to the patent, and the owner of the patent fails to bring a civil action against the applicant for infringement of the patent on or before the date that is 45 days after the date on which the notice is received, the owner of the patent shall be barred from bringing a civil action for infringement of the patent in connection with the development, manufacture, use, offer to sell, or sale of the drug for which the application was filed or approved under subsection (b)(2).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall be effective with respect to any certification under subsection (b)(2)(A)(iv) or (j)(2)(A)(vii)(IV) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) made after the date of enactment of this Act in an application filed under subsection (b)(2) or (j) of that section.

(2) TRANSITION PROVISION.—In the case of applications under section 505(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(b)) filed before the date of enactment of this Act—

(A) a patent (other than a patent that claims a process for manufacturing a listed drug) for which information was submitted to the Secretary of Health and Human Services under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act (as in effect on the day before the date of enactment of this Act) shall be subject to subsections (c)(3)(C) and (j)(5)(B)(iii) of section 505 of the Federal Food, Drug, and Cosmetic Act (as amended by this section); and

(B) any other patent (including a patent for which information was submitted to the Secretary under section 505(c)(2) of that Act (as in effect on the day before the date of enactment of this Act)) shall be subject to subsections (c)(3)(D) and (j)(5)(B)(iv) of section 505 of the Federal Food, Drug, and Cosmetic Act (as amended by this section).

SEC. 5. EXCLUSIVITY FOR ACCELERATED GENERIC DRUG APPLICANTS.

(a) IN GENERAL.—Section 505(j)(5) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)) (as amended by section 4(a)) is amended—

(1) in subparagraph (B)(v), by striking subclause (II) and inserting the following:

''(II) the earlier of—

''(aa) the date of a final decision of a court (from which no appeal has been or can be taken, other than a petition to the Supreme Court for a writ of certiorari) holding that the patent that is the subject of the certification is invalid or not infringed; or

''(bb) the date of a settlement order or consent decree signed by a Federal judge that enters a final judgment and includes a finding that the patent that is the subject of the certification is invalid or not infringed;''; and

(2) by inserting after subparagraph (C) the following:

''(D) FORFEITURE OF 180-DAY PERIOD.—

''(i) DEFINITIONS.—In this subparagraph:

''(I) APPLICATION.—The term 'application' means an application for approval of a drug under this subsection containing a certification under paragraph (2)(A)(vii)(IV) with respect to a patent.

''(II) FIRST APPLICATION.—The term 'first application' means the first application to be filed for approval of the drug.

''(III) FORFEITURE EVENT.—The term 'forfeiture event', with respect to an application under this subsection, means the occurrence of any of the following:

''(aa) FAILURE TO MARKET.—The applicant fails to market the drug by the later of—

''(AA) the date that is 60 days after the date on which the approval of the application for the drug is made effective under clause (iii) or (iv) of subparagraph (B) (unless

the Secretary extends the date because of extraordinary or unusual circumstances); or

''(BB) if 1 or more civil actions have been brought against the applicant for infringement of a patent subject to a certification under paragraph (2)(A)(vii)(IV) or 1 or more civil actions have been brought by the applicant for a declaratory judgment that such a patent is invalid or not infringed, the date that is 60 days after the date of a final decision (from which no appeal has been or can be taken, other than a petition to the Supreme Court for a writ of certiorari) in the last of those civil actions to be decided (unless the Secretary extends the date because of extraordinary or unusual circumstances).

''(bb) WITHDRAWAL OF APPLICATION.—The applicant withdraws the application.

''(cc) AMENDMENT OF CERTIFICATION.—The applicant, voluntarily or as a result of a settlement or defeat in patent litigation, amends the certification from a certification under paragraph (2)(A)(vii)(IV) to a certification under paragraph (2)(A)(vii)(III).

''(dd) FAILURE TO OBTAIN APPROVAL.—The applicant fails to obtain tentative approval of an application within 30 months after the date on which the application is filed, unless the failure is caused by—

''(AA) a change in the requirements for approval of the application imposed after the date on which the application is filed; or

''(BB) other extraordinary circumstances warranting an exception, as determined by the Secretary.

''(ee) FAILURE TO CHALLENGE PATENT.—In a case in which, after the date on which the applicant submitted the application, new patent information is submitted under subsection (c)(2) for the listed drug for a patent for which certification is required under paragraph (2)(A), the applicant fails to submit, not later than the date that is 60 days after the date on which the Secretary publishes the new patent information under paragraph (7)(A)(iii) (unless the Secretary extends the date because of extraordinary or unusual circumstances)—

''(AA) a certification described in paragraph (2)(A)(vii)(IV) with respect to the patent to which the new patent information relates; or

''(BB) a statement that any method of use claim of that patent does not claim a use for which the applicant is seeking approval under this subsection in accordance with paragraph (2)(A)(viii).

''(ff) UNLAWFUL CONDUCT.—The Federal Trade Commission determines that the applicant engaged in unlawful conduct with respect to the application in violation of section 1 of the Sherman Act (15 U.S.C. 1).

''(IV) SUBSEQUENT APPLICATION.—The term 'subsequent application' means an application for approval of a drug that is filed subsequent to the filing of a first application for approval of that drug.

''(ii) FORFEITURE OF 180-DAY PERIOD.—

''(I) IN GENERAL.—Except as provided in subclause (II), if a forfeiture event occurs with respect to a first application—

''(aa) the 180-day period under subparagraph (B)(v) shall be forfeited by the first applicant; and

''(bb) any subsequent application shall become effective as provided under clause (i), (ii), (iii), or (iv) of subparagraph (B), and clause (v) of subparagraph (B) shall not apply to the subsequent application.

''(II) FORFEITURE TO FIRST SUBSEQUENT APPLICANT.—If the subsequent application that is the first to be made effective under subclause (I) was the first among a number of subsequent applications to be filed—

''(aa) that first subsequent application shall be treated as the first application under this subparagraph (including subclause (I)) and as the previous application under subparagraph (B)(v); and

''(bb) any other subsequent applications shall become effective as provided under clause (i), (ii), (iii), or (iv) of subparagraph (B), but clause (v) of subparagraph (B) shall apply to any such subsequent application.

''(iii) AVAILABILITY.—The 180-day period under subparagraph (B)(v) shall be available to a first applicant submitting an application for a drug with respect to any patent without regard to whether an application has been submitted for the drug under this subsection containing such a certification with respect to a different patent.

''(iv) APPLICABILITY.—The 180-day period described in subparagraph (B)(v) shall apply to an application only if a civil action is brought against the applicant for infringement of a patent that is the subject of the certification.''.

(b) APPLICABILITY.—The amendment made by subsection (a) shall be effective only with respect to an application filed under section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)) after the date of enactment of this Act for a listed drug for which no certification under section 505(j)(2)(A)(vii)(IV) of that Act was made before the date of enactment of this Act, except that if a forfeiture event described in section 505(j)(5)(D)(i)(III)(ff) of that Act occurs in the case of an applicant, the applicant shall forfeit the 180-day period under section 505(j)(5)(B)(v) of that Act without regard to when the applicant made a certification under section 505(j)(2)(A)(vii)(IV) of that Act.

SEC. 6. FAIR TREATMENT FOR INNOVATORS.

(a) BASIS FOR APPLICATION.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (b)(3)(B), by striking the second sentence and inserting ''The notice shall include a detailed statement of the factual and legal basis of the applicant's opinion that, as of the date of the notice, the patent is not valid or is not infringed, and shall include, as appropriate for the relevant patent, a description of the applicant's proposed drug substance, drug formulation, drug composition, or method of use. All information disclosed under this subparagraph shall be treated as confidential and may be used only for purposes relating to patent adjudication. Nothing in this subparagraph precludes the applicant from amending the factual or legal basis on which the applicant relies in patent litigation.''; and

(2) in subsection (j)(2)(B)(ii), by striking the second sentence and inserting ''The notice shall include a detailed statement of the factual and legal basis of the opinion of the applicant that, as of the date of the notice, the patent is not valid or is not infringed, and shall include, as appropriate for the relevant patent, a description of the applicant's proposed drug substance, drug formulation, drug composition, or method of use. All information disclosed under this subparagraph shall be treated as confidential and may be used only for purposes relating to patent adjudication. Nothing in this subparagraph precludes the applicant from amending the factual or legal basis on which the applicant relies in patent litigation.''.

(b) INJUNCTIVE RELIEF.—Section 505(j)(5)(B) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(5)(B)) (as amended by section 4(a)(1)) is amended—

(1) in clause (iii), by adding at the end the following: ''A court shall not regard the extent of the ability of an applicant to pay monetary damages as a whole or partial basis on which to deny a preliminary or permanent injunction under this clause.''; and

(2) in clause (iv), by adding at the end the following:

''(IV) INJUNCTIVE RELIEF.—A court shall not regard the extent of the ability of an applicant to pay monetary damages as a whole or partial basis on which to deny a preliminary or permanent injunction under this clause.''.

SEC. 7. BIOEQUIVALENCE.

(a) IN GENERAL.—The amendments to part 320 of title 21, Code of Federal Regulations, promulgated by the Commissioner of Food and Drugs on July 17, 1991 (57 Fed. Reg. 17997 (April 28, 1992)), shall continue in effect as an exercise of authorities under sections 501, 502, 505, and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 355, 371).

(b) EFFECT.—Subsection (a) does not affect the authority of the Commissioner of Food and Drugs to amend part 320 of title 21, Code of Federal Regulations.

(c) EFFECT OF SECTION.—This section shall not be construed to alter the authority of the Secretary of Health and Human Services to regulate biological products under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.). Any such authority shall be exercised under that Act as in effect on the day before the date of enactment of this Act.

SEC. 8. REPORT.

(a) IN GENERAL.—Not later than the date that is 5 years after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report describing the extent to which implementation of the amendments made by this Act—

(1) has enabled products to come to market in a fair and expeditious manner, consistent with the rights of patent owners under intellectual property law; and

(2) has promoted lower prices of drugs and greater access to drugs through price competition.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

SEC. 9. CONFORMING AND TECHNICAL AMENDMENTS.

(a) SECTION 505.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended—

(1) in subsection (a), by striking ''(a) No person'' and inserting ''(a) IN GENERAL.—No person'';

(2) in subsection (b)—

(A) by striking ''(b)(1) Any person'' and inserting the following:

''(b) APPLICATIONS.—

''(1) REQUIREMENTS.—

''(A) IN GENERAL.—Any person'';

(B) in paragraph (1)—

(i) in the second sentence—

(I) by redesignating subparagraphs (A) through (F) as clauses (i) through (vi), respectively, and adjusting the margins appropriately;

(II) by striking ''Such persons'' and inserting the following:

''(B) INFORMATION TO BE SUBMITTED WITH APPLICATION.—A person that submits an application under subparagraph (A)''; and

(III) by striking ''application'' and inserting ''application—'';

(ii) by striking the third through fifth sentences; and

(iii) in the sixth sentence—

(I) by striking ''The Secretary'' and inserting the following:

''(C) GUIDANCE.—The Secretary''; and

(II) by striking ''clause (A)'' and inserting ''subparagraph (B)(i)''; and

(C) in paragraph (2)—

(i) by striking ''clause (A) of such paragraph'' and inserting ''paragraph (1)(B)(i)'';

(ii) in subparagraphs (A) and (B), by striking ''paragraph (1) or''; and

(iii) in subparagraph (B)—

(I) by striking ''paragraph (1)(A)'' and inserting ''paragraph (1)(B)(i)''; and

(II) by striking ''patent'' each place it appears and inserting ''claim''; and

(3) in subsection (c)—

(A) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking ''(A) If the applicant'' and inserting the following:

''(A) CLAUSE (i) OR (ii) CERTIFICATION.—If the applicant''; and

(II) by striking ''may'' and inserting ''shall'';

(ii) in subparagraph (B)—

(I) by striking ''(B) If the applicant'' and inserting the following:

''(B) CLAUSE (iii) CERTIFICATION.—If the applicant''; and

(II) by striking ''may'' and inserting ''shall'';

(iii) by redesignating subparagraph (D) as subparagraph (E); and

(iv) in subparagraph (E) (as redesignated by clause (iii)), by striking ''clause (A) of subsection (b)(1)'' each place it appears and inserting ''subsection (b)(1)(B)(i)''; and

(B) by redesignating paragraph (4) as paragraph (5); and

(4) in subsection (j)—

(A) in paragraph (2)(A)—

(i) in clause (vi), by striking ''clauses (B) through ((F)'' and inserting ''subclauses (ii) through (vi) of subsection (b)(1)'';

(ii) in clause (vii), by striking ''(b) or''; and

(iii) in clause (viii)—

(I) by striking ''(b) or''; and

(II) by striking ''patent'' each place it appears and inserting ''claim''; and

(B) in paragraph (5)—

(i) in subparagraph (B)—

(I) in clause (i)—

(aa) by striking ''(i) If the applicant'' and inserting the following:

''(i) SUBCLAUSE (I) OR (II) CERTIFICATION.—If the applicant''; and

(bb) by striking ''may'' and inserting ''shall'';

(II) in clause (ii)—

(aa) by striking ''(ii) If the applicant'' and inserting the following:

''(i) SUBCLAUSE (III) CERTIFICATION.—If the applicant''; and

(bb) by striking ''may'' and inserting ''shall'';

(III) in clause (iii), by striking ''(2)(B)(i)'' each place it appears and inserting ''(2)(B)''; and

(IV) in clause (v) (as redesignated by section 4(a)(1)(B)), by striking ''continuing'' and inserting ''containing''; and

(ii) by redesignating subparagraphs (C) and (D) as subparagraphs (E) and (F), respectively.

(b) SECTION 505A.—Section 505A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355a) is amended—

(1) in subsections (b)(1)(A)(i) and (c)(1)(A)(i)—

(A) by striking ''(c)(3)(D)(ii)'' each place it appears and inserting ''(c)(3)(E)(ii)''; and

(B) by striking ''(j)(5)(D)(ii)'' each place it appears and inserting ''(j)(5)(F)(ii)'';

(2) in subsections (b)(1)(A)(ii) and (c)(1)(A)(ii)—

(A) by striking ''(c)(3)(D)'' each place it appears and inserting ''(c)(3)(E)''; and

(B) by striking ''(j)(5)(D)'' each place it appears and inserting ''(j)(5)(F)'';

(3) in subsections (e) and (l)—

(A) by striking ''505(c)(3)(D)'' each place it appears and inserting ''505(c)(3)(E)''; and

(B) by striking ''505(j)(5)(D)'' each place it appears and inserting ''505(j)(5)(F)''; and

(4) in subsection (k), by striking ''505(j)(5)(B)(iv)'' and inserting ''505(j)(5)(B)(v)''.

(c) SECTION 527.—Section 527(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360cc(a)) is amended in the second sentence by striking ''505(c)(2)'' and inserting ''505(c)(1)(B)''.

Ms. COLLINS. Mr. President, I am pleased to join my colleagues from New York and Arizona in introducing the Greater Access to Affordable Pharmaceuticals Act, which will make prescription drugs more affordable by promoting completion in the pharmaceutical industry and increasing access to lower-priced generic drugs. The bipartisan bill that we are introducing today is identical to the compromise legislation that overwhelmingly passed the Senate last July by a vote of 78 to 21. That compromise was based on an amendment I Offered in the Health, Education, Labor and Pensions Committee with my colleague form North Carolina, Senator Edwards.

Prescription drug spending in the United States has increased by 92 percent over the past 5 years to almost $120 million. These soaring costs are a particular burden for the millions of uninsured Americans, as well as those seniors on Medicare who lack prescription drug coverage. Many of these individuals are simply priced out of the market, or forced to choose between paying the bills or buying the pills that keep them healthy.

Skyrocketing prescription drug costs are also putting the squeeze on our Nation's employers who are struggling in the face of double-digit annual premium increases to provide health care coverage for their workers. And they are exacerbating the Medicaid funding crisis that all of us are hearing about from our Governors back home as they struggle to bridge growing shortfalls in their State budgets.

The legislation that we are introducing today will make prescription drugs more affordable for all Americans. The nonpartisan Congressional Budget Office estimates that are bill will cut our Nation's drug costs by $60 billion over the next 10 years. That is why the legislation is supported by coalitions representing the Governors, insurers, businesses, organized labor, senior groups, and individual consumers who are footing the bill for these expensive drugs and whose costs for popular drugs like Cardizem CD, Cipro, Prilosec, and Zantac could be cut in half if generic alternatives were available.

The 1984 Hatch-Waxman Act made significant changes in our patent laws that were intended to encourage pharmaceutical companies to make the investments necessary to develop new drug products, while simultaneously enabling their competitors to bring lower-cost, generic alternatives to the market. To that end, the legislation has succeeded to a large degree. Prior to Hatch-Waxman, it took 3 to 5 years for generics to enter the market after a brand-name patent had expired. Today, lower-cost generics often enter the market immediately upon the expiration of the patent. As a consequence, consumers are saving anywhere from $8 to 10 billion a year by purchasing generic drugs.

Moreover, there are even greater potential savings on the horizon. Within the next 4 years, the patents on brand name drugs with combined sales of $20 billion are set to expire. If Hatch-Waxman were to work as it was intended, consumers could expect to save between 50 and 60 percent on these drugs as lower cost generic alternatives become available as these patents expire.

Despite its past success, however,it is becoming increasingly apparent that the Hatch-Waxman Act has been subject to abuse. While many pharmaceutical companies have acted in good faith, there is mounting evidence that some brand name generic drug manufacturers have attempted to ''game'' the system by exploiting legal loopholes in the current law.

Too many pharmaceutical companies have maximized their profits at the expense of consumers by filing frivolous patents that have delayed access to lower priced generic drugs. Currently, brand-name companies can delay a generic drug from going to market for years. A ''new'' patent for an existing drug can be awarded for merely changing the color of a pill or its packaging. For example, Bristol Myers-Squibb delayed generic competition on Platinol, a cancer treatment, by filing a patent on the brown bottle that it came in.

Another example cited by the Chairman of the Federal Trade Commission, Timothy Muris, in testimony before the Senate Commerce Commission, involved the producer of the heart medication Cardizem CD, which brought a lawsuit for patent and trademark infringement against the generic manufacturer in early 1996. Instead of asking the generic company to pay damages, however, the brand name manufacturer offered a settlement to pay the generic company more than $80 million in return for keeping the generic drug off the market. Meanwhile, users of Cardizem—which treats high blood pressure, chest pains and heart disease—were paying about $73 a month when the generic would have cost about $32 a month.

Last July, the Federal Trade Commission released a long-awaited report that found that brand-name drug manufacturers have misused legal loopholes to delay the entry of lower-cost generics into the market. The FTC

found that these tactics have led to delays of between four and 40 months—over and above the first 30-month stay provided under Hatch-Waxman—for generic competitors of at least eight drugs since 1992. Moreover, six of the eight delays have occurred since 1998.

The FTC report points to two specific provisions of the Hatch-Waxman Act—the automatic 30-month stay and the 180-day market exclusivity for the first generic to file a patent challenge—as being susceptible to strategies that could delay the entry of lower-cost generics into the market. According to the report, these loopholes ''continue to have the potential for abuse,'' and, if left unchanged, ''may have more significance in the future.'' These are the very loopholes that the legislation we are introducing today would close.

The original Hatch-Waxman Act was a carefully constructed compromise that balanced an expedited FDA approval process to speed the entry of lower-cost generic drugs into the market with additional patent protections to ensure continuing innovation. The bipartisan bill that we are introducing today restores that balance by closing the loopholes that have reduced the original law's effectiveness in bringing lower-cost generic drugs to market more quickly, and I urge all of my colleagues to join us as cosponsors.

By Mr. INOUYE:

S. 57. A bill for the relief of Donald C. Pence; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I am introducing a private relief bill on behalf of Donald C. Pence of Stanford, NC, for compensation for the failure of the Department of Veterans Affairs to pay dependency and indemnity compensation to Kathryn E. Box, the now-deceased mother of Donald C. Pence. It is rare that a Federal agency admits a mistake. In this case, the Department of Veterans Affairs has admitted that a mistake was made and explored ways to permit payment under the law, including equitable relief, but has found no provisions authorizing the Department to release the remaining benefits that were unpaid to Mrs. Box at the time of her death. My bill would correct this injustice, and I urge my colleagues to support this measure.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 57

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

SECTION 1. RELIEF OF DONALD C. PENCE.

(a) RELIEF.—The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Donald C. Pence, of Sanford, North Carolina, the sum of $31,128 in compensation for the failure of the Department of Veterans Affairs to pay dependency and indemnity compensation to Kathryn E. Box, the now-deceased mother of Donald C. Pence, for the period beginning on July 1, 1990, and ending on March 31, 1993.

(b) LIMITATION ON FEES.—Not more than a total of 10 percent of the payment authorized by subsection (a) shall be paid to or received by agents or attorneys for services rendered in connection with obtaining such payment, any contract to the contrary notwithstanding. Any person who violates this subsection shall be fined not more than $1,000.

By Mr. INOUYE:

S. 58. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I rise to introduce legislation which would amend the Internal Revenue Code of 1986 to allow Cooperative Housing Corporations, co-ops, to convert to condominium forms of ownership.

Under current law, a conversion from a cooperative shareholding to condominium ownership is taxable at a corporate level as well as an individual level. The conversion is treated as a corporate liquidation, and therefore taxed accordingly. In addition, a capital gains tax is levied on any increase between the owner's basis in the co-op share pre-conversion and the market value of the condominium interest post-conversion. This double taxation dissuades condominium conversion because the owner is being taxed on the transaction which is nothing more than a change in the form of ownership. While the Internal Revenue Service concedes that there are no discernable advantages to society of the cooperative form of ownership, they do not view Federal tax statutes as providing sufficient flexibility with which to address the obstacles of conversion.

Cooperative housing organizes the ownership structure into a corporation, with shares of stock for each apartment unit, which are sold to buyers. The corporation then issues a proprietary lease entitling the owner of the stock to the use of the unit in perpetuity. Because the investment is in the form of a share of stock, investors sometimes lose their entire investment as a result of debt incurred by the corporation in construction and development. In addition, due to the structure of a cooperative housing corporation, a prospective purchaser of shares in the corporation from an existing tenant-stockholder has difficulty obtaining mortgage financing for the purchase. Furthermore, tenant-stockholders of cooperative housing also encounter difficulties in securing bank loans for the full value of their investment.

As a result, owners of cooperative housing are increasingly looking toward conversion to the condominium structure of ownership. Condominium ownership permits the owner of a unit to own the unit itself, eliminating the cooperative housing dilemma of corporate debt that supersedes the investment of cooperative housing share owners, and other financial concerns.

The legislation I introduce today will remove the penalty of double taxation from the conversion of cooperative housing to condominium ownership, and will greatly benefit co-op owners across the nation. The bill does not apply to cooperatives which have been or are now being financed by any Federal, State, or local programs for the purpose of assisting in the construction of affordable housing cooperatives or the conversion of rental units to affordable housing cooperatives. I urge my colleagues' consideration of and support for this measure.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 58

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

SECTION 1. NONRECOGNITION OF GAIN OR LOSS ON DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.

(a) IN GENERAL.—Section 216(e) of the Internal Revenue Code of 1986 (relating to distributions by cooperative housing corporations) is amended to read as follows:

''(e) DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.—

''(1) IN GENERAL.—Except as provided in regulations—

''(A) no gain or loss shall be recognized to a cooperative housing corporation on the distribution by such corporation of a dwelling unit to a stockholder in such corporation if such distribution is in exchange for the stockholder's stock in such corporation, and

''(B) no gain or loss shall be recognized to a stockholder of such corporation on the transfer of such stockholder's stock in an exchange described in subparagraph (A).

''(2) BASIS.—The basis of a dwelling unit acquired in a distribution to which paragraph (1) applies shall be the same as the basis of the stock in the cooperative housing corporation for which it is exchanged, decreased in the amount of any money received by the taxpayer in such exchange.

(3) APPLICABILITY.—This subsection shall not apply with respect to any dwelling unit the basis of which includes financing under any Federal, State, or local program for the purpose of assisting the construction of affordable housing cooperatives or the conversion of rental units to affordable housing cooperatives.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

By Mr. INOUYE:

S. 59. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Forces are permitted to travel on a space-available basis on non-scheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying ''thank you'' by supporting this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 59

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

SECTION 1. TRAVEL ON MILITARY AIRCRAFT OF CERTAIN DISABLED FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding after section 1060a the following new section:

''§ 1060b. Travel on military aircraft: certain disabled former members of the armed forces

''The Secretary of Defense shall permit any former member of the armed forces who is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as total to travel, in the same manner and to the same extent as retired members of the armed forces, on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Military Airlift Command. The Secretary of Defense shall permit such travel on a space-available basis.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1060a the following new item:

''1060b. Travel on military aircraft: certain disabled former members of the armed forces.''.

By Mr. INOUYE:

S. 60. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated as having a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel this gesture is both meaningful and important to those concerned because it serves as a reminder that our Nation has not forgotten their sacrifices.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 60

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

SECTION 1. USE OF COMMISSARY AND EXCHANGE STORES BY CERTAIN DISABLED FORMER PRISONERS OF WAR.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

''§ 1064a. Use of commissary and exchange stores by certain disabled former prisoners of war

''(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, former prisoners of war described in subsection (b) may use commissary and exchange stores.

''(b) COVERED INDIVIDUALS.—Subsection (a) applies to any former prisoner of war who—

''(1) separated from active duty in the armed forces under honorable conditions; and

''(2) has a service-connected disability rated by the Secretary of Veterans Affairs at 30 percent or more.

''(c) DEFINITIONS.—In this section:

''(1) The term 'former prisoner of war' has the meaning given that term in section 101(32) of title 38.

''(2) The term 'service-connected' has the meaning given that term in section 101(16) of title 38.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1064 the following new item:

''1064a. Use of commissary and exchange stores by certain disabled former prisoners of war.''.

By Mr. INOUYE:

S. 61. A bill to amend title VII of the Public Health Service Act to revise and extend certain programs relating to the education of individuals as health professionals, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I rise to introduce the Physical and Occupational Therapy Education Act of 2003. This legislation will increase educational opportunities for physical therapy and occupational therapy practitioners in order to meet the growing demand for the valuable services they provide in our communities.

Several factors contribute to the present need for federal support in this area. The rapid aging of our Nation's population, the demands of the AIDS crisis, increasing emphasis on health promotion and disease prevention, and the growth of home health care has increased the demand for physical and occupational therapy services. This demand has exceeded our ability to educate an adequate number of physical therapists and occupational therapists. In addition, technological advances are allowing injured and disabled individuals to survive conditions that would have proven fatal in past years.

An inadequate number of physical therapists has led to an increased reliance on foreign-educated, non-immigrant temporary workers who enter the U.S. as H–1B visa holders. The U.S. Commission on Immigration Reform has identified physical therapy and occupational therapy as having the highest number of H–1B visa holders in the United States, second only to computer specialists.

In addition to the shortage of practitioners, a shortage of faculty impedes the expansion of established education programs. The critical shortage of doctoral-prepared occupational therapists and physical therapists has resulted in a depleted pool of potential faculty. This bill would assist in the development of qualified faculty by giving preference to grant applicants seeking to develop and expand post-professional programs for the advanced training of physical and occupational therapists.

The legislation I introduce today would provide necessary assistance to physical and occupational therapy programs throughout the country. The investment we make will help reduce America's dependence on foreign labor and create highly-skilled, high-wage employment opportunities for American citizens.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 61

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 ''Physical Therapy and Occupational Therapy Education Act of 2003''.

SEC. 2. PHYSICAL THERAPY AND OCCUPATIONAL THERAPY.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended by inserting after section 769, the following:

"SEC. 769A. PHYSICAL THERAPY AND OCCUPATIONAL THERAPY.

''(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, programs of physical therapy and occupational therapy for the purpose of planning and implementing projects to recruit and retain faculty and students, develop curriculum, support the distribution of physical therapy and occupational therapy practitioners in underserved areas, or support the continuing development of these professions.

''(b) PREFERENCE IN MAKING GRANTS.—In making grants under subsection (a), the Secretary shall give preference to qualified applicants that seek to educate physical therapists or occupational therapists in rural or urban medically underserved communities, or to expand post-professional programs for the advanced education of physical therapy or occupational therapy practitioners.

''(c) PEER REVIEW.—Each peer review group under section 799(f) that is reviewing proposals for grants or contracts under subsection (a) shall include not fewer than 2 physical therapists or occupational therapists.

''(d) REPORT TO CONGRESS.—

''(1) IN GENERAL.—The Secretary shall prepare a report that—

''(A) summarizes the applications submitted to the Secretary for grants or contracts under subsection (a);

''(B) specifies the identity of entities receiving the grants or contracts; and

''(C) evaluates the effectiveness of the program based upon the objectives established by the entities receiving the grants or contracts.

''(2) DATE CERTAIN FOR SUBMISSION.—Not later than February 1, 2004, the Secretary shall submit the report prepared under paragraph (1) to the Committee on Commerce and the Committee on Appropriations of the House of Representatives, the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $3,000,000 for each of the fiscal years 2004 through 2006.''.

By Mr. INOUYE:

S. 62. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce legislation to authorize the autonomous functioning of clinical psychologists and clinical social workers within the Medicare comprehensive outpatient rehabilitation facility program.

In my judgment, it is unfortunate that Medicare requires clinical supervision of the services provided by certain health professionals and does not allow them to function to the full extent of their State practice licenses. Those who need the services of outpatient rehabilitation facilities should have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are recognized as independent providers of mental health care services under the Federal Employee Health Benefits Program, the Civilian Health and Medical Program of the Uniformed Services, the Medicare, Part B, Program, and numerous private insurance plans. This legislation will ensure that these qualified professionals achieve the same recognition under the Medicare comprehensive outpatient rehabilitation facility program.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 62

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 ''Autonomy for Psychologists and Social Workers Act of 2003''.

SEC. 2. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES IN A COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE CARE OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by striking ''physician'' and inserting ''physician, except that a patient receiving qualified psychologist services (as defined in subsection (ii)) may be under the care of a clinical psychologist with respect to such services to the extent permitted under State law and except that a patient receiving clinical social worker services (as defined in subsection (hh)(2)) may be under the care of a clinical social worker with respect to such services to the extent permitted under State law''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2004.

By Mr. INOUYE:

S. 63. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under State Medicaid programs; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Nursing School Clinics Act of 2003. This measure builds on our concerted efforts to provide access to quality health care for all Americans by offering grants and incentives for nursing schools to establish primary care clinics in underserved areas where additional medical services are most needed. In addition, this measure provides the opportunity for nursing schools to enhance the scope of student training and education by providing firsthand clinical experience in primary care facilities.

Primary care clinics administered by nursing schools are university or nonprofit primary care centers developed mainly in collaboration with university schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are nurse practitioners and public health nurses. Students supplement patient care while receiving preceptorships provided by college of nursing faculty and primary care physicians, often associated with academic institutions, who serve as collaborators with nurse practitioners. To date, the comprehensive models of care provided by nursing clinics have yielded excellent results, including significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists, as compared to conventional primary health care.

This bill reinforces the principle of combining health care delivery in underserved areas with the education of advanced practices nurses. To accomplish these objectives, Title XIX of the Social Security Act would be amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the financial incentives for clinic operators to establish the clinics.

In order to meet the increasing challenges of bringing cost-effective and quality health care to all Americans, we must consider a wide range of proposals, both large and small. Most importantly, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act of 2003 recognizes the central role nurses can perform as care givers to the medically underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 63

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 ''Nursing School Clinics Act of 2003''.

SEC. 2. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (26), by striking ''and'' at the end;

(2) by redesignating paragraph (27) as paragraph (28); and

(3) by inserting after paragraph (26), the following new paragraph:

''(27) nursing school clinic services (as defined in subsection (x)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist (as defined in section 1861(aa)(5)), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and''.

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1905 of the Social Security

Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

''(x) The term 'nursing school clinic services' means services provided by a health care facility operated by an accredited school of nursing which provides primary care, long-term care, mental health counseling, home health counseling, home health care, or other health care services which are within the scope of practice of a registered nurse.''.

(c) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ''and (27)'' after ''(24)''.

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to payments made under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

By Mr. INOUYE:

S. 64. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend Title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social workers covered through Medicare, Part B. The three proposed changes contained in this legislation clarify the current payment process for clinical social workers and establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursed through the Medicare program.

First, this legislation sets payment for clinical social worker services according to a fee schedule established by the Secretary. Second, it explicitly states that services and supplies furnished by a clinical social worker are a covered Medicare expense, just as these services are covered for other mental health professionals in Medicare. Third, the bill allows clinical social workers to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider network. They are legally regulated in every state of the nation and are recognized as independent providers of mental health care throughout the health care system. It is time to correct the disparate reimbursement treatment of this profession under Medicare.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 64

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 ''Equity for Clinical Social Workers Act of 2003''.

SEC. 2. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 1395l(a)(1)(F)(ii)) is amended to read as follows: ''(ii) the amount determined by a fee schedule established by the Secretary,''.

(b) DEFINITION OF CLINICAL SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking ''services performed by a clinical social worker (as defined in paragraph (1))'' and inserting ''such services and such services and supplies furnished as an incident to such services performed by a clinical social worker (as defined in paragraph (1))''.

(c) CLINICAL SOCIAL WORKER SERVICES NOT TO BE INCLUDED IN INPATIENT HOSPITAL SERVICES.—Section 1861(b)(4) of the Social Security Act (42 U.S.C. 1395x(b)(4)) is amended by striking ''and services'' and inserting ''clinical social worker services, and services''.

(d) TREATMENT OF SERVICES FURNISHED IN INPATIENT SETTING.—Section 1832(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended by striking ''and services'' and inserting ''clinical social worker services, and services''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for clinical social worker services furnished on or after January 1, 2004.

By Mr. INOUYE:

S. 65. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I am introducing legislation today to amend Title VII of the Public Health Service Act to establish a psychology post-doctoral program.

Psychologists have made a unique contribution in reaching out to the Nation's medically underserved populations. Expertise in behavioral science is useful in addressing grave concerns such as violence, addiction, mental illness, adolescent and child behavioral disorders, and family disruption. Establishment of a psychology post-doctoral program could be an effective way to find solutions to these issues.

Similar programs supporting additional, specialized training in traditionally underserved settings have been successful in retaining participants to serve the same populations. For example, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their repayment obligations, but have continued to work in the public sector or with the underserved.

While a doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, specialized post-doctoral fellowship programs help to develop particular diagnostic and treatment skills required to respond effectively to underserved populations. For example, what appears to be poor academic motivation in a child recently relocated from Southeast Asia might actually reflect a cultural value of reserve rather than a disinterest in academic learning. Specialized assessment skills enable the clinician to initiate effective treatment.

Domestic violence poses a significant public health problem and is not just a problem for the criminal justice system. Violence against women results in thousands of hospitalizations a year. Rates of child and spouse abuse in rural areas are particularly high, as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology of the rural populations could be of special benefit in addressing these problems.

Given the demonstrated success and effectiveness of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowships that respond to the needs of the nation's underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 65

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 ''Psychologists in the Service of the Public Act of 2003''.

SEC. 2. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

''SEC. 749. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

''(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

''(b) ELIGIBLE ENTITIES.—

''(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

''(A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

''(B) will provide services in a medically underserved population during the period of such grant;

''(C) will comply with the provisions of subsection (c); and

''(D) will provide any other information or assurances as the Secretary determines appropriate.

''(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

''(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

''(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraph (1);

''(C) will not use in excess of 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

''(D) will provide any other information or assurance as the Secretary determines appropriate.

''(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for at least 1 year after the term of the grant or fellowship has expired.

''(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' or 'medically unserved populations'.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 2004 through 2006.''.

By Mr. INOUYE:

S. 66. A bill to amend title 5, United States Code, to require the issuance of prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Governmental Affairs.

Mr. INOUYE. Mr. President, all too often we find that our Nation's civilian employees of the Federal Government who have been forcibly detained or interred by a hostile government do not receive the recognition they deserve. My bill would correct this inequity and provide a prisoner of war medal for such citizens.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 66

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

SECTION 1. PRISONER-OF-WAR MEDAL FOR CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) AUTHORITY TO ISSUE PRISONER-OF-WAR MEDAL.—(1) Subpart A of part III of title 5, United States Code, is amended by inserting after chapter 23 the following new chapter:

''CHAPTER 25—MISCELLANEOUS AWARDS

''Sec.
''2501. Prisoner-of-war medal: issue.

''§ 2501. Prisoner-of-war medal: issue

''(a) The President shall issue a prisoner-of-war medal to any person who, while serving in any capacity as an officer or employee of the Federal Government, was forcibly detained or interned, not as a result of such person's own willful misconduct—

''(1) by an enemy government or its agents, or a hostile force, during a period of war; or

''(2) by a foreign government or its agents, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the President finds to have been comparable to the circumstances under which members of the armed forces have generally been forcibly detained or interned by enemy governments during periods of war.

''(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

''(c) Not more than one prisoner-of-war medal may be issued to a person under this section or section 1128 of title 10. However, for each succeeding service that would otherwise justify the issuance of such a medal, the President (in the case of service referred to in subsection (a) of this section) or the Secretary concerned (in the case of service referred to in section 1128(a) of title 10) may issue a suitable device to be worn as determined by the President or the Secretary, as the case may be.

''(d) For a person to be eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

''(e) If a person dies before the issuance of a prisoner-of-war medal to which he is entitled, the medal may be issued to the person's representative, as designated by the President.

''(f) Under regulations to be prescribed by the President, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

''(g) In this section, the term 'period of war' has the meaning given such term in section 101(11) of title 38.''.

(2) The table of chapters at the beginning of part III of such title is amended by inserting after the item relating to chapter 23 the following new item:

''25. Miscellaneous Awards ..... 2501''.

(b) APPLICABILITY.—Section 2501 of title 5, United States Code, as added by subsection (a), applies with respect to any person who, after April 5, 1917, is forcibly detained or interned as described in subsection (a) of such section.

By Mr. INOUYE:

S. 67. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I am introducing a private relief bill on behalf of Jim K. Yoshida, to obtain recognition of his service with the U.S. military in Korea so that he may obtain veteran's status.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 67

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

SECTION 1. VETERAN STATUS.

(a) ENTITLEMENT TO STATUS.—Notwithstanding any other provision of law, Jim K. Yoshida of Honolulu, Hawaii, is deemed to be a veteran for the purposes of all laws administered by the Secretary of Veterans Affairs.

(b) TREATMENT OF SERVICE.—Notwithstanding any other provision of law, the service of Jim K. Yoshida of Honolulu, Hawaii, as a volunteer member of the United States Army during the period beginning on July 2, 1950, and ending on January 17, 1951, shall be deemed to be active military service from which Jim K. Yoshida was discharged under honorable conditions for the purposes of all laws administered by the Secretary of Veterans Affairs.

(c) PROSPECTIVE APPLICABILITY.—No benefits may be paid or otherwise provided to Jim K. Yoshida of Honolulu, Hawaii, by reason of the enactment of this Act with respect to any period before the date of the enactment of this Act.

By Mr. INOUYE:

S. 68. A bill to amend title 36, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I rise to introduce the Filipino Veterans' Benefits Improvement Act of 2003 to give our country the opportunity to right a wrong committed decades ago by providing Philippine-born veterans of World War II, who served in the United States Armed Forces, their hard-earned, due compensation.

The Philippines became a United States possession in 1898, when it was ceded from Spain following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act, Public Law 73–127, which provided a 10-year time frame for the independence of the Philippines. Between 1934 and final independence in 1946, the United States retained certain powers over the Philippines, including the right to call all military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

On July 26, 1941, President Roosevelt issued an Executive Order calling members of the Philippine Commonwealth Army into the service of the United States Armed Forces of the Far East. Under this order, Filipinos were entitled to full veterans' benefits. More than 100,000 Filipinos volunteered for the Philippine Commonwealth Army and fought alongside the United States Armed Forces.

Shortly after Japan's surrender, Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending American troops to occupy enemy lands, and to oversee military installations at various overseas locations.

A provision included in the Recruitment Act called for the enlistment of Philippine citizens to constitute a new body of scouts. The New Philippine Scouts were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of the New Philippine Scouts

continued as a matter of law until the end of 1946.

Despite their sacrifices, on February 18, 1946, Congress betrayed these veterans by enacting the Rescission Act of 1946 and declaring the service performed by the Philippine Commonwealth Army veterans as not ''active service,'' thus denying many benefits to which these veterans were entitled.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriations Rescission Act, which included a provision to limit veterans' benefits provided to Filipinos. This provision duplicated the language that had eliminated veterans' benefits under the First Rescission Act, and placed similar restrictions on veterans of the New Philippine Scouts. Thus, the Filipino veterans who fought in the service of the United States during World War II were precluded from receiving most veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Congress tried to rectify the wrong committed against the Filipino veterans of World War II by amending the Nationality Act of 1940, to grant the veterans the privilege of becoming United States citizens for having served in the United States Armed Forces of the Far East. The law expired at the end of 1946, but not before the United States had withdrawn its sole naturalization examiner from the Philippines for a nine-month period. This effectively denied Filipino veterans the opportunity to become citizens during this nine-month window. Forty-five years later, under the Immigration Act of 1990, certain Filipino veterans who had served during World War II became eligible for United States citizenship. Between November, 1990, and February, 1995, approximately 24,000 veterans took advantage of this opportunity and became United States citizens.

Although progress has been made, we must, as a nation, correct fully the injustice caused by the Rescission Acts by providing equal treatment for the service and sacrifice by these brave men. The Filipino Veterans' Benefits Improvement Act of 2003 will compensate eligible veterans by providing a number of needed benefits: Dependency and Indeminity Compensation to surviving widows of service-connected veterans living in the United States; a payment increase to New Philippine Scouts and survivors residing in the United States from 50 percent to the full dollar amount for service-connected disability compensation; authorization of non-service connected disability pensions for veterans residing in the Philippines, but at a rate of $100 per month, which matches the amount of the veterans' pension received by them from the Philippine government; access to veterans hospitals for non-service connected disabled veterans in the same manner as United States veterans; and $500,000 per year to the Outpatient Clinic in Manila.

Heroes should never be forgotten or ignored, so let us not turn our backs on those who sacrificed so much. Many of the Filipinos who fought so hard for our nation have been honored with American citizenship, but let us now work to repay all of these brave men for their sacrifices by providing them the veterans' benefits they have earned.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 68

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 ''Filipino Veterans' Benefits Improvements Act of 2003''.

SEC. 2. RATE OF PAYMENT OF CERTAIN BENEFITS FOR NEW PHILIPPINE SCOUTS RESIDING IN THE UNITED STATES.

(a) RATE OF PAYMENT.—Section 107 of title 38, United States Code, is amended—

(1) in the second sentence of subsection (b), by striking ''Payments'' and inserting ''Except as provided in subsection (c), payments''; and

(2) in subsection (c)—

(A) by inserting ''or (b)'' after ''subsection (a)'' the first place it appears; and

(B) by striking ''subsection (a)'' the second place it appears and inserting ''the applicable subsection''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 3. RATE OF PAYMENT OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES OF CERTAIN FILIPINO VETERANS.

(a) RATE OF PAYMENT.—Subsection (c) of section 107 of title 38, United States Code, as amended by section 2 of this Act, is further amended by inserting '', and under chapter 13 of this title,'' after ''chapter 11 of this title''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to benefits paid for months beginning on or after that date.

SEC. 4. ELIGIBILITY OF CERTAIN FILIPINO VETERANS FOR DISABILITY PENSION.

(a) ELIGIBILITY.—Section 107 of title 38, United States Code, as amended by this Act, is further amended—

(1) in subsection (a)—

(A) in paragraph (3) of the first sentence, by inserting ''15,'' before ''23,''; and

(B) in the second sentence, by striking ''subsections (c) and (d)'' and inserting ''subsections (c), (d), and (e)''; and

(2) in subsection (b)—

(A) by striking paragraph (2) of the first sentence and inserting the following new paragraph (2):

''(2) chapters 11, 13 (except section 1312(a)), and 15 of this title.''; and

(B) in the second sentence, by striking ''subsection (c)'' and inserting ''subsections (c) and (e)''.

(b) RATE OF PAYMENT.—That section is further amended by adding at the end the following new subsection:

''(e) In the case of benefits under chapter 15 of this title paid by reason of service described in subsection (a) or (b), if—

''(1) the benefits are paid to an individual residing in the United States who is a citizen of, or an alien lawfully admitted for permanent residence in, the United States, the second sentence of the applicable subsection shall not apply; and

''(2) the benefits are paid to an individual residing in the Republic of the Philippines, the benefits shall be paid (notwithstanding any other provision of law) at the rate of $100 per month.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to benefits for months beginning on or after that date.

SEC. 5. ELIGIBILITY OF FILIPINO VETERANS FOR HEALTH CARE IN THE UNITED STATES.

The text of section 1734 of title 38, United States Code, is amended to read as follows:

''The Secretary, within the limits of Department facilities, shall furnish hospital and nursing home care and medical services to Commonwealth Army veterans and new Philippine Scouts in the same manner as provided for under section 1710 of this title.''.

SEC. 6. OUTPATIENT HEALTH CARE FOR VETERANS RESIDING IN THE PHILIPPINES.

(a) IN GENERAL.—Subchapter IV of chapter 17 of title 38, United States Code, is amended—

(1) by redesignating section 1735 as section 1736; and

(2) by inserting after section 1734 the following new section 1735:

''§ 1735. Outpatient care and services for World War II veterans residing in the Philippines

''(a) OUTPATIENT HEALTH CARE.—The Secretary shall furnish care and services to veterans of World War II, Commonwealth Army veterans, and new Philippine Scouts for the treatment of the service-connected disabilities and nonservice-connected disabilities of such veterans and scouts residing in the Republic of the Philippines on an outpatient basis at the Manila VA Outpatient Clinic.

''(b) LIMITATIONS.—(1) The amount expended by the Secretary for the purpose of subsection (a) in any fiscal year may not exceed $500,000.

''(2) The authority of the Secretary to furnish care and services under subsection (a) is effective in any fiscal year only to the extent that appropriations are available for that purpose.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of such title is amended by striking the item relating to section 1735 and inserting after the item relating to section 1734 the following new items:

''1735. Outpatient care and services for World War II veterans residing in the Philippines.
''1736. Definitions.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. INOUYE:

S. 69. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World

War II; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I am reintroducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Our Filipino veterans fought side by side and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans benefits that, I believe, they are entitled to. As this population becomes older, it is important for our nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great nation that we are today.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 69

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

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) that is available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary of the Army shall issue a certificate of service to each person determined by the Secretary to have performed military service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary of the Army may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period before the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary of the Army shall prescribe regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY OF VETERANS AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Department of Veterans Affairs pursuant to regulations prescribed by the Secretary of Veterans Affairs.

SEC. 8. DEFINITION.

In this Act, the term ''World War II'' means the period beginning on December 7, 1941, and ending on December 31, 1946.

By Mr. INOUYE:

S. 70. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, in our efforts to accommodate many Americans by making Memorial Day the last Monday in May, we have lost sight of the significance of this day to our Nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation designating Memorial Day and Veterans Day as days for prayer and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our Nation

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 70

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

SECTION 1. RESTORATION OF TRADITIONAL DAY OF OBSERVANCE OF MEMORIAL DAY.

(a) DESIGNATION OF LEGAL PUBLIC HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended in the item relating to Memorial Day by striking ''the last Monday in May.'' and inserting ''May 30.''.

(b) OBSERVANCES AND CEREMONIES.—Section 116 of title 36, United States Code, is amended—

(1) in subsection (a), by striking ''The last Monday in May'' and inserting ''May 30''; and

(2) in subsection (b)—

(A) by striking ''and'' at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

''(4) calling on the people of the United States to observe Memorial Day as a day of ceremonies for showing respect for American veterans of wars and other military conflicts; and''.

(c) DISPLAY OF FLAG.—Section 6(d) of title 4, United States Code, is amended by striking ''the last Monday in May;'' and inserting ''May 30;''.

By Mr. INOUYE:

S. 73. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce legislation to amend the Public Health Service Act for the establishment of a National Center for Social Work Research.

Social workers provide a multitude of health care delivery services throughout America to our children, families, the elderly, and persons suffering from various forms of abuse and neglect.

The purpose of this center is to support and disseminate information about basic and clinical social work research, and training, with an emphasis on service to underserved and rural populations.

While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other federal agencies, there presently is no coordination or direction of these critical activities and no overall assessment of needs and opportunities for empirical knowledge development. The establishment of a Center for Social Work Research would result in improved behavioral and mental health care outcomes for our nation's children, families, the elderly, and others.

In order to meet the increasing challenges of bringing cost-effective, research-based, quality health care to all Americans, we must recognize the important contributions of social work researchers to health care delivery and the central role that the Center for Social Work can provide in facilitating their work.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 73

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Center for Social Work Research Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) social workers focus on the improvement of individual and family functioning and the creation of effective health and mental health prevention and treatment interventions in order for individuals to become more productive members of society;

(2) social workers provide front line prevention and treatment services in the areas of school violence, aging, teen pregnancy, child abuse, domestic violence, juvenile crime, and substance abuse, particularly in rural and underserved communities; and

(3) social workers are in a unique position to provide valuable research information on these complex social concerns, taking into account a wide range of social, medical, economic and community influences from an

interdisciplinary, family-centered and community-based approach.

SEC. 3. ESTABLISHMENT OF NATIONAL CENTER FOR SOCIAL WORK RESEARCH.

(a) IN GENERAL.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

''(H) The National Center for Social Work Research.''.

(b) ESTABLISHMENT.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

''Subpart 7—National Center for Social Work Research

''SEC. 485J. PURPOSE OF CENTER.

''The general purpose of the National Center for Social Work Research (referred to in this subpart as the 'Center') is the conduct and support of, and dissemination of targeted research concerning social work methods and outcomes related to problems of significant social concern. The Center shall—

''(1) promote research and training that is designed to inform social work practices, thus increasing the knowledge base which promotes a healthier America; and

''(2) provide policymakers with empirically-based research information to enable such policymakers to better understand complex social issues and make informed funding decisions about service effectiveness and cost efficiency.

''SEC. 485K. SPECIFIC AUTHORITIES.

''(a) IN GENERAL.—To carry out the purpose described in section 485J, the Director of the Center may provide research training and instruction and establish, in the Center and in other nonprofit institutions, research traineeships and fellowships in the study and investigation of the prevention of disease, health promotion, the association of socioeconomic status, gender, ethnicity, age and geographical location and health, the social work care of individuals with, and families of individuals with, acute and chronic illnesses, child abuse, neglect, and youth violence, and child and family care to address problems of significant social concern especially in underserved populations and underserved geographical areas.

''(b) STIPENDS AND ALLOWANCES.—The Director of the Center may provide individuals receiving training and instruction or traineeships or fellowships under subsection (a) with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director determines necessary.

''(c) GRANTS.—The Director of the Center may make grants to nonprofit institutions to provide training and instruction and traineeships and fellowships under subsection (a).

''SEC. 485L. ADVISORY COUNCIL.

''(a) DUTIES.—

''(1) IN GENERAL.—The Secretary shall establish an advisory council for the Center that shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the Center on matters related to the activities carried out by and through the Center and the policies with respect to such activities.

''(2) GIFTS.—The advisory council for the Center may recommend to the Secretary the acceptance, in accordance with section 231, of conditional gifts for study, investigations, and research and for the acquisition of grounds or construction, equipment, or maintenance of facilities for the Center.

''(3) OTHER DUTIES AND FUNCTIONS.—The advisory council for the Center—

''(A)(i) may make recommendations to the Director of the Center with respect to research to be conducted by the Center;

''(ii) may review applications for grants and cooperative agreements for research or training and recommend for approval applications for projects that demonstrate the probability of making valuable contributions to human knowledge; and

''(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the Center;

''(B) may collect, by correspondence or by personal investigation, information relating to studies that are being carried out in the United States or any other country and, with the approval of the Director of the Center, make such information available through appropriate publications; and

''(C) may appoint subcommittees and convene workshops and conferences.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The advisory council shall be composed of the ex officio members described in paragraph (2) and not more than 18 individuals to be appointed by the Secretary under paragraph (3).

''(2) EX OFFICIO MEMBERS.—The ex officio members of the advisory council shall include—

''(A) the Secretary of Health and Human Services, the Director of NIH, the Director of the Center, the Chief Social Work Officer of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, the Associate Director of Prevention Research at the National Institute of Mental Health, the Director of the Division of Epidemiology and Services Research, the Assistant Secretary of Health and Human Services for the Administration for Children and Families, the Assistant Secretary of Education for the Office of Educational Research and Improvement, the Assistant Secretary of Housing and Urban Development for Community Planning and Development, and the Assistant Attorney General for Office of Justice Programs (or the designees of such officers); and

''(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

''(3) APPOINTED MEMBERS.—The Secretary shall appoint not to exceed 18 individuals to the advisory council, of which—

''(A) not more than two-thirds of such individual shall be appointed from among the leading representatives of the health and scientific disciplines (including public health and the behavioral or social sciences) relevant to the activities of the Center, and at least 7 such individuals shall be professional social workers who are recognized experts in the area of clinical practice, education, or research; and

''(B) not more than one-third of such individuals shall be appointed from the general public and shall include leaders in fields of public policy, law, health policy, economics, and management.

The Secretary shall make appointments to the advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year.

''(4) COMPENSATION.—Members of the advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The remaining members shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for an individual at grade GS–18 of the General Schedule.

''(c) TERMS.—

''(1) IN GENERAL.—The term of office of an individual appointed to the advisory council under subsection (b)(3) shall be 4 years, except that any individual appointed to fill a vacancy on the advisory council shall serve for the remainder of the unexpired term. A member may serve after the expiration of the member's term until a successor has been appointed.

''(2) REAPPOINTMENTS.—A member of the advisory council who has been appointed under subsection (b)(3) for a term of 4 years may not be reappointed to the advisory council prior to the expiration of the 2-year period beginning on the date on which the prior term expired.

''(3) VACANCY.—If a vacancy occurs on the advisory council among the members under subsection (b)(3), the Secretary shall make an appointment to fill that vacancy not later than 90 days after the date on which the vacancy occurs.

''(d) CHAIRPERSON.—The chairperson of the advisory council shall be selected by the Secretary from among the members appointed under subsection (b)(3), except that the Secretary may select the Director of the Center to be the chairperson of the advisory council. The term of office of the chairperson shall be 2 years.

''(e) MEETINGS.—The advisory council shall meet at the call of the chairperson or upon the request of the Director of the Center, but not less than 3 times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director of the Center.

''(f) ADMINISTRATIVE PROVISIONS.—The Director of the Center shall designate a member of the staff of the Center to serve as the executive secretary of the advisory council. The Director of the Center shall make available to the advisory council such staff, information, and other assistance as the council may require to carry out its functions. The Director of the Center shall provide orientation and training for new members of the advisory council to provide such members with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

''(g) COMMENTS AND RECOMMENDATIONS.—The advisory council may prepare, for inclusion in the biennial report under section 485M—

''(1) comments with respect to the activities of the advisory council in the fiscal years for which the report is prepared;

''(2) comments on the progress of the Center in meeting its objectives; and

''(3) recommendations with respect to the future direction and program and policy emphasis of the center.

The advisory council may prepare such additional reports as it may determine appropriate.

''SEC. 485M. BIENNIAL REPORT.

''The Director of the Center, after consultation with the advisory council for the Center, shall prepare for inclusion in the biennial report under section 403, a biennial report that shall consist of a description of the activities of the Center and program policies of the Director of the Center in the fiscal years for which the report is prepared. The Director of the Center may prepare such additional reports as the Director determines appropriate. The Director of the Center shall provide the advisory council of the Center an opportunity for the submission of the written comments described in section 485L(g).

''SEC. 485N. QUARTERLY REPORT.

''The Director of the Center shall prepare and submit to Congress a quarterly report that contains a summary of findings and policy implications derived from research conducted or supported through the Center.''.

By Mr. INOUYE:

S. 74. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professionals loan program; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise to introduce legislation today to modify Title VII of the U.S. Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much-needed infusion of behavioral science expertise into our community of public health providers. There is a growing recognition of the valuable contribution being made by psychologists toward solving some of our Nation's most distressing problems.

The participation of students from all backgrounds and clinical disciplines is vital to the success of health care training. The Title VII programs play a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists have an advantage in the provision of critical services to minority populations because often they can communicate with clients in their own language and cultural framework. Minority therapists are more likely to work in community settings where ethnic minority and economically disadvantaged individuals are most likely to seek care. It is critical that continued support be provided for the training of individuals who provide health care services to underserved communities.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 74

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 ''Strengthen the Public Health Service Act''.

SEC. 2. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (42 U.S.C. 292q) is amended—

(1) in subsection (a), by inserting '', or any public or nonprofit school that offers a graduate program in professional psychology'' after ''veterinary medicine'';

(2) in subsection (b)(4), by inserting '', or to a graduate degree in professional psychology'' after ''or doctor of veterinary medicine or an equivalent degree''; and

(3) in subsection (c)(1), by inserting '', or schools that offer graduate programs in professional psychology'' after ''veterinary medicine''.

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r) is amended—

(1) in subsection (b)(1), by inserting '', or to a graduate degree in professional psychology'' after ''or doctor of veterinary medicine or an equivalent degree'';

(2) in subsection (c), in the matter preceding paragraph (1), by inserting '', or at a school that offers a graduate program in professional psychology'' after ''veterinary medicine''; and

(3) in subsection (k)—

(A) in the matter preceding paragraph (1), by striking ''or podiatry'' and inserting ''podiatry, or professional psychology''; and

(B) in paragraph (4), by striking ''or podiatric medicine'' and inserting ''podiatric medicine, or professional psychology''.

SEC. 3. GENERAL PROVISIONS.

(a) HEALTH PROFESSIONS DATA.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by striking ''clinical'' and inserting ''professional''.

(b) PROHIBITION AGAINST DISCRIMINATION ON BASIS OF SEX.—Section 794 of the Public Health Service Act (42 U.S.C. 295m) is amended in the matter preceding paragraph (1) by striking ''clinical'' and inserting ''professional''.

(c) DEFINITIONS.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) is amended by striking ''clinical'' each place it appears and inserting ''professional''.

By Mr. INOUYE:

S. 75. A bill to amend the Public Health Service Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, today I introduce legislation on the Rural Preventive Health Care Training Act of 2003, a bill that responds to the dire need of our rural communities for quality health care and disease prevention programs.

Almost one fourth of Americans live in rural areas and frequently lack access to adequate physical and mental health care. As many as 21 million of the 34 million people living in underserved rural areas are without access to a primary care provider. Even in areas where providers do exist, there are numerous limits to access, such as geographical barriers lack of transportation, and lack of knowledge about available resources. Due to the diversity of rural populations, language and cultural obstacles are often a factor in the access to medical care.

Compound these problems with limited financial resources, and the result is that many Americans living in rural communities go without vital health care, especially preventive care. Children fail to receive immunizations and routine checkups. Preventable illnesses and injuries occur needlessly, and lead to expensive hospitalizations. Early symptoms of emotional problems and substance abuse go undetected, and often develop into full-blown disorders.

An Institute of Medicine, IOM, report entitled, ''Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research,'' highlights the benefits of preventive care for all health problems. The training of health care providers in prevention is crucial in order to meet the demand for care in underserved areas. Currently, rural health care providers lack preventive care training opportunities.

Interdisciplinary preventive training of rural health care providers must be encouraged. Through such training programs, rural health care providers can build a strong educational foundation in the behavioral, biological, and psychological sciences. Interdisciplinary team prevention training will also facilitate operations at sites with both health and mental health clinics by facilitating routine consultation between groups. Emphasizing the mental health disciplines and their services as part of the health care team will contribute to the overall health of rural communities.

The Rural Preventive Health Care Training Act of 2003 would implement the risk-reduction model described in the IOM study. This model is based on the identification of risk factors and targets specific interventions for those risk factors.

The human suffering caused by poor health is immeasurable, and places a huge financial burden on communities, families, and individuals. By implementing preventive measures to reduce this suffering, the potential overall health and financial savings are enormous.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 75

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 ''Rural Preventive Health Care Training Act of 2003''.

SEC. 2. PREVENTIVE HEALTH CARE TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 754 the following:

''SEC. 754A. PREVENTIVE HEALTH CARE TRAINING.

''(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, eligible applicants to enable such applicants to provide preventive health care training, in accordance with subsection (c), to health care practitioners practicing in

rural areas. Such training shall, to the extent practicable, include training in health care to prevent both physical and mental disorders before the initial occurrence of such disorders. In carrying out this subsection, the Secretary shall encourage, but may not require, the use of interdisciplinary training project applications.

''(b) LIMITATION.—To be eligible to receive training using assistance provided under subsection (a), a health care practitioner shall be determined by the eligible applicant involved to be practicing, or desiring to practice, in a rural area.

''(c) USE OF ASSISTANCE.—Amounts received under a grant made or contract entered into under this section shall be used—

''(1) to provide student stipends to individuals attending rural community colleges or other institutions that service predominantly rural communities, for the purpose of enabling the individuals to receive preventive health care training;

''(2) to increase staff support at rural community colleges or other institutions that service predominantly rural communities to facilitate the provision of preventive health care training;

''(3) to provide training in appropriate research and program evaluation skills in rural communities;

''(4) to create and implement innovative programs and curricula with a specific prevention component; and

''(5) for other purposes as the Secretary determines to be appropriate.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2004 through 2006.''.

By Mr. INOUYE:

S. 77. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs to assist individuals in pursing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, on behalf of our Nation's clinical social workers, I am introducing legislation to amend the Public Health Service Act. This legislation would: 1. establish a new social work training program, 2. ensure that social work students are eligible for support under the Health Careers Opportunity Program, 3. provide social work schools with eligibility for support under the Minority Centers of Excellence programs, 4. permit schools offering degrees in social work to obtain grants for training projects in geriatrics, and 5. ensure that social work is recognized as a profession under the Public Health Maintenance Organization Act.

Despite the impressive range of services social workers provide to people of this Nation, few Federal programs exist to provide opportunities for social work training in health and mental health care.

Social workers have long provided quality mental health services to our citizens and continue to be at the forefront of establishing innovative programs to serve our disadvantaged populations. I believe it is important to ensure that the special expertise social workers possess continues to be available to the citizens of this Nation. This bill, by providing financial assistance to schools of social work and social work students, acknowledges the long history and critical importance of the services provided by social work professionals. I believe it is time to provide them with the recognition they deserve.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 77

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 ''Strengthen Social Work Training Act of 2003''.

SEC. 2. SOCIAL WORK STUDENTS.

(a) HEALTH PROFESSIONS SCHOOL.—Section 736(g)(1)(A) of the Public Health Service Act (42 U.S.C. 293(g)(1)(A)) is amended by striking ''graduate program in behavioral or mental health'' and inserting ''graduate program in behavioral or mental health including a school offering graduate programs in clinical social work, or programs in social work''.

(b) SCHOLARSHIPS, GENERALLY.—Section 737(d)(1)(A) of the Public Health Service Act (42 U.S.C. 293a(d)(1)(A)) is amended by striking ''mental health practice'' and inserting ''mental health practice including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work''.

(c) FACULTY POSITIONS.—Section 738(a)(3) of the Public Health Service Act (42 U.S.C. 293b(a)(3)) is amended by striking ''offering graduate programs in behavioral and mental health'' and inserting ''offering graduate programs in behavioral and mental health including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work''.

SEC. 3. GERIATRICS TRAINING PROJECTS.

Section 753(b)(1) of the Public Health Service Act (42 U.S.C. 294c(b)(1)) is amended by inserting ''schools offering degrees in social work,'' after ''teaching hospitals,''.

SEC. 4. SOCIAL WORK TRAINING PROGRAM.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) by redesignating section 770 as section 770A;

(2) by inserting after section 769, the following:

''SEC. 770. SOCIAL WORK TRAINING PROGRAM.

''(a) TRAINING GENERALLY.—The Secretary may make grants to, or enter into contracts with, any public or nonprofit private hospital, school offering programs in social work, or to or with a public or private nonprofit entity (which the Secretary has determined is capable of carrying out such grant or contract)—

''(1) to plan, develop, and operate, or participate in, an approved social work training program (including an approved residency or internship program) for students, interns, residents, or practicing physicians;

''(2) to provide financial assistance (in the form of traineeships and fellowships) to students, interns, residents, practicing physicians, or other individuals, who are in need thereof, who are participants in any such program, and who plan to specialize or work in the practice of social work;

''(3) to plan, develop, and operate a program for the training of individuals who plan to teach in social work training programs; and

''(4) to provide financial assistance (in the form of traineeships and fellowships) to individuals who are participants in any such program and who plan to teach in a social work training program.

''(b) ACADEMIC ADMINISTRATIVE UNITS.—

''(1) IN GENERAL.—The Secretary may make grants to or enter into contracts with schools offering programs in social work to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in social work.

''(2) PREFERENCE IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

''(A) establishing an academic administrative unit for programs in social work; or

''(B) substantially expanding the programs of such a unit.

''(c) DURATION OF AWARD.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary of the payments and subject to the availability of appropriations for the fiscal year involved to make the payments.

''(d) FUNDING.—

''(1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $10,000,000 for each of the fiscal years 2004 through 2006.

''(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 20 percent for awards of grants and contracts under subsection (b).''; and

(3) in section 770A (as so redesignated) by inserting ''other than section 770,'' after ''carrying out this subpart,''.

SEC. 5. CLINICAL SOCIAL WORKER SERVICES.

Section 1302 of the Public Health Service Act (42 U.S.C. 300e–1) is amended—

(1) in paragraphs (1) and (2), by inserting ''clinical social worker,'' after ''psychologist,'' each place it appears;

(2) in paragraph (4)(A), by striking ''and psychologists'' and inserting ''psychologists, and clinical social workers''; and

(3) in paragraph (5), by inserting ''clinical social work,'' after ''psychology,''.

By Mr. INOUYE:

S. 78. A bill to amend Title 38, United States Code, to revise certain provisions relating to the appointment of professional psychologists in the Veterans Health Administration, and for other purposes; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I introduce legislation to amend Chapter 74 of Title 38, United States Code, to revise certain provisions relating to the appointment of clinical and professional psychologists in the Veterans

Health Administration, VHA. The VHA has a long history of maintaining a staff of the very best health care professionals to provide care to those men and women who have served our country in the Armed Forces.

Recently, a distressing situation regarding the care of our veterans has come to my attention: the recruitment and retention of psychologists in the VHA of the Department of Veterans Affairs has become a significant problem.

The Congress has recognized the important contribution of the behavioral sciences in the treatment of several conditions afflicting a significant portion of our veterans. Programs related to homelessness, substance abuse, and post traumatic stress disorder have received funding from the Congress in recent years.

Psychologists, as behavioral science experts, are essential to the successful implementation of these programs. Consequently, the high vacancy and turnover rates for psychologists in the VHA might seriously jeopardize these programs and will negatively impact overall patient care in the VHA.

Recruitment of psychologists by the VHA is hindered by a number of factors including a pay scale that is not commensurate with private sector rates together with a low number of clinical and professional psychologists appearing on the register of the Office of Personnel Management, OPM. Most new hires have no post-doctoral experience, and are hired immediately after a VHA internship. Recruitment, when successful, takes up to six months or longer.

Retention of psychologists in the VHA system poses an even more significant problem. I have been informed that almost 40 percent of VHA psychologists have five years or less of post-doctoral experience. Psychologists leave the VHA system after five years because they have almost reached peak levels for salary and professional advancement. Under the present system, psychologists cannot be recognized, or appropriately compensated, for excellence or for taking on additional responsibilities such as running treatment programs.

In effect, the current system for hiring psychologists in the VHA supports mediocrity, not excellence and mastery. Our veterans with behavioral and mental health disorders deserve better psychological care from more experienced professionals than they are now receiving.

Currently, psychologists are the only doctoral level health care providers in the VHA who are not included in Title 38. This is without question a significant factor in the recruitment and retention difficulties that I have mentioned.

Title 38 appointment authority for psychologists would help ameliorate the recruitment and retention problems. The length of time needed to recruit psychologists could be shortened by eliminating the requirement for applicants to be rated by the OPM. This would also encourage the recruitment of applicants who are not recent VHA interns by reducing the amount of time between identifying a desirable applicant and being able to offer that applicant a position.

It is expected that problems in retention will be greatly alleviated by the implementation of a Title 38 system that offers financial incentives for psychologists to pursue professional development. Achievements that would merit salary increases include such activities as assuming supervisory responsibilities for clinical programs, implementing innovative clinical treatments that improve the effectiveness and efficiency of patient care, making significant contributions to the science of psychology, and becoming a Fellow of the American Psychological Association.

The addition of psychologists to Title 38, as proposed by this amendment, would provide relief for the retention and recruitment issues and enhance the quality of care for our veterans and their families.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 78

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 ''Veteran's Health Administration Act of 2003''.

SEC. 2. REVISION OF AUTHORITY RELATING TO APPOINTMENT OF PROFESSIONAL PSYCHOLOGISTS IN THE VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—Section 7401(3) of title 38, United States Code, is amended by striking ''who hold diplomas as diplomates in psychology from an accrediting authority approved by the Secretary''.

(b) CERTAIN OTHER APPOINTMENTS.—Section 7405(a) of such title is amended—

(1) in paragraph (1)(B), by striking ''Certified or'' and inserting ''Professional psychologists, certified or''; and

(2) in paragraph (2)(B), by striking ''Certified or'' and inserting ''Professional psychologists, certified or''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act.

(d) APPOINTMENT REQUIREMENT.—Notwithstanding any other provision of law, the Secretary of Veterans Affairs shall begin to make appointments of professional psychologists in the Veterans Health Administration under section 7401(3) of title 38, United States Code (as amended by subsection (a)), not later than one year after the date of the enactment of this Act.

By Mr. INOUYE:

S. 79. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I introduce legislation to amend Title 18 of the United States Code to allow our Nation's clinical social workers to use their mental health expertise on behalf of the Federal judiciary by conducting psychological and psychiatric exams.

I feel that the time has come to allow our Nation's judicial system to have access to a wide range of behavioral science and mental health expertise. I am confident that the enactment of this legislation would be very much in our Nation's best interest.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 79

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 ''Psychiatric and Psychological Examinations Act of 2003''.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS.

Section 4247(b) of title 18, United States Code, is amended, in the first sentence, by striking ''psychiatrist or psychologist'' and inserting ''psychiatrist, psychologist, or clinical social worker''.

By Mr. IOUYE:

S. 80. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I am introducing legislation that would provide a Federal charter for the National Academies of Practice. This organization represents outstanding medical professionals who have made significant contributions to the practice of applied psychology, medicine, dentistry, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, and pharmacy. When fully established, each of the ten academies will possess 100 distinguished practitioners selected by their peers. These academics will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

As we continue to grapple with the many complex issues surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress has direct and immediate access to the recommendations of an interdisciplinary body of health care practitioners.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 80

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Academies of Practice Recognition Act of 2003''.

SEC. 2. CHARTER.

The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a Federal charter.

SEC. 3. CORPORATE POWERS.

The National Academies of Practice (referred to in this Act as the ''corporation'') shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 4. PURPOSES OF CORPORATION.

The purposes of the corporation shall be to honor persons who have made significant contributions to the practice of applied psychology, dentistry, medicine, nursing, optometry, osteopathy, podiatry, social work, veterinary medicine, pharmacy, and other health care professions, and to improve the practices in such professions by disseminating information about new techniques and procedures.

SEC. 5. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 6. MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

SEC. 7. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES.

The composition and the responsibilities of the board of directors of the corporation shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. OFFICERS OF THE CORPORATION.

The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 9. RESTRICTIONS.

(a) USE OF INCOME AND ASSETS.—No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of the charter under this Act. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) POLITICAL ACTIVITY.—The corporation, any officer, or any director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) CLAIMS OF FEDERAL APPROVAL.—The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

SEC. 10. LIABILITY.

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 11. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) APPLICATION OF STATE LAW.—Nothing in this section shall be construed to contravene any applicable State law.

SEC. 12. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. DEFINITION.

In this Act, the term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 or any corresponding similar provision.

SEC. 16. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this Act the charter granted by this Act shall terminate.

By Mr. INOUYE:

S. 81. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Governmental Affairs.

Mr. INOUYE. Mr. President, today I introduce the Clinical Social Workers' Recognition Act of 2003 to correct a continuing problem in the Federal Employees Compensation Act. This bill will also provide clinical social workers the recognition they deserve as independent providers of quality mental health care services.

Clinical social workers are authorized to independently diagnose and treat mental illnesses through public and private health insurance plans across the nation. However, Title V of the United States Code, does not permit the use of mental health evaluations conducted by clinical social workers for use as evidence in determining workers' compensation claims brought by federal employees. The bill I am introducing corrects this problem.

It is a sad irony that federal employees may select a clinical social worker through their health plans to provide mental health services, but may not go to this same professional for workers' compensation evaluations. The failure to recognize the validity of evaluations provided by clinical social workers unnecessarily limits Federal employees' selection of a provider to conduct the workers' compensation mental health evaluations. Lack of this recognition may well impose an undue burden on Federal employees where clinical social workers are the only available providers of mental health care.

I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 81

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

This Act may be cited as the ''Clinical Social Workers' Recognition Act of 2003''.

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS FOR FEDERAL WORKER COMPENSATION CLAIMS.

Section 8101 of title 5, United States Code, is amended—

(1) in paragraph (2), by striking ''and osteopathic practitioners'' and inserting ''osteopathic practitioners, and clinical social workers''; and

(2) in paragraph (3), by striking ''osteopathic practitioners'' and inserting ''osteopathic practitioners, clinical social workers,''.

By Mr. INOUYE:

S. 82. A bill to amend the Internal Revenue Code of 1986 to exempt certain helicopter uses from ticket taxes on transportation by air; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation that would exempt from the Airport and Airway Trust Fund excise taxes on air transportation by helicopters of individuals and cargo for the purpose of conducting removal and environmental restoration activities relating to unexploded ordnance on the Island of Kahoolawe.

The Kahoolawe Island Unexploded Ordnance Clearance and Environmental Restoration Project is authorized under Title X of the Fiscal Year 1994 Department of Defense Appropriations Act. The Island of Kahoolawe is uninhabited, and it served as a bombing range for the Department of Defense until 1990. The Department of Defense is currently in the process of cleaning up and restoring Kahoolawe

for its eventual return to the State of Hawaii.

The Airport and Airway Trust Fund excise taxes help support our nation's air traffic systems and airport infrastructures. However, there are no airports or landing zones on Kahoolawe that receive benefits from the Trust Fund. In addition, the taxes place an undue burden on the air transportation services provided to the Kahoolawe Clearance Project. Compared to a normal airline whose aircraft make fewer trips per day over much longer distances, the services provided to the project are very frequent, with many trips over very short distances. I urge my colleagues to support this measure.

I ask unanimous consent that the full text of my bill be printed in the RECORD.

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

S. 82

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

SECTION 1. EXEMPTION OF CERTAIN HELICOPTER USES FROM TAXES ON TRANSPORTATION BY AIR.

(a) IN GENERAL.—Section 4261 of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

''(i) ADDITIONAL EXEMPTION FOR CERTAIN HELICOPTER USES.—No tax shall be imposed under this section or section 4271 on air transportation by helicopter for the purpose of transporting individuals and cargo to and from sites for the purpose of conducting removal and environmental restoration activities relating to unexploded ordnance.''.

(b) CONFORMING AMENDMENT.—Section 4041(l) of the Internal Revenue Code of 1986 is amended by striking ''(f) or (g)'' and inserting ''(f), (g), or (i)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to transportation beginning after June 30, 1997, and before August 1, 2005.

By Mrs. CLINTON (for herself and Mr. DURBIN):

S. 86. A bill to amend the Internal Revenue Code of 1986 to provide a credit for the health insurance expenses of small businesses; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I am introducing the Small Employer Tax Assistance for Health Care Act of 2003, SETAH, a bill to provide tax subsidy to small employers to help them provide health coverage to their workers.

The problem of the uninsured is a problem of working families, but 7 out of 10 workers without coverage are not even offered coverage through their employers. This bill provides assistance and incentives for those employers who are least likely and least able to afford coverage for their workers, small, low-wage firms.

Statistics show that small firms are half as likely to offer coverage as large firms, while the offer rate for small low-wage firms is cut 50 percent further, compared to small high-wage firms.

This legislation will offer a significant tax break to those businesses in order to subsidize their purchase of health insurance. The credit is designed sensibly, so that rates adjust slowly as firm size and average wage increase.

Tax credits can unintentionally penalize firms that grow beyond the eligibility limitation. For instance, a tax credit for firms smaller than 20 means a firm's decision to add the 21st worker could add thousands to their tax bill. Tax credits should help businesses and their workers prosper, and not unintentionally discourage business growth.

The bill would contain the following elements:

50 Percent Credit to Help Workers at Smallest and Lowest-Wage firms. All firms smaller than 10, whose average worker earns minimum wage, are the ones who have the lowest insurance offer rates. These firms will receive a 50 percent tax credit up to $2000 per individual policy, and $5000 per family.

Double Phase-Out. Tax credits can unintentionally penalize firms that grow beyond the eligibility limitation. Using a ''double phase-out'' so that the tax credit diminishes gradually as firm size and average wage increase, eliminating the ''cliff effect'' that would otherwise discourage firms from adding employees or increasing wages.

5 Percent Floor. All firms under 50 workers, with average wages under $30,000, would be protected by a 5 percent floor.

Simplified Eligibility for All Small Low-Wage Firms. Restricting tax credits to only those firms who did not previously offer can unintentionally give small businesses starting out an incentive not to offer health insurance. By contract, the SETAH credit will be available to all small, low-wage firms, defined as smaller than 50 employees, and under $30,000 in average wages, that quality, regardless of whether they have offered coverage before. This helps employers who are doing the right thing and encourages others to follow their example by offering coverage.

Fiscally Prudent Targeting. Because the credit is well-targeted to firms who are unlikely to offer anyway, the credit remains less duplicative and more efficient than other credits. At an overall cost of $6 to $7 billion annually, the SETAH credit covers 3.3 million new individuals for roughly $2000 per newly insured individual, which is crucial in an era of fiscal prudence.

By Mrs. CLINTON (for herself, Mr. DURBIN, Mr. CORZINE, Mrs. BOXER, Mr. SCHUMER, Mrs. FEINSTEIN, and Ms. STABENOW):

S. 87. A bill to provide for homeland security block grants; to the Committee on Governmental Affairs.

Mrs. CLINTON. Mr. President, I am very concerned about the kind of economic policies we are pursuing because I believe in the absence of changing our economic policies we are not likely to get our economy growing again. It is important we do all we can to make the right decisions.

I know the President was in Chicago today. He addressed his proposal for the economy. I understand it is a package of approximately $650 billion, most of which concern some provisions that will affect relatively affluent Americans. I look forward to seeing what else is in that package.

We have to recognize the economic challenges we now confront are not just ones in Washington but are throughout our Nation, in the capitals of our States, and in our cities. In Washington, we have to be cognizant of the ripple effect on revenues to our States and cities by the decisions we make.

In fact, one of the unintended consequences of many of the changes that were made at the beginning of the 107th Congress with respect to tax policy and that are embedded in what the President is proposing will mean further reduction of revenues for State governments, which cannot print money, which have to balance budgets, which have to live within their means, and the net effect will be either States having to raise their taxes, local communities having to raise their property taxes, or dramatic cuts in services.

Among those services that we cannot as a Nation afford to cut are the ones that directly bear on homeland security: Our police and law enforcement officers, our firefighters, and our first responders. Today I am reintroducing the Homeland Security Block Grant Act that would provide direct funding to our local communities.

For me, this is one of our first orders of business because our first responders are our first line of defense at home.

Since September 11, 2001, cities, counties, and towns, large and small, urban and rural, have responded to the call to be more vigilant, to beef up our homeland defenses. They have invested more than $2.6 billion from their own budgets. They have purchased more equipment. They have provided training for emergency responders. They are doing the very best they can to deal with all of the new challenges and threats we face.

I have met with mayors, fire commissioners, police chiefs, and other emergency workers who all tell me they do not have the resources they need in order to protect us.

I have conducted a survey of towns, cities, and counties across New York. From Buffalo to the tip of Long Island, we have heard the same thing: Despite

this body's passage of legislation creating a Homeland Security Department, they have yet to see any additional funding where they need it most, close to home.

Most of the money that has been passed and sent to the States has not been addressed directly at beefing up local fire, police, and emergency responders but for a specialized purpose of confronting the challenge of bioterrorism.

We have a declining economy, rising unemployment, terrible revenue problems in our cities and States, and our answer has been to create a new bureaucracy in Washington. I believe creating the new Homeland Security Department, without funding our first responders on the front lines, is like building a hospital without hiring doctors and nurses. We may have a good plan on paper, but we do not have the means to execute it.

The bill I am introducing will give our first responders $3.5 billion to give them the resources they need to do what they know they must accomplish. We should not be determining in Washington how they spend this money. That should be done at the local level. What Buffalo needs may be different from Rochester which is different from Syracuse or Albany. It makes no sense to hold up this money any longer. We should disperse the money appropriated and we should funnel it, State to local communities, and we should be looking at what our unmet needs are.

The Homeland Security Block Grant Act of 2003 will provide direct funding to our communities and first responders. That is where the money should go.

I am delighted—my belief that this is the appropriate step to take is endorsed by the United States Conference of Mayors, the International Association of Fire Chiefs, the International Association of Firefighters, the Major Cities Police Chiefs Association, the National Association of Police Organizations, and the Police Executive Research Forum.

We did well today to deal with part of our problem when it comes to the unemployed. I look forward to working with my colleagues to deal with the other part, which are those who are chronically unemployed, to come up with ways of helping them be able to make a transition or just hold their families together until the economy turns around. I also hope we will address homeland security in a way that gets the money where it needs to be, on the front lines of our cities, our towns, with our police and our firefighters and emergency responders. That would send a strong signal that homeland security is not just a slogan, it is a reality throughout America.

I yield the floor.

By Mr. HOLLINGS:

S. 88. A bill to amend the Internal Revenue Code of 1986 to suspend future reductions of income tax rates if the Social Security surpluses are used to fund such tax rate cuts; to the Committee on Finance.

Mr. HOLLINGS. Mr. President, we have a whole list of every senator, and every candidate in last year's election, all coming out and saying we won't touch Social Security. The President of the United States promised Congress in his first address to a Joint Session in February 2001 that all Social Security surplus money will be budgeted for Social Security and Social Security only.

Now that everyone is talking about cutting taxes, I do not want to forget the promises made on Social Security. I want to hold everyone to their word, because that is what the American people who depend on Social Security want as priority one. So, today, I am introducing a bill that says if the Treasury Secretary of the United States determines that if on October 1, 2003, there is a Federal on-budget deficit, future reductions in income tax rates will be suspended. Once the deficit no longer exists, the tax reductions can be put in place again.

Don't get me wrong, I'm not trying to do away with tax cuts, so long as you can pay for them. The purpose of this Act is simply to ensure that no Social Security surpluses be used to pay for any further tax cuts. I want to make sure Social Security will be around when everyone retires.

So I look forward to working with my colleagues on both sides of the aisle to pass this and make Social Security secure once and for all.

By Mr. GREGG (for himself and Mr. FEINGOLD):

S. 90. A bill to extend certain budgetary enforcement to maintain fiscal accountability and responsibility; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

LEGISLATION TO EXTEND BUDGET ENFORCEMENT

Mr. FEINGOLD. Mr. President, I am pleased to join today with my colleague from New Hampshire, Mr. GREGG, to introduce legislation to extend budgetary enforcement and to maintain fiscal accountability and responsibility. this bill would ensure that the budget rules that govern the congressional budget process do not expire on April 15 of this year.

On October 16 of last year, Senator GREGG and I joined with Senators CONRAD and DOMENICI to offer an amendment to extend the budget process. The Senate agreed to our amendment, Senate amendment No. 4886 to S. Res. 304, but with a modification that limited the extension to April 15. Thus the Senate must act before April 15 on legislation like that which Senator GREGG and I propose today, or we will risk allowing the Congress to legislate in an environment nearly completely unconstrained by budget discipline.

The last 2 years have seen an unfortunate deterioration in the Government's ability to perform one of its most fundamental jobs—balancing the Nation's fiscal books.

In January of 2001, the Congressional budget Office projected that in the fiscal year that ended a few months ago on September 30, 2002, fiscal year 2002, the Government would run a unified budget surplus of $313 billion. In the actual event, however, the Government ran a unified budget deficit of $159 billion. That's a dramatic swing of $472 billion—the disappearance of nearly half a trillion dollars—for that one year alone.

And without counting Social Security, the Government ran a deficit of fully $318 billion in fiscal year 2002. Last year, the Government used $160 billion of income received by the Social Security trust fund to fund other Government programs.

For the 4 years before this past year, the Government ran unified budget surpluses. The Government demonstrated that it can exercise fiscal restraint, if it chooses to.

But now, CBO projects that under current policies, unified budget deficits will continue until 2006. And without counting Social Security, CBO projects that deficits will continue until 2011, when the hypothetical sunset of the tax cut brings us back to surplus again, just barely.

And using more realistic assumptions of not sunsetting tax cuts just enacted and letting appropriations keep pace with inflation, CBO estimated last month in response to a request from Senator VOINOVICH and me that deficits will continue at least until 2009.

We must stop running deficits because they cause the Government to use the surpluses of the Social Security trust fund for other government purposes, rather than to pay down the debt and help our nation prepare for the coming retirement of the baby boom generation.

And we must stop running deficits because every dollar that we add to the Federal debt is another dollar that we are forcing our children to pay back in higher taxes or fewer government benefits. When the Government in this generation chooses to spend on current consumption and to accumulate debt for our children's generation to pay, it does nothing less than rob our children of their own choices. We make our choices to spend on our wants, but we saddle them with debts that they must pay from their tax dollars and their hard work. And that is not right.

That is why I am joining today with my colleague from New Hampshire to

introduce this bill to extend the budget process. We need a strong budget process. We need to exert fiscal discipline.

Our bill would extend the budget process for 5 years, to October 1, 2007.

Specifically, it would extend the requirement that entitlement and tax legislation be paid for, or trigger automatic cuts—called ''sequesters''—in entitlement programs if they are not. We would provide that these automatic cuts would not take place when the Government is running a surplus.

Similarly, our bill would extend the pay-as-you-go rule in Senate procedures, as well, maintaining 60-vote points of order that enforce the pay-as-you-go rule. As we did in our amendment at the close of the last Congress, our bill would prevent savings achieved in reconciliation legislation from being used to offset new spending or tax cuts in other legislation. And to ensure that there is no loophole for entitlements enacted in appropriations measures, our bill would provide that entitlement expansions and tax cuts added to appropriations bills would be subjected to the pay-as-you-go rule, as well.

Our bill would extend other Congressional Budget Act enforcement mechanisms, as well. All the provisions of the Congressional Budget Act that now require 60 votes to waive would remain in effect in the Senate through October 1, 2007.

Finally, our bill would call for appropriations caps. It would state the sense of the Senate that Congress and the President should negotiate and agree on the appropriate discretionary spending levels and extend the statutory discretionary spending caps for 2003 and beyond as early as possible in a manner consistent with fiscal discipline and accountability.

That is what our bill would do. It is a straightforward bill. it is the least that we should do to ensure fiscal responsibility and sound budgeting.

We must stop using Social Security surpluses to fund other Government programs. We must stop piling up debt for our children to pay off. We must continue the discipline of the budget process.

Together with my colleague from New Hampshire, Mr. GREGG, I will work to those ends. I urge my colleagues to join us.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill appear in the RECORD.

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

GREGG-FEINGOLD BUDGET PROCESS LAW EXTENSION—SECTION-BY-SECTION ANALYSIS

EXTENDING THE PAY-AS-YOU-GO REQUIREMENT AND AUTOMATIC CUTS IN STATUTE

Subsection 1(a)(1) extends the requirement that entitlement and tax legislation be paid for, or cause automatic cuts (called ''sequesters'') in entitlement programs.

Subsection 1(a)(2) provides that these automatic cuts would not take place when the government is running a surplus.

Subsection 1(b) pushes back the expiration of the mechanisms that cause the automatic cuts to October 1, 2007.

EXTENDING BUDGET ACT ENFORCEMENT

Subsection 2(a) provides that the provisions of the Congressional Budget Act that require 60 votes to waive Budget Act points of order will remain in effect in the Senate through October 1, 2007.

EXTENDING THE PAY-AS-YOU-GO RULE IN SENATE RULES

Subsection 2(b) extends the pay-as-you-go rule in the Senate.

Subsection 2(b)(1)(A) prevents savings achieved in reconciliation legislation from being used to offset new spending or tax cuts in other legislation.

Subsection 2(b)(1)(B) extends the existing pay-as-you-go point of order (in section 207 of the fiscal year 2000 budget resolution, H. Con. Res. 68 (106th Congress, 1st Session)) through October 1, 2007.

Subsection 2(b)(2) provides that entitlement expansions and tax cuts added to appropriations bills shall be subjected to the pay-as-you-go rule, just as if they were part of freestanding entitlement or tax legislation.

CALLING FOR APPROPRIATIONS CAPS

Section 3 states the sense of the Senate that Congress and the President should negotiate and agree on the appropriate discretionary spending levels and extend the statutory discretionary spending caps for 2003 and beyond as early as possible in a manner consistent with fiscal disciplines and accountability.

S. 90

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

SECTION 1. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

(a) IN GENERAL.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) is amended—

(1) in subsections (a) and (b)(1), by striking ''enacted before October 1, 2002,'' and inserting ''enacted before October 1, 2007''; and

(2) in subsection (b), by inserting at the end thereof the following:

''(3) EXCEPTION.—Notwithstanding any other provision of law, there shall be no sequestration under this section for any fiscal year in which a surplus exists (as measured in conformance with section 13301 of the Budget Enforcement Act of 1990).''.

(b) ENFORCEMENT.—The second sentence of section 275(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by striking ''2006'' and inserting ''2007''.

SEC. 2. EXTENSION OF BUDGET POINTS OF ORDER AND RULES IN THE SENATE.

(a) EXTENSION OF SUPERMAJORITY ENFORCEMENT.—Notwithstanding any provision of the Congressional Budget Act of 1974, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 shall remain in effect for purposes of Senate enforcement through October 1, 2007.

(b) PAY-AS-YOU-GO RULE IN THE SENATE.—

(1) IN GENERAL.—Section 207 of H. Con. Res. 68 (106th Congress, 1st Session) is amended—

(A) in subsection (b)(6), by inserting after ''paragraph (5)(A)'' the following: '', except that direct spending or revenue effects resulting in net deficit reduction enacted pursuant to reconciliation instructions since the beginning of that same calendar year shall not be available''; and

(B) in subsection (g), by striking ''April 15, 2003'' and inserting ''October 1, 2007''.

(2) APPLICATION TO APPROPRIATIONS.—For the purposes of enforcing this section, notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217, during the consideration of any appropriations Act, provisions of an amendment (other than an amendment reported by the Committee on Appropriations including routine and ongoing direct spending or receipts), a motion, or a conference report thereon (only to the extent that such provision was not committed to conference), that would have been estimated as changing direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 207 of H. Con. Res. 68 (106th Congress, 1st Session) as amended by this section.

SEC. 3. SENSE OF THE SENATE ON EXTENSION OF STATUTORY DISCRETIONARY SPENDING CAPS.

It is the sense of the Senate that Congress and the President should negotiate and agree on the appropriate discretionary spending levels and extend the statutory discretionary spending caps for 2003 and beyond as early as possible during the 108th Congress in a manner consistent with fiscal disciplines and accountability.

By Mr. GRASSLEY (for himself, Mr. FEINGOLD, Mr. ENZI, and Mr. HARKIN):

S. 91. A bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, the Fair Contracts for Growers Act of 2003 would simply give farmers a choice of venues to resolve disputes associated with agricultural contracts. This legislation would not prohibit arbitration. Instead, it would ensure that the decision to arbitrate is truly voluntary and that the rights and remedies provided for by our judicial system are not waived under coercion.

I certainly recognize that arbitration has its benefits. In certain cases, it can be less costly than other dispute settlement means. In certain other cases, it can remove some of the workload from our nation's overburdened court system. For these reasons, arbitration must be an option—but it should be no more than an option.

Mandatory arbitration clauses are used in a growing number of agricultural contracts between individual farmers and processors. These provisions limit a farmer's ability to resolve a dispute with the company, even when a violation of Federal and State law is suspected. Rather than having the option to pursue a claim in court, disputes are required to go through an arbitration process that puts the farmer

at a severe disadvantage. Such disputes often involve instances of discrimination, fraud, or negligent misrepresentation. The effect of these violations for the individual farmer can be bankruptcy and financial ruin, and mandatory arbitration clauses make it impossible for farmers to seek redress in court.

When a farmer chooses arbitration, the farmer is waving rights to access to the courts and the constitutional right to a jury trial. Certain standardized court rules are also waived, such as the right to discovery. This is important because the farmer must prove his case, the company has the relevant information, and the farmer can not prevail unless he can compel disclosure of relevant information.

Examples of farmers' concerns that have gone unaddressed due to limitations on dispute resolution options include; mis-weighed animals, bad feed cases, wrongful termination of contracts, diseased swine or birds provided by the company, fraud and misrepresentation to induce a grower to enter a contract, and retaliation by companies against farmers who join producer associations.

During consideration of the Farm Bill, the Senate passed, by a vote of 64–31, the Feingold-Grassley amendment to give farmers a choice of venues to resolve disputes associated with agricultural contracts.

During the last session of Congress, 66 Senators cosponsored S. 1140, the Motor Vehicle Franchise Contract Arbitration Fairness Act of 2001, to provide similar protection from mandatory arbitration clauses in franchise agreements between auto dealers and manufacturers. This legislation was enacted at the end of the last session. It is my hope that we will be able to move this legislation in an equally efficient fashion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 91

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 ''Fair Contracts for Growers Act of 2003''.

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''§ 17. Livestock and poultry contracts

''(a) DEFINITIONS.—In this section:

''(1) LIVESTOCK.—The term 'livestock' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(2) LIVESTOCK OR POULTRY CONTRACT.—The term 'livestock or poultry contract' means any growout contract, marketing agreement, or other arrangement under which a livestock or poultry grower raises and cares for livestock or poultry.

''(3) LIVESTOCK OR POULTRY GROWER.—The term 'livestock or poultry grower' means any person engaged in the business of raising and caring for livestock or poultry in accordance with a livestock or poultry contract, whether the livestock or poultry is owned by the person or by another person.

''(4) POULTRY.—The term 'poultry' has the meaning given the term in section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)).

''(b) CONSENT TO ARBITRATION.—If a livestock or poultry contract provides for the use of arbitration to resolve a controversy under the livestock or poultry contract, arbitration may be used to settle the controversy only if, after the controversy arises, both parties consent in writing to use arbitration to settle the controversy.

''(c) EXPLANATION OF BASIS FOR AWARDS.—If arbitration is elected to settle a dispute under a livestock or poultry contract, the arbitrator shall provide to the parties to the contract a written explanation of the factual and legal basis for the award.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 9, United States Code, is amended by adding at the end the following:

''17. Livestock and poultry contracts.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to a contract entered into, amended, altered, modified, renewed, or extended after the date of enactment of this Act.

By Mr. INOUYE:

S. 97. A bill to treat certain hospital support organizations as qualified organizations for purposes of determining acquisition indebtedness; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce legislation that would extend to qualified teaching hospital support organizations the existing debt-financed property rules that apply to tax-exempt educational organizations, pension funds, and investment consortia of qualified schools and funds.

In a June 21, 2002, article, the New York Times describes the financial straits that nonprofit hospitals now face. More and more people in our weakened economy are seeking medical care from nonprofit hospitals. As a condition for Federal tax exemption, nonprofit hospitals must provide significant charitable services. Fees from other patients, especially in orthopedics, cardiology, and oncology, have in the past, allowed nonprofit hospitals to cover the expense of caring for the poor.

For-profit entrepreneurs, however, are better positioned to win away these specialty care patients because they are not burdened by the same requirement to provide indigent care. Consequently, investors and lenders have readily funded for-profit health care ventures. This available capital allows profit-making companies to build the most up-to-date facilities in competing for the high-margin patient.

No doubt, for-profit operations do offer charity care, but their profit orientation limits the amount they will provide. For example, residency and fellowship programs to train our doctors are not profitable, and, therefore, as the New York Times points out, nearly all the postgraduate medical education in the United States is provided by the nonprofit hospitals.

Of course, rising costs, such as for wages, supplies, and insurance, further compound the problem of nonprofit hospitals of stretching their income to cover significant charitable services. In addition, many of these nonprofit hospitals cannot raise or borrow the capital to modernize. They cover operating costs by postponing hospital maintenance and deferring the purchase of new technology, exacerbating an already bad situation. Eventually, as the New York Times article documents, more and more nonprofit hospitals will be forced to sell their facilities to for-profit enterprises.

The Queen's Medical Center in Honolulu faces these very same financial difficulties. This 143-year-old nonprofit hospital system maintains the largest private, nonprofit hospital in my state. It is a teaching hospital that provides residency training in a number of areas, and it treated 18,000 inpatients and 200,000 outpatients in 2001. With the only accredited trauma center in Hawaii, it served over 40,000 individuals without regard to their ability to pay. Medicaid and Medicare patients comprise nearly 60 percent of all its admissions.

In addition, the Center directly, or through its affiliates, operates community clinics throughout the state, conducts professional training programs, offers home health services, maintains a medical library, in addition to running a rural hospital on the rural, economically depressed Island of Molokai. Like other nonprofit hospitals, the Center provides significant charitable care, with nearly $23 million in uncompensated services in 2002.

Further, like other nonprofit hospitals, it has grave problems raising the funds needed to support all these uncompensated services while at the same time renovating and expanding its treatment facilities. A recent report from the Healthcare Association of Hawaii estimated that the hospitals in my state, similar to hospitals nationwide, will face additional, major losses this year due to reduced reimbursements, higher costs, and greater demand for services.

In the past, Congress has allowed tax-exempt schools, colleges, universities, and pension funds to invest in real estate development so as to help meet these institutions' financial needs. Under the tax code these organizations can incur debt to develop their real estate holdings without triggering the tax on unrelated business activities. Our nonprofit teaching hospitals have equal if not more pressing needs

and should have the same opportunity. Unless Congress wishes to assume responsibility for charitable health care, we must help our nonprofit hospitals, especially the teaching hospitals. My bill, which is identical to an amendment that the Senate had previously adopted during the debate of the Economic Growth and Tax Relief Reconciliation Act of 2001, would allow support organizations for qualified nonprofit teaching hospital to engage in limited real estate activities. These nonprofit hospitals would thereby be able to supplement their investment income in order to meet the growing demand placed on them for more community service.

I ask unanimous consent that the text of the bill and the New York Times article be printed in the RECORD.

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

S. 97

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

SECTION 1. TREATMENT OF CERTAIN HOSPITAL SUPPORT ORGANIZATIONS AS QUALIFIED ORGANIZATIONS FOR PURPOSES OF DETERMINING ACQUISITION INDEBTEDNESS.

(a) IN GENERAL.—Subparagraph (C) of section 514(c)(9) of the Internal Revenue Code of 1986 (relating to real property acquired by a qualified organization) is amended by striking ''or'' at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ''; or'', and by adding at the end the following new clause:

''(iv) a qualified hospital support organization (as defined in subparagraph (I)).''.

(b) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—Paragraph (9) of section 514(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(I) QUALIFIED HOSPITAL SUPPORT ORGANIZATIONS.—For purposes of subparagraph (C)(iv), the term 'qualified hospital support organization' means, with respect to any eligible indebtedness (including any qualified refinancing of such eligible indebtedness), a support organization (as defined in section 509(a)(3)) which supports a hospital described in section 119(d)(4)(B) and with respect to which—

''(i) more than half of its assets (by value) at any time since its organization—

''(I) were acquired, directly or indirectly, by testamentary gift or devise, and

''(II) consisted of real property, and

''(ii) the fair market value of the organization's real estate acquired, directly or indirectly, by gift or devise, exceeded 25 percent of the fair market value of all investment assets held by the organization immediately prior to the time that the eligible indebtedness was incurred.

For purposes of this subparagraph, the term 'eligible indebtedness' means indebtedness secured by real property acquired by the organization, directly or indirectly, by gift or devise, the proceeds of which are used exclusively to acquire any leasehold interest in such real property or for improvements on, or repairs to, such real property. A determination under clauses (i) and (ii) of this subparagraph shall be made each time such an eligible indebtedness (or the qualified refinancing of such an eligible indebtedness) is incurred. For purposes of this subparagraph, a refinancing of such an eligible indebtedness shall be considered qualified if such refinancing does not exceed the amount of the refinanced eligible indebtedness immediately before the refinancing.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to indebtedness incurred after December 31, 2003.

[From the New Yorks Times, June 21, 2002]

DEMAND, BUT NO CAPITAL, AT NONPROFIT HOSPITALS

(By Reed Abelson)

As nonprofit hospitals around the country struggle with a surprising growth in admissions, many are finding it increasingly difficult to raise the money they need to meet the new demands on them.

The need for capital is becoming so intense that nonprofit hospitals are selling facilities to their for-profit cousins, which are better able to find money to operate them, or starting joint ventures in which for-profit companies put up cash to renovate a hospital or expand into a new area. Others make do with outdated facilities and medical equipment, even as for-profit hospitals invest in new technologies.

Critics of for-profit hospitals have long raised concerns about how those institutions operate, pointing to instances when they have acquired nonprofits and then cut the staff or reduced the amount of charity care being provided. Other experts say there are no significant differences in those areas, and many for-profit companies say they intend to provide the same care to patients but with better facilities.

Still, nonprofit hospitals, roughly 85 percent of all the hospitals in the United States, provide nearly all the postgraduate medical education, and if nonprofits continue to struggle financially, many of them will be training doctors in out-of-date facilities—or selling facilities to for-profit companies that may prove to have no interest in operating residency and fellow-ship programs for doctors.

''The needs are higher than they have been in the past,'' said Bruce Vladeck, a professor of health policy at the Mount Sinai School of Medicine in New York. Without access to enough capital, many nonprofit hospitals, he fears, will focus only on projects that can demonstrate a financial return, like a new cardiology center. ''It's harder and harder to finance esoteric stuff that isn't profitable,'' he said, as well as basic services like pediatrics.

Higher labor costs, rising malpractice insurance premiums and other expenses have all battered the nonprofits' finances, even if some have benefited from the growing demand for their services.

Since the beginning of 2000, Moody's Investors Service has downgraded 121 nonprofit hospitals, affecting $34 billion of bonds, and upgraded only 38 with $7 billion in bonds. About 9 percent of Moody's nonprofit hospital portfolio is now considered below investment grade, compared with 7 percent in 1999, and most hospitals are not even rated.

''We've got a majority of the nation's hospitals in serious financial difficulty,'' said Carmela Coyle, a senior vice president for the American Hospital Association.

A number of hospitals, unable to make the kind of investments needed, are taking dramatic steps:

Catholic Health Initiatives, one of the nation's largest nonprofit hospital chains, said in late May that it planned to sell three hospitals in Albuquerque to Ardent Health Services, a for-profit company that will invest at least $40 million in them.

Memorial Hospital of Salem County agreed last November to be bought by Community Health Systems, another for-profit company. If the deal receives regulatory approval, Memorial will become New Jersey's only for-profit acute-care hospital. While Community Health has said it will invest $30 million in the hospital, advocacy groups like New Jersey Citizen Action have raised concerns about the change of the hospital's status and its possible impact on charity care. Community Health says it is committed to providing the same levels of charity care as Memorial.

In Fairmont, W. Va., the operations of the community hospital are being turned over to Triad Hospitals, a for-profit company that has promised to spend $75 million to build a new hospital.

The flurry of deals is beginning to echo the situation in the mid-1990's, when for-profit chains gobbled up many nonprofit hospitals. ''There are several signs that acquisition activity is heating up in the hospital sector,'' said Nancy Weaver, an analyst for Stephens Inc.

Many for-profit companies are flush with cash from growing profits, a result of higher reimbursements, and surging stock prices. These companies can readily find the money to invest, sometimes by selling more stock or issuing corporate bonds.

''There is no question that this does put the nonprofits at a disadvantage,'' said Stuart H. Altman, a professor of national health policy at Brandeis University.

HCA, for example, which was struggling to overcome huge legal problems and overly aggressive expansion just a few years ago, is planning $1.6 billion in capital spending this year and plans to open a new hospital in Denver at a cost of $147 million this year. Triad expects to make capital investments worth roughly $350 million this year at 47 hospitals in 16 states.

In some cases, for-profit hospitals are buying troubled institutions that have been poorly managed for years. In addition to much-needed capital, the new owners may bring in stronger management and improved business practices.

In other instances, the prospects of better access to capital is leading some nonprofit hospitals to seek out joint ventures with for-profit companies.

''We're seeing a lot of partnerships going on,'' said Ms. Weaver, including for-profit companies providing capital to build surgical centers in partnership with nonprofits. ''It's an evolving model that is coming about because of the capital issue.''

Triad says it is in discussions with numerous nonprofit hospitals about a variety of arrangements, including joint ventures. Many hospitals ''are looking for ways to raise money or access capital to remain competitive,'' said James D. Shelton, Triad's chairman and chief executive. ''We're probably seeing more of this in the last year than in the last five to six years.''

The alternatives to deals with for-profit companies are few. In Louisiana, Slidell Memorial Hospital will be asking voters to approve a new tax that would generate revenue to pay off the $85 million it needs to borrow for renovations and equipment, according to B. Clement, associate administrator for business development at the hospital. Slidell's board has considered selling the institution, but would prefer it to remain nonprofit.

A few nonprofit hospitals with solid credit ratings are still borrowing money with relative ease. Early this year, for example, Memorial Sloan-Kettering Cancer Center of

New York issued $450 million in bonds. Memorial expects to use some of the money to build new facilities.

But even the nonprofits with finances are being more conservative in how they spend their money. ''We're very conscious of how much debt we have on our books,'' Jerry Judd, vice president for treasury services for Catholic Health.

That hospital system plans to spend about $500 million on capital improvements this year, but that may not cover the necessary investment in its Albuquerque hospitals. * * * Health Services, a for-profit company, expects to take over those details some time later this year.

Some analysts say the tough market environment is providing needed discipline. James C. * * *, a professor of health policy administration at the University California at Berkeley, said many nonprofit hospitals have expanded into areas like managed or physician practices that proved to be disastrous strategies decisions.

''There have been too many adventures.'' he said.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, Mr. FEINGOLD, Mr. BURNS, Mr. SESSIONS, Mr. HARKIN, and Mr. CORZINE):

S. 98. A bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States, to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. ALLARD. Mr. President, I would like to make a few brief comments about legislation I am introducing today. I also will talk briefly about some of the agenda items I have been looking at for this year. Obviously, having just been sworn into office today, we are putting together our agendas and beginning to think seriously about what kind of issues we would like to put forward.

The people of Colorado understand that, as we move into this session, my priority is the cleanup of a number of our Superfund sites in Colorado, staying on track with the cleanup of Rocky Flats by 2006, cleaning up the Shattuck waste site, as well as the cleanup of Pueblo Depot.

I will also be working on transportation issues which are important to States such as Colorado, Wyoming, the home State of the presiding officer, as well as throughout the country. Transportation will be a big issue as we move into this session.

Another issue I have spoken about is housing, which we will be dealing with in this session. I also plan to focus on missile defense and judiciary nominations.

The legislation I rise today to introduce is called the Community Choice In Real Estate Act of 2003. I am pleased to have Senators CLINTON, SHELBY, FEINGOLD, BURNS, SESSIONS, and HARKIN join me in introducing this bill. This is something I am doing as part of the effort to keep the housing markets competitive and strong.

The Community Choice in Real Estate Act of 2003 is the continuation of an effort that I began in the 107th Congress. This bill would clarify Congressional intent that real estate brokerage and management are not financial activities and would therefore retain the separation of commerce and banking that we intended during consideration of the Gramm-Leach-Bliley Act.

The Gramm-Leach-Bliley Act closed the unitary thrift loophole that allowed a single savings and loan to be owned by a commercial entity. This clearly established that banking and commerce were not to mix. Congress explicitly defined several functions to be financial in nature or incidental to finance to clarify the separation. Real estate management and brokerage services were not defined as financial activities.

Congress already established a clear position regarding banks' involvement in real estate management and brokerage activities, and the bill I'm introducing with my colleagues would reiterate that prohibition. I believe that we should not permit federal regulators to preempt the intent of Congress.

The real estate and banking industries have served America well, and I believe that the current system provides consumers with many important options. I know that the regulators received many letters during the comment period. I commend them for taking the time to allow all interested parties to comment and for their pledge to carefully review all comments. I intend to continue to work with them to ensure that Congressional intent is followed in this matter.

Realtors play a vital role in our economy, and housing has been one of the bright spots in our otherwise slow economy. Realtors are an integral part of the housing industry share in the credit for this positive economic news.

Additionally, Realtors help fuel the economy as small businesses. As a small businessman myself, I can appreciate the challenges of starting and running a small business. As a U.S. Senator I have worked hard to reduce rules and regulations hindering small businesses, as well as excessive taxes. The Community Choice in Real Estate Act of 2003 will ensure that small real estate businesses are able to continue to thrive.

Mr. President, I urge the Senate to promptly consider this matter, and I would ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 98

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 ''Community Choice in Real Estate Act of 2003''.

SEC. 2. CLARIFICATION THAT REAL ESTATE BROKERAGE AND MANAGEMENT ACTIVITIES ARE NOT BANKING OR FINANCIAL ACTIVITIES.

(a) BANK HOLDING COMPANY ACT OF 1956.—Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)) is amended by adding at the end the following new paragraph:

''(8) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

''(A) IN GENERAL.—The Board may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

''(B) REAL ESTATE BROKERAGE ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate brokerage activity' means any activity that involves offering or providing real estate brokerage services to the public, including—

''(i) acting as an agent for a buyer, seller, lessor, or lessee of real property;

''(ii) listing or advertising real property for sale, purchase, lease, rental, or exchange;

''(iii) providing advice in connection with sale, purchase, lease, rental, or exchange of real property;

''(iv) bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

''(v) negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property (other than in connection with providing financing with respect to any such transaction);

''(vi) engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or broker under any applicable law; and

''(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

''(C) REAL ESTATE MANAGEMENT ACTIVITY DEFINED.—For purposes of this paragraph, the term 'real estate management activity' means any activity that involves offering or providing real estate management services to the public, including—

''(i) procuring any tenant or lessee for any real property;

''(ii) negotiating leases of real property;

''(iii) maintaining security deposits on behalf of any tenant or lessor of real property (other than as a depository institution for any person providing real estate management services for any tenant or lessor of real property);

''(iv) billing and collecting rental payments with respect to real property or providing periodic accounting for such payments;

''(v) making principal, interest, insurance, tax, or utility payments with respect to real property (other than as a depository institution or other financial institution on behalf of, and at the direction of, an account holder at the institution);

''(vi) overseeing the inspection, maintenance, and upkeep of real property, generally; and

''(vii) offering to engage in any activity, or act in any capacity, described in clause (i), (ii), (iii), (iv), (v), or (vi).

''(D) EXCEPTION FOR COMPANY PROPERTY.—This paragraph does not apply to an activity of a bank holding company or any affiliate of

such company that directly relates to managing any real property owned by such company or affiliate, or the purchase, sale, or lease of property owned, or to be used or occupied, by such company or affiliate.''.

(b) REVISED STATUTES OF THE UNITED STATES.—Section 5136A(b) of the Revised Statutes of the United States (12 U.S.C. 24a(b)) is amended by adding at the end the following new paragraph:

''(4) REAL ESTATE BROKERAGE AND REAL ESTATE MANAGEMENT ACTIVITIES.—

''(A) IN GENERAL.—The Secretary may not determine that real estate brokerage activity or real estate management activity is an activity that is financial in nature, is incidental to any financial activity, or is complementary to a financial activity.

''(B) DEFINITIONS.—For purposes of this paragraph, the terms 'real estate brokerage activity' and 'real estate management activity' have the same meanings as in section 4(k)(8) of the Bank Holding Company Act of 1956.

''(C) EXCEPTION FOR COMPANY PROPERTY.—This paragraph does not apply to an activity of a national bank, or a subsidiary of a national bank, that directly relates to managing any real property owned by such bank or subsidiary, or the purchase, sale, or lease of property owned, or to be owned, by such bank or subsidiary.''.

Mrs. CLINTON. Mr. President, I am so pleased to join my colleague, Senator ALLARD from Colorado, today to introduce the Community Choice in Real Estate Act of 2003.

This critically important piece of legislation would clarify Congressional intent, by preventing the Federal Reserve Board and the Treasury Department from issuing a regulation permitting banks and their affiliates from engaging in real estate management and brokerage activities, which are commercial—and not financial—in nature.

The legislation that Senator ALLARD and I are introducing today recognizes the possible unintended consequences that implementation of such regulation could have on consumers and on the real estate industry. The powers afforded banks under the Gramm-Leach-Bliley act would give banks a considerable competitive advantage over brokers and service providers who lack access to customer financial information. I am concerned that this could force independent real estate brokers out of the market, and in turn lower the quality of service to consumers.

Congress has armed regulators with the flexibility to adapt to changes in the marketplace. Indeed, in the coming years, I am confident the Federal Reserve Board and the Treasury Department will determine the effect that the Gramm-Leach-Bliley Act is having on the financial market place and on consumers. As the effects are analyzed and changes considered, I urge that safeguards be included that ensure the protection of consumers and existing businesses as well as compliance with the intent of Congress. Until then, allowing banks in real estate could create inherent conflicts of interest for the lenders and brokers, and could place inevitable pressure on consumers and limit their choices in products and services.

Last year, there was tremendous support for this legislation in the House and Senate, and I look forward to working with my colleagues again this year to ensure the Treasury Secretary hears loud and clear the intent of Congress to protect consumers, and to protect an industry from being put at a competitive disadvantage through executive action.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 100. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my colleague from Louisiana, Senator LANDRIEU, in introducing the Access to Affordable Health Care Act, a comprehensive, seven-point plan that builds on the strengths of our current public programs and private health care system to make quality, affordable health care available to millions more Americans.

One of my top priorities in the Senate has been to expand access to affordable health care for all Americans. There are still far too many Americans without health insurance or with woefully inadequate coverage. More than 41 million Americans do not have health care coverage, including more than 150,000 in Maine.

Health insurance matters. The simple fact is that people with health insurance are healthier than those who are uninsured. People without health insurance are less likely to seek care when they need it, and to forgo services such as periodic check-ups and preventive services. As a consequence, they are more likely to be hospitalized or require costly medical attention for conditions that could have been prevented or treated at a curable stage. Not only does this put the health of these individuals at greater risk, but it also puts additional pressure on our hospitals and emergency rooms, many of them already financially challenged.

Compared with people who have health coverage, uninsured adults are four times, and uninsured children five times, more likely to use the emergency rooms. The costs of care for these individuals are often absorbed by providers and passed on to the covered population through increased fees and insurance premiums.

Maine is in the midst of a growing health insurance crisis, with insurance premiums rising at alarming rates. Whether I am talking to a self-employed fisherman, the owner of a struggling small businesses, or the human resource manager of a large company, the soaring costs of health insurance is a common concern.

Maine's employers are currently facing premium increases of as much as 40 percent a year. These premium increases have been particularly burdensome for small businesses, the backbone of the Maine economy. Many small business owners are caught in a cost squeeze: they know that if they pass on the premium increases to their employees, more of them will decline coverage. Yet, these small businesses simply cannot afford to absorb double-digit increases of 20, 30 or 40 percent, year after year.

The problem of rising costs is even more acute for individuals and families who must purchase health insurance on their own. Monthly insurance premiums often exceed a family's mortgage payment. Clearly, we must do more to make health insurance more available and affordable.

The Access to Affordable Health Care Act, which we are introducing today, it a seven-point plan that combines a variety of public and private approaches to make quality health care coverage more affordable and available. The legislation's seven goals are: One, to expand access to affordable health care for small businesses; two, to make health insurance more affordable for individuals and families purchasing coverage on their own; three, to strengthen the health care safety net for those without coverage; four, to expand access to care in rural and underserved areas; five, to increase access to affordable long-term care; six, to promote healthier lifestyles; and seven, to provide more equitable Medicare payments to Maine providers to reduce the Medicare shortfall, which has forced hospitals, physicians and other providers to shift costs onto other payers in the form of higher charges, which, in turn drives up health care premiums.

Let me discuss each of these seven points in more detail.

First, our legislation will help small employers cope with rising health care costs.

Since most Americans get their health insurance through the workplace, it is a common assumption that people without health insurance are unemployed. The fact is, however, that most uninsured Americans are members of families with at least one full-time worker. As many as 82 percent of Americans who do not have health insurance are in a family with a worker.

Uninsured working Americans are most often employees of small businesses. In fact, some 60 percent of uninsured workers are employed by small firms. Smaller firms generally face higher costs for health insurance than larger firms, which makes them less likely to offer coverage. Small businesses want to provide health insurance for their employees, but the cost is often just too high.

The legislation we are introducing today will help small employers cope

with rising costs, by providing new tax credits for small businesses to help make health insurance more affordable. It will encourage those small businesses that do not currently offer health insurance to do so and will help employers that do offer insurance to continue coverage for their employees even in the face of rising costs.

Our legislation will also help increase the clout of small businesses in negotiating with insurers. Premiums are generally higher for small businesses because they do not have as much purchasing power as large companies, which limits their ability to bargain for lower rates. They also have higher administrative costs because they have fewer employees among whom to spread the fixed cost of a health benefits plan. Moreover, they are not as able to spread the risks of medical claims over as many employees as large firms.

Our legislation will help address these problems by authorizing federal grants to provide start-up funding to States to assist them with the planning, development, and operation of small employer purchasing cooperatives. These cooperatives will help to reduce health care costs for small employers by allowing them to band together to purchase health insurance jointly. Group purchasing cooperatives have a number of advantages for small employers. For example, the increased numbers of participants in the group help to lower the premium costs for all. Moreover, they decrease the risk of adverse selection and spread the cost of health care over a broader group.

The legislation would also authorize a Small Business Administration grant program for States, local governments and non-profit organizations to provide information about the benefits of health insurance to small employers, including tax benefits, increased productivity of employees, and decreased turnover. These grants would also be used to make employers aware of their current rights under State and Federal laws. While costs are clearly a problem, many small employers are not fully aware of the laws that have already been enacted by both States and the Federal Government to make health insurance more affordable. For example, in one survey, 57 percent of small employers did not know that they could deduct 100 percent of their health insurance premiums as a business expense.

The legislation would also create a new program to encourage innovation by awarding demonstration grants in up to 10 states conducting innovative coverage expansions, such as alternative group purchasing or pooling arrangements, individual or small group market reforms, or subsidies to employers or individuals purchasing coverage. The States have long been laboratories for reform, and they should be encouraged in the development of innovative programs that can serve as models for the nation.

The Access of Affordable Health Care Act will also expand access to affordable health are for individuals and families.

One of the first bills I cosponsored as a Senator was legislation to establish the State Children's Health Insurance Program, S–CHIP, which provides insurance for the children of low-income parents who cannot afford health insurance, yet make too much money to qualify for Medicaid. This important program has provided affordable health insurance coverage to over four million children nationwide, including over 12,000 who are currently enrolled in the MaineCare program. Even so, nationwide, hundreds of thousands of qualified children have yet to be enrolled in this program, many because their parents simply don't know that they are eligible for the assistance.

Our legislation builds on the success of this program and gives States a number of new tools to increase participation. For example, the bill gives States the option of covering the parents of the children who are enrolled in programs like MaineCare. States could also use funds provided through this program to help eligible working families pay their share of an employer-based health insurance plan. In short, the legislation will help ensure that the entire family receives the health care they need.

The legislation will also allow States to expand coverage to eligible legal immigrants through Medicaid and SCHIP. Maine is one of a number of states that is currently covering eligible legal immigrant pregnant women and children under Medicaid using 100 percent state dollars. Giving States the option of covering these children and families under Medicaid will enable them to receive matching federal funds, and will help relieve the pressure that most a State budgets are currently experiencing due to the economic downturn and rising Medicaid costs.

Many people with serious health problems encounter difficulties in finding a company that is willing to insure them. To address this problem, the Access to Affordable Health Care Act authorizes Federal grants to provide money for states to create high-risk pools through which individuals who have pre-existing health conditions can obtain affordable health can obtain affordable health insurance.

And finally, to help make health coverage more affordable for low and middle-income individuals and families who do not have employer-provided coverage and who are not eligible for the expanded public programs, our legislation would provide an advanceable, refundable tax credit of up to $1,000 for individuals earning up to $30,000 and up to $3,000 for families earning up to $60,000. This could provide coverage for up to 6 million Americans who would otherwise be uninsured for one or more months, and will help many more working lower-income families who currently purchase private health insurance with little or no government help.

The Access to Affordable Health Insurance Act will also help to strengthen our nation's health care safety net by doubling funding over five years for the Consolidated Health Centers program, which includes community, migrant, public housing and homeless health centers. These centers, which operate in underserved rural and urban communities, provide critical primaary care services to millions of Americans regardless of their ability to pay. About 20 percent of the patients treated at Maine's community health centers have no insurance coverage and many more have inadequate coverage, so these centers are a critical part of our Nation's health care safety net.

The problem of access to affordable health care services is not limited to the uninsured, but it also shared by many Americans living in rural and underserved areas where there is a serious shortage of health care providers. The Access to Affordable Health Care Act therefore includes a number of provisions to strengthen the National Health Service Corps, which supports doctors, dentists, and other clinicians who serve in rural and inner city areas.

For example, taxing students adversely affects their financial incentive to participate in the National Health Services Corps and provide health care services in underserved communities. The tax bill passed by the last Congress provided a tax deduction for National Health Service Corps scholarship recipients to deduct all tuition, fees and related educational expenses from their income taxes. The deduction did not extend to loan repayment recipients however, so loan repayment amounts are still taxed as income. Participants in the loan repayment program are actually given extra payment amounts to help them cover their tax liability which, frankly, is a little ridiculous. It makes much more sense to simply exempt them from taxation in the first place.

In addition, the legislation will allow National Health Service Corps participants to fulfill their commitment on a part-time basis. Current law requires all National Health Service Corps participants to serve full time. Many rural communities, however, simply do not have enough volume to support a full-time health care practitioner. Moreover, some sites may not need a particular type of provider, for example, a dentist, on a full-time basis. Some practitioners may also find part-time service more attractive, which, in turn, could improve recruitment and retention. Our bill will therefore give the

program additional flexibility to meet community needs.

Long-term care is the major catastrophic health care expense faced by older Americans today, and these costs will only increase with the aging of the baby boomers. Most Americans mistakenly believe that Medicare or their private health insurance policies will cover the costs of long-term care should they develop a chronic illness or cognitive impairment like Alzheimer's Disease. Unfortunately, far too many do not discover that they do not have coverage until they are confronted with the difficult decision of placing a much-loved parent or spouse in long-term care and facing the shocking realization that they will have to cover the costs themselves.

The Access to Affordable Health Care Act will provide a tax credit for long-term care expenses of up to $3,000 to provide some help to those families struggling to provide long-term care to a loved one. It will also encourage more Americans to plan for their future long-term care needs by providing a tax deduction to help them purchase private long-term care insurance.

Health insurance alone is not going to ensure good health. As noted author and physician Dr. Michael Crichton has observed, ''the future of medicine lies not in treating illness, but preventing it.'' Many of our most serious health problems are directly related to unhealthy behaviors, smoking, lack of regular exercise and poor diet. These three major risk factors alone have made Maine the state with the fourth highest death rate due to four largely preventable diseases: cardiovascular disease, cancer, chronic lung disease and diabetes. These four chronic diseases are responsible for 70 percent of the health care problems in Maine.

Our bill therefore contains a number of provisions designed to promote health lifestyles. An ever-expanding body of evidence shows that these kinds of investments in health promotion and prevention offer returns not only in reduced health care bills, but in longer life and increased productivity. The legislation will provide grants to States to assist small businesses wishing to establish ''worksite wellness'' programs for their employees. It would also authorize a grant program to support new and existing ''community partnerships,'' such as the Healthy Community Coalition in Franklin County, to promote healthy lifestyles among hospitals, employers, schools and community organizations. And, it would provide funds for States to establish or expand comprehensive school health education, including, for example, physical education programs that promote lifelong physical activity, healthy food service selections and programs that promote a healthy and safe school environment.

And finally, the Access to Affordable Health Care Act would promote equity in Medicare payments and help to ensure that the Medicare system rewards rather than punishes states like Maine that deliver high-quality, cost effective Medicare services to our elderly and disabled citizens.

According to a recent study in the Journal of the American Medical Association, Maine ranks third in the nation when it comes to the quality of care delivered to our Medicare beneficiaries. Yet we are 11th from the bottom when it comes to per-beneficiary Medicare spending.

The fact is that Maine's Medicare dollars are being used to subsidize higher reimbursements in other parts of the country. This simply is not fair. Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural states into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to widen the gap between low and high-cost states.

As a consequence, Maine's hospitals, physicians and other providers have experienced a serious Medicare shortfall, which has forced them to shift costs on to other payers in the form of higher charges. The Medicare shortfall is one of the reasons that Maine has among the highest health insurance premiums in the nation. The provisions in the Access to Affordable Health Care Act provide a complement to legislation that I introduced in the last Congress with Senator RUSS FEINGOLD to promote greater fairness in Medicare payments to physicians and other health professionals by eliminating outdated geographic adjustment factors that discriminate against rural areas.

The Access to Affordable Health Care Act outlines a blueprint for reform based upon principles upon which I believe a bipartisan majority in Congress could agree. The plan takes significant strides toward the goal of universal health care coverage by bringing millions more Americans into the insurance system, by strengthening the health care safety net, and by addressing the inequities in the Medicare system.

By Mr. HATCH (for himself and Mr. LEAHY):

S. 101. A bill to authorize salary adjustments for Justices and judges of the United States for fiscal year 2003; to the Committee on Governmental Affairs.

Mr. HATCH. Mr. President, on this first day of the 108th Congress, I rise to address the serious matter of pay inequity in the Federal judiciary.

As things stand now, nearly every Federal employee will receive a cost of living adjustment during 2003, every employee, that is, except Federal judges. This is because of a legislative prescription that requires Congress to authorize raises in the salaries of Federal judges. Although this COLA of roughly three percent may seem small and inconsequential, it makes a significant difference in light of the fact that Federal judges earn far less than many, it not most, of their counterparts in the private sector.

In this 2002 year-end report, Supreme Court Chief Justice William Rehnquist highlighted his concern that salaries of Federal judges have not kept pace with those of lawyers in private firms and in business. He observed, ''Inadequate compensation seriously compromises the judicial independence fostered by life tenure. That low salaries might force judges to return to the private sector rather than stay on the bench risks affecting judicial performance—instead of serving for life, those judges would serve the terms their finances would allow, and they would worry about what awaits them when they return to the private sector.'' The Chief Justice lamented, ''Unless the 108th Congress acts, judges will not even receive the cost-of-living adjustment that nearly every other federal employee will receive during 2003.'' He concluded by urging Congress and the President to ''take up this issue early in the new year.''

Today, Senator LEAHY and I are introducing a bill that will allow Federal judges to receive the COLA that other Federal employees are already slated to receive this year. Although the larger issue of minimizing the gap between Federal judicial salaries and private sector salaries still remains, this small step will resolve the salary inequity between Federal judges and other Federal employees. I urge my colleagues to join Senator LEAHY and me in supporting this bipartisan measure.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 101

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

SECTION 1. AUTHORIZATION OF SALARY ADJUSTMENTS FOR FEDERAL JUSTICES AND JUDGES.

Pursuant to section 140 of Public Law 97–92, Justices and judges of the United States are authorized during fiscal year 2003 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

By Mr. NICKLES:

S. 103. A bill for the relief of Lindita Idrizi Heath; to the Committee on the Judiciary.

Mr. NICKLES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 103

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

SECTION 1. PERMANENT RESIDENT STATUS FOR LINDITA IDRIZI HEATH.

(a) IN GENERAL.—Notwithstanding section 101(b)(1) and subsections (a) and (b) of section 201 of the Immigration and Nationality Act, Lindita Idrizi Heath shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Lindita Idrizi Heath enters the United States before the filing deadline specified in subsection (c), Lindita Idrizi Heath shall be considered to have entered and remained lawfully and shall, if otherwise eligible, be eligible for adjustment of status under section 245 of the Immigration and Nationality Act as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Lindita Idrizi Heath, the Secretary of State shall instruct the proper officer to reduce by one, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Lindita Idrizi Heath under section 202(e) of that Act.

SEC. 2. ELIGIBILITY FOR CITIZENSHIP.

For purposes of section 320 of the Immigration and Nationality Act (8 U.S.C. 1431; relating to the automatic acquisition of citizenship by certain children born outside the United States), Lindita Idrizi Heath shall be considered to have satisfied the requirements applicable to adopted children under section 101(b)(1) of that Act (8 U.S.C. 1101(b)(1)).

SEC. 3. LIMITATION.

No natural parent, brother, or sister, if any, of Lindita Idrizi Heath shall, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

By Mr. HOLLINGS (for himself, Mr. BAYH, Mr. BIDEN, Mrs. BOXER, Mr. BREAUX, Mr. BURNS, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Ms. COLLINS, Mr. CORZINE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. JEFFORDS, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LEAHY, Ms. MIKULSKI, Mr. MILLER, Mr. REID, Mr. SARBANES, Mr. SCHUMER, Ms. SNOWE, Mr. SPECTER, and Mr. STEVENS):

S. 104. A bill to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise today to introduce the National Defense Rail Act. This legislation is of vital importance to rail transportation, it provides funding for railroad security, Amtrak, investment in both freight and passenger rail, and the development of high speed corridors throughout the country.

We have modified the security provision to reflect the creation of the Department of Homeland Security, otherwise, this is the same bill that the Commerce Committee reported last April by a vote of 20 to 3. I am joined by twenty five of my colleagues in introducing this bipartisan legislation. It is critical that the Senate take this bill up, and pass it, to ensure that our railroads are secure and we have adequate investment in both Amtrak and the development of high speed rail corridors to move us into the future.

By Ms. STABENOW (for herself, Mr. DASCHLE, Mrs. BOXER, Mr. LEVIN, Mr. LEAHY, Ms. LANDRIEU, Mr. DODD, Mr. DAYTON, Mr. SARBANES, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, and Mr. LAUTENBERG):

S. 105. A bill to repeal certain provisions of the Homeland Security Act (Public Law 107–296) relating to liability with respect to certain vaccines; to the Committee on Health, Education, Labor, and Pensions.

Ms. STABENOW. Mr. President, today I rise to keep a promise I made in November. On this, the very first day of the 108th Congress, I am introducing a bill that will remove the controversial vaccine component liability provisions from the Homeland Security bill.

I am joined by a long list of original cosponsors: Senators DASCHLE, BOXER, LEVIN, LEAHY, LANDRIEU, DODD, DAYTON, SARBANES, DORGAN, DURBIN, LAUTENBERG, and FEINSTEIN. The Homeland Security bill, signed into law by President Bush in December, contains a provision that protects that financial security of pharmaceutical companies, not the homeland security of our Nation.

The newly minted law contains a provision that expands the liability projections that currently exist for vaccines to include other vaccine components, such as vaccine preservates like Thimerosal. This provision was included in the bill, at the last minute, with no debate and no committee hearings

Thimerosal; was the subject of several class action lawsuits based on increasing research connecting this preservative, which contains mercury, to the rising incidence of autism in children.

Now that the vaccine component provision has been signed into law, all of these cases are expected to be dismissed. I urge my colleagues to join me and to remove the component provision from the law before it is too late. If these cases are dismissed with prejudice, then many families will have nowhere to go to see justice for the harm their children suffered.

While the research is not conclusive on the connection between Thimerosal and autism, was this narrowly written, unrelated provision in the Homeland Security law the way to respond to these concerns? Don't these children and their families merit the full protection under the law? Certainly, they deserve their day in court. The Homeland Security provision includes vaccine components in the National Vaccine Injury Compensation Program, VICP, in which awards are limited to money available through its special trust fund.

In 1988, Congress enacted the National Vaccine Injury Compensation Program as a no-fault alternative to the tort system for resolving claims resulting from adverse reactions to mandated childhood vaccines. This Federal no fault system is designed to compensate individuals, or families of individuals, who have been injured by childhood vaccines.

Damages are awarded out of a trust fund that is financed by excise taxes of 75 cents per dose imposed on each vaccine covered under the program. There is a three year statute of limitations on bringing cases to the VICP. It is very likely that many families who joined the Thimerosal class action suits, now under the treat of dismissal, have exceeded the three year time limit. Therefore, these families will have no recourse whatsoever.

An issue as serious as revising the Vaccine Injury Compensation Program certainly merits due Congressional process. Amending this program by including a provision in the Homeland Security bill was inappropriate and this serious mistake should be corrected. I urge my colleagues to join me in cosponsoring this bill and working to see it signed into law as soon as possible. We must remove the vaccine component liability provisions from the Homeland Security law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 105

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

SECTION 1. REPEAL OF CERTAIN VACCINE LIABILITY PROVISIONS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296) is amended—

(1) by repealing sections 1714, 1715, 1716, and 1717; and

(2) in the table of contents, by striking the items relating to sections 1714, 1715, 1716, and 1717.

(b) EFFECTIVE DATE.—This section shall take effect as though enacted as part of the Homeland Security Act of 2002 (Public Law 107–296).

Mr. DORGAN. Mr. President, I rise to speak as a cosponsor of S. 105. This bill repeals provisions of the Homeland Security Act offering certain liability protections to pharmaceutical companies.

Mr. President, these provisions protect the manufacturers of a vaccine additive called thimerosal. This additive is a mercury-based vaccine component. It was used extensively in the past, until some parents began to claim that it caused autism in their children.

Those parents are now seeking their day in court against the manufacturers of the drug. And the effect of the provisions in the Homeland Security Bill is to steer claims away from the courts and to the Vaccine Injury Compensation Program.

I do not know whether the scientific evidence will ultimately support the parents' claim that their children's autism was caused by thimerosal. Right now, the research on the link between thimerosal and autism is inconclusive. But I do know that the manner in which these particular provisions were added to the Homeland Security law is just plain wrong.

These provisions were at last-minute addition to the version of the Homeland Security Act that was passed in the House of Representatives. And like many things done at the last minute, without the benefit of thoughtful debate, these provisions were poorly conceived.

The Chairman of the House Committee on Government Reform, DAN BURTON, expressed his concern about these provisions in a letter to his colleagues. He noted that the scientific debate about thimersoal was unresolved. And he argued that some parents of autistic children might lose all legal recourse if the provisions passed, because the Vaccine Injury Compensation Program has a narrow 3-year statute of limitations, and some parents may not have filed petitions on time. Chairman BURTON pleaded with his colleagues not to ''stampede'' into cutting of the legal rights of these children ''without hearings and a full public debate.''

Despite these pleadings, the provision remained in the House version of the Homeland Security Act.

When the bill came to the U.S. Senate for consideration, many Members—on both sides of the aisle—expressed concern at the way that the provisions had been introduced. They argued that the provisions did not belong in the Homeland Security Act, and should be considered at some later time.

Senators DASCHLE and LIEBERMAN moved to strike these provisions from the Homeland Security legislation. In the hours before the vote, it appeared that the thimerosal language would indeed be struck—until the Republican leadership reportedly gave some Members assurances that the provisions would be struck in the next Congress. Unfortunately, enough Members accepted these assurances that the thimerosal provisions remained in the Homeland Security Act.

Once the bill was signed into law, and the public became increasingly aware of what had happened, an interesting thing happened: No one would admit authorship of the provisions. The House majority leader's office initially claimed that it had been the White House's idea.

The White House said that it had nothing to do with it. And the companies that were the beneficiaries of the provisions said that they were as surprised as anybody.

So the public was left to ask: Who did this?

This is not the way that Congress should legislate. What happened in this instance is deplorable, and it undermines public confidence in our legislative process.

If there are good, legitimate reasons to give liability protection to the makers of thimerosal, let us have a thoughtful debate about them. Let us have hearings. I understand that the new majority leader, Senator FRIST, has been working on legislation for some time in this regard. Senator FRIST now controls the floor, and can ensure a prompt, thoughtful debate about reforms to the Vaccine Injury Compensation Program.

In the meantime, let us strip the thimerosal provisions currently in the Homeland Security Act.

I yield the floor.

By Mr. KYL (for himself and Mrs. FEINSTEIN):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims; to the Committee on the Judiciary.

Mr. KYL. Mr. President, I rise to introduce the Crime Victims' Rights Amendment.

The scales of justice are imbalanced. The U.S. Constitution, mainly through amendments, grants those accused of crime many constitutional rights, such as a speedy trial, a jury trial, counsel, the right against self-incrimination, the right to be free from unreasonable searches and seizures, the right to subpoena witnesses, the right to confront witnesses, and the right to due process under the law.

The Constitution, however, guarantees no rights to crime victims. For example, victims have no right to be present, no right to be informed of hearings, no right to be heard at sentencing or at a parole hearing, no right to insist on reasonable conditions of release to protect the victim, no right to restitution, no right to challenge unending delays in the disposition of their case, and no right to be told if they might be in danger from release or escape of their attacker. This lack of rights for crime victims has caused many victims and their families to suffer twice, once at the hands of the criminal, and again at the hands of a justice system that fails to protect them. The Crime Victims' Rights Amendment would bring balance to the judicial system by giving victims of violent crime the rights to be informed, present, and heard at critical stages throughout their ordeal.

The amendment gives victims of violent crime the right: to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused; not to be excluded from such public proceeding; reasonably to be heard at public release, plea, sentencing, reprieve, and pardon proceedings; and to adjudicative decisions that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender.

These rights have been at the core of the amendment since 1996, when Senator FEINSTEIN and I first introduced the Crime Victims' Rights Amendment. The amendment is the product of extended discussions with the White House, the Department of Justice, Representative Steve Chabot, Senators Hatch and Biden, law enforcement officials, major victims' rights groups, and such diverse scholars as Professor Larry Tribe and then-Professor Paul Cassell. The current version is similar to the version in the 107th Congress. As President Bush stated when announcing his support for the language of the amendment, the amendment was ''written with care, and strikes a proper balance.'' http://www.whitehouse.gov/news/releases/2002/04/20020416-1.html. One of the nation's leading constitutional scholars, Harvard Law Professor Laurence Tribe, who is on the opposite end of the ideological spectrum from President Bush, concurred. Professor Tribe praised the Amendment's ''brevity and clarity'' and commented, ''That you achieved such conciseness while fully protecting defendants' rights and accommodating the legitimate concerns that have been voiced about prosecutorial power and presidential authority is no mean feat. . . . I think you have done a splendid job at distilling the prior versions of the Victims' Rights Amendment into a form that would be worthy of a constitutional amendment.'' Letter of April 15, 2002.

If reform is to be meaningful, it must be in the U.S. Constitution. Since 1982, when the need for a constitutional amendment was first recognized by

President Reagan's Task Force on Victims of Crime, 32 states have passed similar measures, by an average popular vote of about 80 percent. These state measures have helped protect crime victims; but they are inadequate for two reasons. First, each amendment is different, and not all States have provided protection to victims; a Federal amendment would establish a basic floor of crime victims' rights for all Americans, just as the federal Constitution provides for the accused. Second, statutory and state constitutional provisions are always subservient to the federal constitution; so, in cases of conflict, the defendants' rights, which are already in the U.S. Constitution, will always prevail. The Crime Victims' Rights Amendment would correct this imbalance.

It is important to note that the number one recommendation in a 400 page report by the Department of Justice on victims rights and services was that ''the U.S. Constitution should be amended to guarantee fundamental rights for victims of crime.'' U.S. Department of Justice, Office for Victims of Crime, New Directions from the Field: Victims' Rights and Services for the 21st Century 9, 1998. The report continued: ''A victims' rights constitutional amendment is the only legal measure strong enough to rectify the current inconsistencies in victims' rights laws that vary significantly from jurisdiction to jurisdiction on the state and federal levels.'' Id. at 10. Further: ''Granting victims of crime the ability to participate in the justice system is exactly the type of participatory right the Constitution is designed to protect and has been amended to permanently ensure. Such rights include the right to vote on an equal basis and the right to be heard when the government deprives one of life, liberty, or property.'' Id.

Some may say, ''I'm all for victims' rights but they don't need to be in the U.S. Constitution. The Constitution is too hard to change.'' But the history of our country teaches us that constitutional protections are needed to protect the basic rights of the people. Our criminal justice system needs the kind of fundamental reform that can only be accomplished through changes in our fundamental law, the Constitution. Attempts to establish rights by Federal or State statute, or even State constitutional amendment, have proven inadequate, after more than twenty years of trying. Then-Attorney General Reno has confirmed the point, noting that, ''unless the Constitution is amended to ensure basic rights to crime victims, we will never correct the existing imbalance in this country between defendants' constitutional rights and the haphazard patchwork of victims' rights.'' Senate Judiciary Committee Hearing, April 16, 1997, statement of Attorney General Janet Reno, at 41.

On behalf of the Department of Justice, Ray Fisher, then Associate Attorney General, now a judge on the Ninth Circuit Court of Appeals, testified that ''the state legislative route to change has proven less than adequate in according victims their rights. Rather than form a minimum baseline of protections, the state provisions have produced a hodgepodge of rights that vary from jurisdiction to jurisdiction. Rights that are guaranteed by the Constitution will receive greater recognition and respect, and will provide a national baseline.'' Senate Judiciary Committee Hearing, April 28, 1998, statement of Associate Attorney General Ray Fisher, at 9.

A number of legal commentators have reached similar conclusions. Harvard Professor of Law Laurence Tribe has explained that the existing statutes and state amendments ''are likely, as experience to date sadly shows, to provide too little real protection whenever they come into conflict with bureaucratic habit, traditional indifference, sheer inertia, or any mention of an accused's rights regardless of whether those rights are genuinely threatened.'' Senate Judiciary Committee Hearing, March 24, 1999, statement of Laurence Tribe, at 6. He also stated, ''there appears to be a considerable body of evidence showing that, even where statutory or regulatory or judge-made rules exist to protect the participatory rights of victims, such rights often tend to be honored in the breach . . . .'' Id. at 7. Indeed, according to a report by the National Institute of Justice, even in states that gave ''strong protection'' to victims rights, fewer than 60 percent of the victims were notified of the sentencing hearing and fewer than 40 percent were notified of the pretrial release of the defendant. National Institute of Justice, Research in Brief, ''The Rights of Crime Victims—Does Legal Protection Make a Difference?'' at 4 (Dec. 1998).

If crime victims are to have meaningful rights, those rights must be in the U.S. Constitution. As President Bush has stated, ''The protection of victims' rights is one of those rare instances when amending the Constitution is the right thing to do. And . . . the Crime Victims' Rights Amendment is the right way to do it.'' http://www.whitehouse.gov/news/releases/2002/04/20020416-1.html.

The Crime Victims' Rights Amendment has strong bipartisan support in the House and Senate. Senator FEINSTEIN is the lead Democratic sponsor. I would like to thank her for her tireless efforts on behalf of crime victims and for her hard and very valuable work on the language. Also, a bipartisan group of 39 State Attorneys General has signed a letter expressing their ''strong and unequivocal support'' for an amendment. In January 1997, the National Governors' Association voted in favor of an amendment. In 1996 and 2000, both the Republican and Democratic Party Platforms called for a crime victims' rights amendment. Additionally, the amendment is supported by the International Association of Chiefs of Police and major national victims' rights groups, including Parents of Murdered Children, the National Organization for Victim Assistance, Mothers Against Drunk Driving, MADD, the Maryland Crime Victims' Resource Center, Arizona Voice for Crime Victims, Crime Victims United, and, Memory of Victims Everywhere.

The amendment has received strong support around the country. As I mentioned earlier, 32 states have passed similar measures—by an average popular vote of almost 80 percent.

Since we first introduced the amendment in 1996, Nila Lynn has been murdered in my home State of Arizona. Nila and her husband Duane were three months short of their 50th wedding anniversary. Nila was shot in the back by Richard Glassel and died in Duane's arms. Despite the fact that Duane had a State constitutional right to be heard at Glassel's sentencing and despite the fact that Glassel was afforded the right to make a sentencing recommendation to the jury, Duane's voice was silenced because he had no U.S. Constitutional right to make a similar sentencing recommendation.

For far too long, the criminal justice system has ignored crime victims who deserve to be treated with fairness, dignity, and respect. Our criminal justice system will never be truly just as long as criminals have rights and victims have none.

I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

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

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States:

''ARTICLE—

''SECTION 1. The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article.

''SECTION 2. A victim of violent crime shall have the right to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused; the rights not to be excluded from such public proceeding and reasonably to be heard at public release, plea, sentencing, reprieve, and pardon proceedings; and the right to adjudicative decisions that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender. These rights shall not be restricted except when

and to the degree dictated by a substantial interest in public safety or the administration of criminal justice, or by compelling necessity.

''SECTION 3. Nothing in this article shall be construed to provide grounds for a new trial or to authorize any claim for damages. Only the victim or the victim's lawful representative may assert the rights established by this article, and no person accused of the crime may obtain any form of relief hereunder.

''SECTION 4. Congress shall have power to enforce by appropriate legislation the provisions of this article. Nothing in this article shall affect the President's authority to grant reprieves or pardons.

''SECTION 5. This article shall be inoperative unless it has been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress. This article shall take effect on the 180th day after the date of its ratification.''.

Mrs. FEINSTEIN. Mr. President, I join my good friend, Senator KYL, in introducing S.J. Res, 1, the Victims' Rights Amendment.

Two years ago, the Senate debated a proposed constitutional amendment drafted by Senator KYL and me to protect the rights of victims of violent crime. The amendment had been reported out of the Senate Judiciary Committee on a strong bipartisan vote of 12 to 5. After 82 Senators voted to proceed to consideration of the amendment, there was a vigorous debate on the floor of the Senate. Some Senators raised concerns about the amendment, saying that it was too long or that it read too much like a statute.

Ultimately, in the face of a threatened filibuster, Senator KYL and I decided to withdraw the amendment. We then hunkered down with constitutional experts, such as Professor Larry Tribe of Harvard Law School, to see if we could revise the amendment to meet Senators' concerns. We also worked with constitutional experts at the Department of Justice and the White House, and we came up with a new and improved draft of the amendment. This new amendment provides many of the same rights as the old amendment.

Specifically, the amendment would give crime victims the rights to be notified, present, and heard at critical stages throughout their case. It would ensure that their views are considered and they are treated fairly. It would ensure that their interest in a speedy resolution of the case, safety, and claims for restitution are not ignored. And it would do so in a way that would not abridge the rights of defendants or offenders, or otherwise disrupt the delicate balance of our Constitution.

We had a hearing in the Constitution Subcommittee. Unfortunately, the Judiciary Committee did not act on the amendment. There are many reasons why we need a constitutional amendment.

First, a constitutional amendment will balance the scales of justice. Currently, while criminal defendants have almost two dozen separate constitutional rights, fifteen of them provided by amendments to the U.S. Constitution, there is not a single word in the Constitution about crime victims. These rights trump the statutory and State constitutional rights of crime victims because the U.S. Constitution is the supreme law of the land. To level the playing field, crime victims need rights in the U.S. Constitution. In the event of a conflict between a victim's and a defendant's rights, the court will be able to balance those rights and determine which party has the most compelling argument.

Second, a constitutional amendment will fix the patchwork of victims' rights laws. Eighteen States lack state constitutional victim's rights amendment, and the 32 existing State victims' rights amendments differ from each other. Also, virtually every State has statutory protections for victims, but these vary considerably across the country. Only a Federal constitutional amendment can ensure a uniform national floor for victims' rights.

Third, a constitutional amendment will restore rights that existed when the Constitution was written. It is a little known fact that at the time the Constitution was drafted, it was standard practice for victims, not public prosecutors, to prosecute criminal cases. Because victims were parties to most criminal cases, they enjoyed the basic rights to notice, to be present, and be heard. Hence, it is not surprising that the Constitution does not mention victims.

Now, of course, it is extremely rare for a victim to undertake a criminal prosecution. Thus, victims have none of the basic procedural rights they used to enjoy. Victims should receive some of the modest notice and participation rights they enjoyed at the time that the Constitution was drafted.

Fourth, a constitutional amendment is necessary because mere State law is insufficient. State victims' rights laws lacking the force of Federal constitutional law are often given short shrift. A Justice Department-sponsored study and other studies have found that, even in States with strong legal protections for victims' rights, many victims are denied those rights. The studies have also found that statutes are insufficient to guarantee victims' rights. Only a Federal constitutional amendment can ensure that crime victims receive the rights they are due.

Fifth, a constitutional amendment is necessary because Federal statutory law is insufficient. The leading statutory alternative to the Victims' Rights Amendment would only directly cover certain violent crimes prosecuted in Federal court. Thus, it would slight more than 99 percent of victims of violent crime. We should acknowledge that Federal statutes have been tried and found wanting. It is time for us to amend the U.S. Constitution.

The Oklahoma City bombing case offers another reason why we need a constitutional amendment. This case shows how even the strongest Federal statute is too weak to protect victims in the face of a defendant's constitutional rights. In that case, two Federal victims' rights statutes were not enough to give victims of the bombing a clear right to watch the trial and still testify at the sentencing, even though one of the statutes was passed with the specific purpose of allowing the victims to do just that.

Let me quote from the first of these statutes: the Victims of Crime Bill of Rights, passed in 1990. That Bill of Rights provides in part that:

A crime victim has the following rights: The right to be present at all public court proceedings related to the offense, unless that court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

That statute further states that Federal Government officers and employees ''engaged in the detection, investigation, or prosecution of crime shall make their best efforts to see that victims of crime are accorded the[se] rights.''

The law also provides that ''[t]his section does not create a cause of action or defense in favor of any person arising out of the failure to accord to a victim the[se] rights.''

In spite of the law, the judge in the Oklahoma City bombing case ruled, without any request from Timothy McVeigh's attorneys, that no victim who saw any portion of the case could testify about the bombing's impact at a possible sentencing hearing:

The Justice Department asked the judge to exempt victims who would not be ''factual witnesses at trial'' but who might testify at a sentencing hearing about the impact of the bombing on their lives. The judge denied the motion. The victims were then given until the lunchbreak to decide whether to watch the proceedings or remain eligible to testify at a sentencing hearing. In the hour that they had, some of the victims opted to watch the proceedings; other decided to leave to remain eligible to testify at the sentencing hearing.

Subsequently, the Justice Department asked the court to reconsider its order in light of the 1990 Victims' Bill of Rights. Bombing victims then filed their own motion to raise their rights under the Victims' Bill of Rights. The court denied both motions. With regard to the victims' motion, the judge held that the victims lacked standing. The judge stated that the victims would not be able to separate the ''experience of trial'' from the ''experience of loss from the conduct in question.'' The judge also alluded to concerns about

the defendants' constitutional rights, the common law, and rules of evidence.

The victims and DOJ separately appealed to the Court of Appeals for the Tenth Circuit. That court ruled that the victims lacked standing under Article III of the Constitution because they had no ''legally protected interest'' to be present at trial and thus had suffered no ''injury in fact'' from their exclusion. The victims and DOJ then asked the entire Tenth Circuit to review that decision. Forty-nine members of Congress, all six attorneys general in the Tenth Circuit, and many of the leading crime victims' organizations filed briefs in support of the victims. All to no avail.

The Victims' Clarification Act of 1997 when then introduced in Congress. That act provided that watching a trial does not constitute grounds for denying victims the chance to provide an impact statement. This bill passed the House 414 to 13 and the Senate by unanimous consent. Two days later, President Clinton signed into law, explaining that ''when someone is a victim, he or she should be at the center of the criminal justice process, not on the outside looking in.''

The victims then filed a motion asserting a right to attend the trial under the new law. However, the judge declined to apply the law as written. He concluded that ''any motions raising constitutional questions about this legislation would be premature and would present questions issues that are not now ripe for decision.'' Moreover, he held that it could address issues of possible prejudicial impact from attending the trial by interviewing the witnesses after the trial.

The judge also refused to grant the victims a hearing on the application of the new law, concluding that his ruling rendered their request ''moot.'' The victims then faced a painful decision: watch the trial or preserve their right to testify at the sentencing hearing. Many victims gave up their right to watch the trial as a result.

A constitutional amendment would help ensure that victims of a domestic terrorist attack such as the Oklahoma City bombing have standing and that their arguments for a right to be present are not dismissed as ''unripe.'' A constitutional amendment would give victims of violent crime an unambiguous right to watch a trial and still testify at sentencing.

There is strong and wide support for a constitutional amendment. I am pleased that President Bush and Attorney General Ashcroft have endorsed the amendment. As the President put it last year, ''The Feinstein-Kyl amendment was written with care, and strikes a proper balance. Our legal system properly protects the rights of the accused in the Constitution, but it does not provide similar protection for the rights of victims, and that must change. The protection of victims' rights is one of those rare instances when amending the Constitution is the right thing to do. And the Feinstein-Kyl crime victims' rights amendment is the right way to do it.''

I greatly appreciate their support. And I am also pleased that both former President Clinton and former Vice President Gore have all expressed support for a constitutional amendment on victim's right. Moreover, in the last Congress, the Victims' Rights Amendment was cosponsored by a bipartisan group of 28 Senators. I have spoken to many of my colleagues about the amendment we introduce today and I am hopeful that it will receive even more support in this Congress. In addition I would vote the following:

Both the Democratic and Republican Party Platforms call for a victims' rights amendment. Governors in 49 out of 50 States have called for an amendment. Four former U.S. Attorneys General, including Attorney General Reno, support an amendment. Attorney General Ashcroft support an amendment. Forty State attorneys general support an amendment.

Major national victims' rights groups—including Parents of Murdered Children, Mothers Against Drunk Driving, MADD, and the National Organization for Victim Assistance, support the amendment. Many law enforcement groups, including the International Association of Chiefs of Police, the Nation Troops' Coalition, the International Union of Police Associations AFL–CIO, the Federal Law Enforcement Officers Association, and the California District Attorneys Association support an amendment. Constitutional scholars, such as Harvard Law School Professor Larry Tribe, support an amendment.

The amendment has received strong support around the country. Thirty-two States have passed similar measures—by an average popular vote of almost 80 percent.

I am delighted to join my good friend Senator JON KYL in sponsoring the victims' rights amendment, and I look forward to its adoption by this Congress.

I ask unanimous consent that a copy of a letter dated April 15, 2002 from Harvard Law School Professor Larry Tribe be printed in the RECORD.

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

HARVARD UNIVERSITY LAW SCHOOL,
Cambridge, MA, April 15, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. JON KYL,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS FEINSTEIN AND KYL: I think that you have done a splendid job at distilling the prior versions of the Victims' Rights Amendment into a form that would be worthy of a constitutional amendment—an amendment to our most fundamental legal charter, which I agree ought never to be altered lightly. I will not repeat here the many reasons I have set forth in the past for believing that, despite the skepticism I have detected in some quarters both on the left and on the right, the time is past due for recognizing that the victims of violent crime, as well as those closest to victims who have succumbed to such violence, have a fundamental right to be considered, and heard when appropriate, in decisions and proceedings that profoundly affect their lives.

How best to protect that right without compromising either the fundamental rights of the accused or the important prerogatives of the prosecution is not always a simple matter, but I think your final working draft of April 13, 2002, resolves that problem in a thoughtful and sensitive way, improving in a number of respects on the earlier drafts that I have seen. Among other things, the greater brevity and clarity of this version makes it more fitting for inclusion in our basic law. That you achieved such conciseness while fully protecting defendants' rights and accommodating the legitimate concerns that have been voiced about prosecutorial power and presidential authority is no mean feat. I happily congratulate you both on attaining it.

A case argued two weeks ago in the Supreme Judicial Court of Massachusetts, in which a woman was brutally raped a decade and a half ago but in which the man who was convicted and sentenced to a long prison term has yet to serve a single day of that sentence, helps make the point that the legal system does not do well by victims even in the many states that, on paper, are committed to the protection of victims' rights. Despite the Massachusetts Victims' Bill of Rights, solemnly enacted by the legislature to include an explicit right on the part of the victim to a ''prompt disposition'' of the case in which he or she was victimized, the Massachusetts Attorney General, to who has yet to take the simple step of seeking the incarceration of the convicted criminal pending his on-again, off-again motion for a new trial—a motion that has not been ruled on during the 15 years that this convicted rapist has been on the streets—has taken the position that the victim of the rape does not even have legal standing to appear in the courts of this state, through counsel, to challenge the state's astonishing failure to put her rapist in prison to begin serving the term to which he was sentenced so long ago.

If this remarkable failure of justice represented a wild aberration, perpetrated by a state that had not incorporated the rights of victims into its laws, then it would prove little, standing alone, about the need to write into the United States Constitution a national commitment to the rights of victims. Sadly, however, the failure of justice of which I write here is far from aberrant. It represents but the visible tip of an enormous iceberg of indifference toward those whose rights ought finally to be given formal federal recognition.

I am grateful to you for fighting this fight. I only hope that many others can soon be stirred to join you in a cause that deserves the most widespread bipartisan support.

Sincerely yours,

LAURENCE H. TRIBE.

By Mr. CRAIG:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to require a

balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, today I am reintroducing a Balanced Budget Amendment to the Constitution of the United States. When we were in deficit and when we were in surplus, I have always said, if we could adopt one fundamental reform to the way the Federal Government does business, this is it. The fiscal events of the last couple years have again demonstrated the need for this long-term, fundamental, permanent reform.

For many Americans, one of the signs of our deep respect for the Constitution is our acknowledgment that, in exceptional cases, a problem rises to such a level that it can be adequately addressed only in the Constitution, by way of a Constitutional amendment.

For four years in a row, a modern record, the first time since the 1920s, Congress balanced the Federal budget. The first Republican Congresses in 40 years made balancing the budget their top priority, and did what was necessary, working on a bipartisan basis, to run the kind of surpluses we need to pay down the national debt and safeguard the future of Social Security.

Then events intervened.

A return to budget deficits was caused by an economic recession and a war begun by a terrorist attack. Even before taking office, President Bush correctly foresaw the coming recession and prescribed the right medicine, the bipartisan Tax Relief Act of 2001, that has bolstered the economy and prevented a far worse recession.

Sadly, at least on the budget front, the Senate did not rise to the challenge. Last year, many of us were deeply disappointed by the Senate's failure to pass a budget resolution for the first time in the history of the Budget Act. That failure only made the need for fiscal discipline all the more evident, as we saw a return to deepening deficit spending.

The return to deficit spending can and should be a temporary phenomenon. We will rebound from the recent economic slowdown. And we must do whatever it takes to win the war, that's a matter of survival and of protecting the safety and security of the American people. Beyond that, we must keep all other Federal spending under control, so that we return, as soon as possible, to balancing the budget.

In other words, the return to deficit spending will be a temporary problem only if we make a permanent commitment to the moral imperative of fiscal responsibility.

We always did, and always will, need a Balanced Budget Amendment to our Constitution.

Even in the heady days of budget surpluses, I always maintained the only way to guarantee that the Federal Government would stay fiscally responsible was to add a Balanced Budget Amendment to the Constitution.

Before we balanced the budget in 1998, the government was deficit spending for 28 years in a row and for 59 out of 67 years. The basic law of politics, to just say ''yes'', was not repealed in 1998, but only restrained some, when we came together and briefly faced up to the grave threat to the future posed by decades of debt.

Now, the government is back to borrowing. And for some, a return to deficit spending seems to have been liberating, as the demands for new spending only seem to be multiplying again.

That is why, today, I am again introducing a Balanced Budget Amendment to the Constitution and calling upon my colleagues to send it to the states for ratification. The amendment I introduce today is the same one I cosponsored last year, which would not count the Social Security surplus in its calculation of a balanced budget. Those annual surpluses would be set aside exclusively to meet the future needs of Social Security beneficiaries.

It's a new day, a new year, and a new Senate. We have the opportunity of a fresh start and, hopefully, the wisdom of experience. On this first day of the 108th Congress, with the first piece of legislation I am introducing this year, I call on the Senate to safeguard the future, by considering and passing a Balanced Budget Amendment to the Constitution, a Bill of Economic Rights for our future and our children.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—TO ELECT TED STEVENS, A SENATOR FROM THE STATE OF ALASKA, TO BE PRESIDENT PRO TEMPORE OF THE SENATE OF THE UNITED STATES

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That Ted Stevens, a Senator from the State of Alaska, be, and he is hereby, elected President of the Senate pro tempore.

SENATE RESOLUTION 4—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 4

Resolved, That the President of the United States be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

SENATE RESOLUTION 5—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 5

Resolved, That the House of Representatives be notified of the election of Ted Stevens, a Senator from the State of Alaska, as President pro tempore.

SENATE RESOLUTION 6—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 6

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 7—ELECTING EMILY J. REYNOLDS OF TENNESSEE AS SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 7

Resolved, That Emily J. Reynolds of Tennessee be, and she is hereby, elected Secretary of the Senate.

SENATE RESOLUTION 8—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 8

Resolved, That the President of the United States be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

SENATE RESOLUTION 9—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A SECRETARY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 9

Resolved, That the House of Representatives be notified of the election of the Honorable Emily J. Reynolds of Tennessee as Secretary of the Senate.

SENATE RESOLUTION 10—ELECTING DAVID J. SCHIAPPA OF MARYLAND AS SECRETARY FOR THE MAJORITY OF THE SENATE

Mr. FRIST submitted the following resolution; which was considered and agreed to:

S. RES. 10

Resolved, That David J. Schiappa of Maryland be, and he is hereby, elected Secretary for the Majority of the Senate.

SENATE RESOLUTION 11—ELECTING MARTIN P. PAONE AS SECRETARY FOR THE MINORITY OF THE SENATE

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 11

Resolved, That Martin P. Paone of Virginia be, and he is hereby, elected Secretary for the Minority of the Senate.

SENATE RESOLUTION 12—TO MAKE EFFECTIVE REAPPOINTMENT OF SENATE LEGAL COUNSEL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 12

Resolved, That the reappointment of Patricia Mack Bryan to be Senate Legal Counsel made by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

SENATE RESOLUTION 13—TO MAKE EFFECTIVE REAPPOINTMENT OF DEPUTY SENATE LEGAL COUNSEL

Mr. FRIST (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 13

Resolved, That the reappointment of Morgan J. Frankel to be Deputy Senate Legal Counsel make by the President pro tempore this day is effective as of January 3, 2003, and the term of service of the appointee shall expire at the end of the One Hundred Ninth Congress.

SENATE RESOLUTION 14—COMMENDING THE OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM FOR WINNING THE 2002 NCAA DIVISION 1–A COLLEGIATE NATIONAL FOOTBALL CHAMPIONSHIP

Mr. VOINOVICH (for himself and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 14

Whereas in 2002, the Ohio State University claimed its fifth undisputed Division I–A collegiate national football championship;

Whereas Ohio State captured its 29th Big Ten conference championship;

Whereas Ohio State finished the season with a perfect 14–0 record, its first unbeaten season since 1968;

Whereas on the way to the national championship, Ohio State defeated 5 ranked opponents, including a 14–9 triumph over the University of Michigan;

Whereas Ohio State is the first Big Ten team to qualify for and win the Bowl Championship Series national championship game;

Whereas seniors strong safety Mike Doss, middle linebacker Matt Wilhelm, and punter Andy Groom, along with sophomore placekicker Mike Nugent, have been named first-team All-Americans;

Whereas Jim Tressel has led Ohio State to a national championship in just his second year as head coach at Ohio State and has been recognized for his accomplishments as a finalist for the 2002 Football Writers' Association of America (FWAA)/Eddie Robinson Coach of the Year Award; and

Whereas the Ohio State University community, including the Ohio State University Athletic Department, the Ohio State University Marching Band, and the Ohio State cheerleaders, as well as the students, administration, board of trustees, faculty, and alumni, the city of Columbus, and the entire State of Ohio, are to be congratulated for their continuous support of the Ohio State University football team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Ohio State University Buckeyes football team for winning the 2002 NCAA Division I–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Ohio State University win the 2002 NCAA Division I–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 2002 Ohio State University football team and invite them to Washington, D.C. for a White House ceremony for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to the Ohio State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 NCAA Division I–A collegiate national championship football team.

APPOINTMENT

The PRESIDENT pro tempore. The Chair, on behalf of the Democratic Leader, after consultation with the ranking member of the Senate committee on Finance, pursuant to Public Law 106–170, announces the appointment of David L. Miller, of South Dakota, to serve as a member of the Ticket to Work and Work Incentives Advisory Panel.

APPOINTMENTS MADE DURING ADJOURNMENT

The PRESIDENT pro tempore. The Chair announces the following appointments made by the Democratic leader during the adjournment:

Pursuant to the provisions of Public Law 107–202, on behalf of the Democratic Leader, the appointment of the Senator from Delaware, Mr. BIDEN, and Joseph M. Torsella of Pennsylvania to the Benjamin Franklin Tercentenary Commission on December 9, 2002.

Pursuant to the provisions of Public Law 107–273, on behalf of the Democratic leader, the appointment of Jonathan M. Jacobson of New York and Jonathan R. Yarowsky of Washington, D.C., to the Antitrust Modernization Commission on December 20, 2002.

COMMENDING THE OHIO STATE UNIVERSITY BUCKEYES FOOTBALL TEAM

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 14, introduced earlier today by Senator VOINOVICH.

The PRESIDENT pro tempore. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 14) commending the Ohio State University Buckeyes football team for winning the 2002 NCAA Division I–A collegiate national football championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, no Senator is in the Chamber from the State of Florida or the State of Ohio, but it does not matter who you favored in that game, I think it was one of the finest football games in the history of the world. So this resolution is something that is well done and necessary.

Mr. MCCONNELL. Mr. President, let me just say, I had not planned to speak on this resolution, but I, too, watched that ball game. I think it was, as the distinguished assistant Democratic leader said, possibly one of the most exciting football games ever. So we all do commend the Ohio State Buckeyes for their great victory.

Mr. President, I ask unanimous consent that the resolution and its preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

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

The resolution (S. Res. 14) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 14

Whereas in 2002, the Ohio State University claimed its fifth undisputed Division I–A collegiate national football championship;

Whereas Ohio State captured its 29th Big Ten Conference championship;

Whereas Ohio State finished the season with a perfect 14-0 record, its first unbeaten season since 1968;

Whereas on the way to the national championship, Ohio State defeated 5 ranked opponents, including a 14-9 triumph over the University of Michigan;

Whereas Ohio State is the first Big Ten team to qualify for and win the Bowl Championship Series national championship game;

Whereas seniors strong safety Mike Doss, middle linebacker Matt Wilhelm, and punter Andy Groom, along with sophomore placekicker Mike Nugent, have been named first-team All-Americans;

Whereas Jim Tressel has lead Ohio State to a national championship in just his second year as head coach at Ohio State and has been recognized for his accomplishments as a finalist for the 2002 Football Writers' Association of America (FWAA)/Eddie Robinson Coach of the Year Award; and

Whereas the Ohio State University community, including the Ohio State University Athletic Department, the Ohio State University Marching Band, and the Ohio State cheerleaders, as well as the students, administration, board of trustees, faculty, and alumni, the city of Columbus, and the entire State of Ohio, are to be congratulated for their continuous support of the Ohio State University football team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the Ohio State University Buckeyes football team for winning the 2002 NCAA Division I–A collegiate football national championship;

(2) recognizes the achievements of all the players, coaches, and support staff who were instrumental in helping the Ohio State University win the 2002 NCAA Division I–A collegiate football national championship and invites them to the United States Capitol Building to be honored;

(3) requests that the President recognize the accomplishments and achievements of the 2002 Ohio State University football team and invite them to Washington, D.C. for a White House ceremony for national championship teams; and

(4) directs the Secretary of the Senate to make available enrolled copies of this resolution to the Ohio State University for appropriate display and to transmit an enrolled copy of the resolution to each coach and member of the 2002 NCAA Division I–A collegiate national championship football team.

ORDERS FOR THURSDAY, JANUARY 9, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that if the motion to adjourn is agreed to later today, the Senate stand in adjournment until 9:30 a.m. on Thursday, January 9; I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved, and there then be a period of morning business, with Members permitted to speak for up to 10 minutes each, until the hour of 11:30.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—VOTE ON MOTION TO ADJOURN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate vote on the motion to adjourn at the hour of 5:15 today.

The PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Without objection, we will order the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, if I could get the attention of my counterpart, the distinguished Senator from Kentucky, there are Senators here on the floor now. We will have the vote stay open for certainly past 15 minutes. I am wondering if we could go ahead and start the vote now. There is no other business to come before the Senate. There are Members in the Chamber from both sides of the aisle.

Mr. MCCONNELL. Mr. President, let me say that we are just hotlining it now. If I could ask my friend from Nevada to withhold temporarily, we will be able to give him an answer shortly.

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

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

The legislative clerk proceeded to call the roll.

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

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

VOTE ON MOTION TO ADJOURN

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the vote previously ordered proceed.

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

The question is on agreeing to the motion to adjourn. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Wisconsin (Mr. KOHL) are necessarily absent.

The result was announced—yeas 51, nays 46, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—51

Alexander	DeWine	McCain
Allard	Dole	McConnell
Allen	Domenici	Murkowski
Bennett	Ensign	Nickles
Bond	Enzi	Roberts
Brownback	Fitzgerald	Santorum
Bunning	Frist	Sessions
Burns	Graham (SC)	Shelby
Campbell	Grassley	Smith
Chafee	Gregg	Snowe
Chambliss	Hagel	Specter
Cochran	Hatch	Stevens
Coleman	Hutchison	Sununu
Collins	Inhofe	Talent
Cornyn	Kyl	Thomas
Craig	Lott	Voinovich
Crapo	Lugar	Warner

NAYS—46

Akaka	Dorgan	Lincoln
Baucus	Durbin	Mikulski
Bayh	Edwards	Miller
Biden	Feingold	Murray
Bingaman	Feinstein	Nelson (FL)
Boxer	Graham (FL)	Nelson (NE)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Sarbanes
Conrad	Landrieu	Schumer
Corzine	Lautenberg	Stabenow
Daschle	Leahy	Wyden
Dayton	Levin	
Dodd	Lieberman	

NOT VOTING—3

Kennedy	Kerry	Kohl

ADJOURNMENT UNTIL 9:30 A.M., THURSDAY, JANUARY 9, 2003

The motion was agreed to and at 6:13 p.m., the Senate adjourned until Thursday, January 9, 2003, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 7, 2003:

DEPARTMENT OF HOMELAND SECURITY

THOMAS J. RIDGE, OF PENNSYLVANIA, TO BE SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

GORDON ENGLAND, OF TEXAS, TO BE DEPUTY SECRETARY OF HOMELAND SECURITY. (NEW POSITION)

THE JUDICIARY

TERRENCE W. BOYLE, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE J. DICKSON PHILLIPS, JR., RETIRED.

JAY S. BYBEE, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PROCTER R. HUG, JR., RETIRED.

DEBORAH L. COOK, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE ALAN E. NORRIS, RETIRED.

MIGUEL A. ESTRADA, OF VIRGINIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE PATRICIA M. WALD, RETIRED.

RICHARD A. GRIFFIN, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAMON J. KEITH, RETIRED.

CAROLYN B. KUHL, OF CALIFORNIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE JAMES R. BROWNING, RETIRED.

DAVID W. MCKEAGUE, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE RICHARD F. SUHRHEINRICH, RETIRED.

SUSAN BIEKE NEILSON, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE CORNELIA G. KENNEDY, RETIRED.

PRISCILLA RICHMAN OWEN, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE WILLIAM L. GARWOOD, RETIRED.

CHARLES W. PICKERING, SR., OF MISSISSIPPI, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE HENRY A. POLITZ, RETIRED.

JOHN G. ROBERTS, JR., OF MARYLAND, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE JAMES L. BUCKLEY, RETIRED.

HENRY W. SAAD, OF MICHIGAN, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE JAMES L. RYAN, RETIRED.

JEFFREY S. SUTTON, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DAVID A. NELSON, RETIRED.

TIMOTHY M. TYMKOVICH, OF COLORADO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE JOHN C. PORFILIO, RETIRED.

JOHN R. ADAMS, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE GEORGE WASHINGTON WHITE, RETIRED.

J. DANIEL BREEN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE, VICE JULIA SMITH GIBBONS, ELEVATED.

CORMAC J. CARNEY, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE CARLOS R. MORENO, RESIGNED.

JAMES C. DEVER III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE W. EARL BRITT, RETIRED.

RALPH R. ERICKSON, OF NORTH DAKOTA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NORTH DAKOTA, VICE RODNEY S. WEBB, RETIRED.

SANDRA J. FEUERSTEIN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NEW YORK, VICE THOMAS C. PLATT, JR., RETIRED.

GREGORY L. FROST, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE GEORGE C. SMITH, RETIRED.

S. MAURICE HICKS, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE DONALD E. WALTER, RETIRED.

RICHARD J. HOLWELL, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE BARRINGTON D. PARKER, JR., ELEVATED.

ROBERT A. JUNELL, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TEXAS, VICE HIPOLITO FRANK GARCIA, DECEASED.

THOMAS L. LUDINGTON, OF MICHIGAN, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN, VICE PAUL V. GADOLA, RETIRED .

S. JAMES OTERO, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT CALIFORNIA, VICE RICHARD A. PAEZ, ELEVATED.

WILLIAM D. QUARLES, JR., OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MARYLAND, VICE WILLIAM M. NICKERSON, RETIRED.

FREDRICK W. ROHLFING III, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE ALAN C. KAY, RETIRED.

THOMAS A. VARLAN, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE ROBERT LEON JORDAN, RETIRED.

WILLIAM H. STEELE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ALABAMA, VICE RICHARD W. VOLLMER, JR., RETIRED.

TIMOTHY C. STANCEU, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE RICHARD W. GOLDBERG, RETIRED.

SUSAN G. BRADEN, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE ROGER B. ANDWELT, DECEASED.

MARIAN BLANK HORN, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

CHARLES F. LETTOW, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE JOHN PAUL WIESE, TERM EXPIRED.

MARY ELLEN COSTER WILLIAMS, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE SARAH L. WILSON.

VICTOR J. WOLSKI, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE BOHDAN A. FUTEY, TERM EXPIRED.

GLEN L. BOWER, OF ILLINOIS, TO BE A JUDGE OF THE UNITED STATES TAX COURT FOR A TERM OF FIFTEEN YEARS AFTER HE TAKES OFFICE, VICE CAROLYN MILLER PARR, TERM EXPIRED.

BRUCE E. KASOLD, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW, VICE A NEW POSITION CREATED BY PUBLIC LAW 107–103, APPROVED DECEMBER 27, 2001.

ALAN G. LANCE, SR., OF IDAHO, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM PRESCRIBED BY LAW, VICE FRANK QUILL NEBEKER, RESIGNED.

FERN FLANAGAN SADDLER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE PATRICIA A. WYNN, RETIRED.