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□ 2100

### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPRO- PRIATIONS ACT, 2004—Continued

Mr. INSLEE. In the second regulation, specifically roads built to maintain and restore characteristics of composition and structure such as to reduce the risk of end characteristic wildfire effects.

The truth is, the roadless area rule allows building roads to deal with threat of fire of too much brush.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Virginia.

Mr. GOODLATTE. The courts have already held that that language does not allow the intervention unless there is effectively a fire already taking place. If you want to actually prevent a fire from occurring, that language is not effective.

Mr. INSLEE. Mr. Chairman, the 9th Circuit Court of Appeals, the highest court in the land to have dealt with the roadless area rule, affirmed the roadless area rule. It is true that a lower court in Wyoming, a State perhaps not known for great environmental policy, ruled contrary. But the highest court in the land affirmed the roadless area rule. It is the law of the United States.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 seconds to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Because the gentleman referred to the 9th Circuit, it was overturned, because that is a bunch of liberal left-wingers anyway. It was overturned because they were wrong. Everybody knows that.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3½ minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment.

To the gentleman from Florida, kindly let me just note that there are no commercial logging programs in our parks as you refer to them. We are talking about national forestland, Bureau of Land management land. And I will tell you 3 years ago President Clinton helicoptered to my district, got in a car, drove up a road into our national forests and at the top of Reddish Knob signed with one stroke of the pen a very irresponsible, environmentally irresponsible policy that wiped out billions of dollars and millions of hours of local input into the proper management of our forests lands. That is what this does.

Forests grow. Their character changes. There are places today that have roads that in the future may not need roads, but there are also places in the roadless areas that from time to time will need roads in order to prevent forest fires, to protect wildlife, to do all of the various things that are necessary. This one stroke of the pen is irresponsible public policy not only for the local communities that are devastated by it but also for the environmental soundness of our national forests because they change. The fuel density builds up, and you need to go in and thin out various parts of our forests.

Areas that are roadless now, many of them could stay roadless for a long time, but some are in need of having roads. There are places where there are roads where those roads will not be needed in the future. But to take with one stroke of the pen all of that local planning in all of our national forests and wipe it out makes no sense at all. It is shocking that anyone would consider consigning more than one-third of the national forest system to a passive, hope-for-the-best style of management only 1 year after one of the most devastating wildfire seasons of the last half century.

Two federal district courts have examined the roadless rule and found

that it was adopted in flagrant violation of basic environmental law, the laws of this country.

The gentleman from Washington (Mr. INSLEE) would like to have Congress intervene and force the administration to ignore these court findings. That will leave us with the old situation. Because this rule that President Clinton put forward is flawed, and the courts are going to find it so.

The Federal District Court in Idaho called the roadless rule an obvious violation of the National Environmental Policy Act.

The Federal District Court in Wyoming ruled just this work that the Forest Service's entire NEPA process was flawed and marred with arbitrary and capricious decisions and that the administrative record is replete with the Forest Service's own admission that its data was incomplete, outdated and simply inaccurate.

Even the Clinton administration admitted that the final roadless rule contained egregious errors. Over 3 million acres of roaded lands were counted as part of the roadless land base. Almost a third of the units of the National Forest System did not even bother mapping the non-Federal lands in their roadless areas.

Preventing the Forest Service from amending this rule is an attempt to circumvent the courts and freeze outdated policy in that is severely flawed in both conception and execution. I urge my colleagues to oppose strongly this amendment.

Mr. INSLEE. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Washington State (Mr. INSLEE) has 14¼ minutes remaining. The gentleman from North Carolina (Mr. TAYLOR) has 16½ minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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Mrs. LOWEY. Mr. Chairman, I rise in strong support of the amendment and the gentleman from Washington (Mr. INSLEE) for his leadership in safeguarding the Chugach and Tongass Forests.

I have visited the Tongass National Forest and was astounded at the magnificence of this virtually untouched part of the country. Human activity has not altered the face of this forest, which remains pristine wildness. Vast tracks of old-growth forest provide critical habitat for wolves, grizzly bears, wild salmon, and bald eagles.

The Chugach and Tongass comprise the largest intact temperate rainforest in the country. These two forests act as the literal lungs of the world, replenishing global oxygen stores and sequestering tons of carbon dioxide, which would otherwise contribute to global warming.

So I was really disturbed to learn of the administration's intention to roll back the roadless rule on 15 million acres of forest in the Tongass and Chugach. The proposal detailed in the Federal Register on July 15 would temporarily suspend the roadless rule in the Tongass National Forest. In anticipation of the passage of this rule, timber companies have already laid out 50 clear-cutting projects in roadless areas in the Tongass. They must not be permitted to proceed.

Mr. YOUNG of Alaska. Mr. Chairman, would the gentlewoman yield?

Mrs. LOWEY. My good friend from Alaska.

Mr. YOUNG of Alaska. The timber companies do not lay out plans. It is the Forest Service itself that lay out the plans.

And number two, there are no—

Mrs. LOWEY. Did I yield?

Mr. YOUNG of Alaska. I heard you.

The CHAIRMAN pro tempore. The gentleman will suspend.

The Chair will ask the gentlewoman from New York (Mrs. LOWEY) if she has yielded time to the gentleman from Alaska (Mr. YOUNG).

Mrs. LOWEY. I would prefer just finishing my time, and then I would be delighted to yield, if I have any time, to this distinguished chairman from whom I have learned a lot. But if I may complete the statement, and I thank the distinguished chairman.

The CHAIRMAN pro tempore. The gentlewoman will proceed.

Mrs. LOWEY. I co-sponsored the Inslee legislation to codify the roadless rule to provide permanent protection to the \$58.5 million acres of roadless area in our national forests system. The amendment today would shield the roadless rule from the dangerous changes now being proposed. It offers, in my judgment, a unique opportunity to protect the 300,000 acres of threatened old-growth habit.

Mr. Chairman, I guess I do not have any time to yield.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 10 seconds to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. I would just like to remind the good lady there are no grizzly bears in southeast Alaska. There are brown bears but not grizzly bears. And we should know a little bit about that after we talked about baiting bears today. They are not grizzly bears. They are brown bears. That means that you do not know, frankly, what you are talking about.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Chairman, I have respect for the gentleman from Washington (Mr. INSLEE), particularly when it comes to the area of salmon fisheries. But I am also privileged to represent a district that is 58,000 square miles of rural Arizona that contains the largest ponderosa pine forest in America, one of the greatest creations in the world.

We have no timber industry, none. The only thing that thins any trees in Arizona is bark beetles. Millions of acres we are anticipating will be infested by bark beetles. The exception that has been carved out and shown to be today does not address the ability for us to go in and prevent bark beetle infestation. We have to wait for an emergency to incur. And yet bark beetle infestation does not qualify under your emergency.

No jobs. We do not want to clear-cut in the timber industry. We want a reasonable timber industry. Can you imagine having that great resource and not having a job left?

We have a football team in northern Arizona called the Lumberjacks. Under your proposal we might as well call ourselves the Bark Beetles. No ability to thin the forests, no ability to treat infestation.

Now, we hear the disparaging remarks about the Federal court in Wyoming, a court that has come out many times in favor of environmental rulings. Let me quote, "In promulgating the roadless rule, the Forest Service violated the National Environmental Policy Act and the Wilderness Act. Moreover, the roadless rule as now enacted creates 58.5 million of de facto wildness."

You talk about a public process, you talk about having time for everybody to engage in the wildness debate, and yet what this amendment really does is just establish 58.5 million acres of wildness area.

I disagree with the amendment. I ask for a reasonable timber industry that does not clear-cut but allows us to go in and thin the forests. Give us back our jobs, allow us to treat the infestation and allow us to help prevent forest fires before they happen.

Mr. INSLEE. Mr. Chairman, I yield 5 minutes to the gentleman New York (Mr. BOEHLERT), who shares the views of almost 2 million Americans who support the roadless rule.

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

Mr. BOEHLERT. Mr. Chairman, it is unfortunate that this amendment is necessary, but it is. The administration has announced its intention to propose a series of changes to the roadless rule that would significantly reduce its scope and weaken its effectiveness. And it is moving forward with these changes even though the Forests Roads Working Group, a group of sportsmen's groups, has recommended leaving the rule as it is for now.

So this amendment may be our last and only chance to save the roadless rule, one of the most significant land protections measures in recent decades. The roadless rule will protect watersheds, foster bio-diversity and enable future generations to appreciate untrammeled wildness.

Now that is not to say that there are not legitimate arguments against the roadless rule. Members may oppose the roadless rule because they believe these areas should be logged or because of economic concerns or because of a philosophical objection to any limitation on the use of our national forests. But we are not hearing those arguments because they are not very popular and they do not have much emotional appeal.

Instead, we are hearing arguments against the roadless rule that are, in a word, bogus. We are hearing arguments that run directly counter to the facts. We are hearing rhetoric that is literally incendiary, with pictures to match. We are hearing Members shout "fire" in a crowded legislative chamber.

This is a dangerous tact for the opponents of the Inslee amendment. It is dangerous not only because it is misleading, it is also dangerous because fire is a deadly, serious issue, and it should not be thrown around for political convenience. That will make it harder to take the real steps necessary to prevent wildfires, and those steps are already difficult enough.

What are the actual facts about fire and the roadless rule? Here is what the science tells us.

Wildfires are nearly twice as likely to occur in forests with roads than in roadless areas, regardless of the cause of fire. Reducing the number of roadless areas would increase the likelihood of wildfires.

Eighty-eight percent of forest fires are caused by people. Those fires are four times as likely to occur in a forest with roads, more evidence that reducing the number of roadless areas would increase the likelihood of wildfires.

Roadless areas generally have not been logged and, therefore, are less susceptible to catastrophic fire. The dense underbrush that promote fire is most prevalent in areas that have been logged. That is still more evidence.

When fires do occur in roadless areas, they are unlikely to endanger human life or property because roadless areas are remote. Reducing the number of roadless areas would increase the risk that fires would result in the loss of life and property.

The roadless rule allows activities to reduce the threat of fire in roadless areas such as clearing out smaller diameter or more fire-prone trees. That is called thinning. It is allowed.

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It is allowed. The roadless rule provides an exemption allowing roads to be built in roadless areas to fight forest fires. These are the facts that ought to underline this debate. If my colleagues want road-building in the most remote and pristine areas and stretches of our national forests, then do not support the roadless rule, but do not claim the opposition to the rule out of concern for risk of fire or the environment. That just does not withstand scrutiny.

I urge my colleagues to support the Inslee amendment. It is sound policy, and it will not increase the risk of fire.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I have been waiting for this amendment to come up for 2 days now that we have been working on this bill.

We have talked a lot about environmental care, environmental laws, our joint desire to do what is right for our environment; but I think on this amendment my colleagues have the opportunity to see what one extreme example is of an effort to manage our public lands, and that extreme example is the philosophy or ideology that people should not be on our public lands. The way to solve that is to gradually begin to remove them, piece by piece, from our public lands.

What this amendment does is go back to a failed policy of the previous administration. A lot has been said about the judge's ruling. I would like to read one quote from the judge. In its rush to give President Clinton lasting notoriety in the annals of environmentalism, the Forest Service's shortcuts, and bypassing the procedural requirements of NEPA, has done lasting damage to the very laws designed to protect the environment. The Forest Service's entire NEPA process was flawed and marred with arbitrary and capricious decisions that resulted from its unreasonably self-imposed, unreasonably short deadline for implementing the roadless rule.

The facts are this country has nearly 750 million acres of Federal land. Almost half of that is currently under some kind of conservation status, national park, wilderness, wildlife refuges. It is protected forever for future generations. About half of it is for multiple use, and that is what they are going after here is whatever is left they want to take people out of it. They want to stop the ability for multiple use on those lands. They want to stop the ability of people to use them.

A compromise has been worked out over the years. What the current administration is trying to do is to go back and fix what one Federal judge has already said was a marred policy, a

severely flawed policy and trying to make it work in the roadless areas that we do still have.

I think it is important that my colleagues take the time to actually understand what this amendment is truly all about and why the administration has so strongly opposed it and why so many of my colleagues are so excited about this passing. This is not a West versus East amendment. This is something that we all need to pay attention to, because the impact that this has on our public lands is immense and has, quite frankly, already been thrown out by a Federal judge.

I urge my colleagues to vote "no" on the amendment.

Mr. INSLEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES), former judge, who will explain about the court of appeals upholding the roadless rule.

Mrs. JONES of Ohio. Mr. Chairman, I thank the gentleman for yielding the time to me.

I think it should be clear so that people do not get confused that the rulings with regard to this particular legislation are rulings of lower courts, district courts in the Federal court. The highest court, which is the ninth circuit, is the court that has upheld the roadless rule, and so we need to pay attention to that in terms of discussing what courts have done.

The other thing, I find it interesting that my colleagues on the Republican side of the aisle want to point to judges when the judges' decisions are on their side, and then they want to beat up on judges when the judges' decisions are on the other side.

I have had the fortunate opportunity to visit the Tongass Forest. I have had the fortunate opportunity to discuss this issue with a number of people in the area. One of the things that we do not seem to want to talk about is the impact that clear-cutting has on the caves beneath these beautiful mountains out there and the impact that it has on the environment.

We are not talking about keeping people out of the forests. In fact, we want to allow people to be in the forests. The thing that we are, in fact, saying as we debate this issue this evening is that if we allowed them in the forest, what is the purpose and how can we best environmentally keep the forest sound.

I know there are a lot of other people who want to be heard.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding me the time.

When this debate started, I was disappointed. We saw a picture up here of a clear-cut, trying to inflame the American public. That clear-cut picture had no reason to be in a roadless debate, has nothing to do with it. It is another whole issue, but let us look at the Forest Service.

The Forest Service has approximately 175 million acres. Over 75 percent of it is never considered for forestry or able for forestry. That is 135 million acres. Of that that is practiced forestry, it is less than one-tenth of 1 percent of the Forest Service land. If we treated all the Forest Service land in that manner, it would take 1,000 years to treat the forests owned by the National Forest Service.

We used to cut 10 to 11 billion board feet of timber that is dying and going to waste today. We now cut less than 2 billion board feet on all the Forest Service land all over America, and I have one of those forests in my district. I know what they are about.

What is roadless about? Roadless is peopleless. How many of my colleagues have walked a mile from a road in a land they do not know? How many of my colleagues have walked 5 miles from a road? A few, not the majority of Americans.

I was up in an aircraft recently on the first day of buck season in Pennsylvania, one of the heaviest hunted States. We seldom saw one of those orange coats a mile from the road, and the aircraft pilot and I talked about people in the Allegheny National Forest. They cannot kill the deer because they cannot get the hunters back in those huge areas. Roadless is peopleless.

Who uses roadless areas? Very few Americans. A few young hikers will do it, routine. It is certainly no to seniors. It is no to most of the young youth of America to go back in very far. In a mountainous area like I live in, it is easy to get lost. Even hunters seldom go way back in.

Roadless is "no" to treating disease. Roadless makes it almost impossible to fight forest fires. It is "no" to the vast majority of Americans to utilize and appreciate.

A speaker a moment ago said about appreciating. How can we appreciate a 100,000-acre plot when there is no road in it? Think about it. A road is not some destructive process. The vast majority of our public land by this country, we own a third of the country, is not timbered. It is not used for forestry. It is roadless. It is wilderness, it is recreation, and a lot of it is just abandoned land because it is roadless and people cannot use it.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

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

Mr. HILL. Mr. Chairman, I rise in support of this amendment to the interior appropriations bill.

Much of the Hoosier National Forest back in Indiana is in my congressional district. Many of my constituents enjoy hiking, horseback riding, and all the other pleasures and natural beauty of the Hoosier National Forest.

I have enjoyed the forest as well. I have visited there many times, most

recently just in May; and while there, I spoke to many of the rangers and forest employees tasked with protecting and overseeing the forest.

The rangers I spoke with indicated that opening roads could lead to increased environmental degradation, including forest fires. Why? Because of people. The employees at the forest were terribly concerned with the possibility of forest fires, as many of them volunteer to go out West to fight the country's largest forest fires.

By weakening the roadless rule, we will be increasing the likelihood of forest fires in our national forests. There is natural disagreement over the issue, and it will be undercutting forest protections thoughtfully established over many years.

I urge my colleagues to vote in favor of this amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Chairman, I appreciate the opportunity to speak here tonight. I feel a little bit, like in my previous profession, in the middle of a major conflict here.

I appreciate the intent of the gentleman on his amendment, and I also understand some of the legal arguments. I would like to just point out a couple of things here that have not been mentioned heretofore.

One is that there are over 400,000 acres of private lands that are currently blocked by the roadless rule. These are private landowners who have no access to their land. The reason is, what happened primarily was much of that forest that is affected by the roadless rule was not mapped. Nobody knew when they designated it that there were private lands in there. That is not right. That is a problem.

If my colleagues talk to the people who are in the field, the Forest Service field managers, they say the roadless rule affects their ability to maintain ecosystems, watersheds, protect species, and protect human lives and property.

There has been quite a bit mentioned tonight about the fact that there are fewer fires in roadless areas. Yet the largest fire in the history of Colorado was the Hayman fire. That burned primarily through roadless areas; and so when we do have a fire in a roadless area, there is very little that we can do to slow it down.

So I think it makes sense. It is only logical that if the Forest Service feels that they need more access and if firefighters say they need more access and if landowners say that they need more access, that we should listen to them. It is only logical, and so I certainly support defeat of the amendment.

Mr. INSLEE. Mr. Chairman, may I inquire of the remaining time.

The CHAIRMAN. Each side has 5½ minutes remaining.

Mr. INSLEE. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, let me thank the gentleman for yielding me the time and also for his leadership and support in offering this amendment.

As an urban resident, let me just say that national forests are really national property and belong as much to my constituents and to me as to anyone else. The roadless rule was the most popular Federal rule in history. Wiping it out is just downright wrong. Once this wilderness is gone, we will never get it back.

Extending the roadless rule also means protecting clean drinking water, preserving habitat and safeguarding recreational opportunities. Preserving roadless areas also helps prevent incredibly damaging forest fires that we have witnessed in recent years in California and elsewhere in the West.

Forest studies show that fires are twice as likely to occur in areas with roads and areas that have been logged in these roadless areas, and under existing rules we can still practice fire management. That is exactly what we should be doing, practicing responsible fire management.

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And, yes, most of us do live surrounded by concrete and asphalt. There have to be a few places left for our children and our grandchildren that are unpaved. And as I said earlier, national forests really are national property. We only have a handful of roadless areas left. Let us leave them for our kids, and let us leave them for their kids, our grandchildren. Our public lands really are under siege.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman for yielding me this time. I urge my colleagues to oppose this roadless amendment because it is also a mindless amendment.

The gentleman from New York suggests roadless areas are only in remote areas. Let me show my colleagues. This is an inventoried roadless area in Idaho. Below the line these red dots are structures which will, if this catches on fire, burn, and we will spend millions and millions of dollars trying to save them. These are not simply remote areas.

Without this roadless rule, these communities in these areas are helpless to protect themselves. As a judge in Idaho said, "Such restrictions will prevent local officials from accessing the vital tools necessary to prevent the spread of disease, insect infestation, and catastrophic wildfires."

While the proponents of this amendment claim they care about species habitat, the reality is this will damage species habitat. I was at the Clear Creek fires in Idaho in the year 2000 that burned 1.8 million acres, and we destroyed more salmon habitat with that fire than all the logging in the history of this country.

Vote against this mindless amendment.

Mr. INSLEE. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman for yielding me this time.

I had an opportunity most recently to join a couple of Members from New York and other places around the country to visit the Tongass National Forest. What a treasure that place is. I saw clear-cutting. I saw the damage that has already been done to this most pristine area of the world.

Can we not leave something to our children, our grandchildren, and their children that has not been touched or squandered? Can we not leave something to them that they can look back on and know that we looked out for their future? We have that opportunity. Let us not destroy our national forests.

I do have concerns about this, because we have a national forest in New York State. I do not want to start down a slippery slope and have this administration opening this up in New York as well. I have reasons. I am not from Alaska or the West, but I love this country. I love the West. And I have been to Alaska. And I thank God I had the opportunity to go and see what I believe is the most beautiful part of this great Earth we live on.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I come from the great Northwest, and I am proud of the forests we have. My wife and I love to go out and kayak on the lakes, and we love to hike in the woods. Generally, you have to drive to get there. And when you get there, you want green trees, not black trees.

Now, we are not a State that dumps our garbage or our sludge in the ocean. We are a State that is actually pretty proud about how we have managed and restored rivers that were polluted, how we have created greenways and such. I thought I heard the gentleman from Florida talk about how we have commercial logging in Federal parks. That is prohibited by law, and that is not even the subject of this debate.

I know a lot of people who think wilderness is the same thing as a park, is the same thing as a national forest. You cannot do anything in a wilderness area but hike in there and out. And in some you have to have a permit to do that.

My colleagues, this is not about commercial logging. It is not. Not at all. This is about how we manage the public's land. And, yes, you have every right to have a voice in this, as I do. I just wish you would come out and see what we live in; how these lands are managed.

Do my colleagues know that we had enormous fires in Oregon last year and this year; fires that burned so hot they create a tornado effect that does a blow-down of trees? The embers blow 2 to 3 miles in advance. Those embers do

not look down and say, "Oops, wildernes; oops, roadless; oh, private land."

We need balance here, and this is not it.

Mr. INSLEE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY), a person who has been a great champion of this issue for many years.

Mr. HINCHEY. Mr. Chairman, the national forest system was created nearly a century ago by President Theodore Roosevelt. He said he was creating it for the greatest good, for the greatest number in the long run, and that is something we should not forget.

The roadless policy is necessary, unfortunately, because the Forest Service has failed to protect our forests in the public interest. Under their stewardship, 400,000 miles of logging roads have been built, while industrial activities have encroached on more than half of all the national forest lands.

If my colleagues want to know where the fires are, look for where the roads have been built. That is where to find the fires. Where the so-called thinning has occurred, that is where to find the fires. So this whole business about building roads in order to prevent fires is totally bogus.

Building new roads is a fiscal and environmental disaster. The Forest Service road construction and timber programs have been completely mismanaged. The Forest Service has an \$8.4 billion road maintenance backlog. It cannot take care of the roads it has now. National forests in 16 States have a road maintenance backlog of more than \$100 million in each and every one of those States. They cannot take care of the roads they have already built. Road building and commercial exploitation will leave behind impaired lands whose repair the taxpayers will have to finance.

Unroaded portions of our national forests are not only the most important habitats for fish and wildlife, but are critical sources for clean drinking water for more than 60 million Americans, and they are in my colleagues' districts. Our constituents are demanding that these areas be protected for themselves and for future generations.

The Clinton administration developed this policy. They did it in a very comprehensive and detailed way, and many of us here in this room took part in that process. The roadless policy was one of the most significant national forest conservation measures of the last 100 years and should have been preserved as an enduring legacy for true forest protection.

But unfortunately it has not, because of the way it has been mismanaged and because of the way it is threatened by the present administration. This amendment needs to be passed.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself the balance of my time.

There is much misinformation on this subject. The gentlewoman earlier said that the forest belongs to the pub-

lic, and it does. It is the people's forest, no matter where they live; and that gives us a great responsibility because we cannot, through ignorance, destroy it. We want to save it because of the beauty it has, as well as the commercial value.

President Roosevelt created the Forest Service to be harvested as a source of fiber for the country in the best scientific way possible as an example to private landowners on how to manage in the future their forests. The Park Service was created to not be harvested. It is inside the Department of the Interior. The Forest Service is inside the agricultural department.

If someone going down the street has a heart attack, we do not want someone to come up off the pavement and say, well, I read a book about this, or I saw something on TV. I am ready to carve the fellow open and do something. We would want a professional to take care of the problem. We have our best schools of forestry at our universities. We have the best science at our experimental stations.

We have the responsibility to protect the forests and to use the best science possible. I would urge all of my colleagues go to the universities that have the best schools of forestry and talk about that, because they train people there in the area of silviculture with modern technology. We can do wonderful things with that, in assessing what we can do in the forest rather than read a pamphlet and say we should have no roads; we should have no harvest at all.

We must maintain the forests in a scientific manner. We have had environmental rules in the last 20 years that have probably destroyed 10 times more trees than have been harvested. The forests belongs to the people, but along with that is the responsibility to use the best educated people in our areas to maintain them. I urge a "no" vote on this amendment.

Mr. INSLEE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are all here a very brief period of time, not just in Congress but on Earth; and I would posit to all of my colleagues that we have a better legacy than this in the most pristine national forest we have. But more importantly, that is the sentiment of over 2 million of our citizens who turned out at over 600 meetings to urge the Federal Government to listen to their sentiments.

It is the decision of the Taxpayers for Common Sense, because this rule is fiscally flexible. It is a decision of Trout Unlimited, because it protects water. It is the decision of the League of Conservation Voters. These groups agree with the 2 million people who know that this is a flexible rule, that, yes, allows us to deal with insect infestation. There is an exception in the rule, allows us to deal with fire. There is an exception in the rule, allows us to deal with access to leases. There is an exception in the rule, allows us to get ac-

cess to our homes for private inholdings. There is an exception in the rule.

This rule was very carefully calibrated and developed. Let us have a legacy for our grandchildren we can be proud of. Pass this amendment.

Mr. McINNIS. Mr. Chairman, I rise in opposition to the Inslee amendment and commend to my colleagues the following letter and dear colleague.

U.S. DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, DC, July 17, 2003.

Hon. RICHARD W. POMBO,  
Chairman, Committee on Resources, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Your letter dated July 11, 2003, jointly signed by Representative Robert Goodlatte, requested the Department of Agriculture's views of the effects of a proposed legislative rider to the Interior and Related Agencies Appropriations bill that would prohibit the Forest Service from expending funds to either: (1) modify the Roadless Area Conservation Rule (Roadless Rule); and/or (2) undertake certain management activities within lands affected by the Roadless Rule.

Either approach could have serious, unintended adverse effects. The Department strongly opposes the proposed riders. If they were included within the Interior and Related Agencies Appropriations bill, I would recommend that the President exercise his veto authority for the following reasons.

On Monday, July 14, a Federal District Court in Wyoming issued an order setting aside the Roadless Rule for the entire country. Under this decision, no Roadless Rule will be in effect unless and until the Department lawfully promulgates a new Roadless Rule—but that is exactly what the proposed rider forbids. As a result, the rider would have the perverse effect of preventing the Department from protecting roadless areas. Indeed, the Chief of the Forest Service could not even issue interim direction to the field governing the protection of roadless values, as he did the last time the Roadless Rule was enjoined by a court.

In the event the nationwide injunction were overturned at some point in the future, the proposed rider would still impede the Department's ability to protect roadless areas in other respects. For example, USDA recently reached an agreement with the State of Alaska in a lawsuit challenging the Roadless Rule on special grounds applicable only to Alaska. In order to settle the suit, the U.S. agreed to propose a rule that would prohibit timber harvest on 95% of the roadless acres in the Tongass and Chugach National Forests while making a small portion of roadless areas in these forests (less than 3%) available for management. If the proposed rider were to be enacted, the State of Alaska would certainly re-file its lawsuit against USDA, threatening to remove protection for all Alaska roadless areas.

Additionally, the proposed rider would not allow the flexibility to address unforeseen circumstances in the future to respond to threats to the environment and adjacent private property. It would not even allow the flexibility to take pre-emptive action to treat known problems and potentially dangerous situations to prevent threats to public health and safety such as reducing wild-fire risks to communities in the wildland-urban interface when communities abut roadless areas.

While a rider preventing modifications to the current Roadless Rule would harm roadless values in these ways, a rider prohibiting funding for management activities

within inventoried roadless areas could have even more significant negative effects. Such legislation would negate the existing exceptions contained in the original rule allowing some on-the-ground management flexibility.

These original exceptions, while overly narrow and difficult and costly to implement, nevertheless, allow a limited amount of active management to: (1) improve roadless characteristics; (2) improve threatened, endangered, proposed, or sensitive species habitat; (3) maintain or restore the characteristics of ecosystem composition and structure; and (4) protect public health and safety in cases of an imminent threat of flood, fire, or other catastrophic event that, without intervention, would cause the loss of life or property. Prohibiting management activities in inventoried roadless areas would be even more prohibitive than provisions allowing some level of management in areas designated by Congress as wilderness.

More importantly, such a rider would severely compromise and most certainly delay implementation of the National Fire Plan and the Ten-Year Comprehensive Strategy Implementation Plan developed in cooperation with the Western Governors Association. Such delays could result in an increased risk of catastrophic wildfire, with an increased risk of environmental destruction and loss of human life and property.

Finally, such a rider would substantially modify many of the goals and objectives in existing land and resource management plans, overturning over 25 years of public involvement in the forest planning process. It could, moreover, prevent management activities that could actually maintain or improve roadless characteristics.

The proposal announced by the Department last month would, by contrast, retain the existing Roadless Rule, while providing limited additional flexibility to modify the rule in exceptional circumstances at the request of the Governor of an affected state to address forest health and other issues. This could, for example, allow for activities that reduce wildfire risks to communities or otherwise protect human health and safety. This approach is consistent with the land and resource management planning process, and invites the state to participate as partners in federal resource management. I urge the House to at least review the Department's upcoming proposal before precluding it.

Thank you for the opportunity to address your concerns about the potential riders. I am sending an identical letter to Representative Goodlatte.

Sincerely,

ANN M. VENEMAN.

JULY 14, 2003.

DEAR COLLEAGUE: The untold story of the last fire season, and the so many like it before, is the catastrophic impact of unnatural wildfire on the nation's wildlife. Wildfire is a wildlife killer!

Unfortunately, some Members of Congress are expected to push a rider that would make it virtually impossible to manage nearly 60 million acres of our national forests. The rider would implement the so-called Roadless Rule, a policy that one federal judge said violated the National Environmental Policy Act. In the name of saving our forests, the rider would actually place our forests, wildlife and water squarely in the cross-hairs of catastrophic wildfire. Professional land managers skilled in the science of forest management would be effectively handcuffed—even when these areas are adjacent to homes, even when these areas are adjacent to sources of clean drinking water, even when these areas provide habitat to endangered species.

Here's how the Forest Service described a similar rider last year. "Forest Service experts estimate that such a policy could expose more than 57 million acres of unroaded and roaded areas to the effects of severe wildfire, including degradation of municipal watersheds, loss of critical habitat, and loss of income derived from those lands by outfitters, guides, hiking, and camping. In addition, adjacent public and private lands would be placed in indefensible positions from the advance of an uncontrolled wildfire burning off federal lands. . . The public and firefighters would be placed at great risk to injury and loss of life if the ability to fight fire and manage fuels at the scientifically correct place were lost."

The Roadless rider is bad for our forests, our wildlife and our communities.

Sincerely,

RICHARD POMBO,  
Chairman, Committee  
on Resources.

SCOTT MCINNIS,  
Chairman, Sub-  
committee on Forests  
and Forest Health,  
Committee on Re-  
sources.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. INSLEE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Washington (Mr. INSLEE) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 12 OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer amendment No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. BEREUTER:

At the end of the bill (before the short title), insert the following new section:

SEC. 3. None of the funds made available by this Act may be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska, or the Southeast Archaeological Center in Florida.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Nebraska (Mr. BEREUTER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent that 5 minutes of my time be yielded to the gentleman from Florida (Mr. BOYD) and that he may be allowed to manage that 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. BEREUTER. Mr. Chairman, I have in my hands an article from The Washington Post of July 15 that says, "Archeologists on the Block? Park Service May Ax Its Experts on 'OutSourcing' Initiative." And that is what this is all about.

I have no complaints with the committee. I have come with this amendment as a last resort in stopping something that is mindless and not well considered. I am going to speak about two centers, one located in Tallahassee, Florida, in the district of the gentleman from Florida (Mr. BOYD), and one in my district, the Midwest Archeological Center.

This center in the Nebraska location is a center which has been in existence for 60-plus years. I have had intimate knowledge of it for more than 30 years. It has 12 FTE, but it has 30 temporary positions, undergraduates and graduate students from universities in five States.

The center has developed an excellent reputation of providing professional and technical archeological services for the management of cultural heritage sites in the 13-State NPS Midwest region and to other Federal agencies. I am rather certain that the persons in OMB and the Department of the Interior that determined the process with this out-sourcing activity were not fully aware of the center's mission and history.

Mr. Chairman, if you read a study from the National Park Service, it clearly shows that no feasibility study or mission of the center was considered in the decisions made by the Department of the Interior. Secondly, it states that in 2003, the National Park Service group had hoped OMB would consider excluding what are called "curatorial series" as "inherently governmental." That would have meant that they would have been exempt from A-76. But OMB did not agree.

Now, I do not resist A-76. I have consented and gone along with A-76 for other Federal employment in my district. But this process is flawed from the beginning.

□ 2145

Mr. Chairman, the consultants hired by the National Park Service, and thus far they have spent \$412,766, they are about to spend another \$872,000 to examine these two centers, nearly \$1.3 million. They had no latitude to suggest that the activities should not be considered for outsourcing. In fact, I have been told by my staff that the consultants have been instructed not to answer any questions that might be asked by congressional staff. These instructions came following the consultants' statements that the centers should not have been chosen for outsourcing study.

I ask Members, would it be appropriate to ask whether the whistleblowers protection afforded government employees should also be afforded to these Federal government contractors? Accordingly, I have good reason to assume the consultants operated under an imperative to find a rationale for outsourcing the activities of these centers.

The Park Service was given a quota by the Department of Interior. They looked at the seven regions and the three centers, looked at another center in Washington, and said you have to find so many jobs for outsourcing study. They said, "we do not want to take them all out of blue collar workers; we also have to take some jobs for outsourcing study out of the upper end," and so that is what they did. They chose the curatorial category—archaeological person—to study, and they chose them despite the fact that they should have been exempt as "inherently governmental. I will have more to say on this issue in a few minutes.

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

Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from Nebraska (Mr. BEREUTER) has done an excellent job of outlining the process by which the administration has arrived at this proposal to outsource these archaeologists. I would like to remind Members that there are fewer than 100 archaeologists between Nebraska and Tallahassee that would be affected by this outsourcing. These archaeologists work with the help of volunteers, cooperative agreements, with universities and their own outsourcing to care for some 122 National Parks and 780 national landmarks in 22 States, Puerto Rico and the U.S. Virgin Islands.

This amendment would prohibit any funds in the Interior bill from being used for a competitive sourcing study in the Midwest Archaeological Center in Nebraska or the Southeast Archaeological Center in Tallahassee.

I think it is important to understand what the work of these centers are, and I will speak to the Tallahassee Center, since I know it best. This center is currently excavating an Indian burial mound at Shiloh National Military Park in Tennessee while working around the graves of Civil War soldiers who were killed on the mound during the Battle of Shiloh in 1862 and buried on that spot.

The Southeast Center has also conducted archaeological excavations at the site of the Confederate Prison in Andersonville, Georgia, where they found new information on the architectural details and conditions at the prison.

This center has well over 30 years of archaeological experience and has been based on the campus of Florida State University since 1972. It shares a unique partnership with the Depart-

ment of Anthropology at Florida State University where they share space, personnel, expertise and equipment. The center employs 26 permanent full-time personnel and a large host of part-time student appointments and other volunteers that boast some 300 years of combined archaeological experience. The center has completed over 200 projects since 1990, and the National Park Service recognizes these projects as cost-effective, timely, and of the highest quality.

Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on the Interior and Related Agencies.

Mr. DICKS. Mr. Chairman, I rise in sympathy with this amendment. I know the chairman may want to comment on this as well.

I saw the article in the paper which affects the Nebraska and Tallahassee sites. We tried to deal with 2004 and new starts, as I understand it. A lot of money has been spent without getting proper congressional approval. I am very troubled by these incidents.

I appreciate the gentleman raising this issue on the floor, and I look forward to hearing from the chairman.

Mr. BOYD. Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 10 minutes.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I consume.

Mr. Chairman, I have to reluctantly oppose the gentleman's amendment. I do not believe we should prejudge on an individual basis the outcome of these competitive sourcing studies.

As the gentleman knows, I have included language in this bill which directs the agencies to complete all ongoing studies and report to the committee before taking any specific actions. We did this for several reasons. We are concerned that 50 percent of the National Park Service jobs are rated commercial in nature. We are also concerned that the agencies have been spending money without reprogramming to the committee for approval.

While the Department of Interior seems to be doing a good job, we must insist that they follow the congressional rules because we are not a potted plant. We are here to maintain the Department and do our duty.

I would ask the gentleman, however, to consider withdrawing his amendment and assure him that we will try to work with him on this, if possible.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the chairman for his generous offer, but this is so important that I cannot withdraw this amendment. This

is my last resort. The gentleman's amendment handles those studies that are underway. Unfortunately, we are told that this study has moved too far along for it to be stopped by the gentleman's more general language in the bill. So our only hope is to resist it at this point.

I am not able to withdraw this amendment. I need to push this to a vote, and I need to win this vote. This is an important issue. I have never used this word on the floor before in 25 years, but this process has been not only flawed, but it has been stupidly proceeded with.

Mr. TAYLOR of North Carolina. I would assure the gentleman that nothing has gone too far that could not be corrected. I ask again if the gentleman would withdraw his amendment. Otherwise, I will have to reluctantly oppose it.

Mr. BEREUTER. Mr. Chairman, if the gentleman will continue to yield, I am reluctant to oppose the gentleman, but I am counseled that I must take this course, and I cannot withdraw the amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. BOYD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would conclude by saying that both of these centers are nonprofit-oriented, and they seek to do what is in the best interest of the public, not what is asked of them by some outside interest. These centers are understaffed and underfunded, but they make up for that through cooperative agreements with the universities that they are positioned at and also with a tremendous amount of volunteer work.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Nebraska (Mr. BEREUTER) and that he may control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield 1 minute to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding me this time.

I have the greatest respect for the chairman, and I had hopes that the gentleman from Nebraska (Mr. BEREUTER) would accept the suggestion of the chairman. I will say this respectfully, that sometimes in this game Members learn when to hold them and fold them.

But I also would support the gentleman's amendment. This business of archaeology is crucial. It has been proven that these two centers, one in the district of the gentleman from Florida (Mr. BOYD) and one in the district of the gentleman from Nebraska (Mr. BEREUTER), are doing jobs beyond what is required by the Park Service. This is driven by OMB; I do not believe it is driven by the committee.

I hope Members understand it is important that we have this service available to us as professionals. These two agencies, these two centers, have done an outstanding job not only for the Park Service but for the military branches, for other branches within the government, and they are called upon because of their expertise.

This is a small amount of money. Like I said, the committee has done their job, and I understand the restrictions which they are under. I urge the committee to consider what the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Florida (Mr. BOYD) have suggested. This is important enough to ensure that these monies are funded for and not cut back. I believe in a lot of privatization, but archaeology is a system that has to be addressed by professionals, and these people are truly professionals.

Mr. BEREUTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the gentleman's advice. I have great respect for the chairman. In this instance, I have fought this process for over a year. The first letters I received from the Department of Interior were, shall I say, nonresponsive and also condescending.

There are only three such centers in the United States. We are dealing with two of them here, the majority of the archaeological capability. It is mentioned that they frequently do things for other parts of the Federal Government. They have been involved in looking for the remains of the POWs and MIAs in Vietnam. They were involved in examining the sites of the war crimes in the Balkans. This is a particular expertise that will never, ever, be put back in place again if it is destroyed.

These employees and centers should never have been categorized this way. It is a mistake. They do not want to admit it. Their consultants say it was a mistake, and they have been hushed up as a result with pressure from the National Park Service, pressure which ultimately does come, as the distinguished gentleman from Alaska suggested, from OMB. It is a bean-counter that is doing something that is senseless.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TAYLOR of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Nebraska (Mr. BEREUTER) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. UDALL of Colorado:

At the end of the bill (before the short title), insert the following new section:

SEC. 3. \_\_\_\_\_. None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from Colorado (Mr. UDALL) will be recognized for 10 minutes, the gentleman from North Carolina (Mr. TAYLOR) will be recognized for 15 minutes, and the gentleman from Washington (Mr. DICKS) will be recognized for 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to protect not just Federal lands but private property in the public interest. It would do that by preventing the Department of Interior from going ahead with secret negotiations leading to back-room land deals.

Under those deals, the Department of Interior would issue disclaimers of interest. A disclaimer of interest is like a deed. It gives away the government's claim to an interest in land. For decades, the Department of Interior issued them to people who were on record as owning the lands involved. It was a legal technicality, important for the people involved, but not a tool for changing the management of sensitive Federal lands or creating problems for private landowners.

But a few months ago that changed when the Department of Interior changed its regulations. The new rules give the Department of Interior broad authority to issue disclaimers to parties that would not have been eligible under the old rules, and the Department of Interior has announced it is ready to give those disclaimers to parties seeking them in order to clear the way for building roads.

Congress needs to stop that. We need to rein in the Department of Interior, and we need to do it now. Members can get an idea why by looking at this map here. It shows some of the potential RS-2477 claims just in a part of the California desert that is San Bernardino County. We can see how these claims could slice through national park system lands, wilderness areas, and even Federal lands used for military bases.

Private property is also at risk. This problem is not new, but it is serious. It

needs to be resolved, but not the way the Department of Interior wants to resolve it.

□ 2200

When the Interior Department wants to negotiate in secret and then issue the disclaimers I described, it is not taking us down the right path. Instead of making deals, the Bush administration needs to come to Congress for new legislation. That is what this Congress told the Clinton administration when Secretary Bruce Babbitt moved to change the Interior Department's RS 2477 regulations. To make sure that Secretary Babbitt got the message, Congress passed a law that says any new RS 2477 rules must be authorized by Congress. That law is still on the books, and repeating that message is the purpose of my amendment. The best way to resolve this is by enacting new legislation after public hearings and open debate. That is why I have introduced a bill, H.R. 1639, to do just that. My bill would set a deadline, 4 more years, for filing RS 2477 claims. It would establish a fair, open administrative process for handling these claims. And it would set another deadline for any lawsuit challenging the result of that administrative process.

Mr. Chairman, I hoped my amendment would not be necessary tonight. That is why I sent, along with 80 Members, the Secretary a letter on this subject. In our letter we urged Secretary Norton not to try to use the new disclaimer regulations to deal with RS 2477 claims. In short, we warned the Interior Department that it was asking for trouble if it went ahead with its plans. Unfortunately, Mr. Chairman, our warning has not been heeded. The Interior Department evidently intends to go full steam ahead. So to protect the public, we need to call a halt by adopting my amendment. Then this issue can be resolved by new legislation. Instead of trying to sidestep the Congress, the administration should work with us. I am certainly ready to work with them; and I believe Chairman POMBO, Ranking Member RAHALL, and other members of the Committee on Resources on both sides of the aisle would be willing to do the work that is necessary. But before that can happen, the administration has to change course. That is why we need to adopt this amendment.

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

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA TO AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. TAYLOR of North Carolina. Mr. Chairman, I offer an amendment to the amendment.

The CHAIRMAN. The Clerk will designate the amendment to the amendment.

The text of the amendment to the amendment is as follows:

Amendment offered by Mr. TAYLOR of North Carolina to amendment No. 1 offered by Mr. UDALL of Colorado:



Before the final period, insert the following: “, with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit, or lands within the National Wilderness Preservation System”.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House of today, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Colorado (Mr. UDALL) each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

My amendment prohibits the use of funds by the Bureau of Land Management to use the recordable disclaimer regulations with regard to any lands within a designated national monument, wilderness study area, National Park Service unit, National Wildlife Refuge System unit, or lands within the national wilderness preservation system. This should resolve once and for all the concerns of the environmental community.

In developing these regulations, the Bureau of Land Management considered over 17,000 public comments before finalizing the rule. This rule is very important because it allows landowners to petition the BLM to issue a determination that the Federal Government does not have any property interest in privately owned land where ownership is not clear.

The disclaimer process is welcomed by most western States as a means of bringing certainty to the ownership of real property and allowing economic development to take place without having to resort to litigation.

I also want to make it absolutely clear that the Department of the Interior's new recordable disclaimers of interest in land regulations were never put in place to build roads in national parks, wildlife refuges, national monuments, wilderness areas, or wilderness study areas.

I urge my colleagues to support this perfecting amendment.

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

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment may be described as perfecting my amendment, but it really does not do that. My amendment would block the Interior Department from making backroom deals to give away public lands and threaten private landowners. This amendment would say that backroom deals are okay as long as the Interior Department minds its manners while it is making them. The amendment says that there should not be any deals involving the national parks and some other parts of the Federal lands; but it does nothing to protect the national forests, the national trails system, the wild and scenic rivers system or any of

the national conservation areas managed by the Bureau of Land Management. Worse, it does nothing at all to protect millions of acres of public lands that deserve protection as wilderness. That includes lands in Colorado, Utah, and other States that would be designated as wilderness under bills that are pending in Congress right now.

Worst of all, the amendment does nothing to protect private lands or the lands owned by States and local governments. RS 2477 is not just about Federal lands. It involves lands that were owned by the Federal Government at one time or another between 1866 and 1976. That is more than 100 years, and it is most of the West. It includes the millions of acres that were homesteaded, given to the States, granted to railroad companies, or claimed under mining laws. My amendment protects those lands from backroom deals. The Taylor amendment does nothing to protect them.

In short, Mr. Chairman, I must oppose this amendment because it does not do what we should do. We need to rein in the Interior Department, not just tell them to play nicely. We need to tell the administration to come to Congress for legislation to resolve the RS 2477 issue. This amendment, although I know it is well-intended, would not do that. It does not cover all of these lands. The amendment is mostly cosmetic, and it falls short of what is needed.

Mr. Chairman, for those reasons, I would urge rejection of the amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, the gentleman from Colorado has insisted that this is a back-door deal. I think that it is important to understand that this is not a back-door deal; it is a deal that was done at the suggestion of the National Association of Counties under their direction and under their purview as a memorandum of understanding that could be used in other States and as a model for solving these problems. This is about solving problems.

In addition, the gentleman continues to suggest that there are areas that are worthy of wilderness designation when, in fact, wilderness is not a protection of land. A wilderness designation is a recreational protection. It is a place where people can go and be away from modernity, and that is a worthy value; but it does not go to the legal right that States and counties have to their roads, the roads that they have had for 100 or 150 years. That is the issue that we need to deal with today.

Mr. UDALL of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Chairman, I thank the gentleman from Colorado for yielding me this time. I rise in opposition to the Taylor amendment and in

strong support of the Udall amendment. Interior Secretary Gale Norton has resurrected an arcane and archaic rule that defies common sense and threatens beautiful and remote areas across the West. Surely there was a time when we needed laws like RS 2477 to settle the land and win the West, but the West is won; and now we face a new battle, a battle for the splendor of the few remaining wild places. And it is not going to be an easy battle with an administration that consistently comes up with increasingly creative ways to remove public land protections and shut the public out of the process.

But if this administration hoped to bamboozle Westerners with their stealth attempts to undermine existing protections, they have got another think coming. I have heard from hundreds of constituents back home who understand that these disclaimer decisions have momentous scope. They have not been blinded by the arcane and arbitrary nature of these decisions. That is why Congress should not be, either.

I will state it baldly: build a road across an area, and it is forever eliminated from wilderness consideration. Behind all the trickery, backroom deals and sleight of hand, that is what is happening here. With these decisions, bureaucratic agencies have limited Congress' opportunity to exercise its exclusive authority to designate qualifying lands as wilderness as well as taking away an important management tool of the BLM.

Over the last decade, citizens from my home State and Mr. UDALL's home State of Colorado took to the trails to develop the Citizens' Wilderness Proposal that is the basis of the act I have sponsored called the Colorado Wilderness Act. These are the voices that will be silenced by the backroom wheeling and dealing of the Department of the Interior.

I believe that truly wild places define who we are as citizens of this country. As such, they deserve protection. But even those who disagree that we should have more wilderness and fall squarely in the private property camp should be leery of opening up RS 2477 claims. My staff met with a property owner from Boulder County. She and her husband purchased her then vacant lot in 1993 and built a home. This parcel had an existing driveway for access. But since the neighbors had gotten used to using that driveway, even though it is a private drive, they cannot use adverse possession, the neighbors, so now they are resorting to RS 2477 claims. No matter that the maps do not show this claim, no matter that the aerial photos confirm that the road did not exist during the 1930s and 1940s. She and her family have been consistently harassed by individuals who think they have a right to go across these private lands. So if you do not think we should protect the wilderness, if you do not think we have a right to introduce legislation

without these arcane claims being asserted, do it for private property rights.

Vote "no" on this amendment and vote "yes" on the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time. It is my understanding, and I usually do not get involved in something that happens in Utah or Colorado, being from the State of Maryland, but having taken some time to look at this, the new rule that opens up some other possibilities for right of ways was promulgated January 6, 2003, this year. The first memorandum of understanding that grew out of that rule, it is my understanding, happened in Utah when Utah developed its memorandum of understanding to implement this new rule which has been different from what we have been used to for the past 100 years. It actually did a pretty good job in its promulgation of the rule, because it protected wilderness areas, wilderness study areas, refuges, national parks, not monuments, but in the Taylor amendment, it does protect monuments.

What the second-degree amendment attempts to do is limit the ability to file these disclaimers on Federal land that is designated wilderness, national parks, refuges, and national monuments to use the example that Utah has used in this new rulemaking.

I am one that favors strongly, for a number of reasons, the protection of private property rights and the protection of our wilderness areas and our Federal lands. What I would like to do with the gentleman from Utah, if we can agree on the second-degree amendment with the gentleman from North Carolina, is pass the second-degree amendment to the Udall amendment. Once all of these lands are protected for at least a year, we can work through the process of trying to make the rule that was promulgated in January a little bit more open-ended.

I do not think there are any back-room deals that went through as far as this rulemaking was concerned. I have talked to the Forest Service, I have talked to a number of people. I talked today to the Governor of Utah about this process, calling from Moscow. I feel strongly that the second-degree amendment protects the kinds of lands that we want to protect for the kinds of things that we are considering here, which is right of way, which are roads, which are private property problems.

□ 2215

Even within the Utah MOU, told to me by the governor of Utah today, not one cow path, not one horse path, not one area that is not and has not been a road will ever become a road on any Federal land. So I urge a vote on the gentleman from North Carolina's amendment.

AMENDMENT OFFERED BY MR. MATHESON AS A SUBSTITUTE FOR AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

Mr. MATHESON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. MATHESON as a substitute for amendment No. 1 offered by Mr. UDALL of Colorado:

At the end of the bill (before the short title) insert the following new section:

SEC. 3. None of the funds made available by this Act may be used to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003, with regard to any lands in National Parks, Wilderness Areas, Wilderness Study Areas, National Wildlife Refuges, National Monuments, military bases, or any roads except public highways, roads, or streets that are traveled ways maintained by a county or incorporated municipality, over which a conventional two-wheel drive vehicle may travel, and with regard to private property.

The CHAIRMAN. Points of order are reserved.

Pursuant to the order of the House today, the gentleman from Utah (Mr. MATHESON) will control 10 minutes, and the gentleman from North Carolina (Mr. TAYLOR) will control 10 minutes in opposition.

The Chair recognizes the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, I rise as the sixth generation of Utah, and I come from the West. I come from a State with public lands. Quite frankly, public lands in the West are what this issue is all about that we talk about tonight; and I have grown up with a legacy of the use of those public lands in my State. My roots are in southern Utah. Some of my family is involved in grazing on public lands in Utah.

It is a remarkable State. It is like a lot of the Western States, and it has got a lot of remarkable public lands, some places that are very special. As time has evolved, a lot of people around the world have discovered those lands as well; and I think it is safe to say, and I think there would be consensus at some point, that there is a lot of land out there that is worthy of protection because of its remarkable value.

When I talk about the public lands debate, I know tonight we are talking about the issue of RS 2477 and designation of roads, but it is really part of the overall public lands debate we have in our State and in the West. I look back over my lifetime about how that debate has been carried out. When I think about it, I think about so much emotion and so much effort that has gone into this debate, but there has been no progress. I am alarmed by the lack of progress.

As the West continues to grow and the population grows and the pressures develop, it is time for us to try to come together and try to make progress on these issues and resolve these issues as best we can.

There are not just two sides to this issue. It is not that simple. There are multiple stakeholders involved in public land matters in Utah and in the West. I have talked to so many of them. Quite frankly, I have talked to a lot of them just during this week in preparation and anticipation of the gentleman from Colorado's (Mr. UDALL) amendment that would be introduced today.

I have talked to county commissioners throughout rural Utah, and there is not unanimity among that group, quite frankly. There is a divergence of opinion. I have talked to all kinds of stakeholders, the sportsmen community. I have talked to the recreation community.

There are lots of different points of view, and these points of view all have legitimate claims, and it is unfortunate that we have been unable to bring those stakeholders together in a way to resolve these issues.

In some respects, life repeats itself, as was mentioned by the gentleman from Colorado (Mr. UDALL) earlier. The Department of Interior in 1997 under Secretary Babbitt issued rules to deal with RS 2477. Congress did not like it, passed legislation just like we are looking at now to stop the funding of processing under that rule, and Congress said they are not going to make any other rules until Congress deals with it.

Let us flash forward to 2003. The Department of Interior under a different Secretary has issued a new set of rules, and once again we are revisiting that issue of whether or not Congress should be involved in trying to have an inclusive process where we get all the stakeholders together and try to make progress on this issue.

There is no question that there are legitimate claims out there for roads under RS 2477. We all know that. We all know there are roads that are roads. We know there would be some claims out there where we would agree there really are not roads. I would submit to the Members, in fact, that most of the claims in Utah are not controversial. But the problem is that everybody has been scared, everyone has been scared to deal with the noncontroversial roads, thinking they would make some precedent that would get them at a disadvantaged position when we deal with the controversial claims.

So we have been involved in one litigation after another, and one administration promulgates one set of rules, and another administration promulgates a different set of rules, and we are not making any progress.

I bring before the Members tonight an amendment. It is not a perfect amendment. It is not a perfect amendment. It is not perfect to any stakeholder in this debate. But what it attempts to do is make some progress, some progress in trying to designate the least controversial roads and allow them to move forward. In Utah, we call them class B roads. That is a State

classification. But we have adopted that language in my substitute amendment.

These are roads that can be traveled by two-wheel-drive vehicles. These are roads where I would suspect that no one would disagree that it is a legitimate claim. And I am not saying this solves the entire RS 2477 debate, but it is an opportunity to have some people come together on the least controversial part of this whole issue and try to make some progress.

I also want to mention one other component of my substitute amendment, and that is that I specifically talk about the issue of roads that cross private property, and I say that private property rights need to be maintained and that one cannot file claims on that type of land.

Finally, I mentioned earlier the amount of litigation that has been associated with this, and this is not the end. This is not the end. It is unfortunate how much litigation we have seen here, and we are going to see it again. We are going to see it on this ruling that came out on January 6, I predict, and I think all of us are a little tired of that. I think we are tired of having that as a way to try to resolve things. It is time for Congress to step up to the plate and do its job.

In 1997, I was not here, but Congress said we have got to do this. We do not agree with what Secretary Babbitt did at that time, and it is up to Congress to come together.

This substitute amendment is a stopgap. It is a stopgap to move forward on one set of the least controversial roads. It is not the solution. The solution is that we ought to hold hearings, we ought to try to move forward and make progress, bring the interests of all the stakeholders together, and let us make progress and move forward on RS 2477 claims.

Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS) to talk on this issue.

Mr. DICKS. Mr. Chairman, I want to tell the gentleman that I commend him on his effort and diligence in this effort. Regardless how the amendment works, we are going to continue to work to try to find a solution to this problem, and I appreciate his leadership and effort.

Mr. MATHESON. Mr. Chairman, I thank the ranking member for his comments.

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

POINT OF ORDER

Mr. TAYLOR of North Carolina. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. The rule states in pertinent part: "An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment imposes additional duties.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentleman from Utah wish to be heard on the point of order? Does any Member wish to be heard on the point of order?

The Chair is prepared to rule.

The gentleman from North Carolina (Mr. TAYLOR) makes a point of order that the substitute amendment offered by the gentleman from Utah (Mr. MATHESON) for the amendment offered by the gentleman from Colorado (Mr. UDALL) proposes to change existing law in violation of clause 2(c) of rule XXI.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation or exception therefrom might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, compile evidence, or make judgments and determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(c) of rule XXI.

The proponent of an amendment assumes the burden of establishing that any duties imposed by the amendment are already required by law.

The Chair finds that the amendment offered by the gentleman from Utah (Mr. MATHESON) does more than simply impose a negative restriction on the funds in the bill.

Instead, it requires the officials concerned to determine the precise nature of roads involved, including determining whether certain types of vehicles may travel on them.

In addition, as the Chair understands the state of current law, the relevant Federal agency is under a requirement only to ascertain whether a right-of-way crosses nonFederal land. The amendment offered by the gentleman from Utah (Mr. MATHESON) would further require the agency to determine who owns the nonFederal land.

The proponent of the amendment has been unable to carry the burden of establishing that the agency is already charged by law with making these determinations.

On these premises, the Chair concludes that the substitute amendment offered by the gentleman from Utah (Mr. MATHESON) for the amendment offered by the gentleman from Colorado (Mr. UDALL) proposes to change existing law.

Accordingly, the point of order is sustained. The amendment is not in order.

Mr. UDALL of Colorado. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Mr. Chairman, I rise today in opposition to the Taylor amendment and in strong support of the gentleman from Colorado's (Mr. UDALL) amendment on the issue of revised statute 2477.

Arizona's spectacular public lands are renowned throughout the country, if not the world. They contain many of our Nation's most beautiful landscapes, and every year Arizona's deserts, can-

yons, and mountains are enjoyed by millions of residents and visitors from around the globe.

But Arizona's natural areas are fragile. They are extremely vulnerable to the impacts of off-road vehicles, sprawl, timber cutting, mining, overgrazing, and other activities. My home State ranks third in the Nation for imperiled wildlife, with 63 species listed as endangered or threatened.

The amendment I urge the Members to support today would prevent the public and private lands in Arizona from being terribly harmed. This amendment would stop the Secretary of the Interior from implementing her "Disclaimer of Interest."

The Members may have heard of one of the places which will be severely damaged by the Secretary's disclaimer, Grand Canyon National Park. It is a treasure not only to Arizona but to the citizens of the entire United States. The map I have brought today with me represents only one area that would be permanently harmed by the Secretary's disclaimer.

In 1997, the Park Service warned Congress that the park and its surrounding wilderness were under serious threat. The map shows hundreds of potential rights of way that might be claimed across the north rim of the Grand Canyon, an area that the Park Service is currently protecting.

We in the West have been living with the consequences of RS 2477 for over 100 years. I strongly support the Udall amendment, which would prevent any funds from being spent by the Interior to process 2477 claims until Congress determines what approaches we should take with regard to these claims.

I urge my colleagues to vote for the Udall amendment and in opposition of the Taylor amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the chairman for yielding me this time.

This has been quite an interesting day and now into the evening. First, we had an amendment to stop the Forest Service from issuing new forest plans. Then we had an amendment to keep 57 million acres roadless, and now we are going after an amendment that goes after areas that have roads in them.

Some serious issues have been raised over many years about RS 2477 roads and what the impact is on these areas and what they should be used for and all of the different issues. But one thing that keeps coming up tonight is all of these wilderness areas and parks that should be off limits. I think that is a legitimate point, and the gentleman from North Carolina (Mr. TAYLOR) responded to that by offering a perfected amendment to the underlying amendment which takes the national monuments, the wilderness study areas, the national parks, National Wildlife Refuge System, National Wilderness Preservation System, takes all of those lands out so

that they are not part of this process just to assure everyone that the areas that they are so concerned about that they keep bringing up over and over here during this debate are not the areas that will be affected by the underlying rule.

There is very little timber harvesting that still occurs on public lands. There is very little mining. Grazing has been pushed aside. There is some tourism left, and now it looks like we are going to go after the ability to have access to our public lands. It is a concerted effort, one amendment right after the other. Limit public access, limit their ability to get out there, shut down those roads, shut down those areas, do not let anybody into our public lands. It is a concerted effort, amendment after amendment.

I, quite frankly, feel that the administration is trying to solve this particular problem in a balanced approach in working with the States and the counties, trying to figure out what is really a road and what is not and what should have access and what should not. It is a balanced approach. I believe that we should support the gentleman from North Carolina's (Mr. TAYLOR) amendment. If that amendment does not pass, I believe we should vote against the gentleman from Colorado's (Mr. UDALL) amendment.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, let me ask the gentleman a question. We talked about several things today, as the gentleman mentioned, and several times the chairman promised that we were going to have prompt legislative action by the Committee on Resources to deal with some of these problems. Since this was blocked a few years ago because of the regulations, is there any interest in the Committee on Resources to take up this issue so it does not wind in the Committee on Appropriations? Is there any desire to try to help resolve this?

□ 2230

Mr. POMBO. Mr. Chairman, reclaiming my time, the ranking member brings up, I believe, a very important point. This is something that should go through the Committee on Resources. I will be more than happy and willing to sit down with the different Members who have these roads in their districts, in their States, and other Members from other parts of the country to try to work out a compromise that everyone could live with. This is not something that the gentleman should be dealing with on the appropriations bill every year. I would be more than happy to sit down with the Members and try to work out a rational, balanced compromise so that we are not back here next year with a similar amendment.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman's comments.

Mr. UDALL of Colorado. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

I think the chairman has, with his perfecting amendment, admitted that the administration had perhaps gone a road too far with their proposal, and what the chairman proposes would protect some of the most precious of our public lands against obscure, specious claims of right-of-way access.

Unfortunately, the chairman's amendment does not, in my opinion, go quite far enough. Among the things that the chairman excludes from protection are private lands. And I would refer to the Salt Lake Tribune, on Saturday, June 21, 2003, which is an article about a couple, Jana and Ron Smith who, despite having researched and properly purchased their property, found that when they returned at one point from a vacation, that the local district attorney and the road crews had cut a chain, removed a gate, pulled down the private property signs, and provided full access to their very obscure and remote property which they had bought for those values. Unfortunately, they ultimately had to resort to the courts and the courts upheld their rights to the private property.

But if this underlying legislation, even with the chairman's amendment, remains in the bill authorizing the actions by the administration, it would color the claims of Jana and Ron Smith and others and prejudice them and, minimally, require people with private property to have to hire expensive attorneys to defend their rights to their own property but, in all probability, perhaps jeopardize their claims to defend their property.

It not only excludes private property, and I am surprised that the majority party would not have included private property in this amendment, and perhaps the gentleman will want to amend his amendment by unanimous consent to include private lands. Military lands are not included, so we may, again, find obscure or potentially specious claims to military lands and reservations which are quite extensive in the western United States. Again, I am surprised that the majority party would not be sensitive to the concerns of the military about allowing unbridled access across their reservations.

It also would exclude areas of critical environmental concern, wild and scenic rivers, national trails, national conservation areas, and other public lands.

So I think what the gentleman from Utah (Mr. MATHESON) tried to do, which was not allowed, which would have opened this process to begin those most legitimate and obvious claims, let us grant those. Yes, let us grant them. Let us not have them have to go to court and fight for them, and then let us begin to parse through this very difficult problem. But let us not open the door to jeopardizing people's private property rights, or the rights of the military to protect Federal property, and wild and scenic rivers, national trails, and others.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, I appreciate the gentleman yielding.

The gentleman is aware that there is an underlying memorandum of understanding between the Department of the Interior and the State of Utah in that it is not possible, given the context of that MOU for the issue of private property, to be relevant.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I thank the gentleman for that point. Unfortunately, Utah is only one State in the western United States that would be subject to these proposals. There are a number of other States. There is not, to the best of my knowledge, a memorandum of understanding with Oregon, Washington, Montana, Wyoming, Nevada, California, or other areas. And I think that we should not depend upon MOUs, but we should legislate in these areas.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Utah.

Mr. CANNON. Mr. Chairman, in fact, this memorandum of understanding was done at the suggestion and under the oversight and direction of the National Association of Counties, with the explicit point of seeing how it works in Utah so we could go to these other States. In other words, no one is getting out ahead of anyone else or going to solve or create problems in Oregon based upon an MOU in Utah.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, but would we not at this point, and I am not a lawyer, so I may be disadvantaged in this group because of that, but would we not want to then legislate that? Would we not want to be assured? I do not want to depend upon a future extension of an MOU, memorandum of understanding for those who are listening and do not understand, with this administration for the protection of mines in other States.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Colorado.

Ms. DEGETTE. Mr. Chairman, just to underscore the point, Utah got a sweetheart deal in the settlement, but as my esteemed colleague from Oregon said, California, Colorado, all the rest of the country does not have this deal, so we are all betting on the something. Why not put this memorandum in the underlying bill if it is such a great idea.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, I would be happy if the chairman wishes to amend by unanimous consent his protections to extend them to private lands, hopefully even military lands and some of these other things, but at least to private lands because it is a particular concern, to do that. That would be acceptable to me.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Chairman, the gentleman from Colorado attempts to attack an Interior Department rule which allows memorandums of understanding on issues of roads which have been a source of contention and litigation since 1976. Utah is so far the only State to have taken advantage of this memorandum of understanding.

Some people have said we are trying to change cow trails and foot paths in pristine wilderness into roads. These are pictures of the actual roads in which we are dealing in the State of Utah. These are not cow trails. These are the kinds of roads which we have.

In the memo of understanding, it can only deal with a maintained, documented, continuously used road that is not in a national park, wilderness, wilderness study area, national refuge, et cetera, et cetera.

The issue that was brought up by the gentleman from Oregon is one that was a misunderstanding. They objected to a 2477 that was supposedly on private property, but it was actually a county easement to which they were objecting. It had nothing to do with 2477 because 2477 roads cannot by definition be on private property.

When I was Speaker of the House 10 years ago in the State of Utah, we started this process. I was fortunate enough to appropriate money so that every county could research their 2477 claims. Today, the State of Utah is ready to give documented history photo, hard evidence of continuous use on every single one of these roads. The State of Utah has put in work, effort, and money to end the contention of 30 years and provide a process study, my colleagues know what it is, a process study that just took 30 seconds off my time for me not to get the words out.

The bottom line is the Taylor amendment allows this work to continue. So these roads which cross rural Utah and provide access to national parks and recreation, and jobs, and for emergency vehicles in rural Utah, will continue on. The Udall amendment, unintentionally or not, brings this to a screeching halt with the mere promise that the gentleman from Colorado can help us find a better methodology than the one we are presently going through right now.

The Taylor amendment would allow us to study the rule to which the gentleman from Colorado objects while the work is still continuing on to see if this actually works for the benefit of a standard for every other State in this Nation, whereas the Udall amendment would frustrate the time and effort. Perhaps that is why the counties in Colorado and in the State of Utah are asking you, please, to support the Taylor perfecting amendment, because it allows us to continue on.

If the Taylor amendment is defeated and the Udall amendment is passed, the only thing left for the counties in the State of Utah is to go to court and continue to waste taxpayer money on expensive litigation when we have a

process, not perfect, but we are still working on it, a process in mind to go at these types of roads which are clearly roads, which can solve the problem in the future.

We beg of you to let the process that we have started go to fruition. We can look at it. We can evaluate it. But to capriciously simply say the man-hours and the public input and the dollars have been in vain to this day is unfair to the State of Utah. The gentleman from North Carolina (Chairman TAYLOR) clearly understands that and has given us a process so that we can evaluate this rule and, at the same time, doing no harm to the State of Utah.

I beg of my colleagues to help support this particular provision. It moves us forward towards solving a very contentious problem without having to go to the courts.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself the remaining 1 minute.

In closing, I want to make three points. I want to urge the House to preserve its institutional prerogatives to make sure that we are making the law and we are supporting the law we passed in the past by supporting the Udall amendment.

Second, I understand what Utah has done; and there are some good steps forward as my colleague and good friend, the gentleman from Utah (Mr. BISHOP), has pointed out. But this is not just about Utah; it is about the entire West and wherever these claims can be made.

Finally, my good friend, the gentleman from North Carolina (Mr. TAYLOR), is on the right track; but under his perfecting amendment, we leave out private lands, military lands, national forest lands, tribal lands, national conservation areas, public lands generally, areas of critical environmental concern, wild and scenic rivers, and national trails, an enormously important list.

Please vote against the Taylor secondary amendment and support the Udall amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, I have listened to this debate, and we are talking about Utah; but this proposal by the gentleman from Colorado (Mr. UDALL) probably affects Alaska more than any other State in the Union.

We had some agreements. We are talking about the law, and to the gentleman from New Mexico (Mr. UDALL), your father agreed to it that we would have and shall have access across the lands. The Udall amendment probably would prohibit that, overriding another law; and that disturbs me a great deal.

Now, we do not have the roads that we are showing in Utah; we have most-

ly dog trails, the snow machine trails now. Trails are used from village to village across, yes, wilderness lands. If the gentleman from Colorado will look at that map, he will see that his father did a great job.

Most of our State lands intercede with Federal lands, and we cannot get across those. We are trying to preserve this right to cross those lands and utilize those trails for which they were established. I am quite concerned that even with the second-degree amendment, I am not sure that we will have that right. We would have to probably go to court again. But I am suggesting the second-degree is better than the Udall amendment, and we ought to look at this.

The gentleman from Washington (Mr. DICKS) had a good point. Eventually, we will decide this and let people understand that there are rights of States, and the 1976 law grandfathered all the rights-of-way in. That was the extinguishment of FLPMA. I was here and I believe the gentleman from Washington (Mr. DICKS) was here at that time too; he may not have been. But that was the agreement that was made.

We have to keep those agreements. We cannot continue to break those agreements we made just because it helps a certain interest group. I keep stressing that. Most of the people promoting this provision now do not know the institutional history of what the Congress did and why we did it.

Now, the RS 2477 was for a reason. Most communities established these rights-of-way and the roads that developed their communities. In our case, it was dog trails and a lot of other things that happened during the wintertime, and that is how we got from one community to another community. We ought to be able to continue that as a State's right.

So keep in mind as we go forward with this that we understand what we are doing and the laws that this Congress passed in the past. I urge the adoption of the second-degree amendment and defeat of the first-degree amendment, and then let us try to adjust it as we go through.

Mr. DICKS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the committee, for an observation.

Mr. OBEY. Mr. Chairman, I would just like to observe, we have just been told by the distinguished chairman that we ought to keep our word when we make deals. If that were the case, this bill would contain \$570 million more for the conservation programs that this committee and the Congress agreed that they would fund at that level 3 years ago.

So if we want to keep deals, let us start with the big one, baby. Let us start with the one that guarantees that we are going to provide the \$570 million that this House said it was going to provide 3 years ago when it was avoiding an entitlement.

The gentleman from Alaska was the sponsor of CARA; and we all signed on to, as a substitute to CARA instead, to provide a guaranteed funding level for those conservation programs.

□ 2245

So I do not want to hear any lectures, not this late at night, about keeping our word, for God's sake. Start with that one.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Utah.

Mr. CANNON. You realize we have 5 million acres in the BLM excess land fund. We would love to sell those acres and fund the land and water conservation deal.

Mr. OBEY. What does that have to do with keeping your word?

Mr. DICKS. Mr. Chairman, I yield the balance of my time to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I want to thank my friend, the gentleman from Washington (Mr. DICKS), for yielding me time.

I just wanted to respond to my good friend, the gentleman from Alaska (Mr. YOUNG), who I know had great affection for my father and my father had great affection for him.

There is nothing in my amendment that would affect the access rights provided under the Alaska Lands Act, the law that was sponsored by my father, as my good friend, the gentleman from Alaska (Mr. YOUNG), mentioned. There is nothing in this amendment that would affect the access rights; and I take that legislation very seriously and would do everything in my power and will do everything in my power to continue to support, to keep the faith of that language.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I am just concerned that the way it is written it precludes what we made an agreement to. If I can be assured later on we will discuss it as time goes by.

Mr. UDALL of Colorado. Reclaiming my time, I look forward to discussing that further with the gentleman. I thank him for his comment.

I would urge a yes vote on the Udall amendment, and I rise in opposition to the Taylor second degree amendment.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield the balance of my time to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I would like to start out by thanking the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR), for his work on this issue. It is a very important issue, obviously, an issue that has some intensity.

I thought about asking unanimous consent to lower the temperature on

the floor here by 8 degrees. I think that would be very helpful, since it seems to be about 78, as opposed to 70.

This has been a very important issue to us in Utah in particular, and as a matter of policy we appreciate the gentleman from North Carolina's (Mr. TAYLOR) involvement in the issue of policy.

I would also like to thank the gentleman from Maryland (Mr. GILCREST), who probably has done more reading on this issue than anybody else in this room and has drawn conclusions that he has presented, I think, very eloquently earlier.

I would like to thank the gentleman from Alaska (Mr. YOUNG) for his thoughtful words on this issue.

I would also like to thank the proponent of this issue, the gentleman from Colorado (Mr. UDALL), who is someone with whom you can disagree without being disagreeable. We disagree stridently on this issue, dramatically on this issue, but it is in an environment in which we can talk, and I appreciate that.

The gentleman from Colorado (Mr. UDALL) talked about this as a back-room agreement. It is not a back-room agreement. The gentleman from Colorado (Ms. DEGETTE) talked about this as an archaic, arcane and arbitrary rule or law. That is what you call a law you do not like. But the fact is we have law in America.

I have been interested to follow the debate of several people on the Democratic side here. The gentleman from Colorado (Mr. UDALL) talked about our institutional prerogatives in Congress. The gentleman from Utah (Mr. MATHESSON) said it is time for Congress to do its job. The gentleman from Washington (Mr. DICKS) talked about continuing to work to find the solution to this problem.

But, in fact, this is not a congressional problem. It is true we have oversight, we have responsibility for these kind of issues, but we have law in place already. And that law delegates certain authorities to the Department of the Interior. And in the context of that delegated law, the Department of Interior has entered into an agreement.

It is an open agreement. It is not a back-room agreement. It is an agreement that was precipitated by the National Association of Counties, of which every single Member of this body has counties that are part of that group. That is not a group that is hiding the ball or doing something in the back room. That is a group that wanted to create a process that we could start and evaluate as we used it to come to the point of understanding whether or not we could solve these problems in the context of law.

If that process got out of hand or something radically wrong happened, we could step in and resolve that process. Because, ultimately, that is our prerogative as Congress.

It is an emotional issue that is very intense to me.

Let me point out this is not a problem with Utah. We have a letter from what is called The Club of 20 which are 22 counties on the western slope in Colorado who have sent a letter to the gentleman from North Carolina (Mr. TAYLOR) supporting his amendments.

May I just suggest if you look at what the Taylor amendment does, it takes what I think is an egregious step in taking away the proper authority from the Department of the Interior and brings back into context what we should be doing, as a matter of oversight, what we should be doing to express ourselves to protect the interests that are of such great concern to Americans. And that is it allows the process that has been set up by the Department of the Interior and the State of Utah to go forward.

It does that in the context of protection. It protects national refuges, national wildlife refuges. It protects wilderness study areas. It protects wilderness areas. It protects national parks. It protects monuments.

We cannot protect private property. May I just suggest that all the discussion about private property misses the point? We should not be creating national policy in the context of nasty neighbors.

RS-2477 rights exist in the context of law and have to be resolved at the proper level and not here. So we can do nothing about the private property issue. And, in fact, the memorandum of understanding, the MOU, between the Department of the Interior and Utah does not allow for the disclaimer to be used in the context of any road over private property. It is only to be used in the context of the roads that you saw that my colleague from Utah (Mr. BISHOP) showed with his picture.

Let me point out that Utah is different from some other parts of the country. I was the Associate Solicitor in the Interior Department for some period of time in charge of coal mining reclamation. I probably have been in more coal mines than everybody else in this group put together, and I have seen the devastation in the Northeast of the United States. We built our economy on the devastation of the coal mining lands in Kentucky and West Virginia and Tennessee and other areas.

But you cannot find a coal mine in Utah without a map, and the reason you cannot find a coal mine in Utah is because we have been careful about how we have used our public lands.

I grew up in an area called Wayne County, to some degree. One of my favorite areas in Utah, they call it Wayne Wonderland. I once walked five miles down a ditch that our ancestors had dug to get some water to a lousy 200 acres of land, a beautiful 200 acres of land, and they did it with great sweat and pain and suffering because they loved the land and wanted to produce on it.

We have used the land in Utah, I think, well; and I think that our record

of the environment stands up to anyone's scrutiny.

I suggest to this body that this memorandum of understanding is appropriate, and it should not be interfered with by this amendment. I urge a vote of yes on the Taylor amendment perfecting the Udall amendment and a vote of no on the underlying amendment.

Mr. RAHALL. Mr. Chairman, I rise in strong support of the Udall Amendment to stop the giveaway of important public resources.

It seems that the giveaway of public lands is not just limited to the 1872 Mining Law. How ironic is it that we have a provision from another mining law—this one from 1866—that is being used to swindle the American public out of their public lands.

We have people and organizations out there that are trying to take advantage of a law enacted 137 years ago that was so antiquated that Congress repealed it in 1976.

Let us be clear on this outdated and repealed law that is known as RS 2477. It is a land grab. This is not about clearing up legitimate claims to roads that you or I or the American public would recognize. It is about bulldozing new roads across unspoiled public lands.

Cowpaths and trails that begin and end nowhere are being claimed as roads and Interior Secretary Norton and her Department are attempting to use new regulations for previously noncontroversial Disclaimers of Interest to breathe life into RS 2477 and facilitate a public land grab.

When then Interior Secretary Babbitt tried to develop a clear, common sense settlement to the RS 2477 issue in the 1990's, Republicans would have none of it and pushed through a legislative moratorium that remains in effect today on any regulations pertaining to RS 2477.

However, Secretary Norton and her Department have chosen to ignore the law and press ahead with these new regulations on Disclaimers of Interest.

Disobedience of the law and secret backroom deals; that has been the legacy of this administration on RS 2477.

It's time we put a stop to the unwarranted and unjustified giveaway of public assets. I urge a "yes" vote on the Udall amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR) to the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. UDALL of Colorado. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: an amendment by the gentleman from Washington (Mr. INSLEE); an amendment by the gen-

tleman from Nebraska (Mr. BEREUTER); an amendment to the Udall amendment by the gentleman from North Carolina (Mr. TAYLOR); and an amendment by the gentleman from Colorado (Mr. UDALL).

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic votes in this series will be conducted as 5-minute votes.

AMENDMENT OFFERED BY MR. INSLEE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. INSLEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 234, not voting 15, as follows:

[Roll No. 386]  
AYES—185

Ackerman	Harman	Michaud
Allen	Hastings (FL)	Miller (NC)
Andrews	Hill	Miller, George
Baird	Hinchey	Moore
Baldwin	Hinojosa	Moran (VA)
Ballance	Hoeffel	Nadler
Becerra	Holt	Napolitano
Bell	Honda	Neal (MA)
Biggert	Hooley (OR)	Obey
Bishop (NY)	Hoyer	Olver
Blumenauer	Inslee	Owens
Boehlert	Israel	Pallone
Boucher	Jackson (IL)	Pascarell
Brown (OH)	Jackson-Lee	Pastor
Brown, Corrine	(TX)	Payne
Capps	Johnson (CT)	Pelosi
Capuano	Johnson (IL)	Petri
Cardin	Johnson, E. B.	Price (NC)
Carson (IN)	Jones (OH)	Rahall
Case	Kaptur	Ramstad
Castle	Kelly	Rangel
Clay	Kennedy (RI)	Rodriguez
Clyburn	Kildee	Rothman
Conyers	Kilpatrick	Roybal-Allard
Cooper	Kind	Ruppersberger
Costello	Kirk	Rush
Crowley	Kleczka	Ryan (OH)
Cummings	Kucinich	Sabo
Davis (CA)	Lampson	Sanchez, Linda
Davis (FL)	Langevin	T.
Davis (IL)	Lantos	Sanchez, Loretta
DeFazio	Larsen (WA)	Sanders
DeGette	Larson (CT)	Saxton
DeLauro	Leach	Schakowsky
Deutsch	Lee	Schiff
Dicks	Levin	Scott (GA)
Dingell	Lewis (GA)	Scott (VA)
Doggett	Lipinski	Sensenbrenner
Dooley (CA)	LoBiondo	Serrano
Doyle	Lofgren	Shays
Ehlers	Lowey	Sherman
Emanuel	Lynch	Simmons
Engel	Majette	Skelton
Eshoo	Maloney	Slaughter
Etheridge	Markey	Smith (NJ)
Farr	Marshall	Smith (WA)
Fattah	Matsui	Snyder
Filner	McCarthy (MO)	Solis
Ford	McCarthy (NY)	Spratt
Frank (MA)	McCollum	Stark
Frelinghuysen	McDermott	Strickland
Frost	McGovern	Tauscher
Gerlach	McIntyre	Taylor (MS)
Gonzalez	McNulty	Thompson (CA)
Green (TX)	Meehan	Tierney
Grijalva	Meek (FL)	Towns
Gutierrez	Meeks (NY)	Udall (CO)
	Menendez	Udall (NM)

Upton  
Van Hollen  
Velazquez  
Visclosky  
Waters

Watson  
Watt  
Waxman  
Weiner  
Wexler

Woolsey  
Wu  
Wynn

NOES—234

Abercrombie	Garrett (NJ)	Ose
Aderholt	Gibbons	Otter
Akin	Gilchrest	Oxley
Alexander	Gillmor	Paul
Baca	Gingrey	Pearce
Bachus	Goode	Pence
Baker	Goodlatte	Peterson (MN)
Ballenger	Goss	Peterson (PA)
Barrett (SC)	Graves	Pickering
Bartlett (MD)	Green (WI)	Pitts
Bass	Greenwood	Platts
Beauprez	Gutknecht	Pombo
Bereuter	Hall	Pomeroy
Berry	Harris	Porter
Bilirakis	Hart	Portman
Bishop (GA)	Hastings (WA)	Pryce (OH)
Bishop (UT)	Hayes	Putnam
Blackburn	Hayworth	Quinn
Blunt	Hefley	Radanovich
Boehner	Hensarling	Regula
Bonner	Herger	Rehberg
Bono	Hobson	Renzi
Boozman	Hoekstra	Reyes
Boswell	Holden	Reynolds
Boyd	Hostettler	Rogers (AL)
Bradley (NH)	Houghton	Rogers (KY)
Brady (PA)	Hulshof	Rogers (MI)
Brady (TX)	Hunter	Rohrabacher
Brown (SC)	Hyde	Ros-Lehtinen
Brown-Waite,	Isakson	Ross
Ginny	Issa	Royce
Burns	Istook	Ryan (WI)
Burr	Jenkins	Ryun (KS)
Burton (IN)	John	Sandlin
Buyer	Jones (NC)	Schrock
Calvert	Kanjorski	Sessions
Camp	Keller	Shadegg
Cannon	Kennedy (MN)	Shaw
Cantor	King (IA)	Sherwood
Capito	King (NY)	Shimkus
Caroza	Kingston	Shuster
Carson (OK)	Kline	Simpson
Chabot	Knollenberg	Kolbe
Chocola		Smith (MI)
Coble	LaHood	Smith (TX)
Cole	Latham	Souder
Collins	LaTourette	Stearns
Cox	Lewis (CA)	Stenholm
Cramer	Lewis (KY)	Stupak
Crane	Linder	Sullivan
Crenshaw	Lucas (KY)	Sweeney
Cubin	Lucas (OK)	Tancredo
Culberson	Manzullo	Tanner
Cunningham	Matheson	Tauzin
Davis (AL)	McCotter	Taylor (NC)
Davis (TN)	McCrery	Terry
Davis, Jo Ann	McHugh	Thomas
Davis, Tom	McInnis	Thompson (MS)
Deal (GA)	McKeon	Thornberry
DeLay	Mica	Tiahrt
DeMint	Miller (FL)	Tiberi
Diaz-Balart, L.	Miller (MI)	Toomey
Diaz-Balart, M.	Miller, Gary	Turner (OH)
Doolittle	Mollohan	Turner (TX)
Dreier	Moran (KS)	Vitter
Duncan	Murphy	Walden (OR)
Dunn	Murtha	Walsh
Edwards	Musgrave	Wamp
Emerson	Myrick	Weldon (FL)
English	Nethercutt	Weldon (PA)
Everett	Neugebauer	Weller
Feeney	Ney	Whitfield
Flake	Northup	Wicker
Fletcher	Norwood	Wilson (NM)
Foley	Nunes	Wilson (SC)
Forbes	Nussle	Wolf
Fossella	Oberstar	Young (AK)
Franks (AZ)	Ortiz	Young (FL)
Gallegly	Osborne	

NOT VOTING—15

Barton (TX)	Evans	Jefferson
Berkley	Ferguson	Johnson, Sam
Berman	Gephardt	Millender-
Bonilla	Gordon	McDonald
Burgess	Granger	
Carter	Janklow	

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BASS) (during the vote). Members are

advised there are 2 minutes remaining in this vote.

□ 2314

Messrs. TOM DAVIS of Virginia, JONES of North Carolina, HEFLEY, and RYAN of Wisconsin changed their vote from "aye" to "no."

Messrs. GERLACH, CAPUANO and FORD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. BEREUTER

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 12 offered by the gentleman from Nebraska (Mr. BEREUTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 362, noes 57, not voting 15, as follows:

[Roll No. 387]

AYES—362

Abercrombie	Carson (IN)	Fattah
Ackerman	Carson (OK)	Feeney
Aderholt	Case	Filner
Akin	Castle	Fletcher
Alexander	Clay	Foley
Allen	Clyburn	Forbes
Andrews	Cole	Ford
Baca	Collins	Fossella
Bachus	Conyers	Frank (MA)
Baird	Cooper	Frelinghuysen
Baker	Costello	Frost
Baldwin	Cox	Gallegly
Ballance	Cramer	Gerlach
Ballenger	Crenshaw	Gibbons
Bartlett (MD)	Crowley	Gilchrest
Beauprez	Cubin	Gillmor
Becerra	Cummings	Gingrey
Bell	Davis (AL)	Gonzalez
Bereuter	Davis (CA)	Goodlatte
Berry	Davis (FL)	Gordon
Biggert	Davis (IL)	Goss
Billirakis	Davis (TN)	Green (TX)
Bishop (GA)	Davis, Jo Ann	Green (WI)
Bishop (NY)	Davis, Tom	Greenwood
Blackburn	Deal (GA)	Grijalva
Blumenauer	DeFazio	Gutknecht
Boehlert	DeGette	Hall
Boehner	Delahunt	Harman
Bono	DeLauro	Harris
Boozman	Deutsch	Hastings (FL)
Boswell	Diaz-Balart, L.	Hastings (WA)
Boucher	Diaz-Balart, M.	Hayworth
Boyd	Dicks	Hefley
Bradley (NH)	Dingell	Hill
Brady (PA)	Doggett	Hinche
Brown (OH)	Dooley (CA)	Hinojosa
Brown, Corrine	Doolittle	Hobson
Brown-Waite,	Doyle	Hoefel
Ginny	Dreier	Hoekstra
Burns	Duncan	Holden
Burr	Dunn	Holt
Burton (IN)	Edwards	Honda
Buyer	Ehlers	Hooley (OR)
Calvert	Emanuel	Hostettler
Camp	Emerson	Houghton
Cantor	Engel	Hoyer
Capito	English	Hulshof
Capps	Eshoo	Hyde
Capuano	Etheridge	Inslee
Cardin	Everett	Isakson
Cardoza	Farr	Israel

Issa	Michaud	Sanchez, Loretta	Gutierrez	Johnson, Sam
Jackson (IL)	Miller (FL)	Sanders	Janklow	Millender-
Jackson-Lee	Miller (MI)	Sandlin	Jefferson	McDonald
(TX)	Miller (NC)	Saxton		
Jenkins	Miller, George	Schakowsky		
John	Mollohan	Schiff		
Johnson (CT)	Moore	Schrock		
Johnson (IL)	Moran (KS)	Scott (GA)		
Johnson, E. B.	Moran (VA)	Scott (VA)		
Jones (NC)	Murphy	Serrano		
Jones (OH)	Murtha	Shaw		
Kanjorski	Nadler	Sherman		
Kaptur	Napolitano	Shimkus		
Keller	Neal (MA)	Shuster		
Kelly	Nethercutt	Simmons		
Kennedy (MN)	Ney	Simpson		
Kennedy (RI)	Nunes	Skelton		
Kildee	Nussle	Slaughter		
Kilpatrick	Oberstar	Smith (MI)		
Kind	Obey	Smith (NJ)		
King (IA)	Olver	Smith (TX)		
King (NY)	Ortiz	Smith (WA)		
Kirk	Osborne	Snyder		
Klecza	Otter	Solis		
Kline	Owens	Spratt		
Knollenberg	Oxley	Stark		
Kucinich	Pallone	Stenholm		
LaHood	Pascrell	Strickland		
Lampson	Pastor	Stupak		
Langevin	Paul	Sullivan		
Lantos	Payne	Tancredo		
Larsen (WA)	Pearce	Tanner		
Larson (CT)	Pelosi	Tauscher		
Latham	Peterson (MN)	Tauzin		
LaTourette	Peterson (PA)	Taylor (MS)		
Leach	Petri	Terry		
Lee	Pickering	Thomas		
Levin	Pitts	Thompson (CA)		
Lewis (GA)	Platts	Thompson (MS)		
Lewis (KY)	Pombo	Tiahrt		
Linder	Pomeroy	Tierney		
Lipinski	Porter	Towns		
LoBiondo	Portman	Turner (OH)		
Lofgren	Price (NC)	Turner (TX)		
Lowe	Pryce (OH)	Udall (CO)		
Lucas (KY)	Putnam	Udall (NM)		
Lucas (OK)	Quinn	Upton		
Lynch	Radanovich	Van Hollen		
Majette	Rahall	Velazquez		
Maloney	Ramstad	Visclosky		
Manzullo	Rangel	Walden (OR)		
Markey	Regula	Walsh		
Marshall	Rehberg	Waters		
Matheson	Renzi	Watson		
Matsui	Reyes	Watt		
McCarthy (MO)	Rodriguez	Waxman		
McCarthy (NY)	Rogers (AL)	Weiner		
McCollum	Rogers (KY)	Weldon (FL)		
McCotter	Rogers (MI)	Weldon (PA)		
McDermott	Ros-Lehtinen	Weller		
McGovern	Ross	Wexler		
McHugh	Rothman	Whitfield		
McInnis	Roybal-Allard	Wicker		
McIntyre	Royce	Wilson (NM)		
McKeon	McKeon	Wilson (SC)		
McNulty	Rush	Wolf		
Meehan	Ryan (OH)	Woolsey		
Meek (FL)	Ryun (KS)	Wu		
Meeks (NY)	Sabo	Wynn		
Menendez	Sanchez, Linda	Young (AK)		
Mica	T.			

NOES—57

Barrett (SC)	Goode	Pence
Bass	Graves	Reynolds
Bishop (UT)	Hart	Rohrabacher
Blunt	Hayes	Ryan (WI)
Bonner	Hensarling	Sensenbrenner
Brady (TX)	Herger	Sessions
Brown (SC)	Hunter	Shadegg
Cannon	Istook	Shays
Chabot	Kingston	Sherwood
Chocola	Kolbe	Snyder
Coble	Lewis (CA)	Stearns
Crane	McCrery	Sweeney
Culberson	Miller, Gary	Taylor (NC)
Cunningham	Musgrave	Thornberry
DeLay	Myrick	Tiberi
DeMint	Neugebauer	Toomey
Edwards	Northup	Vitter
Ehlers	Franks (AZ)	Wamp
Emanuel	Norwood	Young (FL)
Emerson	Ose	
Engel		
English		
Eshoo		
Etheridge		
Everett		
Farr		

NOT VOTING—15

Barton (TX)	Burgess	Gephardt
Berkley	Carter	Granger
Berman	Evans	
Bonilla	Ferguson	

Johnson, Sam
Millender-
McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2322

Mr. ROGERS of Michigan changed his vote from "no" to "aye."

Mr. FLAKE changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. TAYLOR OF NORTH CAROLINA TO AMENDMENT NO. 1 OFFERED BY MR. UDALL OF COLORADO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. TAYLOR) to amendment No. 1 offered by Mr. UDALL of Colorado on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 194, not voting 14, as follows:

[Roll No. 388]

AYES—226

Aderholt	Crenshaw	Hayworth
Akin	Cubin	Hefley
Alexander	Culberson	Hensarling
Bachus	Cunningham	Herger
Baker	Davis, Jo Ann	Hobson
Ballenger	Davis, Tom	Hoekstra
Barrett (SC)	Deal (GA)	Hostettler
Bartlett (MD)	DeLay	Houghton
Bass	DeMint	Hulshof
Beauprez	Diaz-Balart, L.	Hunter
Bereuter	Diaz-Balart, M.	Hyde
Berry	Doolittle	Isakson
Biggert	Dreier	Issa
Billirakis	Duncan	Istook
Bishop (UT)	Dunn	Jenkins
Blackburn	Edwards	John
Blunt	Ehlers	Jones (NC)
Boehner	Emerson	Keller
Bonner	English	Kennedy (MN)
Bono	Everett	King (IA)
Boozman	Feeney	King (NY)
Boyd	Flake	Kingston
Bradley (NH)	Fletcher	Kline
Brady (TX)	Foley	Knollenberg
Brown (SC)	Forbes	Kolbe
Brown-Waite,	Fossella	LaHood
Ginny	Franks (AZ)	Latham
Burns	Frelinghuysen	LaTourette
Burr	Gallegly	Lewis (CA)
Burton (IN)	Garrett (NJ)	Lewis (KY)
Buyer	Gibbons	Linder
Calvert	Gilchrest	Lucas (OK)
Camp	Gillmor	Manzullo
Cannon	Gingrey	Marshall
Cantor	Goode	McCotter
Capito	Goodlatte	McCrery
Castle	Goss	McHugh
Chabot	Graves	McInnis
Chocola	Green (WI)	McKeon
Coble	Gutknecht	Mica
Cole	Hall	Miller (FL)
Collins	Harris	Miller (MI)
Cox	Hart	Miller, Gary
Cramer	Hastings (WA)	Mollohan
Crane	Hayes	Moran (KS)



Murphy	Quinn	Sullivan
Musgrave	Radanovich	Sweeney
Myrick	Regula	Tancredo
Nethercutt	Rehberg	Tanner
Neugebauer	Renzi	Tauzin
Ney	Reyes	Taylor (MS)
Northup	Reynolds	Taylor (NC)
Norwood	Rogers (AL)	Terry
Nunes	Rogers (KY)	Thomas
Nussle	Rogers (MI)	Thornberry
Ortiz	Rohrabacher	Tiahrt
Osborne	Ros-Lehtinen	Tiberi
Ose	Ross	Toomey
Otter	Royce	Turner (OH)
Owens	Ryan (WI)	Turner (TX)
Oxley	Ryun (KS)	Upton
Paul	Sandlin	Vitter
Pearce	Schrock	Walden (OR)
Pence	Sensenbrenner	Walsh
Peterson (MN)	Sessions	Wamp
Peterson (PA)	Shadegg	Weldon (FL)
Petri	Shaw	Weldon (PA)
Pickering	Sherwood	Weller
Pitts	Shimkus	Whitfield
Platts	Shuster	Wicker
Pombo	Simpson	Wilson (NM)
Pomeroy	Smith (MI)	Wilson (SC)
Porter	Smith (TX)	Wolf
Portman	Souder	Young (AK)
Pryce (OH)	Stearns	Young (FL)
Putnam	Stenholm	

NOES—194

Abercrombie	Hastings (FL)	Nadler
Ackerman	Hill	Napolitano
Allen	Hinchee	Neal (MA)
Andrews	Hinojosa	Oberstar
Baca	Hoefel	Obey
Baird	Holden	Olver
Baldwin	Holt	Pallone
Ballance	Honda	Pascrell
Becerra	Hooley (OR)	Pastor
Bell	Hoyer	Payne
Bishop (GA)	Inslee	Pelosi
Bishop (NY)	Israel	Price (NC)
Blumenauer	Jackson (IL)	Rahall
Boehrlert	Jackson-Lee	Ramstad
Boswell	(TX)	Rangel
Boucher	Johnson (CT)	Rodriguez
Brady (PA)	Johnson (IL)	Rothman
Brown (OH)	Johnson, E. B.	Roybal-Allard
Brown, Corrine	Jones (CA)	Ruppersberger
Capps	Kanjorski	Rush
Capuano	Kaptur	Ryan (OH)
Cardin	Kelly	Sabo
Cardoza	Kennedy (RI)	Sanchez, Linda
Carson (IN)	Kildee	T.
Carson (OK)	Kilpatrick	Sanchez, Loretta
Case	Kind	Sanders
Clay	Kirk	Saxton
Clyburn	Kleczka	Schakowsky
Conyers	Kucinich	Schiff
Cooper	Lampson	Scott (GA)
Costello	Langevin	Scott (VA)
Crowley	Lantos	Serrano
Cummings	Larsen (WA)	Shays
Davis (AL)	Larson (CT)	Sherman
Davis (CA)	Leach	Simmons
Davis (FL)	Lee	Skelton
Davis (IL)	Levin	Slaughter
Davis (TN)	Lewis (GA)	Smith (NJ)
DeFazio	Lipinski	Smith (WA)
DeGette	LoBiondo	Snyder
Delahunt	Lofgren	Solis
DeLauro	Lowe	Spratt
Deutsch	Lucas (KY)	Stark
Dicks	Lynch	Strickland
Dingell	Majette	Stupak
Doggett	Maloney	Tauscher
Dooley (CA)	Markey	Thompson (CA)
Doyle	Matheson	Thompson (MS)
Emanuel	Matsui	Tierney
Engel	McCarthy (MO)	Towns
Eshoo	McCarthy (NY)	Udall (CO)
Etheridge	McCollum	Udall (NM)
Farr	McDermott	Van Hollen
Fattah	McGovern	Velazquez
Filner	McIntyre	Vislosky
Ford	McNulty	Waters
Frank (MA)	Meehan	Watson
Frost	Meek (FL)	Watt
Gerlach	Meeks (NY)	Waxman
Gonzalez	Menendez	Weiner
Gordon	Michaud	Wexler
Green (TX)	Miller (NC)	Woolsey
Greenwood	Miller, George	Wu
Grijalva	Moore	Wynn
Gutierrez	Moran (VA)	
Harman	Murtha	

NOT VOTING—14

Barton (TX)	Carter	Janklow
Berkley	Evans	Jefferson
Berman	Ferguson	Johnson, Sam
Bonilla	Gephardt	Millender-
Burgess	Granger	McDonald

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 2331

Mr. FORD changed his vote from "aye" to "no."

Mr. CRENSHAW and Mr. PETERSON of Pennsylvania changed their vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 2004".

Mr. CROWLEY. Mr. Chairman, I rise in opposition to the Interior Appropriations bill as it stands now. It is impossible for me to vote in support of this bill because it provides tremendous decreases in funding for critical programs, which benefit all Americans. Just a few weeks ago the Republican majority enacted a massive tax cut for the wealthy but today they cut funding and broke promises for important programs that people care about and depend on.

This Republican bill recklessly abandons the historic, bipartisan conservation funding agreement that was made in 2000. With this 2000 agreement, the U.S. Congress made a bipartisan commitment to the America people for a \$12 billion investment in conservation, urban parks, clean air and water over the next six years. This funding was intended to preserve and protect the great lands and natural treasures of our country—from savings endangered species to helping local communities with their conservation and recreation programs through creative partnerships that ensuring American families can visit and appreciate our national park for generations.

Specifically, this bill seriously underfunds programs that create parks and open spaces, protect wilderness and wetlands, preserve wildlife habitat, and enhance recreational opportunities. In my district, we have the College Point Sport Complex, which provides 22 acres in sports fields and recreational green spaces for the diverse community that lives in the Queens. College Point Sports Complex is only one example of the thousands of urban parks throughout America that provide a break in the urban landscape. However, this bill provides no funding for the urban parks program—breaking the 2000 commitment to the people.

The impact of breaking this commitment with America goes even farther by underfunding the Forest Legacy Program and the Land and Water Conservation Fund, which help states preserve forest lands threatened by development and allow for the greater protection of open space. Unfortunately, this bill is

a mere fig leaf which leaves the natural treasures of our great nation vulnerable to profit-hungry logging and timber contracts, developers, miners and others who do not care about the green space of your community.

Additionally, this does not adequately fund the Department of Energy's low-income weatherization program. This program provides weatherization for families who live near or below the Federal poverty line. Each home that is weatherized will generate \$275 in annual savings for a family that desperately needs the money for other essentials. However, this bill provides flat-funding for this program and leaves American families in the cold. In Queens and the Bronx, New York, we need this weatherization program, which keeps the low-income families and seniors warm in the winter. But again, if you are not a millionaire, you are forgotten by this Republican Congress and this Bush Administration.

Finally, this legislation rejects the idea of providing modest pragmatic increases for the National Endowment for the Arts. One year ago roll call votes demonstrated favorable support for such increases and yet when push comes to shove, the NEA is funded thirty percent below the Fiscal Year 1994 levels. The NEA has implemented all of the reforms requested by Congress and its programs provided arts education and opportunities for communities throughout America, including a number of programs in my district such as the Bronx Council for the Arts.

From Urban Parks and environmental protections to weatherization projects and arts and culture programs—this bill breaks the commitment Congress made to America. And for this reason I cannot vote for this bill. I cannot break my promise with a clear conscience.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 2691, the Interior and Related Agencies Appropriation Bill for fiscal year 2004. I am pleased to inform my colleagues that the bill meets its allocation established under the Section 302(b) suballocation for the Interior subcommittee.

H.R. 2691 provides \$19.627 billion in budget authority and \$19.400 billion in outlays—increases over the President's requested funding level of \$72 million and \$132 million respectively. Over the last four years, funding for this appropriations bill has increased at an amount rate of 6.3 percent.

BUDGET COMPLIANCE

I am pleased to report that the bill is consistent with section 302(f) of the Congressional Budget Act, which prohibits consideration of bills in excess of a subcommittee's 302(b) allocation. However, I would note that the bill contains a change to one mandatory program that generates \$30 million in savings to offset discretionary spending. If this provision were stricken, the bill would exceed its allocation.

In addition, two transfers within the bill violate section 306 of the Congressional Budget Act. The bill designates as an emergency two transfers—one for the emergency replacement of property owned by the Department, the other for combating wildfires on Department land—with the intent of exempting the costs from the budget resolution. Such designations are unnecessary because the transfers will not change the total amount of appropriated budget authority. Even had there been a cost associated with these provisions, the language as written exempted them from the now expired

statutory spending caps, not from the budget resolution; hence the budget resolution limits would still have applied. While the subcommittee could have attempted to declare these sections as emergencies under Section 502 of the Fiscal Year 2004 Budget Resolution, it also should have included an explanation in its committee report explaining the manner in which these provisions meet the criteria of an emergency.

Because these provisions have no budgetary effect, I am not going to object. However, I would note to this subcommittee and other committees and subcommittees contemplating emergency designations to refer to section 502 of this year's budget resolution. More importantly under the terms of the budget resolution, emergencies should be essential, quickly coming into being, requiring immediate action, unforeseen, and temporary in nature.

H.R. 2691 also rescinds \$20 million of rescissions of previously enacted BA. The bill contains an advance appropriation of \$36 million for payments under the Elk Hills School lands fund settlement agreement. The advance appropriation is included in the list of anticipated advance appropriations under section 301 of the Budget Resolution.

#### CONSERVATION SPENDING

Finally, there will be much discussion during the debate about the subcommittee's decision not to provide spending on conservation programs at the level established under the Conservation Spending Cap. While there is an overall limit on conservation spending through fiscal year 2006, the underlying law enforcing this limit expired last fall. This means there is no way to limit conservation-related appropriations to the capped levels.

In conclusion, I express my support for H.R. 2691 which is so important to the economic and environmental health of many of our rural communities.

Mr. BEREUTER. Mr. Chairman, this Member would like to commend the distinguished gentleman from North Carolina (Mr. TAYLOR), the Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee, for their exceptional work in bringing this bill to the Floor.

This Member recognizes that extremely tight budgetary constraints made the job of the Subcommittee much more difficult this year. Therefore, the Subcommittee is to be commended for its diligence in creating such a fiscally responsible measure. In light of these budgetary pressures, this Member would like to express his appreciation to all the members of the Subcommittee and formally recognize that the Interior appropriations bill for fiscal year 2004 includes funding for two projects that are of great importance to Nebraska.

This Member is very pleased that the bill includes \$400,000 from the U.S. Geological Survey-Biological Division for the new fish and wildlife cooperative research unit established in FY2003 at the University of Nebraska-Lincoln. This Member had been requesting funding for this cooperative research unit each year since 1990! The University of Nebraska and the Nebraska Game and Parks Commission have already committed funds and facilities for the unit, but the Federal funding is needed to make it a reality.

Nebraska's strategic location presents several very special research opportunities, par-

ticularly relating to the large number of migratory birds that visit our state each year via the Central Flyway. However, Nebraska is one of the few states without a fish and wildlife cooperative research unit within the state. Locating a cooperative research unit in Nebraska to develop useful information relating to these issues upon which to base critical management decisions is an urgent need.

This Member is also pleased that Homestead National Monument of America receives \$350,000 to continue planning for a visitor facility. This project received \$300,000 in planning funds in FY2003.

Homestead National Monument of America commemorates the lives and accomplishments of all pioneers and the changes to the land and the people as a result of the Homestead Act of 1862, which is recognized as one of the most important laws in U.S. history. This Monument was authorized by legislation enacted in 1936. The fiscal year 1996 Interior Appropriations legislation directed the National Park Service to complete a General Management Plan to begin planning for improvements at Homestead. The General Management Plan, which was completed last year, made recommendations for improvements that are needed to help ensure that Homestead is able to reach its full potential as a place where Americans can more effectively appreciate the Homestead Act and its effects upon this nation.

Homestead National Monument of America is truly a unique treasure among the National Park Service jewels. The authorizing legislation makes it clear that Homestead was intended to have a special place among Park Service units. According to the original legisla-

tion, it shall be the duty of the Secretary of the Interior to lay out said land in a suitable and enduring manner so that the same may be maintained as an appropriate monument to retain for posterity a proper memorial emblematic of the hardships and the pioneer life through which the early settlers passed in the settlement, cultivation, and civilization of the great West. It shall be his duty to erect suitable buildings to be used as a museum in which shall be preserved literature applying to such settlement and agricultural implements used in bringing the western plains to its present state of high civilization, and to use the said tract of land for such other objects and purposes as in his judgment may perpetuate the history of this country mainly developed by the homestead law.

Clearly, this authorizing legislation sets some lofty goals. The funding included in this bill will begin the process of realizing these goals.

In addition, Mr. Chairman, this Member is pleased that funding was allocated for the National Endowment for the Humanities program entitled, "We the People." This initiative is designed to promote a broad understanding of the ideas and events that have shaped our nation. The "We the People" program will support the study of our nation's history, institutions and culture. The state humanities councils will play a large role in this effort and receive substantial resources from it. A number of the programs undertaken by the Nebraska Humanities Council are examples of the programs which are expected to be included in "We the People." These include the Great Plains Chatauqua on Lewis and Clark, the Capitol Forum, and their Speaker's Bureau.

Again Mr. Chairman, this Member commends the distinguished gentleman from North Carolina (Mr. TAYLOR), the Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member of the Subcommittee, for their support of projects which are important to Nebraska and the 1st Congressional District.

This Member urges his colleagues to support H.R. 2691.

Mr. KIND. Mr. Chairman, I am pleased to be an original cosponsor of this amendment to the Interior Appropriations Bill to expand funding for the low-income weatherization program and other important energy efficiency programs. I urge all my colleagues to support this amendment.

Weatherization programs help all Americans in all areas of the country, from those congressional districts with hot, sweltering summers to my Third Congressional District of Wisconsin, which as you know experiences long, bitter cold winters. During this year of unprecedented rising energy prices, it is important that this Congress have an honest discussion of our nation's energy policy. Importantly, this amendment shows the American people our dedication to energy conservation measures.

Mr. Chairman, much of the focus on our current energy crisis has been the rising price of crude oil and natural gas. But in my district and throughout the country, the price of heating oil has risen as much as 30 percent in the past year. Conservation efforts such as the weatherization assistance program go a long way to helping us become less dependent on foreign oil.

Mr. Chairman, the weatherization assistance program helps correct the disproportionate energy burden faced by low-income Americans. The program has helped make over five million homes more energy efficient and the average home has seen heating savings of 23 percent. With many low-income households spending over \$1,200 on energy costs annually, this energy efficiency savings can further help these families afford the basic necessities of life. Mr. Speaker we do not want any of our citizens having to make the difficult choice between food and fuel. I urge my colleagues to support this measure.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BASS) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2691) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes, pursuant to House Resolution 319, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to. The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on the motion to instruct on H.R. 1308 offered by the gentleman from Maine (Mr. MICHAUD).

The vote was taken by electronic device, and there were—yeas 268, nays 152, not voting 14, as follows:

[Roll No. 389]

YEAS—268

Abercrombie	Edwards	Lampson
Aderholt	Ehlers	Latham
Alexander	Emerson	LaTourette
Baca	English	Leach
Bachus	Everett	Lewis (CA)
Baker	Farr	Lewis (KY)
Barrett (SC)	Fattah	Linder
Bartlett (MD)	Feeney	Lipinski
Bass	Flake	LoBiondo
Beauprez	Fletcher	Lucas (KY)
Bell	Foley	Lucas (OK)
Bereuter	Forbes	Maloney
Biggart	Fossella	Marshall
Bilirakis	Frelinghuysen	McCotter
Bishop (GA)	Frost	McCrery
Bishop (UT)	Gallegly	McHugh
Blackburn	Garrett (NJ)	McInnis
Blunt	Gerlach	McIntyre
Boehlert	Gibbons	McKeon
Boehner	Gilchrest	Mica
Bonner	Gillmor	Miller (MI)
Bono	Gingrey	Miller, Gary
Boozman	Gonzalez	Mollohan
Boucher	Goode	Moore
Boyd	Goodlatte	Moran (KS)
Bradley (NH)	Gordon	Moran (VA)
Brady (PA)	Goss	Murphy
Brady (TX)	Green (TX)	Murtha
Brown (SC)	Green (WI)	Musgrave
Brown-Waite,	Greenwood	Myrick
Ginny	Gutknecht	Nethercutt
Burns	Hall	Neugebauer
Burr	Harman	Ney
Burton (IN)	Harris	Northup
Buyer	Hart	Norwood
Calvert	Hastings (WA)	Nunes
Camp	Hayes	Nussle
Cannon	Hayworth	Oberstar
Cantor	Hefley	Ortiz
Capito	Hensarling	Osborne
Cardoza	Hergert	Ose
Castle	Hill	Otter
Chabot	Hobson	Oxley
Chocola	Hoefel	Pearce
Clyburn	Hoekstra	Pence
Coble	Holden	Peterson (MN)
Cole	Houghton	Peterson (PA)
Collins	Hulshof	Pickering
Cox	Hunter	Pitts
Cramer	Hyde	Platts
Crane	Isakson	Pombo
Crenshaw	Issa	Pomeroy
Cubin	Istook	Porter
Culberson	Jackson (IL)	Portman
Cunningham	Jenkins	Pryce (OH)
Davis (AL)	John	Putnam
Davis (FL)	Johnson (CT)	Quinn
Davis (TN)	Johnson (IL)	Radanovich
Davis, Tom	Kanjorski	Regula
Deal (GA)	Kaptur	Rehberg
DeLay	Keller	Renzi
DeMint	Kelly	Reyes
Diaz-Balart, L.	King (IA)	Reynolds
Diaz-Balart, M.	King (NY)	Rodriguez
Dicks	Kingston	Rogers (AL)
Dooley (CA)	Kirk	Rogers (KY)
Doolittle	Kline	Rogers (MI)
Doyle	Knollenberg	Ros-Lehtinen
Dreier	Kolbe	Ross
Dunn	LaHood	Rothman

Rush	Smith (NJ)	Turner (OH)
Ryun (KS)	Smith (TX)	Turner (TX)
Sabo	Snyder	Udall (NM)
Sandlin	Souder	Upton
Saxton	Stenholm	Visclosky
Schrock	Stupak	Vitter
Scott (GA)	Sullivan	Walden (OR)
Scott (VA)	Sweeney	Walsh
Serrano	Tancredo	Wamp
Sessions	Tauzin	Weldon (FL)
Shadegg	Taylor (MS)	Weldon (PA)
Shaw	Taylor (NC)	Weller
Shays	Terry	Whitfield
Sherwood	Thomas	Wicker
Shimkus	Thompson (CA)	Wilson (NM)
Shuster	Thompson (MS)	Wilson (SC)
Simmons	Thornberry	Wolf
Simpson	Tiahrt	Young (AK)
Skelton	Tiberi	Young (FL)
Smith (MI)	Toomey	

NAYS—152

Ackerman	Holt	Olver
Akin	Honda	Owens
Allen	Hooley (OR)	Pallone
Andrews	Hostettler	Pascrell
Baird	Hoyer	Pastor
Baldwin	Inslee	Paul
Ballance	Israel	Payne
Becerra	Jackson-Lee	Pelosi
Berry	(TX)	Petri
Bishop (NY)	Johnson, E. B.	Price (NC)
Blumenauer	Jones (NC)	Rahall
Boswell	Jones (OH)	Ramstad
Brown (OH)	Kennedy (MN)	Rangel
Brown, Corrine	Kennedy (RI)	Rohrabacher
Capps	Kildee	Roybal-Allard
Capuano	Kilpatrick	Royce
Cardin	Kind	Ruppersberger
Carson (IN)	Kleczka	Ryan (OH)
Carson (OK)	Kucinich	Ryan (WI)
Case	Langevin	Sanchez, Linda
Clay	Lantos	T.
Conyers	Larson (WA)	Sanchez, Loretta
Cooper	Larson (CT)	Sanders
Costello	Lee	Schakowsky
Crowley	Levin	Schiff
Cummings	Lewis (GA)	Sensenbrenner
Davis (CA)	Lofgren	Sherman
Davis (IL)	Lowey	Slaughter
Davis, Jo Ann	Lynch	Smith (WA)
DeFazio	Majette	Solis
DeGette	Manzullo	Spratt
Delahunt	Markey	Stark
DeLauro	Matheson	Stearns
Deutsch	Matsui	Strickland
Dingell	McCarthy (MO)	Tanner
Doggett	McCarthy (NY)	Tauscher
Duncan	McCollum	Tierney
Emanuel	McDermott	Towns
Engel	McGovern	Udall (CO)
Eshoo	McNulty	Van Hollen
Etheridge	Meehan	Velazquez
Evans	Meek (FL)	Waters
Filner	Meeks (NY)	Watson
Ford	Menendez	Watt
Frank (MA)	Michaud	Waxman
Franks (AZ)	Miller (FL)	Weiner
Graves	Miller (NC)	Wexler
Grijalva	Miller, George	Woolsey
Gutierrez	Nadler	Wu
Hastings (FL)	Napolitano	Wynn
Hinchee	Neal (MA)	
Hinojosa	Obey	

NOT VOTING—14

Ballenger	Burgess	Janklow
Barton (TX)	Carter	Jefferson
Berkley	Ferguson	Johnson, Sam
Berman	Gephardt	Millender-
Bonilla	Granger	McDonald

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2350

Mr. OBERSTAR changed his vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on the bill, H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maine (Mr. MICHAUD) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 202, nays 214, not voting 18, as follows:

[Roll No. 390]

YEAS—202

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

## NAYS—214

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

## NOT VOTING—18

Barton (TX)	Ferguson	Klecza
Berkley	Gephardt	Linder
Berman	Granger	Millender-
Bonilla	Hefley	McDonald
Burgess	Janklow	Oxley
Carter	Jefferson	
Dooley (CA)	Johnson, Sam	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 2357

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker, as though pursuant to clause 2(b) of rule XVIII, to declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, which shall proceed according to the following order:

The first reading of the bill shall be dispensed with.

All points of order against consideration of the bill are waived.

General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

After general debate the bill shall be considered for amendment under the 5-minute rule.

The amendment I have placed at the desk shall be considered as adopted in the House and in the Committee of the Whole.

Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except for section 310.

During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read.

At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

And I ask unanimous consent that the amendment that I have placed at the desk be considered as read.

□ 0000

The SPEAKER pro tempore (Mr. GINGREY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 6, strike "*Provided further*," and all that follows through line 17 and insert the following:

*Provided further*, That funds appropriated in this Act for the preservation and restoration of the Florida Everglades shall be made available for expenditure unless (1) the Sec-

retary of the Army, not later than 30 days after the date of enactment of this Act, transmits to the State of Florida and the Committees on Appropriations of the House of Representatives and the Senate a report containing a finding and supporting materials indicating that the waters entering the A.R.M. Loxahatchee National Wildlife Refuge and Everglades National Park do not meet the water quality requirements set forth in the Consent Decree entered in United States v. South Florida Water Management District, (2) the State fails to submit a satisfactory plan to bring the waters into compliance with the water quality requirements within 45 days of the date of the report, (3) the Secretary transmits to the State and the Committees a follow-up report containing a finding that the State has not submitted such a plan, and (4) either the Committee on Appropriations of the House of Representatives or the Senate issues a written notice disapproving of further expenditure of the funds: *Provided further*, That the Secretary of the Army shall provide the State of Florida with notice and an opportunity to respond to any determination of the Secretary under the preceding proviso before the determination becomes final.

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

There was no objection.

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

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

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

There was no objection.

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

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

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

There was no objection.

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

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

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

There was no objection.

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

Mr. BELL. Mr. Speaker, I offer a motion.

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

The Clerk read as follows:

Mr. BELL moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the

House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

One. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

Two. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment not included in the House amendment that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

Three. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

Four. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

Five. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees; and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BELL) and the gentleman from Florida (Mr. FOLEY) for the majority party each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. BELL).

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

Mr. Speaker, if we listen closely around Capitol Hill, we can hear many of my Republican colleagues often touting the slogan "No Child Left Behind." Recently President Bush thought it was important enough to sign a new law that would provide tax cuts of \$93,500 to the 200,000 taxpayers making over \$1 million per year. And what I would ask, Mr. Speaker, and what the American people want to know is while the fat cats are getting fatter, what happened to the children?

Mr. Speaker, I will tell the Members, they got left behind with the Bush tax cut along with the rest of America. In fact, 53 percent of all taxpayers are going to get less than \$100 under the GOP law that was just passed, and this is just another example of Republican leadership choosing the wealthiest Americans over America's working families.

But what about those children? Why did they get left behind, Mr. Speaker? After it was all said and done, Republican leadership chose not to expand the child tax credit to working class families. These are the families that have to work the hardest, take home the least, and need help the most.

When the American people voiced their anger over this and the pressure

was on, the Republican leadership finally buckled, but did they put forward the child tax credit bill already passed by the Senate and approved by the President as America wanted? No, Mr. Speaker, they did not. The House leadership chose politics over good policy. They chose politics over the needs of hard-working families. They put forward a bill they knew would not pass in the other body. The House leadership thumbed their noses at the American people and put forward a bill they knew would never be passed into law, and they did it intentionally.

Mr. Speaker, we have an opportunity to fix that. Today my Republican colleagues have the opportunity once again to put the compassion back into being conservative and to ensure that no more children get left behind by the Republican House leadership.

The other body has passed a bipartisan bill that is actually good policy for America. It is a bill that President Bush has already said he will sign into law. It is a bill that will provide immediate relief to the working families of America, much in the same way the House Republican leadership saw fit to provide immediate relief to those long-suffering millionaires out there with their tax cut.

The Senate version of the tax credit bill will help military families pay the bills. The House version does not. These families are made up of the very same men and women that we in this House sent into combat just a couple of months ago to defend our freedom, and these are the men and women that the House leadership have chosen to just leave behind. In fact, the Republican bill actually penalizes military mothers and fathers who serve in combat. If they fight for America, they get a lower child tax credit.

Mr. Speaker, is this patriotic? Is this America? We owe it to the working people of America to pass a child tax credit that is good policy, not just good politics, and certainly we owe it to the fighting men and women of America, many of whom live in poverty, to give their children the tools they need to have a chance at the American dream.

In the future, I hope my Republican colleagues will remember that the best kind of politics is the kind that helps the people we have all been elected to serve. That is why I am asking my colleagues to support my motion to instruct the conferees to pass the Senate version of the child tax credit bill.

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

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

I rise in objection to the Democratic motion to instruct. Let me first state that if it is such a politically expedient way in which to do things, why do they drop the date of allowing this credit to continue? The Democrats actually have a window. It is right after the election of 2004 where the \$1,000 credit drops to \$700. I do not know why we would frame a bill that has such an ex-

piration date. If it is such a great idea, let us continue to give this credit past the election of 2004 to many families who desperately need this help in raising their children.

As a result of their bill, millions of low- and middle-income families will receive a smaller child tax credit right after the election. The House-passed bill ensures that the child credit remain at the \$1,000 level throughout the decade. The Democratic motion to instruct does not eliminate the marriage penalty and the child credit until 2010. And even then it only does so for 1 year. Under the Democratic motion, millions of children will be denied the child credit simply because their parents are married.

The House bill benefits middle-income families by eliminating the child credit immediately. The House bill does not deny that credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child credit and will continue to receive a refundable child credit under the House-passed bill. The Democratic motion to instruct would only increase the refundable child credit for some military families by allowing them to take into account tax-free income when they compute their refundable credit. The House-passed bill provides more tax relief to military families because it includes \$806 million of military tax benefits that were not passed by the other Chamber. These provisions passed the House on numerous occasions, and they are waiting action in the Senate.

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

Mr. BELL. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Ms. PELOSI), minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, and I also thank him for his leadership in bringing this motion to instruct to the floor this evening.

Mr. Speaker, it is just after midnight in Washington, D.C., and once again the Democrats have come to the floor to fight for the children of working families in America. It has been about 43 days since the Senate passed the expanded child tax credit and 33 days since the House passed a bill. The President says he wants to sign a bill quickly. It is too late for quickly. Let us move on to soon. Let us hope the President can sign the bill soon.

All it would require would be for the Republican leadership in the House to go to conference with the Senate conferees and agree on the Senate language. What is holding it up? The Republican leadership in the House. The House Republicans are the only ones standing between 12 million children and the extended tax credit. Those children include 250,000 children of our men and women in uniform.

On a regular basis around here, we come to the floor to honor our men and women in uniform, to pay tribute to

their patriotism, their courage, and the sacrifices they are willing to make for our country; and it is right that we do that. But we dishonor them by saying that their children are unworthy of a tax credit because they do not make enough money.

We are saying to the children of over 6 million families, that would be around 12 million children, that they are not worthy of a tax credit because their parents do not make enough money, because they do not make above \$26,000 a year. Many of these families have two wage earners, both making the minimum wage. They still do not earn enough money to receive this tax credit. We could raise the minimum wage, but of course the Republican majority would resist that as well.

So all this is, is about fairness to our children. The Republicans say that people making \$26,000 a year do not pay taxes, so, therefore, they should not get the tax credit. I would like to know anyone who pays a payroll tax who does not think that he or she is paying taxes, and I would like to know anyone who is paying sales tax every day does not think he or she is paying taxes.

The sadness of it is, is that some of these families make in 1 year what Members of Congress make in 1 month, and we can be sure that the children of the Members of Congress who are of that age will receive the expanded tax credit. So when Members of Congress leave here they will be soon be receiving a check in the mail for their children. But if they make under \$26,000, the Republican majority says their children are unworthy of that tax credit.

This is also good for the economy, Mr. Speaker, because we are giving checks to people who need the money for necessities, and when they spend that money on necessities, they will be injecting demand into our economy, creating jobs, growing the economy. It is fair. It is fiscally sound, as opposed to what the Republicans want to do in the House, and it is fast acting in terms of stimulating the economy.

Time is running out for the children of America's working families and military families. The Republican leadership must step aside and allow the vote.

Just in case anybody missed the particulars on this, remember the great night when the Republican leadership put forth a tax credit giving an \$88,000 tax cut to families making over \$1 million a year. In that bill, there was an expansion of the tax credit for children, and that was good, except for children of working families who did not make over \$26,000 a year. No less a figure than the Vice President of the United States presided over that decision to cut out children of working families and the military in favor of giving a tax cut to the wealthiest in our country.

We want to give tax cuts. We know it is possible to give tax cuts that are fis-

cally sound, fair, and fast acting to grow the economy, because that is exactly what the Democratic stimulus package did.

□ 0015

But is it fair to say to these children, you do not deserve a tax cut because we do not pay enough in the minimum wage to have your parents reach a certain plateau?

So this is just part of what I call the trifecta that the Republicans have as their assault on America's children this week, within one week. Last week they cut \$9 billion out of the Leave No Child Behind bill, \$9 billion drastically affecting children from disadvantaged areas, teacher training, every kind of after-school program, across the board, a cut that affected the quality of education of America's children, especially children of working families in America who make below this figure. So the children took it in the chops on the Leave No Child Behind bill; the Republican version left millions of children behind.

We have this refusal, resistance, this obstacle to giving a tax credit to the children of working families in our country on the part of the Republicans in the expanded tax credit refusal; and the third, of course, is the unraveling of Head Start, which is a part of the Republican agenda against the children of America. So this is part of a pattern. It is part of their trifecta against the children. It is so important that children get a different message about their value and their worth to us, all children, not just children of families over a certain income level in our country.

So I salute the gentleman from Texas (Mr. BELL) for his leadership in bringing this bill to the floor at this hour. Usually the majority allows us to bring them at a time when most people are not watching television, to find out what the Republicans are up to. This is absolutely outrageous. It has a moral undertone to it as well. So for every reason, because it is right, because it is fair, because it is good for the economy, it is important for the gentleman's motion to instruct be accepted by this body.

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

Let me first state, and I want to be emphatic here about the payroll tax provisions. Payroll taxes are there for the purposes of ensuring the solvency of Social Security and Medicare. The payroll taxes that are contributed by those workers earning \$26,000 and below are there for their future, to protect them in their old age, to provide health care benefits, and to provide a retirement payment month by month. Those payroll taxes that are paid by those workers earning less than \$26,000 and the payments they receive once they retire are proportionally higher than those paying a higher amount of money. We have blended the system to allow those taxpayers who have been

struggling with incomes to retire at least with a check that gives them some security and safety.

I have heard a lot of talk around here about getting rid of payroll taxes; let us suspend payroll taxes. And yet, at the same time, I hear from the same people advocating that we have to preserve and protect Social Security and Medicare. I agree we need to preserve those. But sometimes I hear the arguments made by the other side of the aisle, and it really does not wash with common sense. If somebody goes to McDonald's and there are two burgers for a dollar, they cannot go to the window and say, you know what, I earn so little money, give me the burger and I am not going to give you the dollar. We are clearly taking care of people in the lower rungs who are working hard by earned income tax credits and other devices. There are things offered in the school programs such as free and reduced lunches. We have community centers set up for families for health care benefits. In so many of our bills we are providing community health services for those who are either disenfranchised or do not have insurance. We have worked hard in a bipartisan fashion to provide for the vulnerable in our society. And this constant harangue, if you will, that we are so mean-spirited on this side of the aisle, strikes me as just a political attack, rather than a sensible debate on public policy. If their tax credit is so good, why do they not extend it past 2004? Maybe there are some Senators who need to vote for reelection. Let us give it and let us take it away after we have been successfully reelected.

So as we debate this, let us continue to discuss this, and I agree with the gentlewoman from California. Those people that are making \$26,000 or below are paying sales tax. Regrettably, we cannot afford to deduct sales taxes from our income tax. If one lives in a city or a county or a State that has an income tax, you can deduct that income tax against your liabilities for Federal income tax purposes. So if we are going to have this conversation, maybe we should get into the discussion of sales tax deductibility.

So I continue to assert that we have provided for particularly military personnel, and I continue to rise in objection to the Democratic motion to instruct.

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

Mr. BELL. Mr. Speaker, I yield myself 30 seconds, because I want to point out to the American people the opportunity that they have this evening to hear, once again, the Republican double-speak on this particular issue, on the one hand suggesting to the American people how terribly concerned they are about working families in America and the desire to provide tax relief, and then proceeding to criticize everything about the child tax credit and what it would do for those very same working families that they express such great concern about.

Mr. Speaker, I yield 5 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to thank the distinguished gentleman from Texas (Mr. BELL) and cite his unique and special experience as a former member of the Houston city council grappling with city budget issues and seeing firsthand the number of citizens who would come to city hall who were extremely vulnerable, either having lost their job or needing some particular assistance from the city. It is because of that that I join my colleague this evening and thank him for his leadership on this issue, and frankly respond to my good friend, the gentleman from Florida, which I know is pointed, but hopefully questioning perspective.

This lopsided tax cut of \$550 billion is simply a flop. Our friends on the other side of the aisle do not want to admit it and are obviously, in many instances, believing that it is going to come, and that is this investment in the economy, this infusion of an economic engine that will see this economy move forthrightly and provide opportunities for all. Right now, juxtaposed to why we are here on the floor of the House tonight because of the need of a child tax credit, is the rising unemployment rate and millions of Americans out of work.

So that is why this instruction is so very important tonight. This is simply acknowledging that there are people out of work, but there are people struggling while they are working, making some \$26,000 a year and yet, fighting every day to survive. The simplicity of this instruction, the brilliance of this instruction, and I might note the leadership of my good friend and colleague, the gentlewoman from Connecticut (Ms. DELAURO), on this issue, is simply to provide a child tax credit for hard-working Americans making under \$26,000 a year.

And might I say that in that group, is it not a tragedy, is it not shocking that in that group are those individuals who happen to be parents who are overseas on the front lines of Iraq because it does not ensure to those who leave their domestic home and to work overseas.

So this instruction is simple. It is to actually invest in the economy, because those making \$26,000 a year are consumers. They buy the items that are necessary to stimulate the economy. They have to buy the McDonald's, they have to buy the clothing for the children, the books for the children. They have to buy goods and services because they are in need.

We need a real jobs and growth tax bill. And to give this tax credit to these hard-working Americans is actually an opportunity to increase an investment in this country and, as well, to increase the opportunity for more

jobs. The tax cut that has been passed, there is no evidence of more jobs. Mr. Speaker, \$93,000 goes to 200,000 of the richest Americans. Economic pundits will tell us that the richest of Americans, if you will, harbor their funds. They put them in IRAs or they put them in mutual funds or maybe just a plain savings account, but they do not churn the economy with those dollars.

So, Mr. Speaker, I hope that the conferees may be listening to this debate tonight. Do they want to leave out military personnel? What about the tragedy of the Columbia, those astronauts who lost their lives in the service of this country? Those great Americans deserve that commitment. And it is interesting to note that again, as I have said, the investment that was given or allegedly given on the \$550 billion tax cut has been suggested by economic theorists and experts that that, again, does not do what would be done if they had given it to middle- and low-income working Americans, the very Americans that we are talking about.

Let me just simply say that this Congress and this Republican leadership have spent their time this spring, time after time, providing lopsided legislation that interferes with the needs of Americans who work hard every day. So here we go again. The conferees are meeting, and the simple act of providing a child tax credit seems to be beyond their reach. But yet, in this last labor-HHS bill, they could cut monies for community health centers so that our children could not access community health centers in their neighborhoods. They could cut dollars so that States who are suffering from their own budget crises can take 170,000 off of the CHIPs program in my own State of Texas. They could cut job training programs that would help low-income individuals or those who are unemployed seek employment. And yes, the absolute insult: they could cut Head Start and rebuild a program that works.

Mr. Speaker, I will close by simply saying that this is a lopsided tax proposal, but the tax credit instruction that my colleague from Texas is offering today is one that should be listened to and should be voted on successfully for the children of America.

Mr. BELL. Mr. Speaker, I yield myself 45 seconds to also take this opportunity to point out the fraud that is being perpetrated upon the American people. I commented a moment ago about the Republicans' deep desire, or expressed desire to move the child tax credit for the bill that was passed on June 12. But people are not being fooled, Mr. Speaker. The Wall Street Journal recently wrote about this in an editorial and said the gentleman from Texas (Mr. DELAY) and others in the House deliberately made their bill richer than the Senate version because they knew that the Senate conferees would walk away and pass nothing instead. Well, actually, the Senate conferees did not have to walk away, be-

cause they have never even had to meet. Despite the expressed desire to move this bill forward, this tax credit forward, there has been no meeting of the conferees whatsoever.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO), my good friend.

Ms. DELAURO. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I thank him for his leadership and my other colleagues who are here this evening. I think it speaks loud and clear of the kind of commitment that our side of the aisle has to the issue of the child tax credit, and I think it is important to put into perspective the facts.

These families were and are eligible for this child tax credit. Those families who make between \$10,500 and \$26,625 a year, tax-paying people, hard-working people, they were in this package. In the middle of the night, our colleagues on the other side of the aisle decided that in their \$350 billion tax package that they put together, they could not find room for these folks. They could not find room for the 200,000 military families, or the 900,000 families of Head Start kids who are in this category, and they yanked them out. All we are saying is put them back.

I think it is also important to note that on June 12 this body voted, we voted for something exactly like this motion to instruct, 205 to 201. It was a bipartisan vote and we succeeded. Yet I think one more time it is important to note for the record and for their constituents to know that there are a number of our Republican colleagues who, in fact, now have decided that they are going to change their vote. They do not think that these families are worthy any longer of a child tax credit, and, in fact, what we ought to do is to make sure that those 184,000 millionaires get their \$88,000 a year in a tax break.

□ 0030

But we cannot find anything to do it. So those folks who voted one way on June 12 and now have switched their votes in the last few days, I think it is important to let them know who they are: The gentleman from Ohio (Mr. GILLMOR), the gentleman from New Hampshire (Mr. BASS), the gentleman from Nebraska (Mr. BEREUTER), the gentleman from New York (Mr. BOEHLERT), the gentleman from North Carolina (Mr. BURR), the gentleman from Illinois (Mr. JOHNSON), the gentleman from New York (Mr. MCHUGH), the gentleman from Michigan (Mr. SMITH), and just tonight the gentlewoman from West Virginia (Mrs. CAPITO) turned her back on these 6.5 million families and these 12 million children.

We will continue to let the folks of this country know who was with them and who is not with them.

Mr. BELL. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Speaker, I rise today to urge conferees on

H.R. 1308, the Child Tax Credit legislation, to do the right thing and act now to give lower-income families the tax refunds they deserve. Earlier this year we enacted a \$350 million tax cut that lavished tax breaks on millionaires but failed to provide low-income families with a child tax credit.

Last month we attempted to right this wrong by passing a bill that will provide low-income families with the same \$1,000 child tax credit other families will receive. However, the House failed to include an important provision that would put these refund checks into the pockets of low-income families in the same timely way that checks land in the mailboxes of other families.

Conferees should do the right thing by these 12 million children and insist upon the Senate-passed measure that would eliminate the delay and provide rebate checks to these families in the same timely manner provided to other families. This is what the President would like for us to do, and failing to quickly correct this problem is simply wrong.

The Senate-passed measure has the added advantage of not adding to a deficit rapidly escalating out of control, whereas the House-passed version adds \$82 billion to a deficit that is already staggering. If the goal of this tax cut bill is to provide an economic stimulus and we are serious about stimulating the economy, then we should act as quickly as possible to get this money into the hands of families who will immediately spend it.

Tax cuts resulting in an immediate return will result in a welcome shot of adrenalin to our damaged economy. Families nationwide will be receiving their tax credit this summer, just in time to purchase back-to-school supplies for their children. We owe it to low-income families to get their refund check to them in the same timely manner. This is unquestionably the right thing to do.

Conferees should put an end to their delaying tactics and deliver immediate tax relief to our Nation's neediest children by adopting the Senate-passed measure.

Mr. BELL. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. GINGREY). The gentleman from Texas (Mr. BELL) has 15¼ minutes remaining. The gentleman from Florida (Mr. FOLEY) has 25 minutes.

Mr. BELL. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ).

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of the motion to instruct conferees on the Child Tax Credit proposed by my colleague, the gentleman from Texas (Mr. BELL).

Mr. Speaker, I am calling on the conferees to immediately adopt the major

aspect of the bipartisan Senate-passed child tax bill. Working families need real relief, especially in these difficult economic times when we are experiencing an unemployment rate that has jumped to 6.4 percent. Amazingly, despite the sluggish economy and our moral responsibility to help working families, House Republicans continue to stall the Senate-passed Child Tax Credit bill in conference.

House Republicans got us into this mess in the first place since they deliberately chose to drop the Child Tax Credit from their millionaire tax cut bill, and they should get us out of it. Starting on July 25, millionaires will be getting their rebate checks. However, 4 million families across the country will not get a single dime, even though they are in the greatest need of a tax break.

One of those 4 million families lives in my district. The Wolfalks are like many families across the country that play by the rules. Mrs. Wolfalk works full time as an administrative assistant, and her husband is disabled. They are raising five children on an annual income of \$25,000. Mrs. Wolfalk told me that any additional money means that her son will not have to wear shoes with holes in the soles. It means that she will be able to buy additional uniforms for her children who currently wear hand-me-downs. With this extra money her children will be able to have new uniforms for school, school supplies and books. Things are tight for her family right now, so she assures me that any additional help would make a huge difference in her family.

It breaks my heart to know that Congress can do something to help these families and Republicans are refusing to provide for families just like the Wolfalks. I urge my colleagues to vote yes on the motion to instruct conferees on the Child Tax Credit. Let us show families like the Wolfalks that they matter as much as millionaires.

Mr. BELL. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I want to thank the leadership of the gentleman from Texas (Mr. BELL) for working to bring equity to the 6.5 million working families.

Mr. Speaker, I rise today in support of the motion to instruct conferees on H.R. 1308, the Child Tax Credit bill. I am disappointed that we are still here one month after that bill passed both the House and the Senate asking yet again for this motion to instruct. Frankly, time is running out.

The Treasury Department will send out millions of checks to American families qualifying for the child tax credit provision on July 25. Unless my calendar is off, those checks go out next Friday, the same day the House leaves for recess; and when those checks are placed in the mail, 6.5 million working and military, military families will be left out, families from every district across the country, in-

cluding my own, Maryland's Second Congressional District.

The bill as it stands now ignores families already coping with financial problems in this troubled economy through no fault of their own. It denies tax relief that would help military families with loved ones serving in Iraq, Afghanistan, and around the world fighting to protect our freedoms. Congress has the ability to correct this situation this week, today, right now.

Let the conferees debate the details but let the voice of those 6.5 million families be heard in the discussion. These American families deserve a seat at the table, and I support this motion to instruct because it will give them just that.

Mr. BELL. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. MILLER).

Mr. MILLER of North Carolina. Mr. Speaker, when the House passed an \$82 billion child tax credit bill a few weeks ago, I was a problem child among the Democrats. I wanted to vote for the bill. I wanted to give the tax credit to the working families who were left out by the House before. And to the gentleman from Florida (Mr. FOLEY), I wanted to extend it. I wanted to make it permanent for all the families who got that child tax credit. I knew we could not afford it, but we cannot afford any of tax cuts we have passed this year. And of all the tax cuts passed by this House, only the child tax credit really helped the middle class.

I want to give the middle class some tax relief; and if we are going to dig a deeper and deeper deficit hole, why not let a couple of the shovelfuls help the middle class?

I ultimately voted against the bill because I knew that what the middle class, what working families would have to do without would hurt middle class and working families far more than the tax credit would help them, like funding for education, the health care reform we so desperately need, a solvent Medicare and Social Security system and on and on.

But I was very puzzled at the time by the explanation I heard from others who had been in Washington longer than I had for why the leaders of this House were passing, actually passing so generous a tax relief package for the middle class when nothing else done by this House this year has helped the middle class at all.

I heard that they really were sabotaging the child tax credit by making the price so great that they knew the Senate would not go along; and when the Senate did not go along, they would just run out the clock rather than compromise and the working families would not really get tax relief.

By voting against the tax credit bill, the argument went, we supported a compromise with the Senate that would make it possible to pass a tax credit right away and give immediate help to middle-class families. I am new



here, but I thought I had fallen through the looking glass. The Republicans voting for the tax credit were actually against it. The Democrats voting against it were actually for it. Only in Washington, I thought does yes mean no and no mean yes.

We have seen the Republican leadership move Heaven and Earth to pass tax cuts that they really want. The inheritance tax, oh, I am sorry, the death tax; the tax on dividend income. They did not get everything they wanted. They did not get an outright repeal of the dividend income tax, but they compromised and they got something because they were very intent upon getting tax relief for the investor class. But tax relief for the middle class, not so much.

In a sense that bill passed a few weeks ago. We have seen absolutely no objection. We have not seen any effort to find a compromise and provide real relief. The leadership of this House has not budged, and they have been openly nonchalant about the need to pass this bill.

The gentleman from Texas (Mr. DELAY), the majority leader, said that of the Senate bill or agree to the provision of the Senate bill, "Ain't gonna happen." And he said, "There's a lot of other things that are more important than that."

The chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), said, "There are worse things than it not happening," the child tax credit bill.

And the gentleman from Texas (Mr. BELL) mentioned a few minutes ago, the Wall Street Journal, the editorial page of the Wall Street Journal, certainly a publication that knows very intimately the real motivations of the Republican leadership of this House, the private thoughts of the leaders of this House, they said, "Mr. DELAY and others in the House deliberately made their bill richer than the Senate version because they knew the Senate conferees would walk away and pass nothing instead."

I very much want to hear the gentleman from Florida's (Mr. FOLEY) explanation of these public statements by your party's leaders because they stand in stark contrast to what you have said tonight on the floor of this House for why the House should not adopt this motion to instruct.

Now, the earlier vote on the child tax credit was a little hard to understand. Yes meant no; no meant yes. But this motion is pretty easy to understand, and you can understand it without the assistance of magic mushrooms. If you really want to give tax relief to working families, vote yes. And if you just want to play cynical political games at the expense of working families, vote no.

Mr. Speaker, I will vote yes.

Mr. BELL. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Texas (Mr. BELL) has 5/4 minutes remaining.

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

It is now almost 12:45 here, 12:45 a.m. here in the Nation's capital. And I salute my colleagues who have been willing to stand with me and talk about this incredibly important issue that is not going away, and I think the silence from the other side, the silence from the other side speaks absolute volumes. If we are so wrong, why have we not heard nary a word from the other side of the aisle for almost 20 minutes now?

Because I think they know that we are right. And if they know we are right, then they should join with us and instruct the conferees to do the right thing and pass the child tax credit as put forth by the other body.

□ 0045

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

Mr. FOLEY. Mr. Speaker, does the gentleman have any further speakers?

Mr. BELL. No, I do not, just myself, and I reserve the right to close.

Mr. FOLEY. Mr. Speaker, I yield myself such time as I may consume. I will proceed immediately to allow the gentleman to have the remainder of his time, Mr. Speaker.

I want to thank my colleagues for their courteous debate. Obviously, we know the hour is late. I know the people in Hawaii probably enjoy us speaking, but those who are working for the House chamber certainly need to get home to their families, and I certainly want to congratulate the Members for caring about all American families.

There is no question people are struggling at all ends of the spectrum: teachers, police officers, married couples, single individuals. We hope to find balance in the tax bills, and we certainly think we have found balance in most of them. We can disagree on certain provisions, but I do again appreciate them taking time to come to the floor and addressing their concerns, and as we continue to negotiate these bills, I am certain we will reach some reasonable compromises that will benefit all of society.

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

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

Let there be no mistake about what is going on here, what we are talking about, where the Democratic party stands on this particular issue regarding a child tax credit and where the Republican party stands, and I am going to repeat the quote that pretty much spells it out for everyone. My colleague the gentleman from North Carolina (Mr. MILLER) referred to it, but it summarizes this debate so succinctly that it bears repeating.

When originally asked about the child tax credit, the majority leader, the gentleman from Texas (Mr. DELAY), said, "There is a lot of other things more important to me than that. To me, it is a little difficult to give tax relief to people who do not pay

income taxes," and we have heard a little bit more about that here this evening from the gentleman from Florida.

This is clear evidence of where the Republican priorities lie, and they do not include the poorest children in America. They do not include the children of working families across the United States.

I have to ask, what happened? What happened to No Child Left Behind? It is a very catchy slogan. It is harder to live by it. Even the least compassionate conservative it would seem, even the least compassionate conservative ought to understand that working parents at the bottom of the ladder spend money, pay bills, pay property taxes, pay sales taxes and have to raise their children just like I do, just like the rest of us do.

The gentleman from Florida used the clever example of McDonald's, and I believe he said that if a person has not bought any hamburgers from McDonald's then they are certainly not entitled to another hamburger or a free hamburger from McDonald's, but I wonder, does he believe that the person who owns the McDonald's should get a lot more hamburgers? Are they the only ones who are entitled to the hamburgers or are the people out there banging on the door, starving, entitled to a little relief themselves?

I guess we can all use clever examples in this debate, but it really does not come down to clever examples. It comes down to doing the right thing, and the Republican leadership has consistently dragged their feet in passing this legislation, and all evidence suggests that they really do not care and they do not have any intention of passing this legislation. They can come here and debate for maybe 5 minutes and sing the same old verses from the same old song book, but they do not have any intention of doing anything.

Let us look at the facts. This child tax credit they knew would go nowhere because they knew the other body would never accept it. It was passed on June 12. Here we are a month later. We have already adjourned for the July 4 recess without getting tax relief for the American families, without the conference committee meeting once, and the gentleman from Florida (Mr. FOLEY) suggests that a reasonable compromise can be reached, but to reach a compromise, the conferees would have to meet. And if there was any desire to reach a compromise, then they would have already met.

No, that is not what is going on here at all. Legislation was passed on June 12 to hoodwink the American people, to make them believe that the individuals on the other side of the aisle actually cared about tax relief for working men and women and the children of this great country, but they knew that it would not be accepted, and they knew that it would go nowhere, and that is precisely what has happened.

You act on everything else President Bush wants you to act upon, why do

you not act upon what he wants you to act upon now? President Bush has said he wants the House to pass this bill as soon as possible, and he has requested immediate action. His spokesperson also said the President believes what the Senate has done is the right thing to do, it is a good thing to do and he wants to sign it. So why do you not follow your leader? Why do you not follow what the President of the United States has requested and instruct the

conferees to pass the Senate version of the bill?

Please do the right thing.

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

The SPEAKER pro tempore (Mr. GINGREY). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct

offered by the gentleman from Texas (Mr. BELL).

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

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

The yeas and nays were ordered.

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



United States  
of America

# Congressional Record

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## Senate

### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2004

#### SAIL SAN FRANCISCO

Mrs. BOXER. Mr. President, I want to express my support for Sail San Francisco, a nonprofit organization that provides a range of services to visiting international tall ships and training ships.

These services, which include docking, technical assistance and hospitality, were formerly provided by the U.S. Navy in the Bay Area. In the wake of the base closure process, this assistance is no longer available. Over the past several months, Sail San Francisco has coordinated with foreign consulates to facilitate the visit of several foreign navies, playing a valuable role that is filled by the U.S. Navy at other ports throughout the country.

It is my hope that when the fiscal year 2004 Defense Appropriations bill is considered in conference, it is possible to provide \$800,000 for Sail Francisco's naval/tall ships education programs.

Mrs. FEINSTEIN. Mr. President, as a member of the Defense Appropriations subcommittee, I would like to join my colleague and friend, Senator BOXER, in support of this request. It is important that we assist in these naval and diplomatic educational and training programs that have been continued through the work of Sail San Francisco.

### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of this 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.)

### MESSAGE FROM THE HOUSE

At 12:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 74. An act 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.

H.R. 272. An act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries.

H.R. 1950. An act to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for the fiscal years 2004 and 2005; to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005; and for other purposes.

H.R. 2122. An act to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month.

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa.

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week.

### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 272. An act to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 6. Concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

H. Con. Res. 80. Concurrent resolution expressing the sense of Congress relating to efforts of the Peace Parks Foundation in the Republic of South Africa to facilitate the establishment and development of transfrontier conservation efforts in southern Africa; to the Committee on Foreign Relations.

H. Con. Res. 208. Concurrent resolution supporting National Men's Health Week; to the Committee on Health, Education, Labor, and Pensions.

### MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1950. An act to establish the Millennium Challenge Account to provide increased support for certain developing countries; to authorize the expansion of the Peace Corps; to authorize appropriations for the Department of State for fiscal years 2004 and 2005; and to authorize appropriations under the Arms Export Control Act and the Foreign Assistance Act of 1961 for security assistance for fiscal years 2004 and 2005, and for other purposes.

H.R. 2122. An act to enhance research, development, procurement, and use of biomedical countermeasures to respond to public health threats affecting national security, and for other purposes.

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



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EXECUTIVE AND OTHER  
COMMUNICATIONS

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

EC-3310. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Transportation Workplace Drug and Alcohol Testing Programs Drug and Alcohol Management Information System Reporting" (RIN2105-AD14) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3311. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL-600 (Regional jet Series 700 7 701) Series Airplanes Docket No. 2003-NM-98" (RIN2120-AA64) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3312. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; Modification of Class E Airspace; Kansas City Downtown Airport, MO." (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3313. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Valentine, NE (Doc. No. 03-ACE-43)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3314. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Routes (Doc. No. ASD-03-AWA-4)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3315. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA (Doc. No. 03-ACE-40)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3316. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA (Doc. No. 03-ACE-38)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3317. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace Hays, KS (Doc. No. 03-ACE-35)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3318. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Pratt, KS (Doc. No. 03-ACE-36)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3319. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport (Doc. No. 03-ACE-34)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3320. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Milford, IA (Doc. No. 03-ACE-37)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3321. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Daventry, IA (Doc. No. 03-ACE-14)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3322. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fort Leonard Wood, MO (Doc. No. 03-ACE-27)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3323. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; New Madrid, MO (Doc. No. 03-ACE-29)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3324. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E2 Airspace; Elizabeth City, NC (Doc. No. 03-ASO-02)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3325. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Marshall, AK (Doc. No. 02-AAL-08)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3326. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Kansas City Downtown Airport, MO (Doc. No. 03-ACE-34)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3327. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Sioux City, IA (Doc. No. 03-ACE-40)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3328. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Monticello, IA (Doc. No. 03-ACE-38)" (RIN2120-

AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3329. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Aurora, NE (Doc. No. 03-ACE-31)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3330. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Shenandoah, IA (Doc. No. 03-ACE-30)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3331. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; St. Louis, MO (Doc. No. 03-ACE-26)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3332. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Knoxville, IA (Doc. No. 03-ACE-23)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3333. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Marshalltown, IA (Doc. No. 03-ACE-24)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3334. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Jet Route 10 (Doc. No. 01-AWP-21)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3335. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Tunica, MS (Doc. No. 03-ASO-01)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3336. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Crete, NE (Doc. No. 03-ACE-33)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3337. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Knoxville, IA (Doc. No. 03-ACE-23)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3338. A communication from the Acting Director, ODAPC, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Moundridge, KS (Corr. Doc. No. 02-ACE-12)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3339. A communication from the Acting Director, ODAPC, Office of the Secretary,

Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Shenandoah, IA (Doc. No. 03-ACE-30)" (RIN2120-AA66) received on July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3341. 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; Aurora, NE (Doc. No. 03-ACE-3)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3342. 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; Eureka, KS (Doc. No. 03-ACE-32)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3343. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Cavalier, ND (Doc. No. 02-AGL-22)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3344. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Lake Placid, NY (Doc. No. 03-AEA-01)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3345. 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; Clinton, IA (Doc. No. 03-ACE-13)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3346. 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; Greenfield, IA (Doc. No. 03-ACE-19)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3347. 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; Keokuk, IA (Doc. No. 03-ACE-22)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3348. 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 D Airspace; and Modification of Class E Airspace; Dubuque, IA (Doc. No. 03-ACE-16)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3349. 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 D and Class E Airspace; St. Louis, Spirit of St. Louis Airport, MO (Doc. No. 03-ACE-17)" (RIN2120-AA66) received July 16, 2003; to the

Committee on Commerce, Science, and Transportation.

EC-3350. 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; Hampton, IA (Doc. No. 03-ACE-20)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3351. 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; Fairmont, NE (Doc. No. 03-ACE-1)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3352. 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; Emmetsburg, IA (Doc. No. 03-ACE-18)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3353. 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; Independence, IA (Doc. No. 03-ACE-21)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3354. 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; Denison, IA (Doc. No. 03-ACE-15)" (RIN2120-AA66) received July 16, 2003; to the Committee on Commerce, Science, and Transportation.

EC-3355. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Establishment of Safeguards and Procedures for Suspension of Packing Holidays" (Doc. No. FV03-925-2) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3356. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2002-03 Crop Natural (sun-Seedless and Zante Currant Raisins)" (Doc. No. FV03-989-4) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3357. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Temporary Suspension of the Prune Reserve and the Voluntary Producer Plum Diversion Provisions" (Doc. No. FV03-993-2) received on July 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-3358. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to law, the report of a rule entitled "Expansion of the Port Limits of Portland, Maine" (CBP Dec. 03-08) received on July 16, 2003; to the Committee on Finance.

EC-3359. A communication from the Chief, Regulations Branch, Bureau of Customs and Border Protection, transmitting, pursuant to

law, the report of a rule entitled "Customs and Border Protection Field Organization: Fargo, North Dakota" (CBP Dec. 03-09) received on July 16, 2003; to the Committee on Finance.

EC-3360. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms in the amount of \$1,000,000 or more to the United Arab Emirates; to the Committee on Foreign Relations.

EC-3361. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles that are firearms in the amount of \$1,000,000 or more to Norway; to the Committee on Foreign Relations.

EC-3362. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of \$50,000,000 or more to Saudi Arabia, Norway, and France; to the Committee on Foreign Relations.

EC-3363. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad to the United Kingdom; to the Committee on Foreign Relations.

EC-3364. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Overseas Surplus Property"; to the Committee on Foreign Relations.

EC-3365. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the termination of the 15% Danger Pay Allowance for Syria; to the Committee on Foreign Relations.

EC-3366. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the export of certain body armor and military equipment to Iraq; to the Committee on Foreign Relations.

EC-3367. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment to the International Traffic in Arms Regulations: Partial Lifting of Embargo Against Rwanda" (RIN1400-AB82) received on July 11, 2003; to the Committee on Foreign Relations.

EC-3368. A communication from the General Counsel, National Tropical Botanical Garden, a copy of the audit report for the period from January 1, 2002 through December 21, 2002; to the Committee on the Judiciary.

EC-3369. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, a copy of the third Biennial Report on the Status of GPO Access; to the Committee on Rules and Administration.

EC-3370. A communication from the Chair, Federal Election Commission, transmitting, the Commission's 2002 Annual Report; to the Committee on Rules and Administration.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and

were referred or ordered to lie on the table as indicated:

POM 214. A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to improper labeling and classification of dairy products; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, Technological advances have led to a dramatic increase in the use of imported dry milk protein concentrates (MPCs) in dairy products. The widespread use of this technology has largely developed after the negotiations for the landmark General Agreement on Tariffs and Trade (GAAT). Since MPCs are not subject to quotas and tariffs, they are imported into this country at much lower prices. This economic advantage is wreaking havoc in the domestic dairy industry; and

Whereas, within the American dairy industry, there is great concern that not all manufacturers may be fully complying with requirements for listing accurately all ingredients in standardized food. Since using MPCs in producing dairy products, including cheese, offers significant cost advantages, it is essential that labeling of products reflect the contents accurately. It must be easy for consumers to identify companies that fully comply with standards of identity and that do not use imported MPCs; and

Whereas, Since substituting MPCs offers price advantages in the marketplace, the volume of their use is increasing substantially. The result is the displacement of domestic milk solids and the erosion of the major component of American agriculture. Action needs to be taken to protect existing food standards and correct unlawful practices as soon as possible; Now, therefore, be it

*Resolved by the house of representatives (the senate concurring),* That we memorialize the Congress of the United States to enact legislation that will address the issue of the improper labeling and classification of dairy products; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-215. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to the Congressional Medal of Honor; to the Committee on Armed Services.

HOUSE RESOLUTION NO. 67

Whereas, Congress has before it a bill, H.R. 369, that would waive time limitations specified in federal law to allow the Medal of Honor to be awarded posthumously to Sergeant Gary Lee McKiddy for acts of valor in the Vietnam War. This legislation was originated in response to circumstances surrounding the events of May 6, 1970, when a helicopter and crew came under intense fire and were shot down; and

Whereas, The helicopter's crew chief, Sergeant Gary Lee McKiddy, who compiled a remarkable record in Vietnam, gallantly rescued one crew member before Sergeant McKiddy was killed by an explosion that occurred as he returned again to the flames and wreckage to try to rescue the pilot. For a variety of reasons, including the fact that application procedures were not initiated prior to the statutory date of October 1975, Sergeant McKiddy's bravery was not recognized with the nation's highest honor. Congress considered similar legislation to address this in the 107th Congress but adjourned before taking action; and

Whereas, Congress has the opportunity to rectify the oversight of the past three decades to accord appropriate honor to a true national hero and defender of our ideals. This legislation is long overdue: Now, therefore, be it

*Resolved by the house of representatives,* That we memorialize the Congress of the United States to enact H.R. 369 to waive time limitations for the consideration of the Congressional Medal of Honor for Sergeant Gary Lee McKiddy; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-216. A joint memorial adopted by the Senate and House of Representatives of the Legislature of the State of Washington relative to the United States Military Academy at West Point; to the Committee on Armed Services.

HOUSE JOINT MEMORIAL 4021

Whereas, The United States Military Academy today celebrates 200 years of providing leaders of character for our Army and a lifetime of selfless service to the Nation; and

Whereas, On March 16, 1802, President Thomas Jefferson signed into law a bill of the United States Congress authorizing the establishment of "a military academy to be located at West Point in the State of New York;" and

Whereas, West Point was originally created as an academic institution devoted to the arts and sciences of warfare, and later emphasizing engineering to serve the needs of the Nation and to eliminate the country's reliance on foreign engineers and artilleryists; and

Whereas, Isaac I. Stevens, the first graduate of West Point's Class of 1839, served as the first Governor of the Territory of Washington, and organized and led the Northern Railway Survey that paved the way for the transcontinental railroads to Washington; and

Whereas, United States Military Academy graduates were responsible for the construction of many of the Nation's initial railway lines, bridges, harbors and roads, and surveys and mapmaking that were vital to the infrastructure development of our great Country and its State of Washington; and

Whereas, United States Military Academy led Army forces into the wilderness area that became the Territory and State of Washington, providing protection and development services until the civil authority was able to assume these functions; and

Whereas, West Point graduates have distinguished themselves in countless ways, from Olympic glory to receiving the Heisman Trophy, from receiving scores of Rhodes Scholarships to serving as some of the Nation's pioneering astronauts; and

Whereas, The United States Military Academy is preparing for its third century of service to our Nation—a future in which fighting and winning our Nation's wars remains the Army's primary focus; and

Whereas, The United States Military Academy must also prepare officers for peace-keeping duties as part of an ever complex world; and

Whereas, United States Military Academy remains today an energetic, vibrant institution that attracts some of the Nation's best and brightest young men and women from throughout the Country and its State of Washington who, in the next two hundred years of service to this Nation, will face challenges different from those that have gone before them to make up the storied Long Gray Line; and

Whereas, The United States Military Academy continues its lasting commitment to its motto of Duty, Honor, Country;

Now, therefore, Your Memorialists respectfully pray that the President of the United States and the Congress join with the state of Washington and other states in honoring the 200th Anniversary of the United States Military Academy at West Point in recognizing that the United States Military Academy is a living testament to the accomplishments of the United States throughout its history, and in recognizing West Point and its graduates as they move forward into the Academy's third century of service to the Nation; be it

*Resolved,* That copies of this Memorial be immediately transmitted to the Honorable George W. Bush, President of the United States, Lieutenant General William J. Lennox, Jr., Superintendent, United States Military Academy, West Point, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

POM-217. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to unsolicited, commercial email or spam; to the Committee on Commerce, Science, and Transportation.

HOUSE RESOLUTION NO. 62

Whereas, Unsolicited commercial email, which is generally referred to as "spam" is becoming an increasingly burdensome problem for many Americans and both private and public sector enterprises. Unlike other forms of unsolicited marketing, spam imposes little cost to the sender. Because of this, there are few forces to limit the volume of these emails being sent; and

Whereas, The cumulative effects of spam are staggering. According to reports cited by the Federal Trade Commission (FTC), spam accounts for between one-third and one-half of all emails sent each day. The skyrocketing growth in the volume of unsolicited commercial emails is a burden upon those receiving these unwanted messages. As volume increases, so does the worry over the potential for fraudulent activities; and

Whereas, The nuisance of unsolicited email has turned into a problem spiraling out of control, not only for individuals but also costing businesses millions of dollars every year in lost productivity. Reports indicate that dealing with spam costs United States corporations nearly \$9 billion and accounts for at least \$4 billion in lost productivity each year. Even our troops in the Persian Gulf region have reported frustrations with unsolicited email messages impeding efforts to communicate with family back home; and

Whereas, The FTC has just completed a three-day forum to address the proliferation of unsolicited commercial email and to explore the technical, legal, and financial issues associated with it. In 2001, the FTC received 10,000 messages a day through its spam database; the agency now receives about 130,000 spam messages a day. In reviewing these messages, the FTC has found 66% of the spam analyzed contained false "From" lines, "Subject" lines, or message text; and

Whereas, The FTC forum clearly demonstrated a need for actions at the federal level. Numerous options are being discussed, in Congress and in the states and among business and community leaders, on how best to address the issue of spam. It is increasingly clear to many that a federal approach, coupled with individual state actions, offers the greatest potential for meaningful results in dealing with this complex issue: Now, therefore, be it

*Resolved by the house of representatives,* That we memorialize the Congress of the United States and the Federal Trade Commission to address the issue of unsolicited commercial email, otherwise known as spam, on a national basis; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the United States Federal Trade Commission.

POM-218. A concurrent resolution adopted by the Senate of the Legislature of the State of Louisiana relative to the Gulf Intracoastal Waterway; to the Committee on Commerce, Science and Transportation.

#### SENATE RESOLUTION NO. 90

Whereas, the Gulf Intracoastal Waterway is vital to the nation's economy spanning across five gulf coast states; and

Whereas, the Gulf Intracoastal Waterway carries one-third of the freight of all of America's waterways and has significant economic impact on the entire state of Louisiana, as well as the nation; and

Whereas, the protection of the banks of the Gulf Intracoastal Waterway guarantees the future of many businesses and individuals that depend on its efficiency and economy; and

Whereas, tidal exchange, combined with the effects of wave action and boat wake from traffic has contributed to significant shoreline erosion; and

Whereas, the Gulf Intracoastal Waterway shoreline erosion has and continues to contribute to the loss of coastal wetlands, aquatic resources, commercial and recreational fisheries, agricultural farmland, wildlife resources, essential fish habitat, recreation resources, and cultural resources of coastal Louisiana; and

Whereas, the lack of action to protect the Gulf Intracoastal Waterway's shorelines has negatively impacted navigation, resulting in increased dredging costs, threats to shipping, implications for loss of trade, reduced flood control, and threats to water supplies due to saltwater intrusion: Therefore, be it

*Resolved,* That the Senate of the Legislature of Louisiana memorializes the Congress of the United States to provide adequate and immediate protection, stabilization, and maintenance of the Gulf Intracoastal Waterway canal banks in southwest Louisiana; be it further

*Resolved,* That a copy of this Resolution shall be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-219. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan relative to Lake St. Clair; to the Committee on Energy and Natural Resources.

#### HOUSE RESOLUTION NO. 63

Whereas, Lake St. Clair is an essential component of the network that comprises the world's largest source of accessible freshwater. Often referred to as the "Heart of the Great Lakes" for the unique importance, location, and shape, Lake St. Clair is an immeasurable resource to the region's economy, ecology, health, and recreation; and

Whereas, Lake St. Clair provides the drinking water for 2.3 million people, produces one-third of all fish caught on the Great Lakes, and includes some of the most important ecosystem along the Great Lakes basin; and

Whereas, Several key federal acts, including the Great Lakes Act of 1956, the Clean

Water Act of 1978, the Great Lakes Shoreline Mapping Act of 1987, the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, and the Water Resources Development Act of 2000, include Lake St. Clair in the definition of the Great Lakes for the purpose of programs and grants; and

Whereas, Lake St. Clair also received special attention in the Water Resources Development Act of 1999, which directed the Secretary of the Army to prepare a comprehensive management plan for Lake St. Clair, a first draft of which is scheduled for release in 2003; and

Whereas, In spite of its critical role, Lake St. Clair has been subject to several serious environmental problems in recent years. These have ranged from beach closings due to faulty sewage and septic systems, combined sewer overflows, toxic contamination, and the impact of invasive species; and

Whereas, Lake St. Clair will benefit from the Great Lakes Legacy Act of 2002, which provides funds to monitor and clean up contaminated sediments in the Great Lakes Areas of Concern, including the St. Clair River and Clinton River watersheds, which are adjacent to Lake St. Clair; now, therefore be it

*Resolved by the house of representatives,* That we memorialize the Congress of the United States to increase efforts to preserve and protect Lake St. Clair; and be it further

*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation. Adopted by the House of Representatives, June 24, 2003.

POM-220, A concurrent resolution adopted by the House of Representatives of the Legislature of the State of Louisiana relative to petroleum reserves; to the Committee on Energy and Natural Resources.

#### HOUSE CONCURRENT RESOLUTION NO. 9

Whereas, since that time, the SPR has been the nation's first line of defense against any interruption in petroleum supplies; and

Whereas, Louisiana is a natural choice for the placement of reserves due to the concentration of salt domes, petroleum refineries, and distribution points for tankers, and barges, and pipeline; and

Whereas, Louisiana produces approximately eighty-six million barrels of oil per year and has a refining capacity of two million seven hundred sixty thousand barrels per day; and

Whereas, the Energy Policy and Conservation Act of 1975 declared it to be a policy to establish a reserve of up to one billion barrels of petroleum; and

Whereas, the SPR has the capacity to hold seven hundred million barrels and currently holds an inventory of five hundred forty-four million seven hundred thousand barrels at the current facilities located at Freeport and Winnie, Texas, and West Hackberry and Bayou Choctaw, Louisiana; and

Whereas, the events surrounding the atrocious attacks on our nation on September 11, 2001, including our unwavering pursuit of the perpetrators, may result in foreign petroleum supply interruptions of significant scope or duration; and

Whereas, the economic well-being of Louisiana's and the nation's economy is irrevocably tied to the supply of petroleum: Therefore, be it

*Resolved,* That the Louisiana Legislature does hereby memorialize the President of the United States to fill current petroleum reserve to capacity and expand petroleum reserves in Louisiana utilizing Louisiana-produced petroleum to assist in stabilizing the

economy of Louisiana and the nation; be it further

*Resolved,* That a copy of this Resolution be transmitted to the President of the United States of America; be it further

*Resolved,* That copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Appropriations, without amendment:

S. 1424. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-105).

By Mr. MCCONNELL, from the Committee on Appropriations, without amendment:

S. 1426. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-106).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 1427. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes (Rept. No. 108-107).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Con. Res. 53. A concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

#### EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

\*Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation.

\*Pamela Harbour, of New York, to be a Federal Trade Commissioner for the term of seven years from September 26, 2002.

By Mr. HATCH for the Committee on the Judiciary.

Kathleen Cardone, of Texas, to be United States District Judge for the Western District of Texas.

James I. Cohn, of Florida, to be United States District Judge for the Southern District of Florida.

Frank Montalvo, of Texas, to be United States District Judge for the Western District of Texas.

Xavier Rodriguez, of Texas, to be United States District Judge for the Western District of Texas.

Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General.

Christopher A. Wray, of Georgia, to be an Assistant Attorney General.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

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. CORZINE (for himself and Mr. LAUTENBERG):

S. 1422. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 1423. A bill to extend Federal recognition to the Chickahominy Indian Tribe, the Chickahominy Indian Tribe—Eastern Division, the Upper Mattaponi Tribe, the Rappahannock Tribe, Inc., the Monacan Indian Nation, and the Nansemond Indian Tribe; to the Committee on Indian Affairs.

By Mr. DOMENICI:

S. 1424. An original bill making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mrs. CLINTON:

S. 1425. A bill to amend the Safe Drinking Water Act to reauthorize the New York City Watershed Protection Program; to the Committee on Environment and Public Works.

By Mr. MCCONNELL:

S. 1426. An original bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BENNETT:

S. 1427. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. MCCONNELL:

S. 1428. A bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person's weight gain, obesity, or any health condition related to weight gain or obesity; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 1429. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 1430. A bill to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 1431. A bill to reauthorize the assault weapons ban, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 310

At the request of Mr. THOMAS, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Hawaii (Mr. INOUE) and the Senator from Ne-

braska (Mr. NELSON) were added as cosponsors of S. 310, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 595

At the request of Mr. HATCH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Oregon (Mr. SMITH), the Senator from Iowa (Mr. HARKIN), the Senator from North Carolina (Mr. EDWARDS) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 595, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financings to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 726

At the request of Ms. STABENOW, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 726, a bill to treat the Tuesday next after the first Monday in November as a legal public holiday for purposes of Federal employment, and for other purposes.

S. 852

At the request of Mr. DEWINE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 852, a bill to amend title 10, United States Code, to provide limited TRICARE program eligibility for members of the Ready Reserve of the Armed Forces, to provide financial support for continuation of health insurance for mobilized members of reserve components of the Armed Forces, and for other purposes.

S. 894

At the request of Mr. WARNER, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 894, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 230th Anniversary of the United States Marine Corps, and to support construction of the Marine Corps Heritage Center.

S. 976

At the request of Mr. WARNER, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 976, a bill to provide for the issuance of a coin to commemorate the 400th anniversary of the Jamestown settlement.

S. 982

At the request of Mrs. BOXER, the name of the Senator from Massachu-

setts (Mr. KERRY) was added as a cosponsor of S. 982, a bill to halt Syrian support for terrorism, end its occupation of Lebanon, stop its development of weapons of mass destruction, cease its illegal importation of Iraqi oil, and hold Syria accountable for its role in the Middle East, and for other purposes.

S. 1091

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1091, a bill to provide funding for student loan repayment for public attorneys.

S. 1168

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1168, a bill to amend title 23, United States Code, to establish a program to increase the use of recyclable material in the construction of Federal-aid highways.

S. 1172

At the request of Mr. FRIST, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1172, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity prevention, and for other purposes.

S. 1180

At the request of Mr. SANTORUM, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1180, a bill to amend the Internal Revenue Code of 1986 to modify the work opportunity credit and the welfare-to-work credit.

S. 1222

At the request of Mr. NELSON of Nebraska, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1222, a bill to amend title XVIII of the Social Security Act to require the Secretary of Health and Human Services, in determining eligibility for payment under the prospective payment system for inpatient rehabilitation facilities, to apply criteria consistent with rehabilitation impairment categories established by the Secretary for purposes of such prospective payment system.

S. 1245

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

S. 1285

At the request of Mr. CARPER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1285, a bill to reform the postal laws of the United States.

S. 1297

At the request of Mr. TALENT, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1297, a bill to amend title 28,



United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance to the Flag.

S. 1331

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1331, a bill to clarify the treatment of tax attributes under section 108 of the Internal Revenue Code of 1986 for taxpayers which file consolidated returns.

S. 1335

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1335, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 1379

At the request of Mr. JOHNSON, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1379, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 1380

At the request of Mr. SMITH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1380, a bill to distribute universal service support equitably throughout rural America, and for other purposes.

S. 1397

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1397, a bill to prohibit certain abortion-related discrimination in governmental activities.

S. 1414

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1414, a bill to restore second amendment rights in the District of Columbia.

S. 1415

At the request of Mr. LIEBERMAN, the name of the Senator from Maryland (Mr. MIKULSKI) was added as a cosponsor of S. 1415, a bill to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building".

S. CON. RES. 40

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. CARPER), the Senator from Montana (Mr. BAUCUS), the Senator from New York (Mr. SCHUMER), the Senator from South Dakota (Mr. DASCHLE), the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. LUGAR), the Senator from Ala-

bama (Mr. SHELBY), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. Con. Res. 40, a concurrent resolution designating August 7, 2003, as "National Purple Heart Recognition Day".

S. CON. RES. 53

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. Con. Res. 53, a concurrent resolution honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

S. RES. 167

At the request of Mr. CAMPBELL, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. Res. 167, a resolution recognizing the 100th anniversary of the founding of the Harley-Davidson Motor Company, which has been a significant part of the social, economic, and cultural heritage of the United States and many other nations and a leading force for product and manufacturing innovation throughout the 20th century.

S. RES. 169

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 169, a resolution expressing the sense of the Senate that the United States Postal Service should issue a postage stamp commemorating Anne Frank.

S. RES. 170

At the request of Mr. DODD, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 170, a resolution designating the years 2004 and 2005 as "Years of Foreign Language Study".

AMENDMENT NO. 1273

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1273 proposed to H.R. 2658, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 1422. A bill to provide assistance to train teachers of children with autism spectrum disorders, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I rise to introduce along with Senator LAUTENBERG the Teacher Education for Autistic Children, TEACH, Act of 2003, legislation that will highlight the needs of autistic children by bringing more qualified teachers into the classroom, helping families receive the support and services they need for their children, and helping ensure vocational

programs to assist people with autism transition from school to work are functioning as intended.

Autism is a developmental disability characterized by atypical, often repetitive behaviors and deficits in social and communication skills. Though it is difficult to determine an exact number, some researchers believe that an astounding 1 out of 250 of our Nation's children are in some way affected by this disorder.

Perhaps even more alarming is the fact that the number of children diagnosed with some form of autism has increased significantly throughout the country over the past decade. Take my State for example—according to the New Jersey Department of Education in 1991, there were 241 children in our schools who had been diagnosed with autism. By 2001, that figure had risen to 3,984, a staggering increase of 1,548 percent.

While the cause of autism and its cure are unknown, we are aware that the best treatment for these children is early intervention from qualified teachers. The TEACH Act of 2003 would go a long way in improving services for these children by providing teachers with the necessary training and helping school districts in hiring qualified autism teachers.

Specifically, the TEACH Act authorizes \$15 million a year for five years to provide education or professional development training for current teachers or students who want to be special education teachers, teachers' aides, or other professionals who work with autistic children.

The TEACH Act also establishes a loan forgiveness program for qualified teachers of autistic children to help them pay off college loans or loans associated with taking continuing education courses related to autism. This incentive of up to \$20,000 to help pay off college loans will go a long way in attracting more qualified individuals into special education.

The bill also includes provisions that establish State Autism Ombudsman Offices that would act as clearinghouses for families who are seeking information on services, education, and other resources to help their children achieve the full and happy lives they deserve. It also creates a national Task Force to evaluate and make recommendations regarding best practices for the education of autistic children.

Finally, this legislation requires a joint Department of Labor/Department of Education study to evaluate existing vocational programs available for people with autism in order to ensure that such individuals have access to quality jobs and their own independence.

The TEACH Act will go a long way to help autistic families by giving their children the opportunity to achieve the highest quality of life. I urge my colleagues to support this important legislation, which has the power to improve thousands of lives.

I ask unanimous consent that the text of my legislation be printed in the RECORD.

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

S. 1422

*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 "Teacher Education for Autistic Children Act of 2003" or the "TEACH Act of 2003".

#### SEC. 2. TRAINING OF SPECIAL EDUCATION TEACHERS WITH EXPERTISE IN AUTISM SPECTRUM DISORDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated for "Special Education—Personnel Preparation to Improve Services and Results for Children with Disabilities", there are authorized to be appropriated for "Special Education—Personnel Preparation to Improve Services and Results for Children with Disabilities", for each of the fiscal year 2004 through 2008, \$15,000,000—

(1) to provide technical assistance grants to develop standards for training teachers with respect to the provision of education for children with autism spectrum disorders (ASD) and to integrate such standards into the existing training infrastructure;

(2) to train special education teachers with an expertise in autism spectrum disorders; and

(3) to provide preservice or professional development training of personnel to be special education teachers, aides of such teachers or other paraprofessionals providing teaching assistance, special education administrators, or staff specialists (such as speech-language pathologists and school psychologists) with an expertise in autism spectrum disorders.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

#### SEC. 3. IMPROVING RESULTS FOR CHILDREN WITH AUTISM SPECTRUM DISORDERS.

(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to such sums as are otherwise authorized to be appropriated to carry out subpart 1 of part D of the Individuals with Disabilities Education Act, there are authorized to be appropriated for each of the fiscal years 2004 through 2008 \$5,000,000 for competitive grants under subpart 1 of part D of such Act to assist State educational agencies, in cooperation with other appropriate entities, to improve results for children with autism spectrum disorders (ASD).

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

#### SEC. 4. EXPANDED LOAN FORGIVENESS PROGRAM FOR TEACHERS OF AUTISTIC CHILDREN.

(a) PROGRAM.—

(1) IN GENERAL.—The Secretary of Education (in this section referred to as the "Secretary") shall carry out a program of assuming the obligation to repay, pursuant to subsection (c), a loan made, insured, or guaranteed under part B of title IV of the Higher Education Act of 1965 or part D of such title (excluding loans made under sections 428B and 428C of such Act or comparable loans made under part D of such title) for any borrower who—

(A) is employed, for 3 consecutive complete school years, as a full-time special education teacher of autistic children;

(C) satisfies the requirements of subsection (d); and

(D) is not in default on a loan for which the borrower seeks forgiveness.

(2) AWARD BASIS; PRIORITY.—

(A) AWARD BASIS.—Subject to subparagraph (B), loan repayment under this section shall be on a first-come, first-serve basis and subject to the availability of appropriations.

(B) PRIORITY.—The Secretary shall give priority in providing loan repayment under this section for a fiscal year to student borrowers who received loan repayment under this section for the preceding fiscal year.

(3) REGULATIONS.—The Secretary is authorized to prescribe such regulations as may be necessary to carry out the provisions of this section.

(b) LOAN REPAYMENT.—

(1) ELIGIBLE AMOUNT.—The amount the Secretary may repay on behalf of any individual under this section shall not exceed—

(A) the sum of the principal amounts outstanding (not to exceed \$5,000) of the individual's qualifying loans at the end of 3 consecutive complete school years of service described in subsection (a)(1)(B);

(B) an additional portion of such sum (not to exceed \$5,000) at the end of each of the next 2 consecutive complete school years of such service; and

(C) a total of not more than \$20,000.

(2) CONSTRUCTION.—Nothing in this section shall be construed to authorize the refunding of any repayment of a loan made under part B or D of title IV of the Higher Education Act of 1965.

(3) INTEREST.—If a portion of a loan is repaid by the Secretary under this section for any year, the proportionate amount of interest on such loan which accrues for such year shall be repaid by the Secretary.

(c) REPAYMENT TO ELIGIBLE LENDERS.—The Secretary shall pay to each eligible lender or holder for each fiscal year an amount equal to the aggregate amount of loans which are subject to repayment pursuant to this section for such year.

(d) APPLICATION FOR REPAYMENT.—

(1) IN GENERAL.—Each eligible individual desiring loan repayment under this section shall submit a complete and accurate application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) YEARS OF SERVICE.—An eligible individual may apply for loan repayment under this section after completing the required number of years of qualifying employment.

(3) FULLY QUALIFIED TEACHERS IN PUBLIC ELEMENTARY OR SECONDARY SCHOOLS.—An application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant—

(A) if teaching in a public pre-kindergarten, kindergarten, elementary, middle, or secondary school (other than as a teacher in a public charter school), has obtained State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing exam and holds a license to teach in such State; and

(B) if teaching in—

(i) a public pre-kindergarten, kindergarten, or elementary school, holds a bachelor's degree and demonstrates knowledge and skills for teaching children with autism spectrum disorders; or

(ii) a public middle or secondary school, holds a bachelor's degree and demonstrates a high level of competency for teaching children with autism spectrum disorders, through—

(I) a high level of performance on a rigorous State or local academic subject areas test; or

(II) completion of an academic major specializing in autism or severe disabilities with

a concentration in autism spectrum disorders.

(4) TEACHERS IN NONPROFIT PRIVATE ELEMENTARY OR SECONDARY SCHOOLS OR CHARTER SCHOOLS.—In the case of an applicant who is teaching in a nonprofit private pre-kindergarten, kindergarten, elementary, or secondary school, or in a public charter school, an application for loan repayment under this section shall include such information as is necessary to demonstrate that the applicant has knowledge and skills for teaching children with autism spectrum disorders, as certified by the chief administrative officer of the school.

(e) TREATMENT OF CONSOLIDATION LOANS.—A loan amount for a consolidation loan made under section 428C of the Higher Education Act of 1965, or a Federal Direct Consolidation Loan made under part D of title IV of such Act, may be a qualified loan amount for the purpose of this section only to the extent that such loan amount was used by a borrower who otherwise meets the requirements of this section to repay—

(1) a loan made under section 428 or 428H of such Act; or

(2) a Federal Direct Stafford Loan, or a Federal Direct Unsubsidized Stafford Loan, made under part D of title IV of such Act.

(f) ADDITIONAL PROVISIONS.—

(1) PREVENTION OF DOUBLE BENEFITS.—No borrower may, for the same service, receive a benefit under both this section and subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.).

(2) DEFINITION OF TEACHER OF AUTISTIC CHILDREN.—The term "teacher of autistic children" means an individual who provides instruction to children who have been diagnosed by a physician or a psychologist as having an autism spectrum disorder.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2004 through 2008.

#### SEC. 5. REPORT ON AUTISM EARLY INTERVENTION ACTIVITIES.

(a) REPORT.—Section 613 of the Individuals with Disabilities Education Act (20 U.S.C. 1413) is amended by adding at the end the following:

"(k) REPORT ON AUTISM EARLY INTERVENTION ACTIVITIES.—

"(1) IN GENERAL.—A local educational agency that receives assistance under this part for a fiscal year shall prepare and submit to the Secretary a report that contains a description of the activities referred to in paragraph (2) carried out in the preceding fiscal year.

"(2) INFORMATION.—The activities referred to in this paragraph are the following:

"(A) Activities carried out by the agency to ensure that students who exhibit symptoms of autism spectrum disorders (ASD) are referred to appropriate experts for diagnosis.

"(B) Appropriate training provided by the agency, or on behalf of the agency, of personnel of the agency and schools of the agency to carry out the activities described in subparagraph (A).

"(3) DEFINITION.—In this subsection, the term 'autism spectrum disorders' has the meaning given the term in section 9 of the Teacher Education for Autistic Children Act of 2003."

(b) TECHNICAL ASSISTANCE.—The Secretary of Education shall provide technical assistance to local educational agencies that receive assistance under part B of the Individuals with Disabilities Education Act to assist such agencies comply with the reporting requirement under section 613(k) of such Act (as added by subsection (a)).

**SEC. 6. TASK FORCE ON AUTISM SPECTRUM DISORDERS.**

(a) **ESTABLISHMENT.**—The Secretary of Education, acting through the Assistant Secretary for Special Education and Rehabilitative Services, shall establish and provide administrative support for a Task Force on Autism Spectrum Disorders (ASD) (in this section referred to as the “Task Force”).

(b) **DUTIES.**—The Task Force shall—

(1) conduct a review of minimum standards relating to the provision of special education for children with autism spectrum disorders and provide recommendations to improve or otherwise strengthen such standards;

(2) conduct a review of the effectiveness of existing educational models used with respect to the provision of special education for children with autism spectrum disorders; and

(3) conduct an evaluation of programs carried out by State and local educational agencies to train teachers with respect to the provision of special education for children with autism spectrum disorders and provide recommendations to improve and expand such programs.

(c) **COMPOSITION.**—

(1) **IN GENERAL.**—The Secretary of Education, acting through the Assistant Secretary for Special Education and Rehabilitative Services and in consultation with the Director of the National Research Council (or the Director’s designee), shall appoint members of the Task Force as follows:

(A) Not less than two members shall be representatives from national autism organizations.

(B) Not less than one member shall be an individual with an autism spectrum disorder or a parent (or legal guardian) of such an individual.

(C) Not less than two members shall be teachers with experience in working with children with autism.

(D) Not less than two members shall be appropriate officers or employees of the Department of Education.

(E) Not less than two members shall be appropriate officers or employees of the Department of Health and Human Services (to be appointed in consultation with the Secretary of Health and Human Services).

(2) **COMPENSATION.**—

(A) **RATES OF PAY.**—Except as provided in subparagraph (B), members of the Task Force shall be paid at the maximum rate of basic pay for GS-14 of the General Schedule for each day during which they are engaged in the actual performance of duties of the Task Force.

(B) **PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.**—Members of the Task Force who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Task Force.

(C) **TRAVEL EXPENSES.**—Each member of the Task Force shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) **REPORT.**—Not later than one year after the date of the enactment of this Act, and annually thereafter for each of the subsequent four calendar years, the Task Force shall prepare and submit to the Secretary of Education a report that contains the results of the reviews and evaluations conducted pursuant to subsection (b) and a description of the recommendations proposed pursuant to such subsection.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There are authorized to be appropriated to carry out this section \$500,000 for fiscal years 2004 through 2008.

(2) **AVAILABILITY.**—Amounts appropriated pursuant to the authorization of appropria-

tions under paragraph (1) are authorized to remain available until expended.

**SEC. 7. STUDY AND REPORT ON FEDERAL VOCATIONAL TRAINING PROGRAMS.**

(a) **STUDY.**—The Secretary of Education, in conjunction with the Secretary of Labor (hereinafter in this section referred to as the “Secretaries”), shall conduct a study on the effectiveness of Federal vocational training programs in providing appropriate assistance to individuals with autism spectrum disorders (ASD)

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Secretaries shall submit to Congress a report that contains the following:

(1) The results of the study conducted under subsection (a).

(2) Administrative and legislative recommendations to improve the effectiveness of Federal vocational training programs in providing appropriate assistance to individuals with autism spectrum disorders.

(3) Recommendations on appropriate data that should be collected, maintained, and disseminated in order to better monitor the effectiveness of each vocational training program that serves individuals with autism spectrum disorders.

**SEC. 8. STATE AUTISM OMBUDSMAN OFFICES.**

(a) **GRANTS TO STATES.**—Of the amount appropriated pursuant to the authorization of appropriations under subsection (d) for a fiscal year, the Secretary of Education shall provide grants to each State that meets the requirements of subsection (b) for the purpose of carrying out this section.

(b) **STATE REQUIREMENTS.**—A State meets the requirements of this subsection if it establishes and operates (including through the use of funds provided under a grant under subsection (a)) at least one State autism ombudsman office in accordance with this section. The office shall be headed by an individual who shall be selected from among individuals who are members of, or approved by, national, non-profit organizations, including their State and local affiliate organizations, dedicated to addressing, by whatever means, the needs of individuals with autism spectrum disorders or their families or legal guardians.

(c) **DUTIES OF OFFICE.**—

(1) **IN GENERAL.**—A State autism ombudsman office established in accordance with subsection (b) shall serve individuals with autism spectrum disorders and their families or guardians as a resource to assist with legal, educational, and family support systems issues, including by advising families or guardians on the process of the individualized education program, interpreting school communications regarding a child who exhibits autistic behavior, proposing alternatives to those proposed by the IEP team, and otherwise mediating between families or guardians of a child with an autism spectrum disorder and officials of local or State public school systems, agencies, or boards.

(2) **DEFINITION.**—In this subsection, the term “individualized education program” or “IEP” means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with section 614(d) of the Individuals with Disabilities Education Act.

(d) **REQUIREMENTS.**—A State autism ombudsman office established in accordance with subsection (b) shall—

(1) coordinate with the State developmental disabilities council, university-affiliated programs, regional resource centers, and other appropriate State entities; and

(2) operate independently of the State educational agency and local educational agencies within the State.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to

carry out this section \$8,000,000 for each of the fiscal years 2004 through 2008.

**SEC. 9. DEFINITION.**

In this Act, the term “autism spectrum disorder” has the meaning given the term by the Diagnostic and Statistical Manual of Mental Disorders—Fourth Edition (DSM-IV).

By Mr. MCCONNELL:

S. 1428. A bill to prohibit civil liability actions from being brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for damages or injunctive relief for claims of injury resulting from a person’s weight gain, obesity, or any health condition related to weight gain or obesity; to the Committee on the Judiciary.

Mr. MCCONNELL. Mr. President, I rise today to speak about abusive litigation in America. Unfortunately, a personal injury lawyer’s desire for a big payday by any theory imaginable is never satisfied, and so I come yet again to speak about tort reform—an issue I have worked on nearly every year that I have been in the Senate.

America is blessed with an abundant food supply and an overwhelming number of food choices. With so many choices, some of us overdo it. That over indulgence, combined with an under indulgence of exercise can sometimes have negative health consequences. But most of us take responsibility for the amount—and the type—of food we put in our mouth, and we accept the consequences of those decisions.

Personal injury lawyers, however, are now trying to convince Americans with expanding waistlines that someone else is to blame for their weight problem. And so the latest targets of predatory lawyers are the people producing and selling food. That is right. This money-hungry gang is going after “Big Food.” If it were not so frightening, it would be funny.

This is a disturbing turn of events and a further indication of the erosion of personal responsibility in America. People claiming their weight gain is the fault of the food manufacturers or seller have already begun filing lawsuits. Think of the absurdity of that logic. How long will it be until those who get speeding tickets begin to sue car manufacturers for building a car that people may decide to drive too fast?

Many Americans need to take greater care in what—and how much—they eat. But it is also time to curb the voracious appetite of the personal injury lawyers and put an end to this ridiculous and costly litigation before it gets out of hand.

That is why today I am introducing the Commonsense Consumption Act.

My bill would prohibit suits against food manufacturers and sellers for claims of injury resulting from a person’s weight gain, obesity or health condition related to weight gain or obesity.

Any such suit pending on the date of enactment of this bill would be dismissed.

Let me be clear. This bill does not provide widespread legal immunity for the food industry. It only provides protection from abusive suits by people seeking to blame someone else for their poor eating habits.

This bill would not affect lawsuits against food manufacturers or sellers that knowingly and willfully violate a Federal or State statute applicable to the manufacture and sale of food.

This bill would not apply to lawsuits for breach of contract or express warranty. And this bill would not apply to claims related to "adulterated" food.

I should mention that Representative Ric Keller has introduced similar legislation in the House. His bill, entitled the Personal Responsibility in Food Consumption Act has received a hearing and has attracted a significant number of cosponsors. My bill is worded a bit differently than Representative Keller's but I believe it is safe to say that both bills aim for the same result: an end to these absurd lawsuits.

Just a few years ago, the whole idea of blaming, and suing, someone else for your own eating habits was comical.

In fact, in August of 2000 the satirical publication "The Onion" carried a spoof news story entitled "Hershey's Ordered To Pay Obese Americans \$135 Billion."

The story began: In one of the largest product-liability rulings in U.S. history, the Hershey Foods Corp. was ordered by a Pennsylvania jury to pay \$135 billion in restitution to 900,000 obese Americans who for years consumed the company's fattening snack foods.

The article continued by saying: [The five-state class-action suit accused Hershey's of "knowingly and willfully marketing rich, fatty candy bars containing chocolate and other ingredients of negligible nutritional value." The company was also charged with . . . artificially "spiking" Their products with such substances as peanuts, crisped rice, and caramel to increase consumer appeal.

That story was humorous in August of 2000. It is not funny any longer. Personal injury lawyers are now attempting to turn that satirical story into reality.

We have seen press reports that just a few weeks ago a group of more than a hundred money-hungry lawyers and activists met in Boston to plan strategy for suing food manufacturers and sellers.

As I mentioned, some of these personal injury lawyers have already started suing. We have seen suits against restaurants, suits against cookie makers, and there are more to come.

One lawyer has reportedly sent letters to restaurants telling them to meet his demands or he will sue. This same trial lawyer ring-leader has also threatened to sue local school districts and even individual members of the school board. Have these lawyers no shame?

But perhaps these lawyers have finally bitten off more than they can chew. When they sue come big corporation, most people probably do not pay much attention. But when you start dragging the local school board members into court and forcing them to spend thousands and thousand of tax dollars defending against frivolous claims, well as we say in Kentucky that is a horse of a different color.

When Americans hear what these lawyers are up to I do not think they are going to like it. I know the voters in Kentucky are not interested in seeing more abusive lawsuits about obesity, and they certainly are not interested in paying more at the cash register in order to finance some personal injury lawyers' extravagant lifestyle.

These lawsuits are expensive to defend and the lawyers know that. The lawyers are not really interested in consumers, they are looking for a settlement, a big settlement, that will make them rich and enable them to clog the courts with more frivolous cases.

Make no mistake about it. These lawsuits seek only to fatten personal injury lawyers' wallets. And that will result in higher food prices for consumers.

It is time to stop this abuse now and it is time to remind people that personal responsibility is the issue here. People must take responsibility for their actions.

As one weight loss guru said on CNN earlier this year when he was asked about obesity suits against restaurants:

There is always going to be greasy, fried, salty, sugary food. It is up to the individual to walk in and say, I don't want those fries today. I have 40 pounds to lose. It is not the fault of the fast food people, and anyone who's trying to sue the fast food places needs a therapist, not an attorney. You have to make your own decisions. That's what the freedom in America is all about.

Never in my wildest dreams did I think I would be quoting Richard Simmons on the Senate floor, but he has perfectly summed it up pretty well, as I just described.

Making your own decisions is what freedom is all about. And with freedom comes responsibility. We have the freest society on the planet, but folks need to start exercising some responsibility with their freedom. Do not blame others for your bad habits. You are responsible for what you put in your mouth, and parents are responsible for what their children put in their mouth. It is that simple. The plaintiff's bar may not like that fact, but it is truly that simple.

By Mr. CHAFEE (for himself and Mrs. FEINSTEIN):

S. 1429. A bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assist-

ance under the medicaid program; to the Committee on Finance.

Mr. CHAFEE. Mr. President, I am pleased to be joined today by Senator FEINSTEIN in introducing the Family Planning State Empowerment Act of 2003. This legislation would provide States with a mechanism to improve the health of low-income women and families by allowing States to expand family planning services to additional women under the Medicaid program.

The Federal Government currently reimburses States for 90 percent of their expenditures for family planning services under Medicaid, due to the importance of these for low-income women. This reimbursement rate is higher than for most other health care services.

Generally, women may qualify for Medicaid services, including family planning, in one of two ways: they have children and an income level below a threshold set by the State, ranging from 15 to 86 percent of the Federal poverty level; or they are pregnant and have incomes up to 133 percent of the poverty level, federal law allows states to raise this income eligibility level to 185 percent, if they desire. If a woman qualifies because of pregnancy, she is automatically eligible for family planning services for sixty days following delivery. After those sixty days, the woman's Medicaid eligibility expires.

If States want to provide Medicaid family planning services to additional populations of low-income women, they must apply to the Federal Government for a so-called "1115" waiver. These waivers allow States to establish demonstration projects in order to test new approaches to health care delivery in a manner that is budget-neutral to the Federal Government.

To date, these waivers have enabled eighteen States to expand access to family planning services. Most of these waivers allow states to extend family planning to women beyond the sixty-day post-partum period. This allows many women to increase the length of time between births, which has significant health benefits for women and their children. For this reason, an Institute of Medicine report recommended that Medicaid should cover family planning services for two years following a delivery.

Some of the waivers allow States to provide family planning to women based solely on income, regardless of whether they qualify for Medicaid due to pregnancy or children. In general, States have used the same income eligibility levels that apply to pregnant women, 133 percent or 185 percent of the poverty level, creating continuity for both family planning and prenatal care services. These expanded services also help states reduce rates of unintended pregnancy and the need for abortion.

My State of Rhode Island was one of the first States to obtain one of these waivers, and has had great success with it in terms of preventing unintended

pregnancies and improving public health in general. Rhode Island's waiver has averted 1,443 pregnancies from August 1994 through 1997, resulting in a savings to the state of \$14.3 million. In addition, Rhode Island's waiver has assisted low-income women with spacing-out their births. The number of low-income women in Rhode Island with short inter-birth intervals, becoming pregnant within 18 months of having given birth, dropped from 41 percent in 1993 to 29 percent in 1999. The gap between Medicaid recipients and privately insured women was 11 percent in 1993, compared with only 1 percent—almost negligible—in 1999. As these statistics show, these waivers are extremely valuable and serve as a huge asset to the women's health, not only to my constituents but to constituents in the thirteen other states who currently benefit from these waivers.

Unfortunately, the waiver process is extremely cumbersome and time consuming, taking up to three years for States to receive approval from the federal government. This may discourage States from applying for family planning waivers, or at the very least, delay them from providing important services to women.

Our bill would rectify this problem by allowing States to extend family planning services through Medicaid without going through the waiver process. Eliminating the waiver requirement will facilitate State innovation and provide assistance to more low-income women.

This bill will allow States to provide family planning services to women with incomes up to 185 percent of the Federal poverty level. For low-income, post-partum women, States will no longer be limited to providing them with only sixty days of family planning assistance. States may also provide family planning for up to one year to women who lose Medicaid-eligibility because of income.

I urge my colleagues to join me in supporting this important legislation, and ask unanimous consent that the text of legislation be printed in the RECORD.

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

S. 1429

*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 "Family Planning State Empowerment Act of 2003".

#### SEC. 2. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO INDIVIDUALS WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1935 as section 1936; and

(2) by inserting after section 1934 the following:

#### "STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES

"SEC. 1935. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual whose family income does not exceed the greater of—

"(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved; or

"(2) the eligibility income level (expressed as a percent of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2)), as of October 1, 2003, for an individual to be eligible for medical assistance under the State plan.

"(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall—

"(1) not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan; and

"(2) be provided in accordance with the restrictions on deductions, cost sharing, or similar charges imposed under section 1916(a)(2)(D).

"(c) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

"(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any individual who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day the individual becomes so ineligible.

"(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any individual who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

#### SEC. 3. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking "eligible under the plan, as though" and inserting "eligible under the plan—

"(A) as though";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise)."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2003.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator CHAFEE to introduce a bill to give States the flexi-

bility to provide family planning services to low-income women who do not qualify for Medicaid.

Under current law, in order to qualify for family planning services provided by the Medicaid program, a woman would either have to have children and an income level below a threshold set by the State, ranging from 15–86 percent of the Federal poverty level, or be pregnant and have an income up to 133 percent of the poverty level; Federal law allows States to raise this income eligibility level to 185 percent, if they desire.

If a woman qualifies because of pregnancy, she is automatically eligible for family planning services for 60 days following delivery. After those 60 days, the woman's Medicaid eligibility expires.

If a State wants to provide Medicaid family planning services to additional populations of low-income women, they must apply to the Federal Government for a waiver. Currently, 18 States have waivers approved by the Federal Government. The waiver process is extremely cumbersome and time consuming, often taking up to three years to receive approval from the Federal Government.

This bill would once and for all allow States to provide crucial family planning to low-income women under the Medicaid program. It would eliminate the waiver process for these services and would give authority back to the States to determine what populations of low income women they want to provide family planning services to.

California currently receives \$100 million annually, until 2004, as part of its five-year waiver to provide family planning services to low income women. With these funds, California provides services to more than 900,000 women each year.

The State estimates that because of these services, at least 50,000 unintended pregnancies are prevented each year.

In addition to contraceptives, the family planning funds are used for sexually transmitted disease screening and treatment, HIV screening and counseling, basic infertility services and pregnancy testing and counseling.

Officials involved in the program estimate that for every \$1 invested in family planning, \$3 are saved in pregnancy and health-care related costs.

In California, it is estimated that providing low-income women with access to family planning will save the State more than \$900 million over the course of the five-year waiver.

I believe this legislation is more important now than ever.

Each year, approximately 3 million pregnancies, or about half of all pregnancies, are unintended. Increasing access to family planning services could help avert these 3 million unintended pregnancies and all the decisions and costs associated with either continuing or terminating a pregnancy.

Family planning services give women the necessary tools to space the births

of their children, which improves women's health and reduces rates of infant mortality.

Medicaid family planning is also cost effective. For every \$1 invested in family planning, \$3 are saved in pregnancy and health care-related costs.

Family planning and reproductive health services are much more than just accessing contraceptives. Services provided include screening and treatment for sexually transmitted diseases and HIV, basic infertility services and pregnancy testing and counseling. Women can receive pap smears and breast exams, which are crucial to detecting cervical and breast cancer.

Low income women deserve access to family planning and reproductive health services. And States should not have to ask the Federal Government for permission to use Medicaid funds to provide these essential services.

We can afford to shut the door on those who cannot otherwise afford family planning and reproductive health services.

I urge my colleagues to join me in supporting this important legislation.

By Ms. MURKOWSKI:

S. 1430. A bill to direct the Secretary of the Interior to conduct a study of the Baranov Museum in Kodiak, Alaska, for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, the Erskine House in Kodiak, AK, which houses the Baranov Museum, is one of a very few Russian period structures remaining in the Western Hemisphere. It is of great historical significance not only for this reason, but also because it is the only surviving structure known to have been associated with both the Russian America Company and the Alaska Commercial Company, the pillars of Russian and early American administration of Alaska.

The Erskine House/Baranov Museum is owned by the City of Kodiak and operated by the Kodiak Historical Society. It is a popular visitor attraction in Kodiak. Its collections include artifacts from the Russian American Company and the Alaska Commercial Company and also include Alaska Native, Russian and other cultural exhibits. I am told that the structure, although it has had many owners, maintains much of its original historic integrity.

The Erskine House was designated a National Historic Landmark on June 2, 1962. Shortly thereafter the National Park Service initiated consideration of including this important property in the National Park System. On February 11, 2000, the Department of the Interior formally sought funds from Congress to study the possible inclusion of the Erskine House in the system. The Congress responded by earmarking \$250,000 in fiscal year 2002 appropriations for the Erskine House, some of which could be used to conduct the study and the remainder for preservation and maintenance of the facility.

I am sad to report that the National Park Service has not initiated this study. The National Park Service has indicated that it cannot initiate the study without the express direction of Congress and that congressional intent to do so cannot be inferred from the language of the appropriation. However, the good news is that a sufficient portion of the \$250,000 appropriation remains unexpended and I understand that it is available to be expended on the study. The expenditure of funds on the study will not interfere with plans to spend other portions of the \$250,000 appropriation to rehabilitate the structure. The City of Kodiak and the Kodiak Historical Society have expressed support for the study. What we need is for Congress to authorize the study.

The legislation that I am introducing today would do just that. It directs the Secretary of the Interior to conduct a study of the Erskine House/Baranov Museum for the purpose of determining the suitability and feasibility of designating the museum as a unit of the National Park Service. I would like to see this study proceed with all deliberate speed. Accordingly, the legislation also requires that the Secretary report to appropriate committees of the Congress on the findings of the study and the Secretary's conclusions and recommendations within one year of the date upon which this legislation is enacted.

I want to commend the City of Kodiak and the Kodiak Historical Society for their loving care of this important structure. Perhaps this excerpt, from a July 7, 2003 letter that I received from Stacey Becklund, Director of the Kodiak Historical Society states it best, and I ask unanimous consent that it be printed in the RECORD.

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

The [Erskine House and the Baranov Museum] are some of Kodiak's most cherished treasures. Both assets have matured through labors and love of staff, volunteers and members of the community. We, at all levels of government and community, will benefit from a thorough and accurate study to assess the future ownership of this structure.

I am privileged to lend my voice to the voices of the people of Kodiak, many of whom believe that this very important historic site is a national treasure, as well as a local one. I hope that this legislation will receive expeditious consideration.

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. 1430

*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 "Baranov Museum Study Act".

**SEC. 2. STUDY AND REPORT.**

(a) STUDY.—The Secretary of the Interior (referred to in this Act as the "Secretary")

shall conduct a study of the Baranov Museum in Kodiak, Alaska, to determine the suitability and feasibility of designating the museum as a unit of the National Park System.

(b) CRITERIA.—In conducting the study under subsection (a), the Secretary shall use the criteria for the study of areas for potential inclusion in the National Park System under section 8 of Public Law 91-383 (16 U.S.C. 1a-5).

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and  
(2) any conclusions and recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 1276. Mr. DODD proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes.

SA 1277. Mr. DURBIN proposed an amendment to the bill H.R. 2658, supra.

SA 1278. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. NELSON, of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1279. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra.

SA 1280. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, supra.

SA 1281. Mr. BYRD proposed an amendment to the bill H.R. 2658, supra.

SA 1282. Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. LIEBERMAN, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1283. Mr. BYRD (for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE, Mr. BINGAMAN, Mr. HARKIN, and Ms. CANTWELL) proposed an amendment to the bill H.R. 2658, supra.

SA 1284. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2658, supra; which was ordered to lie on the table.

SA 1285. Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 2658, supra.

SA 1286. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1287. Mr. STEVENS (for Mr. ALLARD (for himself, Mr. NELSON, of Florida, Mr. CAMPBELL, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, supra.

SA 1288. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1289. Mr. STEVENS proposed an amendment to the bill H.R. 2658, supra.

SA 1290. Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 2658, supra.

SA 1291. Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill H.R. 2658, supra.

SA 1292. Mr. STEVENS (for Mr. WARNER (for himself, Ms. COLLINS, and Mr. SESSIONS))

proposed an amendment to the bill H.R. 2658, supra.

SA 1293. Mr. STEVENS (for Ms. COLLINS (for himself and Ms. SNOWE)) proposed an amendment to the bill H.R. 2658, supra.

SA 1294. Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 2658, supra.

SA 1295. Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, supra.

SA 1296. Mr. STEVENS (for Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 2658, supra.

SA 1297. Mr. STEVENS (for Mr. BURNS (for himself, Mr. CONRAD, and Mr. CRAIG)) proposed an amendment to the bill H.R. 2658, supra.

SA 1298. Mr. STEVENS (for Mr. CHAMBLISS (for himself, Mr. MILLER, and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 2658, supra.

SA 1299. Mr. STEVENS (for Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2658, supra.

SA 1300. Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill H.R. 2658, supra.

SA 1301. Mr. INOUE (for Mrs. FEINSTEIN (for himself, Mr. STEVENS, and Mr. INOUE)) proposed an amendment to the bill H.R. 2658, supra.

SA 1302. Mr. INOUE (for Mrs. BOXER) proposed an amendment to the bill H.R. 2658, supra.

SA 1303. Mr. INOUE (for Mr. DURBIN) proposed an amendment to the bill H.R. 2658, supra.

SA 1304. Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, supra.

SA 1305. Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, supra.

SA 1306. Mr. INOUE (for Mr. SCHUMER (for himself and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2658, supra.

SA 1307. Mr. INOUE (for Mr. DORGAN) proposed an amendment to the bill H.R. 2658, supra.

SA 1308. Mr. INOUE (for Mr. BIDEN) proposed an amendment to the bill H.R. 2658, supra.

SA 1309. Mr. INOUE (for Mr. BAYH (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 2658, supra.

SA 1310. Mr. INOUE proposed an amendment to the bill H.R. 2658, supra.

SA 1311. Mr. INOUE (for Mr. HARKIN) proposed an amendment to the bill H.R. 2658, supra.

SA 1312. Mr. INOUE (for Mr. WYDEN (for himself and Mr. BYRD)) proposed an amendment to the bill H.R. 2658, supra.

SA 1313. Mr. INOUE (for Mrs. BOXER) proposed an amendment to the bill H.R. 2658, supra.

SA 1314. Mr. INOUE (for Mr. BIDEN (for himself, Mr. CARPER, Mr. MILLER, and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 2658, supra.

SA 1315. Mr. INOUE (for Mr. SCHUMER (for himself, Mr. BINGAMAN, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2658, supra.

SA 1316. Mr. INOUE (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 2658, supra.

#### TEXT OF AMENDMENTS

SA 1276. Mr. DODD proposed an amendment to the bill H.R. 2658, mak-

ing appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. (a) The Secretary of Defense—

(1) shall review—

(A) all contractual offset arrangements to which the policy established under section 2532 of title 10, United States Code, applies that are in effect on the date of the enactment of this Act;

(B) any memoranda of understanding and related agreements to which the limitation in section 2531(c) of such title applies that have been entered into with a country with respect to which such contractual offset arrangements have been entered into and are in effect on such date; and

(C) any waivers granted with respect to a foreign country under section 2534(d)(3) of title 10, United States Code, that are in effect on such date; and

(2) shall determine the effects of the use of such arrangements, memoranda of understanding, and agreements on the effectiveness of buy American requirements provided in law.

(b) The Secretary shall submit a report on the results of the review under subsection (a) to Congress not later than March 1, 2005. The report shall include a discussion of each of the following:

(1) The effects of the contractual offset arrangements on specific subsectors of the industrial base of the United States and what actions have been taken to prevent or ameliorate any serious adverse effects on such subsectors.

(2) The extent, if any, to which the contractual offset arrangements and memoranda of understanding and related agreements have provided for technology transfer that would significantly and adversely affect the defense industrial base of the United States and would result in substantial financial loss to a United States firm.

(3) The extent to which the use of such contractual offset arrangements is consistent with—

(A) the limitation in section 2531(c) of title 10, United States Code, that prohibits implementation of a memorandum of understanding and related agreements if the President, taking into consideration the results of the interagency review, determines that such memorandum of understanding or related agreement has or is likely to have a significant adverse effect on United States industry that outweighs the benefits of entering into or implementing such memorandum or agreement; and

(B) the requirements under section 2534(d) of such title that—

(i) a waiver granted under such section not impede cooperative programs entered into between the Department of Defense and a foreign country and not impede the reciprocal procurement of defense items that is entered into in accordance with section 2531 of such title; and

(ii) the country with respect to which the waiver is granted not discriminate against defense items produced in the United States to a greater degree than the United States discriminates against defense items produced in that country.

(c) The Secretary—

(1) shall submit to the President any recommendations regarding the use or administration of contractual offset arrangements and memoranda of understanding and related agreements referred to in subsection (a) that the Secretary considers appropriate to strengthen the administration buy American requirements in law; and

(2) may modify memoranda of understanding or related agreements entered into under section 2531 of title 10, United States Code, or take other action with regard to such memoranda or related agreements, as the Secretary considers appropriate to strengthen the administration buy American requirements in law in the case of procurements covered by such memoranda or related agreements.

SA 1277. Mr. DURBIN proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding any other provision of law, of the amount appropriated by title VII of the Act under the heading "INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT", \$50,000,000 may only be obligated after the President submits to the appropriate committees of Congress a report on the role of Executive branch policymakers in the development and use of intelligence relating to Iraq and Operation Iraqi Freedom, including intelligence on—

(1) the possession by Iraq of chemical, biological, and nuclear weapons, and the locations of such weapons;

(2) the links of the former Iraq regime to Al Qaeda;

(3) the attempts of Iraq to acquire uranium from Africa;

(4) the attempts of Iraq to procure aluminum tubes for the development of nuclear weapons;

(5) the possession by Iraq of mobile laboratories for the production of weapons of mass destruction;

(6) the possession by Iraq of delivery systems for weapons of mass destruction; and

(7) any other matters that bear on the imminence of the threat from Iraq to the national security of the United States.

(b) ADDITIONAL MATTERS ON URANIUM CLAIM.—The report on the matters specified in subsection (a)(3) shall also include information on which personnel of the Executive Office of the President, including the staff of the National Security Council, were involved in preparing, vetting, and approving, in consultation with the intelligence community, the statement contained in the 2003 State of the Union address of the President on the efforts of Iraq to obtain uranium from Africa, including the roles such personnel played in the drafting and ultimate approval of the statement, the full range of responses such personnel received from the intelligence community, and which personnel ultimately approved the statement.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

SA 1278. Mr. COLEMAN (for himself, Mrs. LINCOLN, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title VI under the heading "DEFENSE HEALTH PROGRAM" for research, development, test and evaluation, \$10,000,000 shall be available for the Muscular Dystrophy Research/Muscle Research Consortium.

**SA 1279.** Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) The President should, in consultation with the Secretary of State, the Attorney General, and the Director of Central Intelligence and taking into account limitations connected with ongoing legal proceedings, submit to Congress a report on the circumstances surrounding the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the U.S.S. Cole; and

(2) the report should—

(A) describe the efforts undertaken by the United States Government to investigate security at the Yemen detention facility holding individuals suspected of being involved in the attack on the U.S.S. Cole, including information on when such efforts were undertaken;

(B) describe the efforts undertaken by the United States Government to monitor the status of such individuals throughout their detention and to question such individuals about their relationship to al Qaeda and their involvement in the attack on the U.S.S. Cole; and

(C) describe the efforts undertaken by the United States to determine how the escape occurred and to determine who was involved in aiding and abetting the escape.

**SA 1280.** Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. HARKIN, Mr. LIEBERMAN, Mr. FEINGOLD, and Mrs. MURRAY) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 46, strike line 24 and all that follows through "": *Provided further*, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) requires a determination regarding whether the offers submitted meet the needs of the Department of Defense with respect to items other than costs, including quality and reliability;

(3) provides no advantage to an offeror for a proposal to save costs for the Department

of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(4) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

**SA 1281.** Mr. BYRD proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. It is the sense of the Senate that—

(1) any request for funds for a fiscal year for an ongoing overseas military operation, including operations in Afghanistan and Iraq, should be included in the annual budget of the President for such fiscal year as submitted to Congress under section 1105(a) of title 31, United States Code; and

(2) any funds provided for such fiscal year for such a military operation should be provided in appropriations Acts for such fiscal year through appropriations to specific accounts set forth in such Acts.

**SA 1282.** Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. DURBIN, Mr. LAUTENBERG, Ms. MIKULSKI, Mr. SARBANES, Mr. LIEBERMAN, and

Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 46, strike line 24 and all that follows through "": *Provided further*, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act



(25 U.S.C. 450b(e)) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

**SA 1283.** Mr. BYRD (for himself, Mrs. CLINTON, Mr. PRYOR, Mr. LAUTENBERG, Mrs. MURRAY, Mr. CORZINE, Mr. BINGAMAN, Mr. HARKIN and Ms. CANTWELL) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

(RESCISSION OF FUNDS)

SEC. 8124. (a) Of the amounts appropriated under titles III and IV of this Act, \$1,100,000,000 is hereby rescinded. The Secretary of Defense shall allocate the rescinded amount proportionately by program, project, and activity.

(b) In addition to other amounts appropriated or otherwise made available under this Act, funds are hereby appropriated to the Department of Defense for fiscal year 2004 in the total amount of \$1,100,000,000.

(c) Of the amount appropriated under subsection (b), the Secretary shall transfer \$750,000,000, to remain available until expended, to the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, for an additional contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, which shall be expended at the minimum rate necessary to make timely payment for projects and activities.

(d) Of the amount appropriated under subsection (b), the Secretary shall transfer \$350,000,000 to the Secretary of Health and Human Services for global HIV/AIDS programs of the Centers for Disease Control and Prevention and the National Institutes of Health.

**SA 1284.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; which was ordered to lie on the table; as follows:

Strike the matter proposed to be inserted and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this action shall affect the authority or procedure for entering into contracts under section 2469 or 2474 of title 10, United States Code.

**SA 1285.** Mr. STEVENS (for Mr. SANTORUM) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY RESERVE", up to \$2,000,000 may be available for a Software Engineering Institute Information Assurance Initiative.

**SA 1286.** Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the amount appropriated by title II under the heading "OPERATION AND MAINTENANCE, DEFENSE-WIDE", up to \$10,000,000 may be used for civil-military programs and the Innovative Readiness Training (IRT) program.

**SA 1287.** Mr. STEVENS (for Mr. AL-LARD (for himself, Mr. NELSON of Flor-

ida, Mr. CAMPBELL, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title III under the heading "MISSILE PROCUREMENT, AIR FORCE", up to \$10,000,000 may be used for assured access to space in addition to the amount available under such heading for the Evolved Expendable Launch Vehicle.

**SA 1288.** Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, insert the following on line 18: "SEC. . STUDY REGARDING MAIL DELIVERY IN THE MIDDLE EAST.

(a) STUDY.—The Comptroller General of the United States shall conduct a review of the delivery of mail to troops in the Middle East and the study should:

(1) Determine delivery times, reliability, and losses for mail and parcels to and from troops stations in the Middle East.

(2) Identify and analyze mail and parcel delivery service efficiency issue during Operations Desert Shield/Desert Storm, compared to such services which occurred during Operations Iraqi Freedom.

(3) Identify cost efficiencies and benefits of alternative delivery systems or modifications to existing delivery systems to improve the delivery times of mail and parcels.

(b) REPORT.—later that 60 days after date of enactment of this Act, the Comptroller General of the United States shall submit a report to the congressional defense committees on the General Accounting Office's findings and recommendations.

**SA 1289.** Mr. STEVENS proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Strike section 8114, and insert the following:

SEC. 8114. Funds available to the Department of Defense under the heading "RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE" for the Missile Defense Agency may be used for the development and fielding of an initial set of missile defense capabilities.

**SA 1290.** Mr. STEVENS (for Mr. KYL) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE", up to \$4,000,000 may be available for adaptive optics research.

**SA 1291.** Mr. STEVENS (for Mr. CHAFEE) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading "RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY", up to \$1,000,000 may be available for the completion of the Rhode Island Disaster Initiative.

**SA 1292.** Mr. STEVENS (for Mr. WARNER (for himself, Ms. COLLINS, and Mr. SESSIONS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title I of this Act for military personnel, up to \$8,000,000 may be available for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces under section 1478 of title 10, United States Code, from \$6,000 to \$12,000.

**SA 1293.** Mr. STEVENS (for Ms. COLLINS (for herself and Ms. SNOWE)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "SHIP-BUILDING AND CONVERSION, NAVY", up to \$20,000,000 may be available for DDG-51 modernization planning.

**SA 1294.** Mr. STEVENS (for Mr. NICKLES) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by Title II under the heading "operation and Maintenance, Army", up to \$4,000,000 may be used for the Army Museum of the Southwest at Ft. Still, Oklahoma.

**SA 1295.** Mr. STEVENS (for Mr. ROBERTS) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. No funds appropriated or otherwise made available by this Act may be obligated or expended for the purpose of privatizing, or transferring to another department or agency of the Federal Government, any prison guard function or position at the United States Disciplinary Barracks at Fort Leavenworth, Kansas, until 30 days after the date on which the Secretary of the Army submits to the congressional defense committees a plan for the implementation of the privatization or transfer of such function or position.

**SA 1296.** Mr. STEVENS (for Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. BROWNBACK)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II under the heading "Operation and Maintenance, Marine Corps", up to \$6,000,000 may be used for the purchase of HMMWV tires.

**SA 1297.** Mr. STEVENS (for Mr. BURNS (for himself, Mr. CONRAD, and Mr. CRAIG)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) AVAILABILITY OF CERTAIN PERSONNEL AMOUNTS.—Of the amount appropriated by title I of this Act under the heading "NATIONAL GUARD PERSONNEL, ARMY", up to \$2,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

(b) AVAILABILITY OF CERTAIN OPERATION AND MAINTENANCE AMOUNTS.—Of the amount appropriated by title II of this Act under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD", up to \$1,500,000 may be available for Lewis and Clark Bicentennial Commemoration Activities.

**SA 1298.** Mr. STEVENS (for Mr. CHAMBLISS (for himself, Mr. MILLER, and Mrs. HUTCHISON)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) LIMITATION ON USE OF FUNDS.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act, may be obligated or expended to decommission a Naval or Marine Corps Reserve aviation squadron until the report required by subsection (b) is submitted to the committee of Congress referred to in that subsection.

(b) REPORT ON NAVY AND MARINE CORPS TACTICAL AVIATION REQUIREMENTS.—(1) Not later than twelve months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Appropriations of the Senate a report on the requirements of the Navy and the Marine Corps for tactical aviation, including mission requirements, recapitalization requirements, and the role of Naval and Marine Corps Reserve assets in meeting such requirements.

(2) The report shall include the recommendations of the Comptroller General on an appropriate force structure for the active and reserve aviation units of the Navy and the Marine Corps, and related personnel requirements, for the 10-year period beginning on the date of the report.

**SA 1299.** Mr. STEVENS (for Mr. KENNEDY (for himself, Mr. AKAKA, Mr. BYRD, Mr. CORZINE, Mr. LAUTENBERG, Mr. DURBIN, Mr. SARBANES, Mr. LIEBERMAN, Ms. MIKULSKI, and Mrs. CLINTON)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Beginning on page 46, strike line 24 and all that follows through "Provided further, That the" on page 47, line 23, and insert the following:

SEC. 8014. (a) None of the funds appropriated by this Act may be used for converting to contractor performance an activ-

ity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense employees unless the conversion is based on the results of a public-private competition process that—

(1) applies the most efficient organization process except to the performance of an activity or function involving 10 or fewer employees (but prohibits any modification, reorganization, division, or other change that is done for the purpose of qualifying the activity or function for such exception);

(2) provides no advantage to an offeror for a proposal to save costs for the Department of Defense by offering employer-sponsored health insurance benefits to workers to be employed under contract for the performance of such activity or function that are in any respect less beneficial to the workers than the benefits provided for Federal employees under chapter 89 of title 5, United States Code; and

(3) requires a determination regarding whether, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of (A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees, or (B) \$10,000,000.

(b) The Secretary of Defense may, in the Secretary's discretion, apply the tradeoff source selection public-private competition process under Office of Management and Budget Circular A-76 to the performance of services related to the design, installation, operation, or maintenance of information technology (as defined in section 11101 of title 40, United States Code).

(c)(1) This section does not apply to a conversion of an activity or function of the Department of Defense to contractor performance if the Secretary of Defense (A) determines in writing that compliance would have a substantial adverse impact on the ability of the Department of Defense to perform its national security missions, and (B) publishes such determination in the Federal Register.

(2) This section and subsections (a), (b), and (c) of section 2461 of title 10, United States Code, do not apply with respect to the performance of a commercial or industrial type activity or function that—

(A) is on the procurement list established under section 2 of the Javits-Wagner-O'Day Act (41 U.S.C. 47); or

(B) is planned to be converted to performance by—

(i) a qualified nonprofit agency for the blind or a qualified nonprofit agency for other severely handicapped (as such terms are defined in section 5 of such Act (41 U.S.C. 48b)); or

(ii) a commercial business at least 51 percent of which is owned by an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) or a Native Hawaiian Organization (as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15))).

(d) Nothing in this Act shall affect depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

**SA 1300.** Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

After section 8123, insert the following:

**TITLE IX—SETTLEMENT OF CLAIMS FOR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II**

**SEC. 901. PAYMENT OF COMPENSATION TO FORMER PRISONERS OF WAR FOR FORCED OR SLAVE LABOR FOR JAPANESE COMPANIES DURING WORLD WAR II.**

(a) **PAYMENT OF COMPENSATION REQUIRED.**—Subject to the availability of appropriated funds, the Secretary of Defense shall pay to each surviving former prisoner of war compensation as provided in subsection (b).

(b) **COMPENSATION.**—The compensation to be paid under subsection (a) is as follows:

(1) In the case of a living former prisoner of war, to the living former prisoner of war in the amount of \$10,000.

(c) **IDENTIFICATION OF INDIVIDUALS AS FORMER PRISONERS OF WAR.**—(1) An individual seeking compensation under this section shall submit to the Secretary of Defense an application therefor containing such information as the Secretary shall require. Only one application shall be submitted with respect to each individual seeking treatment as a former prisoner of war for purposes of this section.

(2) The Secretary shall take such actions as the Secretary considers appropriate to identify and locate individuals eligible for treatment as former prisoners of war for purposes of this section.

(d) **TREATMENT AS FORMER PRISONER OF WAR.**—(1) Subject to paragraph (3), the Secretary of Defense shall treat an individual as a former prisoner of war if—

(A) the name of the individual appears on any official list of the Imperial Government of Japan, or of the United States Government, as having been imprisoned at any time during World War II in a camp in Japan or territories occupied by Japan where individuals were forced to provide labor; or

(B) evidence otherwise demonstrates that the individual is entitled to treatment as a former prisoner of war.

(2) Any reasonable doubt under this subsection shall be resolved in favor of the claimant.

(3) The treatment of an individual as a former prisoner of war under paragraph (1) shall be rebutted only by clear and convincing evidence.

(e) **TIMING OF PAYMENT.**—The Secretary of Defense shall pay compensation to a former prisoner of war, under subsection (a) not later than 30 days after determining that compensation is payable to or on behalf of the former prisoner of war under this section.

(f) **PRIORITY IN PAYMENTS.**—The Secretary of Defense shall complete the processing of applications under this section in a manner that provides, to the maximum extent practicable, for the payment of compensation to former prisoners of war during their natural lives, with payments prioritized based on age and health of the claimant.

(j) **FUNDING.**—(1) From funds available otherwise in this Act up to \$49,000,000 may be made available to carry out this title.

(2) The amount made available by paragraph (1) shall remain available for obligation and expenditure during the two-year period beginning on October 1, 2003.

(3) Any amounts made available by paragraph (1) that have not been obligated as of September 30, 2005, shall revert to the Treasury as of that date.

**SEC. 903. DEFINITIONS.**

In this title:

(1) **FORMER PRISONER OF WAR.**—The term “former prisoner of war” means any individual who—

(A) was a member of the Armed Forces of the United States, a civilian employee of the United States, or an employee of a con-

tractor of the United States during World War II;

(B) served in or with the United States combat forces during World War II;

(C) was captured and held as a prisoner of war or prisoner by Japan in the course of such service; and

(D) was required by one or more Japanese companies to perform forced or slave labor during World War II.

(2) **JAPANESE COMPANY.**—The term “Japanese company” means—

(A) any business enterprise, corporation, company, association, partnership, or sole proprietorship having its principal place of business within Japan or organized or incorporated under the laws of Japan or any political subdivision thereof; and

(B) any subsidiary or affiliate of an entity in Japan, as described in subparagraph (A), if controlled in fact by the entity, whether currently incorporated or located in Japan or elsewhere.

(5) **WORLD WAR II.**—The term “World War II” means the period beginning on December 7, 1941, and ending on August 8, 1945.

**SA 1301.** Mr. INOUE (for Mrs. FEINSTEIN for herself, Mr. STEVENS, and Mr. INOUE) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading “PROCUREMENT, DEFENSE-WIDE”, up to \$20,000,000 may be available for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community.

**SA 1302.** Mr. INOUE (for Mrs. BOXER) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to \$5,000,000 may be available to support Shortstop Electronic Protection Systems (SEPS) research and development.

**SA 1303.** Mr. INOUE (for Mr. DURBIN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. The Secretary of the Air Force, in consultation with the Chief of Air Force Reserve, shall study the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois, and evaluate whether it would be appropriate to substitute for that mission a mixed mission of transporting patients, passengers, and cargo that would increase the airlift capability of the Air Force while continuing the use and training of aeromedical evacuation personnel. The Secretary shall submit a report on the results of the study and evaluation to the congressional defense committees not later than January 16, 2004.

**SA 1304.** Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fis-

cal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE WIDE”, up to \$3,000,000 may be used for Project Ancile.

**SA 1305.** Mr. INOUE (for Ms. MIKULSKI) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title IV under the heading “RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY”, up to \$2,000,000 may be used for Knowledge Management Fusion.

**SA 1306.** Mr. INOUE (for Mr. SCHUMER for himself and Mrs. CLINTON) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title IV of this Act under the heading “RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY”, up to \$3,000,000 may be available for the Large Energy National Shock Tunnel (LENS).

**SA 1307.** Mr. INOUE (for Mr. DORGAN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. In addition to amounts provided in this Act for Ultra-low Power Battlefield Sensor System, up to an additional \$7,000,000 may be used from the total amount appropriated by title IV “Research, Development, Test and Evaluation, Defense-Wide”, for Ultra-low Power Battlefield Sensor System.

**SA 1308.** Mr. INOUE (for Mr. BIDEN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) **FINDINGS.**—The Senate makes the following findings:

(1) If a terrorist group were to acquire the necessary fissile material for a nuclear explosive device, it would not be difficult for the group to construct such a device, the explosion of which could kill and injure thousands, or even hundreds of thousands, of people and destroy a large area of a city.

(2) If a terrorist group were to acquire a complete nuclear weapon from a nation which has constructed nuclear weapons, it is likely that the group would be able to detonate the device with similar results.

(3) A nation supplying either complete nuclear weapons or special nuclear material to terrorists might believe that it could escape retaliation by the United States, as the United States would not be able to determine the origin of either a weapon or its fissile material.

(4) It is possible, however, to determine the country of origin of fissile material after a nuclear explosion, provided that samples of the radioactive debris from the explosion are collected promptly and analyzed in appropriate laboratories.

(5) If radioactive debris is collected soon enough after a nuclear explosion, it is also possible to determine the characteristics of the nuclear explosive device involved, which information can assist in locating and dismantling other nuclear devices that may threaten the United States.

(6) If countries that might contemplate supplying nuclear weapons or fissile material to terrorists know that their assistance can be traced, they are much less likely to allow terrorists access to either weapons or material.

(7) It is in the interest of the United States to acquire a capability to collect promptly the debris from a nuclear explosion that might occur in any part of the Nation.

(b) SENSE OF THE SENATE ON NUCLEAR DEBRIS COLLECTION AND ANALYSIS CAPABILITY.—It is the sense of the Senate that—

(1) the Secretary of Defense should develop and deploy a nuclear debris collection and analysis capability sufficient to enable characterization of any nuclear device that might be exploded in the United States;

(2) the capability should incorporate airborne debris collectors, either permanently installed on dedicated aircraft or available for immediate use on a class of aircraft, stationed so that a properly equipped and manned aircraft is available to collect debris from a nuclear explosion anywhere in the United States and transport such debris to an appropriate laboratory in a timely fashion; and

(3) to the maximum extent practicable, the capability should be compatible with collection and analysis systems used by the United States to characterize overseas nuclear explosions.

(c) REPORT.—Not later than March 31, 2004, the Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing and deploying the capability described in subsection (b)(1).

**SA 1309.** Mr. INOUE (for Mr. BAYH (for himself and Mr. LUGAR)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title II of this Act under the heading "Operation and Maintenance, Army" up to \$15,000,000 may be made available for upgrades of M1A1 Abrams tank transmissions.

**SA 1310.** Mr. INOUE proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Of the total amount appropriated by title II of this Act under the heading "Operations and Maintenance, Army", up to \$2,000,000 may be used to promote civil rights education and history in the Army.

**SA 1311.** Mr. INOUE (for Mr. HARKIN) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fis-

cal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. REPORTS ON SAFETY ISSUES DUE TO DEFECTIVE PARTS.

(a) REPORT FROM THE SECRETARY.—The Secretary shall by March 31, 2004 examine and report back to the congressional defense committees on:

(1) how to implement a system for tracking safety-critical parts so that parts discovered to be defective, including due to faulty or fraudulent work by a contractor or subcontractor, can be identified and found;

(2) appropriate standards and procedures to ensure timely notification of contracting agencies and contractors about safety issues including parts that may be defective, and whether the Government Industry Data Exchange Program should be mandatory;

(3) efforts to find and test airplane parts that have been heat treated by companies alleged to have done so improperly; and

(4) whether contracting agencies and contractors have been notified about alleged improper heat treatment of airplane parts.

(b) REPORT FROM THE COMPTROLLER GENERAL.—THE COMPTROLLER GENERAL SHALL EXAMINE AND REPORT BACK TO THE CONGRESSIONAL DEFENSE COMMITTEES ON:

(1) the oversight of subcontractors by prime contractors, and testing and quality assurance of the work of the subcontractors; and

(2) the oversight of prime contractors by the Department, the accountability of prime contractors for overseeing subcontractors, and the use of enforcement mechanisms by the Department.

**SA 1312.** Mr. INOUE (for Mr. WYDEN (for himself and Mr. BYRD)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, in writing, a report on contracts for reconstruction and other services in Iraq that are funded in whole or in part with funds available to the Department of Defense. The report shall detail—

(1) the process and standards for designing and awarding such contracts, including assistance or consulting services provided by contractors in that process;

(2) the process and standards for awarding limited or sole-source contracts, including the criteria for justifying the awarding of such contracts;

(3) any policies that the Secretary has implemented or plans to implement to provide for independent oversight of the performance by a contractor of services in designing and awarding such contracts;

(4) any policies that the Secretary has implemented or plans to implement to identify, assess, and prevent any conflict of interest relating to such contracts for reconstruction;

(5) any policies that the Secretary has implemented or plans to implement to ensure public accountability of contractors and to identify any fraud, waste, or abuse relating to such contracts for reconstruction;

(6) the process and criteria used to determine the percentage of profit allowed on cost-plus-a-fixed-fee contracts for reconstruction or other services in Iraq; and

(7) a good faith estimate of the expected costs and duration of all contracts for reconstruction or other services in Iraq.

**SA 1313.** Mr. INOUE (for Mrs. BOXER) proposes an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

At the end of section 8083, add the following:

"Not more than \$1 million of the amount so credited may be available to provide assistance to spouses and other dependents of deployed members of the Armed Forces to defray the travel expenses of such spouses and other dependents when visiting family members."

**SA 1314.** Mr. INOUE (for Mr. BIDEN (for himself, Mr. CARPER, Mr. MILLER, and Mr. CHAMBLISS)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. Of the amount appropriated by title III of this Act under the heading "AIRCRAFT PROCUREMENT, AIR FORCE", up to \$19,700,000 may be available for C-5 aircraft in-service modifications for the procurement of additional C-5 aircraft Avionics Modernization Program (AMP) kits.

**SA 1315.** Mr. INOUE (for Mr. SCHUMER (for himself, Mr. BINGAMAN, and Mrs. MURRAY)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

Insert after section 8123 the following:

SEC. 8124. (a) REPORT ON ESTABLISHMENT OF POLICE AND MILITARY FORCES IN IRAQ.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the establishment of police and military forces in all of the 18 provinces of Iraq, including—

(1) the costs incurred by the United States in establishing Iraqi police and military units;

(2) a schedule for the completion of the establishment of Iraqi police and military units;

(3) an assessment of the effect of the ongoing creation and final establishment of Iraqi police and military units on the number of United States military personnel required to be stationed in Iraq;

(4) an assessment of the effect of the establishment of an Iraqi police force on the safety of United States military personnel stationed in Iraq; and

(5) an assessment of the effectiveness of the Iraqi police force, as so established, in preventing crime and insuring the safety of the Iraq people.

(b) UPDATES.—Not later than 120 days after the date of the submittal of the report required by subsection (b), and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress an update of such report.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Appropriations, Armed Services, and Foreign Relations of the Senate; and

(2) the Committees on Appropriations, Armed Services, and International Relations of the House of Representatives.

**SA 1316.** Mr. INOUE (for Mr. BYRD (for himself and Mr. GRASSLEY)) proposed an amendment to the bill H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes; as follows:

On page 120, between lines 17 and 18, insert the following:

SEC. 8124. Section 8149(b) of the Department of Defense Appropriations Act, 2003 (Public Law 107-248; 116 Stat. 1572) is amended by adding at the end the following new paragraph:

“(3) This subsection shall remain in effect for fiscal year 2004.”

## NOTICES OF HEARINGS/MEETINGS

### SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 29, 2002 at 2:30 p.m. in room SD-366 of the Dirksen Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 808, to provide for expansion of Sleeping Bear Dunes National Lakeshores; S. 1107, to enhance the recreational fee demonstration program for National Park Service, and for other services; and H.R. 620, to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist the State of California or local educational agencies in California in providing educational services for students attending schools located within the Park.

Because of the limited time available for the hearings, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD-364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact Tom Lillie at (202) 224-5161 or Pete Lucero at (202) 224-6293.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 17, 2003, at 10:00 a.m. to conduct a hearing on “regulatory oversight of government sponsored enterprise accounting practices.”

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

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, July 17, 2003, at 9:30 a.m. on pending Committee business.

#### AGENDA

S. 1389, Surface Transportation Board (STB) Reauthorization (Mary Phillips/Rob Freeman/Debbie Hersman)

S. \_\_\_\_\_, Federal Railroad Safety Improvement Act (Mary Phillips/Rob Freeman/Debbie Hersman)

S. 1250, The Enhanced 911 Emergency Communications Act of 2003 (Paul Martino/James Assey/Rachel Welch)

S. \_\_\_\_\_, National Oceanic and Atmospheric Administration (NOAA) Reauthorization (Drew Minkiewicz/Floyd DesChamps/Margaret Spring)

S. \_\_\_\_\_, Ocean and Coastal Observation Systems Act (Drew Minkiewicz/Margaret Spring)

S. \_\_\_\_\_, United States Olympic Committee (USOC) Reform Act of 2003 (Ken Nahigian/David Strickland/Matthew Morrissey)

S. 1395, Technology Administration Reauthorization (Floyd DesChamps/Ken LaSala/Jean Toal Eisen)

Nomination of Nicole Nason (PN 613), of Virginia, to be Assistant Secretary for Governmental Affairs, for the Department of Transportation (Rob Chamberlin/Virginia Pounds/Sam Whitehorn/Carl Bentzel)

Nomination of Pamela Harbour (PN 710), of New York, to be a Federal Trade Commissioner (Pablo Chavez/Virginia Pounds/David Strickland)

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

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, July 17, at 9:30 a.m.

This is the second in a series of hearings devoted to the improved understanding of the governance of the Department of Energy laboratories and approaches to optimize the capability of those laboratories to respond to national needs.

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

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, July 17 at 9:30 a.m. to examine the importation of exotic species and the impact on public health and safety.

The meeting will take place in SD 406 (Hearing room).

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

### COMMITTEE ON FINANCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Thursday, July 17, 2003, at 10 a.m. to hear testimony on Nursing Home Quality Revisited: The Good, the Bad and the Ugly.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 17, 2003 at 9:30 a.m. to hold a hearing on Benefits for U.S. Victims of International Terrorism.

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

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, July 17, 2003, at 9:30 a.m. for a hearing entitled “Nowhere to Turn: Must Parents Relinquish Custody in Order to Secure Mental Health Services for Their Children?, Part Two: Government Response.”

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

## PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Kalsoom Lakhani and Alexander Nelson of my staff be granted floor privileges during the duration of this debate.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that David Townsend of my staff be granted floor privileges for the duration of today.

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

## THE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following Energy bills: Calendar No. 198, S. 470; Calendar No. 199, S. 490; Calendar No. 200, S. 499; Calendar No. 201, S. 546; Calendar No. 202, S. 643; Calendar No. 203, S. 651; Calendar No. 204, S. 677; Calendar No. 205, S. 924; Calendar No. 206, S. 1076; Calendar No. 207, H.R. 255; Calendar No. 208, H.R. 1577; and H.R. 74, which is at the desk.

I further ask unanimous consent that, where applicable, the committee amendments be agreed to; that the bills, as amended, if amended, be read a third time and passed; that the motions to reconsider be laid upon the table; and that any statements relating to the bills be printed in the RECORD, with the above occurring en bloc.

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

## MARTIN LUTHER KING, JR. MEMORIAL CONSTRUCTION

The Senate proceeded to consider the bill (S. 470) to extend the authority for the construction of a memorial to Martin Luther King, Jr., which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 470

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

**SECTION 1. MEMORIAL TO MARTIN LUTHER KING, JR.**

[Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (110 Stat. 4157) is amended—

[(1) by striking “The establishment” and all that follows through the period at the end and inserting the following:

[(1) IN GENERAL.—Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.”; and

[(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

[(2) EXCEPTION.—Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.]

**SECTION. 1. MEMORIAL TO MARTIN LUTHER KING, JR.**

*Section 508(b) of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333, as amended is amended to read as follows:*

*“(b) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—*

*“(1) Except as provided in paragraph (2), the establishment of the memorial shall be in accordance with chapter 89 of title 40, United States Code.*

*“(2) Notwithstanding section 8903(e) of title 40, United States Code, the authority provided by this section terminates on November 12, 2006.”.*

Mr. SARBANES. Mr. President, this year marks the 40th anniversary of the March on Washington—a turning point in the struggle for civil rights for all Americans—and I am pleased that the Senate today has passed S. 470, a bill I introduced on February 27, 2003. This important legislation extends the authority for the memorial to Dr. Martin Luther King, Jr., to be constructed in the District of Columbia close to the spot from which Dr. King delivered his moving “I Have a Dream” speech at the March on Washington. I would like to thank the Senate for moving so expeditiously on S. 470—legislation that is crucial to ensure a fitting tribute to our Nation’s greatest civil rights leader.

In the 104th Congress, Congress passed a bill that I sponsored authorizing the creation of a memorial to Dr. King as part of the omnibus parks legislation. The Alpha Phi Alpha Fraternity, of which Dr. King was a member, was designed to coordinate the design and funding of the memorial. The legislation provides that the monument be established entirely with private contributions. The Department of Interior, in consultation with the National Capital Park and Planning Commission and the Commission on Fine Arts, has approved the site of the memorial pursuant to this legislation. A design has been selected and the Alpha Phi Alpha National Memorial Project Foundation is in the process of getting that design approved by the Department of the Interior.

Pursuant to the Commemorative Works Act, there is a 7-year period of legislative authority in which the National Memorial Project Foundation must acquire a construction permit for the memorial. This 7-year period will expire in November of this year. Despite the enormous dedication of the National Memorial Project Foundation, additional time is necessary for the Foundation to erect a fitting tribute to Dr. King. Meeting the administrative procedures and fundraising requirements of the act has been a slow process. Therefore, the foundation requires more time in which to complete the process and acquire a construction permit.

That is why I and Congresswoman DIANE WATSON in the House of Representatives introduced this legislation to extend the period of legislative authority for an additional 3 years. This legislation gives the foundation additional time to raise the necessary funds to obtain the construction permit and will ensure that work on the memorial is completed. This extension of legislative authority has been done before for numerous other memorials, such as the World War II Memorial and the U.S. Air Force Memorial, given the length of time it usually takes to embark on a project of this magnitude, and I am pleased that it will be done for the Martin Luther King, Jr. Memorial.

Since 1955, when in Montgomery, AL, Dr. King became a national hero and an acknowledged leader in the civil rights struggle, until his tragic death in Memphis, TN in 1968, Martin Luther King, Jr. made an extraordinary contribution to the evolving history of our Nation. His courageous stands and unyielding belief in the tenet of non-violence reawakened our Nation to the injustice and discrimination that continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the thirteenth, fourteenth, and fifteenth amendments to the Constitution.

A memorial to Dr. King erected in the Nation’s Capital will provide continuing inspiration to all who view it, and particularly to the thousands of students and young people who visit Washington, DC every year. While these young people may have no personal memory of the condition of civil rights in America before Dr. King, nor of the struggle in which he was the major figure, they do understand that there is more that needs to be done in this critical area.

Martin Luther King, Jr. dedicated his life to achieving equal treatment and enfranchisement for all Americans through nonviolent means. It is my hope that the young people who visit this monument will come to understand that it represents not only the enormous contribution of this great leader, but also two very basic principles necessary for the effective functioning of our society. The first is that change, even very fundamental change,

is to be achieved through nonviolent means; that this is the path down which we should go as a Nation in resolving some of our most difficult problems. The other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all its people, is essential to the fundamental health of our Nation.

Forty years ago Dr. King declared “I have a dream that my four children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character. I have a dream today.” We must not let future generations forget the power of these words, and the importance of Dr. King’s dream. The passage of S. 470 will ensure that work on the Martin Luther King, Jr. Memorial is completed, and that Dr. King’s legacy will live on.

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

The bill (S. 470), as amended, was read the third time and passed.

**LAND CONVEYANCE IN THE LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA**

The Senate proceeded to consider the bill (S. 490) 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, which had been reported from the Committee on Energy and Natural Resources, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 490

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

**SECTION 1. WASHOE TRIBE LAND CONVEYANCE.**

[(a) FINDINGS.—Congress finds that—

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

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

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

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

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

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

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

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

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

[(d)] (c) EASEMENT.—

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

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

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

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

[(e)] (d) CONDITION ON USE OF LAND.—

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

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

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

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

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

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

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

The committee amendments were agreed to.

The bill (S. 490), as amended, was read the third time and passed, as follows:

S. 490

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

**SECTION 1. WASHOE TRIBE LAND CONVEYANCE.**

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

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

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

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

(c) EASEMENT.—

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

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

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

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

(d) CONDITION ON USE OF LAND.—

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

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

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

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

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

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

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

**BUFFALO SOLDIERS  
COMMEMORATION ACT OF 2003**

The Senate proceeded to consider the bill (S. 499) to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 499

*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 “Buffalo Soldier Commemoration Act of 2003”.]

**[SEC. 2. FINDINGS.**

[Congress finds that—

[(1) the 9th and 10th Cavalry regiments and the 24th and 25th Infantry regiments, comprised of African-American soldiers referred to as “Buffalo Soldiers”, performed outstanding service to the United States during—

[(A) the Indian Wars;

[(B) the Spanish-American War;

[(C) the Philippine Insurrection; and

[(D) the raids against Poncho Villa;

[(2) in recognition of the contributions of the Buffalo Soldiers to the defense of the United States, soldiers in the 9th and 10th Cavalry regiments were awarded 20 individual Congressional Medals of Honor;

[(3) the Buffalo Soldiers established a rich tradition of professional African-American soldiers in the United States Army by granting a commission—

[(A) in the 10th Cavalry regiment, to the first African-American professional officer; and

[(B) in the 9th Cavalry regiment, to the first African-American graduates of West Point;

[(4) while the Buffalo Soldiers served the United States with bravery and fortitude in the harshest environments and under the most difficult conditions, the service of the Buffalo Soldiers has not been sufficiently memorialized;

[(5) the Buffalo Soldiers remain emblems of the work of free men in defense of the United States and should be recognized for their contributions; and

[(6) because 2 of the 4 African-American regiments were organized in the State of Louisiana and were initially comprised of recruits from the city of New Orleans, the State of Louisiana is an appropriate place to establish a memorial to recognize the contributions of the Buffalo Soldiers.

**[SEC. 3. DEFINITIONS.**

[In this Act:

[(1) BUFFALO SOLDIER.—The term “Buffalo Soldier” means an African-American soldier that served in—

[(A) the 9th Cavalry regiment;

[(B) the 10th Cavalry regiment;

[(C) the 24th infantry regiment; or

[(D) the 25th infantry regiment.

[(2) CITY.—The term “city” means the city of New Orleans, Louisiana.

[(3) COMMISSION.—The term “Commission” means the American Battle Monuments Commission.

[(4) FUND.—The term “Fund” means the Buffalo Soldier Memorial Fund established by section 5(a).

[(5) MEMORIAL.—The term “memorial” means the memorial established under section 4(a).

[(6) MUSEUM.—The term “museum” means the Louisiana State Museum in the State.

[(7) STATE.—The term “State” means the State of Louisiana.

**[SEC. 4. ESTABLISHMENT OF MEMORIAL.**

[(a) IN GENERAL.—The Commission may establish a memorial to honor the Buffalo Soldiers—

[(1) on Federal land in the city or its environs; or

[(2) on land donated by the city or the State.

[(b) CONTRIBUTIONS.—The Commission shall solicit and accept contributions sufficient for the construction and maintenance of the memorial.

[(c) MAIL.—The Commission shall be considered to qualify for the rates of postage currently in effect under former section 4452 of title 39, United States Code, for third-class mail matter mailed by a qualified nonprofit organization with respect to official mail sent in carrying out this section.

[(d) VOLUNTARY SERVICES.—

[(1) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept from any person voluntary services provided in furtherance of fundraising activities of the Commission relating to the memorial.

[(2) TREATMENT OF VOLUNTEERS.—

[(A) IN GENERAL.—Subject to subparagraph (B), a person that provides voluntary services under this subsection—

[(i) shall be considered to be a Federal employee for the purposes of chapter 81 of title 5 and chapter 171 of title 28, United States Code; but

[(ii) shall not be considered to be a Federal employee for any other purpose by reason of the provision of the voluntary service.

[(B) CERTAIN RESPONSIBILITIES.—A person described in subparagraph (A) that is assigned responsibility for the handling of funds or the carrying out of a Federal function shall be subject to—

[(i) section 208 of title 18, United States Code; and

[(ii) part 2635 of title 5, Code of Federal Regulations (or any successor regulation).

[(3) REIMBURSEMENT.—The Commission may—

[(A) identify types of incidental expenses incurred by a person providing voluntary services under this subsection for which the person may be reimbursed; and

[(B) provide for reimbursement of those expenses.

[(4) NO EFFECT ON FEDERAL EMPLOYEES.—Nothing in this subsection—

[(A) requires any Federal employee to work without compensation; or

[(B) permits the use of volunteer services to displace or replace any services provided by a Federal employee.

[(e) TREATMENT OF CERTAIN CONTRACTS.—A contract entered into by the Commission for the design or construction of the memorial shall not be considered to be a funding agreement for the purpose of chapter 18 of title 35, United States Code.

[(f) LEGAL REPRESENTATION.—

[(1) IN GENERAL.—The Attorney General shall provide the Commission such legal representation as the Commission requires to carry out subsection (e).

[(2) PATENT AND TRADEMARK REPRESENTATION.—The Secretary of Defense shall provide representation for the Commission in any administrative proceeding before the Patent and Trademark Office and Copyright Office.

[(g) IRREVOCABILITY OF TRANSFERS OF COPYRIGHTS TO COMMISSION.—Section 203 of title 17, United States Code, shall not apply to any copyright transferred to the Commission.

[(h) PARTICIPATION IN COMBINED FEDERAL CAMPAIGN.—The Director of the Office of Personnel Management shall include the Commission on the list of agencies eligible for participation in each Combined Federal Campaign carried out by the Executive Branch under Executive Order No. 10927 (March 18, 1961), until such time as the Commission certifies to the Director of the Office of Personnel Management that fundraising for the memorial is concluded.

[SEC. 5. MEMORIAL FUND.

[(a) ESTABLISHMENT.—There is established in the Treasury a fund to be used by the

Commission to pay the expenses incurred in establishing the memorial, to be known as the "Buffalo Soldier Memorial Fund".

[(b) DEPOSITS IN THE FUND.—The Commission shall deposit in the Fund—

[(1) amounts accepted by the Commission under section 4(b); and

[(2) interest and proceeds credited to the Fund under subsection (d).

[(c) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund that is not, in the judgment of the Chairman of the Commission, required to meet current withdrawals. Investments may be made only in—

[(1) an interest-bearing obligation of the United States; or

[(2) an obligation guaranteed as to principal and interest by the United States that the Chairman of the Commission determines has a maturity suitable for the Fund.

[(d) CREDITS TO FUND.—The interest on, and proceeds from sale or redemption of, obligations held in the Fund shall be credited to the Fund.

[(e) USE OF FUND.—Amounts in the Fund shall be available—

[(1) to the Commission—

[(A) to pay expenses incurred in establishing the memorial; and

[(B) to secure, obtain, register, enforce, protect, and license any mark, copyright, or patent that is owned by, assigned to, licensed to the Commission to aid or facilitate the construction of the memorial; and

[(2) to the Commission, or to another agency or entity to which the amounts are transferred under subsection (f)—

[(A) for the maintenance and upkeep of the memorial; and

[(B) after establishment of the memorial, for such other expenses relating to the memorial as the Commission, agency, or entity considers to be necessary.

[(f) TRANSFER OF AMOUNTS IN FUND.—Amounts in the Fund may be transferred by the Commission to an agency or entity to which title to the memorial is transferred under section 6.

[SEC. 6. TRANSFER OF POSSESSION AND AUTHORITY FOR MEMORIAL.

[On or after the date that is 1 year after the date of establishment of the memorial, the Commission may transfer any amounts remaining in the Fund, and title to and responsibility for future operation and maintenance of the memorial, to, at the option of the Commission—

[(1) the National Park Service; or

[(2) another appropriate governmental agency or other entity (such as a State or local government agency, or a nonprofit corporation that applies to the Commission to take title to the memorial) that is an organization described in section 170(c) of the Internal Revenue Code of 1986.

[SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated such sums as are necessary to carry out this Act.]

SECTION 1. SHORT TITLE.

*This Act may be cited as the "Buffalo Soldiers commemoration Act of 2003".*

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.

(a) AUTHORIZATION.—*The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.*

(b) CONTRIBUTIONS.—*The Commission shall solicit and accept contributions for the construction and maintenance of the memorial.*

(c) COOPERATIVE AGREEMENTS.—*The Commission may enter into a cooperative agreement with a private or public entity for the purpose*

*of fundraising for the construction and maintenance of the memorial.*

(d) MAINTENANCE AGREEMENT.—*Prior to beginning construction of the memorial, the Commission shall enter into an agreement with an appropriate public or private entity to provide for the permanent maintenance of the memorial and shall have sufficient funds, or assurance that it will receive sufficient funds, to complete the memorial.*

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.

(a) ESTABLISHMENT.—*The Commission shall maintain an escrow account ("account") to pay expenses incurred in constructing the memorial.*

(b) DEPOSITS INTO THE ACCOUNT.—*The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.*

(c) USE OF ACCOUNT.—*Amounts in the account, including proceeds of any investments, may be used to pay expenses incurred in establishing the memorial. After construction of the memorial amounts in the account shall be transferred by the Commission to the entity providing for permanent maintenance of the memorial under such terms and conditions as the Commission determines will ensure the proper use and accounting of the amounts.*

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

*There are authorized to be appropriated such sums as may be necessary to carry out this Act.*

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

The bill (S. 499), as amended, was read the third time and passed.

#### PALEONTOLOGICAL RESOURCES PRESERVATION ACT

The Senate proceeded to consider the bill (S. 546) to provide for the protection of paleontological resources on Federal lands, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

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

The bill (S. 546), as amended, was read the third time and passed.

S. 546

*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 "Paleontological Resources Preservation Act".

SEC. 2. FINDINGS.

[The Congress finds the following:

(1) Paleontological resources are non-renewable. Such resources on Federal lands are an accessible and irreplaceable part of the heritage of the United States and offer significant educational opportunities to all citizens.

(2) Existing Federal laws, statutes, and other provisions that manage paleontological resources are not articulated in a unified national policy for Federal land management agencies and the public. Such a policy is needed to improve scientific understanding, to promote responsible stewardship, and to facilitate the enhancement of responsible paleontological collecting activities on Federal lands.

(3) Consistent with the statutory provisions applicable to each Federal land management system, reasonable access to paleontological resources on Federal lands



should be provided for scientific, educational, and recreational purposes.

**[SEC. 3. PURPOSE.]**

【The purpose of this Act is to establish a comprehensive national policy for preserving and managing paleontological resources on Federal lands.

**[SEC. 4. DEFINITIONS.]**

【As used in this Act:

【(1) CASUAL COLLECTING.—The term “casual collecting” means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for personal (scientific, educational, or recreational) use, either by surface collection or using non-powered hand tools resulting in only negligible disturbance to the Earth’s surface and other resources.

【(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior with respect to lands administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands administered by the Secretary of Agriculture.

【(3) FEDERAL LANDS.—The term “Federal lands” means lands administered by the Secretary of the Interior, except Indian lands, or National Forest System Lands administered by the Secretary of Agriculture.

【(4) INDIAN LANDS.—The term “Indian Lands” means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

【(5) STATE.—The term “State” means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

【(6) PALEONTOLOGICAL RESOURCE.—The term “paleontological resource” means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth’s crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

【(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

【(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Rehabilitation Act (25 U.S.C. 3001)).

**[SEC. 5. MANAGEMENT.]**

【(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

【(b) COORDINATION OF IMPLEMENTATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

**[SEC. 6. PUBLIC AWARENESS AND EDUCATION PROGRAM.]**

【The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

**[SEC. 7. COLLECTION OF PALEONTOLOGICAL RESOURCES.]**

【(a) PERMIT REQUIREMENT.—

【(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

【(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands administered by the Bureau of Land Management, the Bureau of Reclamation, and the U.S. Forest Service, where such collection is not inconsistent with the laws governing the management of those Federal lands and this Act.

【(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

【(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

【(1) the applicant is qualified to carry out the permitted activity;

【(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

【(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

【(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

【(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

【(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

【(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

【(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

【(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

【(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

【(A) for resource, safety, or other management considerations; or

【(B) when there is a violation of term or condition of a permit issued pursuant to this section.

【(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

【(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary’s jurisdiction to the collection of paleontological resources.

**[SEC. 8. CURATION OF RESOURCES.]**

【Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

**[SEC. 9. PROHIBITED ACTS; PENALTIES.]**

【(a) IN GENERAL.—A person may not—

【(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

【(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have

been excavated, removed, exchanged, transported, or received from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

【(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

【(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

【(c) PENALTIES.—

【(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be guilty of a class A misdemeanor.

【(2) DAMAGE OVER \$1,000.—If the sum of the scientific or fair market value of the paleontological resources involved and the cost of restoration and repair of such resources exceeds the sum of \$1,000, such person shall, upon conviction, be guilty of a class E felony.

【(3) MULTIPLE OFFENSES.—In the case of a second or subsequent such violation, such person shall, upon conviction, be guilty of a class D felony.

【(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

**[SEC. 10. CIVIL PENALTIES FOR VIOLATIONS OF REGULATIONS OR PERMIT CONDITIONS.]**

【(a) IN GENERAL.—

【(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

【(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

【(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved.

【(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

【(C) Any other factors considered relevant by the Secretary assessing the penalty.

【(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

【(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

【(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order with an appropriate Federal district court within the 30-day period beginning on the date the order making the assessment was issued. The court shall hear the action on the record made before the Secretary and shall sustain

the action if it is supported by substantial evidence on the record considered as a whole.

[(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

[(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

[(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

[(2) To provide educational materials to the public about paleontological resources and sites.

[(3) To provide for the payment of Rewards as provided in section 11.

#### SEC. 11. REWARDS FORFEITURE.

[(a) REWARDS.—The Secretary may pay from penalties collected under section 9 or 10 of this Act an amount equal to the lesser of one-half of the penalty or \$500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

[(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, may be subject to forfeiture to the United States upon—

[(1) the person's conviction of the violation under section 9;

[(2) assessment of a civil penalty against any person under section 10 with respect to the violation; or

[(3) a determination by any court that the paleontological resources, vehicles, or equipment were involved in the violation.

#### SEC. 12. CONFIDENTIALITY.

[Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be withheld from the public under subchapter II of chapter 5 of title 5, United States Code, or under any other provision of law unless the responsible Secretary determines that disclosure would—

[(1) further the purposes of this Act;

[(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

[(3) be in accordance with other applicable laws.

#### SEC. 13. REGULATIONS.

[As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

#### SEC. 14. SAVINGS PROVISIONS.

[Nothing in this Act shall be construed to—

[(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws

providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

[(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time existing laws and authorities relating to reclamation and multiple uses of the public lands;

[(3) apply to, or require a permit for, amateur collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

[(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

[(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

[(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

#### SEC. 15. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated such sums as may be necessary to carry out this Act.]

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Paleontological Resources Preservation Act".

#### SEC. 2. DEFINITIONS.

As used in this Act:

(1) CASUAL COLLECTING.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms "reasonable amount", "common invertebrate and plant paleontological resources" and "negligible disturbance" shall be determined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(3) FEDERAL LANDS.—The term "Federal lands" means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(4) INDIAN LANDS.—The term "Indian Land" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) STATE.—The term "State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) PALEONTOLOGICAL RESOURCE.—The term "paleontological resource" means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide informa-

tion about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

#### SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

#### SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

#### SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

#### SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

#### SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed \$500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

#### SEC. 8. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty,

the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 11.

#### SEC. 9. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 9 or 10—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or \$500,

to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be

divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

#### SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

#### SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

#### SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784), the Mining in the Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in

a court of the United States to enforce any provision or amendment made by this Act.

**SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

**HIBBEN CENTER ACT**

The Senate proceeded to consider the bill (S. 643) to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu of thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 643

*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 "Hibben Center for Archaeological Research Act of 2003".

**[SEC. 2. FINDINGS.**

[Congress finds that—

[(1) when the Chaco Culture National Historical Park was established in 1907 as the Chaco Canyon National Monument, the University of New Mexico owned a significant portion of the land located within the boundaries of the Park;

[(2) during the period from the 1920's to 1947, the University of New Mexico conducted archaeological research in the Chaco Culture National Historical Park;

[(3) in 1949, the University of New Mexico—

[(A) conveyed to the United States all right, title, and interest of the University in and to the land in the Park; and

[(B) entered into a memorandum of agreement with the National Park Service establishing a research partnership with the Park;

[(4) since 1971, the Chaco Culture National Historical Park, through memoranda of understanding and cooperative agreements with the University of New Mexico, has maintained a research museum collection and archive at the University;

[(5) both the Park and the University have large, significant archaeological research collections stored at the University in multiple, inadequate, inaccessible, and cramped repositories; and

[(6) insufficient storage at the University makes research on and management, preservation, and conservation of the archaeological research collections difficult.

**[SEC. 3. DEFINITIONS.**

[In this Act:

[(1) **HIBBEN CENTER.**—The term "Hibben Center" means the Hibben Center for Archaeological Research to be constructed at the University under section 4(a).

[(2) **PARK.**—The term "Park" means the Chaco Culture National Historical Park in the State of New Mexico.

[(3) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

[(4) **TENANT IMPROVEMENT.**—The term "tenant improvement" includes—

[(A) finishing the interior portion of the Hibben Center leased by the National Park Service under section 4(c)(1); and

[(B) installing in that portion of the Hibben Center—

[(i) permanent fixtures; and

[(ii) portable storage units and other removable objects.

[(5) **UNIVERSITY.**—The term "University" means the University of New Mexico.

**[SEC. 4. HIBBEN CENTER FOR ARCHAEOLOGICAL RESEARCH.**

[(a) **ESTABLISHMENT.**—The Secretary may, in cooperation with the University, construct and occupy a portion of the Hibben Center for Archaeological Research at the University.

[(b) **GRANTS.**—

[(1) **IN GENERAL.**—The Secretary may provide to the University a grant to pay the Federal share of the construction and related costs for the Hibben Center under paragraph (2).

[(2) **FEDERAL SHARE.**—The Federal share of the construction and related costs for the Hibben Center shall be 37 percent.

[(3) **LIMITATION.**—Amounts provided under paragraph (1) shall not be used to pay any costs to design, construct, and furnish the tenant improvements under subsection (c)(2).

[(c) **LEASE.**—

[(1) **IN GENERAL.**—Before funds made available under section 5 may be expended for construction costs under subsection (b)(1) or for the costs for tenant improvements under paragraph (2), the University shall offer to enter into a long-term lease with the United States that—

[(A) provides to the National Park Service space in the Hibben Center for storage, research, and offices; and

[(B) is acceptable to the Secretary.

[(2) **TENANT IMPROVEMENTS.**—The Secretary may design, construct, and furnish tenant improvements for, and pay any moving costs relating to, the portion of the Hibben Center leased to the National Park Service under paragraph (1).

[(d) **COOPERATIVE AGREEMENTS.**—To encourage collaborative management of the Chacoan archaeological objects associated with northwestern New Mexico, the Secretary may enter into cooperative agreements with the University, other units of the National Park System, other Federal agencies, and Indian tribes for—

[(1) the curation of and conduct of research on artifacts in the museum collection described in section 2(4); and

[(2) the development, use, management, and operation of the portion of the Hibben Center leased to the National Park Service under subsection (c)(1).

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

[(a) **IN GENERAL.**—There are authorized to be appropriated—

[(1) to pay the Federal share of the construction costs under section 4(b), \$1,574,000; and

[(2) to pay the costs of carrying out section 4(c)(2), \$2,198,000.

[(b) **AVAILABILITY.**—Amounts made available under subsection (a) shall remain available until expended.

[(c) **REVERSION.**—If the lease described in section 4(c)(1) is not executed by the date that is 2 years after the date of enactment of this Act, any amounts made available under subsection (a) shall revert to the Treasury of the United States.

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Hibben Center Act".*

**SEC. 2. LEASE AGREEMENT.**

(a) **AUTHORIZATION.**—*The Secretary of the Interior may enter into an agreement with the University of New Mexico to lease space in the Hibben Center for Archaeological Research at the University of New Mexico for research on, and curation of, the archaeological research collections of the National Park Service relating to the Chaco Culture National Historical Park and Aztec Ruins National Monument.*

(b) **TERM; RENT.**—*The lease shall provide for a term not exceeding 40 years and a nominal annual lease payment.*

(c) **OPERATING EXPENSES.**—*The lease may require the Secretary to contribute a pro rata share of the Hibben Center's annual operating expenses, in addition to any nominal annual rent.*

(d) **IMPROVEMENTS.**—*The lease shall permit the Secretary to make improvements and install furnishings and fixtures related to the use and curation of the collections.*

**SEC. 3. GRANT.**

*Upon execution of the lease, the Secretary may contribute to the University of New Mexico up to 37 percent of the cost of construction of the Hibben Center, not to exceed \$1,750,000.*

**SEC. 4. COOPERATIVE AGREEMENT.**

*The Secretary may enter into cooperative agreements with the University of New Mexico, Federal agencies, and Indian tribes for the curation of and conduct of research on artifacts, and to encourage collaborative management of the Chacoan archaeological artifacts associated with northwestern New Mexico.*

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

*There are authorized to be appropriated to the Secretary such sums as may be necessary for the purposes of this Act.*

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

The bill (S. 643), as amended, was read the third time and passed.

**NATIONAL TRAILS SYSTEM  
WILLING SELLER ACT**

The Senate proceeded to consider the bill (S. 651) to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

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

The bill (S. 651), as amended, was read the third time and passed.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 651

*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 Trails System Willing Seller Act".

**[SEC. 2. FINDINGS.**

[The Congress finds the following:

[(1) In spite of commendable efforts by State and local governments and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails designated by Act of Congress in section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)), the rate of progress towards developing and completing the trails is slower than anticipated.

[(2) Nine of the twelve national scenic and historic trails designated between 1978 and 1986 are subject to restrictions totally excluding Federal authority for land acquisition outside the exterior boundaries of any federally administered area.

[(3) To complete these nine trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments, limited to acquisition from willing sellers only, and specifically excluding the use of condemnation, should be extended to the Secretary of the Federal department administering these trails.

**[SEC. 3. SENSE OF THE CONGRESS REGARDING MULTIJURISDICTIONAL AUTHORITY OVER THE NATIONAL TRAILS SYSTEM.]**

[It is the sense of the Congress that in order to address the problems involving multijurisdictional authority over the National Trails System, the Secretary of the Federal department with jurisdiction over a national scenic or historic trail should—

[(1) cooperate with appropriate officials of each State and political subdivisions of each State in which the trail is located and private persons with an interest in the trail to pursue the development of the trail; and

[(2) be granted sufficient authority to purchase lands and interests in lands from willing sellers that are critical to the completion of the trail.

**[SEC. 4. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS OF THE NATIONAL TRAILS SYSTEM ACT.]**

[(a) INTENT.—It is the intent of Congress that lands and interests in lands for the nine components of the National Trails System affected by the amendments made by subsection (b) shall only be acquired by the Federal Government from willing sellers.

[(b) LIMITED ACQUISITION AUTHORITY.—

[(1) OREGON NATIONAL HISTORIC TRAIL.—Paragraph (3) of section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(2) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Paragraph (4) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(3) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Paragraph (5) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(4) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Paragraph (6) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(5) IDITAROD NATIONAL HISTORIC TRAIL.—Paragraph (7) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(6) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Paragraph (8) of such section is amended by adding at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(7) ICE AGE NATIONAL SCENIC TRAIL.—Paragraph (10) of such section is amended by add-

ing at the end the following new sentence: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the trail except with the consent of the owner thereof.”

[(8) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Paragraph (11) of such section is amended in the fourth sentence by inserting before the period the following: “except with the consent of the owner thereof.”

[(9) NEZ PERCE NATIONAL HISTORIC TRAIL.—Paragraph (14) of such section is amended in the fourth sentence by inserting before the period the following: “except with the consent of the owner thereof.”

[(c) PROTECTION FOR WILLING SELLERS.—Section 7 of the National Trails System Act (16 U.S.C. 1246) is amended by adding at the end the following new subsection:

[(1) PROTECTION FOR WILLING SELLERS.—If the Federal Government fails to make payment in accordance with a contract for the sale of land or an interest in land for one of the national scenic or historic trails designated by section 5(a), the seller may utilize any of the remedies available to the seller under all applicable law, including electing to void the sale.”

[(d) CONFORMING AMENDMENT.—Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended—

[(1) by striking paragraph (1); and

[(2) by striking “(2) Except” and inserting “Except”.]

**SECTION 1. SHORT TITLE.**

*This Act may be cited as “National Trails System Willing Seller Act”.*

**SEC. 2. AUTHORITY TO ACQUIRE LANDS FROM WILLING SELLERS FOR CERTAIN TRAILS.**

(a) OREGON NATIONAL HISTORIC TRAIL.—Section 5(a)(3) of the National Trails System Act (16 U.S.C. 1244(a)(3)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(b) MORMON PIONEER NATIONAL HISTORIC TRAIL.—Section 5(a)(4) of the National Trails System Act (16 U.S.C. 1244(a)(4)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(c) CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL.—Section 5(a)(5) of the National Trails System Act (16 U.S.C. 1244(a)(5)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(d) LEWIS AND CLARK NATIONAL HISTORIC TRAIL.—Section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be lim-

ited to an average of not more than one-quarter mile on either side of the trail.”

(e) IDITAROD NATIONAL HISTORIC TRAIL.—Section 5(a)(7) of the National Trails System Act (16 U.S.C. 1244(a)(7)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

(f) NORTH COUNTRY NATIONAL SCENIC TRAIL.—Section 5(a)(8) of the National Trails System Act (16 U.S.C. 1244(a)(8)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”

(g) ICE AGE NATIONAL SCENIC TRAIL.—Section 5(a)(10) of the National Trails System Act (16 U.S.C. 1244(a)(10)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”

(h) POTOMAC HERITAGE NATIONAL SCENIC TRAIL.—Section 5(a)(11) of the National Trails System Act (16 U.S.C. 1244(a)(11)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof.”

(i) NEZ PERCE NATIONAL HISTORIC TRAIL.—Section 5(a)(14) of the National Trails System Act (16 U.S.C. 1244(a)(14)) is amended by adding at the end the following: “No lands or interests therein outside the exterior boundaries of any Federally administered area may be acquired by the Federal government for the trail except with the consent of the owner thereof. The authority of the Federal government to acquire fee title under this paragraph shall be limited to an average of not more than one-quarter mile on either side of the trail.”

**SEC. 3. CONFORMING AMENDMENT.**

Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended to read as follows:

“(c)(1) Except as otherwise provided in this Act, there is authorized to be appropriated such sums as may be necessary to implement the provisions of this Act relating to the trails designated by section 5(a).

“(2) Not more than \$500,000 may be appropriated for the purposes of land acquisition and interests therein for the Natchez Trace National Scenic Trail designated by section 5(a)(12) of this Act, and not more than \$2,000,000 may be appropriated for the purposes of the development of such trail. The administering agency for the trail shall encourage volunteer trail groups to participate in the development of the trail.”

**BLACK CANYON OF THE GUNNISON BOUNDARY REVISION ACT OF 2003**

The Senate proceeded to consider the bill (S. 677) to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 677

*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 "Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003".

**SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.**

[(a) ESTABLISHMENT.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

[(1) by striking "There is hereby established" and inserting the following:

["(1) IN GENERAL.—There is established"; and

[(2) by adding at the end the following:

["(2) BOUNDARY REVISION.—The boundary of the Park is revised to include the addition of not more than 2,725 acres, as depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated January 21, 2003.".

[(b) ADMINISTRATION.—Section 4(b) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(b)) is amended—

[(1) by striking "Upon" and inserting the following:

["(1) LAND TRANSFER.—

["(A) IN GENERAL.—On"; and

[(2) by striking "The Secretary shall" and inserting the following:

["(B) ADDITIONAL LAND.—On the date of enactment of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act of 2003, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as 'Tract C' on the map described in subsection (a)(2) to the administrative jurisdiction of the National Park Service for inclusion in the Park.

["(2) AUTHORITY.—The Secretary shall".

**SEC. 3. GRAZING PRIVILEGES AT BLACK CANYON OF THE GUNNISON NATIONAL PARK.**

[Section 4(e) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(e)) is amended—

[(1) in paragraph (1)—

[(A) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

[(B) by inserting after subparagraph (A) the following:

["(B) TRANSFER.—If land authorized for grazing under subparagraph (A) is exchanged for private land under this Act, the Secretary shall transfer any grazing privileges to the private land acquired in the exchange in accordance with this section."; and

[(2) in paragraph (3)—

[(A) in subparagraph (A), by striking "and" at the end;

[(B) by redesignating subparagraph (B) as subparagraph (D);

[(C) by inserting after subparagraph (A) the following:

["(B) with respect to the permit or lease issued to LeValley Ranch Ltd., a partnership, for the lifetime of the 2 limited partners as of October 21, 1999;

["(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., a partnership, for the lifetime of the 2 general partners as of October 21, 1999; and"; and

[(D) in subparagraph (D) (as redesignated by subparagraph (B))—

[(i) by striking "partnership, corporation, or" in each place it appears and inserting "corporation or"; and

[(ii) by striking "subparagraph (A)" and inserting "subparagraphs (A), (B), or (C)".

**SEC. 4. ACQUISITION OF LAND.**

[(a) AUTHORITY TO ACQUIRE LAND.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by inserting "or the map described in section 4(a)(2)" after "the Map".

[(b) METHOD OF ACQUISITION.—

[(1) IN GENERAL.—Land or interest in land acquired under the amendments made by this Act shall be made in accordance with section 5(a)(2)(A) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(2)(A)).

[(2) CONSENT.—No land or interest in land may be acquired without the consent of the landowner.

**SEC. 5. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.**

[Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

[(1) by striking "(a) IN GENERAL.—There is established" and inserting the following:

["(a) ESTABLISHMENT.—

["(1) IN GENERAL.—There is established"; and

[(2) by adding at the end the following:

["(2) BOUNDARY REVISION.—The boundary of the Conservation Area is revised to include the addition of not more than 7,100 acres, as depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated January 21, 2003.".

**SEC. 6. ACCESS TO WATER DELIVERY FACILITIES.**

[The Commissioner of Reclamation shall retain administrative jurisdiction over, and access to, land, facilities, and roads of the Bureau of Reclamation in the East Portal area and the Crystal Dam area, as depicted on the map identified in section 4(a)(2) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (as added by section 2(a)(2)) for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water under the jurisdiction of the Bureau to users of the water (as of the date of enactment of this Act).]

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Black Canyon of the Gunnison Boundary Revision Act of 2003".*

**SEC. 2. BLACK CANYON OF THE GUNNISON NATIONAL PARK BOUNDARY REVISION.**

(a) BOUNDARY REVISION.—Section 4(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-2(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Park is revised to include the addition of approximately 2,530 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications' and dated April 2, 2003.".

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION.—On the date of enactment of this Act, the Secretary shall transfer the land under the jurisdiction of the Bureau of Land Management identified as "Tract C" on the map described in subsection (a)(2) to the administrative jurisdic-

tion of the National Park Service for inclusion in the Black Canyon of the Gunnison National Park.

(c) CONFORMING AMENDMENT.—Section 5(a)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-3(a)(1)) is amended by striking "Map" and inserting "Map or the map described in section 4(a)(2)".

**SEC. 3. GUNNISON GORGE NATIONAL CONSERVATION AREA BOUNDARY REVISION.**

Section 7(a) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Act of 1999 (16 U.S.C. 410fff-5(a)) is amended—

(1) by striking "There" and inserting "(1) There"; and

(2) by adding at the end the following:

"(2) The boundary of the Conservation Area is revised to include the addition of approximately 7,100 acres, as generally depicted on the map entitled 'Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications', and dated April 2, 2003.".

**SEC. 4. GRAZING PRIVILEGES.**

(a) TRANSFER OF PRIVILEGES.—Section 4(e)(1) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(1)) is amended by adding at the end the following:

"(D) If land within the Park on which the grazing of livestock is authorized under permits or leases under subparagraph (A) is exchanged for private land under section 5(a), the Secretary shall transfer any grazing privileges to the land acquired in the exchange.".

(b) PRIVILEGES OF CERTAIN PARTNERSHIPS.—Section 4(e)(3) of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Area Act of 1999 (16 U.S.C. 410fff-2(e)(3)) is amended—

(1) by striking "and" at the end of subparagraph (A);

(2) by redesignating subparagraph (B) as subparagraph (D);

(3) by inserting after subparagraph (A) the following:

"(B) with respect to the permit or lease issued to LeValley Ranch Ltd., for the lifetime of the last surviving limited partner as of October 21, 1999;

"(C) with respect to the permit or lease issued to Sanburg Herefords, L.L.P., for the lifetime of the last surviving general partner as of October 21, 1999; and

(4) in subparagraph (D) (as redesignated by paragraph (2))—

(A) by striking "partnership, corporation, or" each place it appears and inserting "corporation or"; and

(B) by striking "subparagraph (A)" and inserting "subparagraphs (A), (B), or (C)".

**SEC. 5. ACCESS TO WATER DELIVERY FACILITIES.**

The Commissioner of Reclamation shall retain administrative jurisdiction over the Crystal Dam Access Road and land, facilities, and roads of the Bureau of Reclamation in the East Portal area, including the Gunnison Tunnel, and the Crystal Dam area, as depicted on the map entitled "Black Canyon of the Gunnison National Park and Gunnison Gorge NCA Boundary Modifications", and dated April 2, 2003, for the maintenance, repair, construction, replacement, and operation of any facilities relating to the delivery of water and power under the jurisdiction of the Bureau of Reclamation.

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

The bill (S. 677), as amended, was read the third time and passed.

LAND EXCHANGE BETWEEN AN ALASKAN NATIVE VILLAGE AND THE DEPARTMENT OF THE INTERIOR

The Senate proceeded to consider the bill (S. 924) to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes, which had been reported from the Committee on Energy and Natural Resources with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 924

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

**SECTION 1. FINDINGS.**

[Congress finds that:

(1) The continued existence of the village of Newtok, Alaska is threatened by the eroding banks of the Ninglick River.

(2) A relocation of the village will become necessary for the health and safety of the residents of Newtok within the next 8 years.

(3) Lands previously conveyed to the Newtok Native Corporation contain habitat of high value for waterfowl.

(4) An opportunity exists for an exchange of lands between the Newtok Native Corporation and the Yukon Delta National Wildlife Refuge that would address the relocation needs of the village while enhancing the quality of waterfowl habitat within the boundaries of the Refuge.

(5) An exchange of lands between Newtok and the United States on an other than equal value basis pursuant to the terms of this Act is in the public interest.

**SECTION 2. DEFINITIONS.**

[For the purposes of this Act, the term—

(1) "ANCSA" means the Alaska Native Claims Settlement Act of 1971 (43 U.S.C. 1601 et seq.);

(2) "ANILCA" means the Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 410hh-3233, 43 U.S.C. 1602 et seq.);

(3) "Calista" means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) "Identified Lands" means approximately 10,943 acres of lands (including surface and subsurface) designated as "Proposed Village Site" upon a map entitled "Proposed Newtok Exchange," dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) "limited warranty deed" means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States of America and its assigns;

(6) "Newtok" means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) "Newtok lands" means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on said map; and

(8) "Secretary" means the Secretary of the Interior.

**SECTION 3. LANDS TO BE EXCHANGED.**

(a) **LANDS EXCHANGED TO THE UNITED STATES.**—If, within 180 days after the date of

enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok. The reconveyance of lands by Newtok to the United States and the prioritized, relinquished selections shall be 1.1 times the number of acres conveyed to Newtok under this Act. The number of acres reconveyed to the United States and the prioritized, relinquished selections shall be charged to the entitlement of Newtok.

(b) **LANDS EXCHANGED TO NEWTOK.**—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estate of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey the Identified Lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act. At the time of survey the charge against Newtok's entitlement for acres conveyed or irrevocable priorities relinquished by Newtok may be adjusted to conform to the standard of 1.1 acres relinquished by Newtok for each one acre received.

**SECTION 4. CONVEYANCE.**

(a) **TIMING.**—The Secretary shall issue interim conveyances pursuant to subsection 3(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 3(a).

(b) **RELATIONSHIP TO ANCSA.**—Lands conveyed to Newtok under this Act shall be deemed to have been conveyed under the provisions of ANCSA, except that the provisions of 14(c) of ANCSA shall not apply to these lands, and to the extent that section 22(g) of ANCSA would otherwise be applicable to these lands, the provisions of 22(g) of ANCSA shall also not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be deemed to be included as a portion of the Yukon National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.

(c) **EFFECT ON ENTITLEMENT.**—Nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.

(d) **EFFECT ON NEWTOK LANDS.**—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those public lands as guaranteed under ANILCA section 811 (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with ANILCA section 803 (16 U.S.C. 3113).

(e) **ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.**—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in-lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 3(a) of this Act. This additional entitlement shall come from subsurface lands already se-

lected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage.

(f) **ADJUSTMENT TO EXCHANGE.**—If requested by Newtok, the Secretary is authorized to consider and make adjustments to the original exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.]

**SECTION 1. DEFINITIONS.**

*For the purposes of this Act, the term:*

(1) "ANCSA" means the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.);

(2) "ANILCA" means the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.);

(3) "Calista" means the Calista Corporation, an Alaska Native Regional Corporation established pursuant to ANCSA;

(4) "Identified Lands" means approximately 10,943 acres of lands (including surface and subsurface estates) designated as "Proposed Village Site" on a map entitled "Proposed Newtok Exchange," dated September, 2002, and available for inspection in the Anchorage office of the United States Fish and Wildlife Service;

(5) "limited warranty deed" means a warranty deed which is, with respect to its warranties, limited to that portion of the chain of title from the moment of conveyance from the United States to Newtok to and including the moment at which such title is validly reconveyed to the United States;

(6) "Newtok" means the Newtok Native Corporation, an Alaska Native Village Corporation established pursuant to ANCSA;

(7) "Newtok lands" means approximately 12,101 acres of surface estate comprising conveyed lands and selected lands identified as Aknerkochik on the map referred to in paragraph (4) and that surface estate selected by Newtok on Baird Inlet Island as shown on the map; and

(8) "Secretary" means the Secretary of the Interior.

**SECTION 2. LANDS TO BE EXCHANGED.**

(a) **LANDS EXCHANGED TO THE UNITED STATES.**—If, within 180 days after the date of enactment of this Act, Newtok expresses to the Secretary in writing its intent to enter into a land exchange with the United States, the Secretary shall accept from Newtok a valid, unencumbered conveyance, by limited warranty deed, of the Newtok lands previously conveyed to Newtok. The Secretary shall also accept from Newtok a relinquishment of irrevocable prioritized selections for approximately 4,956 acres for those validly selected lands not yet conveyed to Newtok.

(b) **LANDS EXCHANGED TO NEWTOK.**—In exchange for the Newtok lands conveyed and selections relinquished under subsection (a), the Secretary shall, subject to valid existing rights and notwithstanding section 14(f) of ANCSA, convey to Newtok the surface and subsurface estates of the Identified Lands. The conveyance shall be by interim conveyance. Subsequent to the interim conveyance, the Secretary shall survey identified lands at no cost to Newtok and issue a patent to the Identified Lands subject to the provisions of ANCSA and this Act.

**SECTION 3. CONVEYANCE.**

(a) **TIMING.**—The Secretary shall issue interim conveyances pursuant to subsection 2(b) at the earliest possible time after acceptance of the Newtok conveyance and relinquishment of selections under subsection 2(a).

(b) **RELATIONSHIP TO ANCSA.**—Lands conveyed to Newtok under this Act shall be treated as having been conveyed under the provisions of ANCSA, except that the provisions of 14(c) and 22g of ANCSA shall not apply to these lands. Consistent with section 103(c) of ANILCA, these lands shall not be included as a portion of the

*Yukon Delta National Wildlife Refuge and shall not be subject to regulations applicable solely to public lands within this Conservation System Unit.*

(c) *EFFECT ON ENTITLEMENT.—Except as otherwise provided, nothing in this Act shall be construed to change the total acreage of land to which Newtok is entitled under ANCSA.*

(d) *EFFECT ON NEWTOK LANDS.—The Newtok Lands shall be included in the Yukon Delta National Wildlife Refuge as of the date of acceptance of the conveyance of those lands from Newtok, except that residents of the Village of Newtok, Alaska, shall retain access rights to subsistence resources on those Newtok lands as guaranteed under section 811 of ANILCA (16 U.S.C. 3121), and to subsistence uses, such as traditional subsistence fishing, hunting and gathering, consistent with section 803 of ANILCA (16 U.S.C. 3113).*

(e) *ADJUSTMENT TO CALISTA CORPORATION ANCSA ENTITLEMENT FOR RELINQUISHED NEWTOK SELECTIONS.—To the extent that Calista subsurface rights are affected by this Act, Calista shall be entitled to an equivalent acreage of in lieu subsurface entitlement for the Newtok selections relinquished in the exchange as set forth in subsection 2(a) of this Act. This equivalent entitlement shall come from subsurface lands already selected by Calista, but which have not been conveyed. If Calista does not have sufficient subsurface selections to accommodate this additional entitlement, Calista Corporation is hereby authorized to make an additional in lieu selection for the deficient acreage from lands within the region but outside any conservation system unit.*

(f) *ADJUSTMENT TO EXCHANGE.—If requested by Newtok, the Secretary may consider and make adjustments to the exchange to meet the purposes of this Act, subject to all the same terms and conditions of this Act.*

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

The bill (S. 924), as amended, was read the third time and passed.

#### VIETNAM VETERANS MEMORIAL EDUCATION CENTER

The Senate proceeded to consider the bill (S. 1076) to authorize construction of an education center at or near the Vietnam Veterans Memorial, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1076

*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 "Vietnam Veterans Memorial Education Center Act".

#### **[SEC. 2. VIETNAM VETERANS MEMORIAL EDUCATION CENTER.**

[Public Law 96-297 (16 U.S.C. 431 note) is amended by adding at the end the following:

#### **["SEC. 6. EDUCATION CENTER.**

["(a) **AUTHORIZATION.**—(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.

["(2) The education center may be located above ground or underground, as determined through the approval process set forth under

chapter 89 of title 40, United States Code, and this section.

["(3) As used in this section, the term 'education center' or 'center' means a building or other structure approved in accordance with chapter 89 of title 40, United States Code, and this section.

["(b) **APPLICABLE LAW.**—(1) Chapter 89 of title 40, United States Code, shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—

["(A) final approval of the education center shall not be withheld; and

["(B) the provisions of section 8908(b)(1) of title 40, United States Code, requiring approval by law for the location of a commemorative work within Area I, shall not apply.

["(2) The size of the education center shall be limited to the minimum necessary—

["(A) to provide for appropriate educational and interpretive functions; and

["(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall.

["(3) The education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.

["(c) **OPERATION AND MAINTENANCE.**—(1) The education center shall be operated and maintained by the Secretary of the Interior.

["(2) This subsection does not waive section 8906(b) of title 40, United States Code (requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work).

["(d) **FUNDING.**—All funds required for the planning, design, and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center." ]

#### **TITLE I—VIETNAM VETERANS MEMORIAL EDUCATION CENTER**

#### **SEC. 101. EDUCATION CENTER.**

*Public Law 96-297, as amended (16 U.S.C. 431 note), is further amended by adding at the end thereof the following:*

#### *"SEC. 6. EDUCATION CENTER.*

#### *"(a) AUTHORIZATION.—*

*"(1) The Vietnam Veterans Memorial Fund, Inc., is authorized to construct an education center at or near the Vietnam Veterans Memorial site, subject to the provisions of this section, in order to better inform and educate the public about the Vietnam Veterans Memorial.*

*"(2) The education center may be located above ground or underground, as determined through the approval process set forth under the Commemorative Works Act and this Act.*

*"(3) As used in this section, the term 'education center' or 'center' means a building or other structure approved in accordance with chapter 89 of title 40, United States Code (commonly referred to as the 'Commemorative Works Act') and this section.*

*"(b) APPLICATION OF COMMEMORATIVE WORKS ACT.—*

*"(1) The Commemorative Works Act (chapter 89 of title 40, United States Code) shall apply to the education center, and the center shall be considered a commemorative work for the purposes of that Act, except that—*

*"(A) final approval of the education center shall not be withheld; and*

*"(B) the provisions of section 8908(b) of title 40, United States Code, requiring approval by law for the location of a commemorative work within Area I, shall not apply.*

*"(2) Notwithstanding section 8908(c) of title 40, United States Code (as added by the Commemorative Works Clarification and Revision Act of 2003), the designation of the Reserve shall*

*not preclude the approval of a site for the education center within such area.*

*"(3) Section 8905(b)(5) of title 40, United States Code (as added by the Commemorative Works Clarification and Revision Act of 2003), prohibiting the authorization of a commemorative work primarily designed as a museum on lands under the jurisdiction of the Secretary of the Interior within Area I or East Potomac Park, shall not be construed to deny approval of the education center.*

*"(4) The size of the education center shall be limited to the minimum necessary—*

*"(A) to provide for appropriate educational and interpretive functions; and*

*"(B) to prevent interference or encroachment on the Vietnam Veterans Memorial and to protect open space and visual sightlines on the Mall.*

*"(5) The education center shall be constructed and landscaped in a manner harmonious with the site of the Vietnam Veterans Memorial, consistent with the special nature and sanctity of the Mall.*

#### *"(c) OPERATION AND MAINTENANCE.—*

*"(1) The education center shall be operated and maintained by the Secretary of the Interior.*

*"(2) This subsection does not waive section 8906(b) of title 40, United States Code (as amended by the Commemorative Works Clarification and Revision Act of 2003), requiring the donation of funds to offset the costs of perpetual maintenance and preservation of the commemorative work.*

*"(d) FUNDING.—All funds required for the planning, design and construction of the education center shall be provided by the Vietnam Veterans Memorial Fund, Inc. No Federal funds shall be used for the planning, design, or construction of the center."*

#### **TITLE II—COMMEMORATIVE WORKS ACT AMENDMENTS**

#### **SEC. 201. SHORT TITLE.**

*This title may be cited as the "Commemorative Works Clarification and Revision Act of 2003".*

#### **SEC. 202. ESTABLISHMENT OF RESERVE.**

*Section 8908 of title 40, United States Code, is amended by adding at the end the following:*

*"(c) RESERVE.—After the date of enactment of the Commemorative Works Clarification and Revision Act of 2003, no commemorative work shall be located within the Reserve."*

#### **SEC. 203. CLARIFYING AND CONFORMING AMENDMENTS.**

(a) **PURPOSES.**—Section 8901(2) of title 40, United States Code, is amended by striking "Columbia;" and inserting "Columbia and its environs, and to encourage the location of commemorative works within the urban fabric of the District of Columbia;"

(b) **DEFINITIONS.**—Section 8902(a) of title 40, United States Code, is amended to read as follows:

"(a) **DEFINITIONS.**—In this chapter, the following definitions apply—

"(1) the term 'commemorative work' means any statue, monument, sculpture, memorial, plaque, inscription, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of an individual, group, event or other significant element of American history, except that the term does not include any such item which is located within the interior of a structure or a structure which is primarily used for other purposes;

"(2) the term 'sponsor' means a public agency, and an individual, group or organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and which is authorized by Congress to establish a commemorative work in the District of Columbia and its environs;

"(3) the term 'Reserve' means the great cross-axis of the Mall, which generally extends from the United States Capitol to the Lincoln Memorial, and from the White House to the Jefferson



Memorial, as depicted on the map referenced in paragraph (4); and

“(4) the term ‘the District of Columbia and its environs’ means those lands and properties administered by the National Park Service and the General Services Administration located in the Reserve, Area I, and Area II as depicted on the map entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.”.

(c) AUTHORIZATION.—Section 8903 of title 40, United States Code, is amended as follows:

(1) In subsection (b)—

(A) by striking “work commemorating a lesser conflict” and inserting “work solely commemorating a limited military engagement”;

(B) by striking “the event.” and inserting “such war or conflict.”.

(2) In subsection (d)—

(A) by striking “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL COMMISSION.—” and inserting “CONSULTATION WITH NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—”;

(B) by striking “House Administration” and inserting “Resources”;

(C) by inserting “Advisory” before “Commission”;

(3) Subsection (e) is amended to read as follows:

“(e) EXPIRATION OF LEGISLATIVE AUTHORITY.—Any legislative authority for a commemorative work shall expire at the end of the seven-year period beginning on the date of the enactment of such authority, or at the end of the seven-year period beginning on the date of the enactment of legislative authority to locate the commemorative work within Area I, if such additional authority has been granted, unless—

“(1) the Secretary of the Interior or the Administrator of General Services (as appropriate) has issued a construction permit for the commemorative work during that period; or

“(2) the Secretary or the Administrator (as appropriate), in consultation with the National Capital Memorial Advisory Commission, has made a determination that—

“(A) final design approvals have been obtained from the National Capital Planning Commission and the Commission of Fine Arts; and

“(B) 75 percent of the amount estimated to be required to complete the memorial has been raised.

If these two conditions have been met, the Secretary or the Administrator (as appropriate) may extend the seven-year legislative authority for a period not to exceed three years from the date of expiration. Upon expiration of the legislative authority, any previous site and design approvals shall also expire.”.

(d) NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION.—Section 8904 of title 40, United States Code, is amended as follows:

(1) By striking “§8904. National Capital Memorial Commission” and inserting “§8904. National Capital Memorial Advisory Commission”.

(2) In subsection (a) by striking “There is a National Capital Memorial Commission. The membership of the Commission consists of—” and inserting “The National Capital Memorial Advisory Commission is hereby established and shall include the following members (or their designees):”.

(3) In subsection (c)—

(A) by inserting “Advisory” before “Commission”;

(B) by striking “Services” and inserting “Services (as appropriate)”.

(4) In subsection (d) by inserting “Advisory” before “Commission”.

(e) SITE AND DESIGN APPROVAL.—Section 8905 of title 40, United States Code, is amended as follows:

(1) In subsection (a)—

(A) by striking “person” and inserting “sponsor” each place it appears;

(B) by inserting “Advisory” before “Commission” in paragraph (1); and

(C) by striking “designs” and inserting “design concepts”.

(2) In subsection (b)—

(A) by striking “and Administrator” and inserting “or Administrator (as appropriate)”;

(B) in paragraph (2)(B), by striking, “open space and existing public use.” and inserting “open space, existing public use, and cultural and natural resources.”.

(f) CRITERIA FOR ISSUANCE OF CONSTRUCTION PERMIT.—Section 8906 of title 40, United States Code, is amended as follows:

(1) In subsection (a)(3) and (a)(4) by striking “person” and inserting “sponsor”.

(2) By amending subsection (b) to read as follows:

“(b) DONATION FOR PERPETUAL MAINTENANCE AND PRESERVATION.—

“(1) In addition to the criteria described above in subsection (a), no construction permit shall be issued unless the sponsor authorized to construct the commemorative work has donated an amount equal to 10 percent of the total estimated cost of construction to offset the costs of perpetual maintenance and preservation of the commemorative work. All such amounts shall be available for those purposes pursuant to the provisions of this subsection. The provisions of this subsection shall not apply in instances when the commemorative work is constructed by a Department or agency of the Federal Government and less than 50 percent of the funding for such work is provided by private sources.

“(2) Notwithstanding any other provision of law, money on deposit in the Treasury on the date of enactment of this subsection provided by a sponsor for maintenance pursuant to this subsection shall be credited to a separate account in the Treasury.

“(3) Money provided by a sponsor pursuant to the provisions of this subsection after the date of enactment of the Commemorative Works Clarification and Revision Act of 2003 shall be credited to a separate account with the National Park Foundation.

“(4) Upon request, the Secretary of the Treasury or the National Park Foundation shall make all or a portion of such moneys available to the Secretary or the Administrator (as appropriate) for the maintenance of a commemorative work. Under no circumstances may the Secretary or Administrator request funds from a separate account exceeding the total money in the account established under paragraph (2) or (3). The Secretary and the Administrator shall maintain an inventory of funds available for such purposes. Funds provided under this paragraph shall be available without further appropriation and shall remain available until expended.”.

(g) AREAS I AND II.—Section 8908(a) of title 40, United States Code, is amended—

(1) by striking “Secretary of the Interior and Administrator of General Services” and inserting “Secretary of the Interior or the Administrator of General Services (as appropriate)”;

(2) by striking “numbered 869/86581, and dated May 1, 1986.” and inserting “entitled ‘Commemorative Areas Washington, DC and Environs’, numbered 869/86501 B, and dated June 24, 2003.”.

SEC. 204. SITE AND DESIGN CRITERIA.

Section 8905 of title 40, United States Code, is further amended by adding the following new paragraphs to subsection (b):

“(5) MUSEUMS.—No commemorative work primarily designed as a museum may be located on lands under the jurisdiction of the Secretary in Area I or in East Potomac Park as depicted on the map referenced in section 8902(4).

“(6) SITE-SPECIFIC GUIDELINES.—The National Capital Planning Commission and the Commission of Fine Arts may develop such criteria or guidelines specific to each site that are mutually agreed upon to ensure that the design of the

commemorative work carries out the purposes of this Act.

“(7) DONOR CONTRIBUTIONS.—Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site.”.

SEC. 205. NO EFFECT ON PREVIOUSLY APPROVED SITES.

Nothing in this title shall apply to a commemorative work for which a site was approved in accordance with the Commemorative Works Act prior to the date of enactment of this title.

SEC. 206. NATIONAL PARK SERVICE REPORTS.

Within six months after the date of enactment of this title, the Secretary of the Interior, in consultation with the National Capital Planning Commission and the Commission of Fine Arts, shall submit to the Committee on Energy and Natural Resources of the United States Senate, and to the Committee on Resources of the United States House of Representatives reports setting forth plans for the following:

(1) To relocate the National Park Service’s stable and maintenance facilities that are within the Reserve as expeditiously as possible.

(2) To relocate, redesign or otherwise alter the concession facilities that are within the Reserve to the extent necessary to make them compatible with the Reserve’s character.

(3) To limit the sale or distribution of permitted merchandise to those areas where such activities are less intrusive upon the Reserve, and to relocate any existing sale or distribution structures that would otherwise be inconsistent with the plan.

(4) To make other appropriate changes, if any, to protect the character of the Reserve.

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

The bill (S. 1076), as amended, was read the third time and passed.

#### GRANTING AN EASEMENT TO FACILITATE ACCESS TO THE LEWIS AND CLARK INTERPRETIVE CENTER IN NEBRASKA CITY, NEBRASKA

The bill (H.R. 255) to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretive Center in Nebraska City, Nebraska, was considered, ordered to a third reading, read the third time, and passed.

#### KRIS EGGLE VISITOR CENTER

The bill (H.R. 1577) to designate the visitor center in Organ Pipe Cactus National Monument in Arizona as the “Kris Eggle Visitor Center,” and for other purposes was considered, ordered to a third reading, read the third time, and passed.

H.R. 1577

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

#### SECTION 1. REDESIGNATION.

(a) FINDING.—Congress finds that in August 2002, Kris Eggle, a 28-year-old park ranger in Organ Pipe Cactus National Monument, was murdered in the line of duty along the border between the United States and Mexico.

(b) DEDICATION.—Congress dedicates the visitor center in Organ Pipe Cactus National Monument to Kris Eggle and to promoting awareness of the risks taken each day by all public land management law enforcement officers.

(c) REDESIGNATION.—The visitor center in Organ Pipe Cactus National Monument in

Arizona is hereby designated as the "Kris Eggle Visitor Center".

(d) REFERENCE.—Any reference to the visitor center in Organ Pipe Cactus National Monument in Arizona, in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the "Kris Eggle Visitor Center".

(e) SIGNAGE.—The Secretary of the Interior shall post interpretive signs at the visitor center and at the trailhead of the Baker Mine-Milton Mine Loop that—

(1) describe the important role of public law enforcement officers in protecting park visitors;

(2) refer to the tragic loss of Kris Eggle in underscoring the importance of these officers;

(3) refer to the dedication of the trail and the visitor center by Congress; and

(4) include a copy of this Act and an image of Kris Eggle.

#### SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

#### DIRECTING THE SECRETARY OF AGRICULTURE TO CONVEY CERTAIN LAND IN THE LAKE TAHOE BASIN MANAGEMENT UNIT, NEVADA

The bill (H.R. 74) to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, was considered, ordered to a third reading, read the third time, and passed.

#### MAKING IMPROVEMENTS IN FOUNDATION FOR NATIONAL INSTITUTES OF HEALTH

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 92, S. 314.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 314) to make improvements for the Foundation of the National Institutes of Health.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 314) was read the third and passed, as follows:

S. 314

*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 "Foundation for the National Institutes of Health Improvement Act".

#### SEC. 2. NATIONAL INSTITUTES OF HEALTH ESTABLISHMENT AND DUTIES.

Section 499 of the Public Health Service Act (42 U.S.C. 290b) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) by amending subparagraph (D)(ii) to read as follows:

"(ii) Upon the appointment of the appointed members of the Board under clause (i)(II), the terms of service as members of the Board of the ex officio members of the Board described in clauses (i) and (ii) of subparagraph (B) shall terminate. The ex officio members of the Board described in clauses (iii) and (iv) of subparagraph (B) shall continue to serve as ex officio members of the Board."; and

(ii) in subparagraph (G), by inserting "appointed" after "that the number of";

(B) by amending paragraph (3)(B) to read as follows:

"(B) Any vacancy in the membership of the appointed members of the Board shall be filled in accordance with the bylaws of the Foundation established in accordance with paragraph (6), and shall not affect the power of the remaining appointed members to execute the duties of the Board."; and

(C) in paragraph (5), by inserting "appointed" after "majority of the";

(2) in subsection (j)—

(A) in paragraph (2), by striking "(d)(2)(B)(i)(II)" and inserting "(d)(6)"; and

(B) in paragraph (10), by striking "of Health." and inserting "of Health and the National Institutes of Health may accept transfers of funds from the Foundation."; and

(3) by striking subsection (l) and inserting the following:

"(l) FUNDING.—From amounts appropriated to the National Institutes of Health, for each fiscal year, the Director of NIH shall transfer \$500,000 to the Foundation."

#### WILLIAM J. SCHERLE POST OFFICE BUILDING

Mr. FRIST. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of S. 1399 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1399) to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the "William J. Scherle Post Office Building".

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I rise in support of S. 1399, a bill I am happy to cosponsor with Senator HARKIN, to name the post office in Glenwood, IA, the William J. Scherle Post Office Building. Former Congressman Bill Scherle served in the U.S. House of Representatives for four terms, from 1967-1975. Before that, we served together in the Iowa House of Representatives. Bill Scherle is originally from New York State, so he was not born an Iowan, but you would never know it. He acclimated well to Iowa, living on a farm near the small southwestern Iowa town of Henderson. Bill is a farmer through and through. He was a plainspoken conservative voice in Congress and he represented his largely rural western Iowa district well. He

then went on to serve his country in the Department of Agriculture. Bill Scherle has given a good portion of his life to public service and it is fitting that a post office near his home be named in his honor. In fact, Bill Scherle's legacy as a public servant is demonstrated by the fact that this bill to honor him is a bipartisan initiative. Both Senator HARKIN and I recognize the contribution made by Bill Scherle to Iowa and to the United States. I was very sorry when I recently learned that Bill is in poor health. I wish him the best and my prayers are with him and his family. I am glad that we have this opportunity now to recognize Bill and his service to his State and his Nation. I would like to thank Chairman COLLINS for her help in allowing this bill to be moved quickly through the Governmental Affairs Committee and the Senate. I know that Congressman KING, who follows in Congressman Scherle's footsteps, has sponsored a similar measure in the House with the support of others from the Iowa delegation. Those who know Bill Scherle or know of his legacy understand why this honor is so appropriate and I hope this bill can be enacted very soon.

Mr. HARKIN. Mr. President, I am very pleased that the Senate is moving towards passage today of legislation that would name the Glenwood, IA, post office for former Iowa Congressman, William J. Scherle. Bill Scherle and his wife Jane live on their family farm just outside of Henderson, IA, in Mills County. Glenwood is the county seat of Mills County. Bill served four terms in the U.S. House of Representatives, beginning with three terms in 1967 in what was then Iowa's 7th Congressional District, and a term in the re-districted 5th Congressional District. I think it is appropriate that Glenwood's Post Office will soon permanently bear Congressman Scherle's name.

Bill long served his Nation. He started with military service in the Navy and Coast Guard during World War II, then afterwards served in the Naval Reserve. He chaired the Mills County Republican Party for almost a decade starting in 1956. He served in the Iowa legislature from 1960 through 1966. He then was elected to the U.S. Congress and served through 1974, including service on the Education and Labor Committee and the Appropriations Committee. His public service continued in 1975 and 1976, when he was appointed to a senior position at the Department of Agriculture.

In January 1968, North Korea seized the USS *Pueblo*, imprisoned and tortured the crew. Congressman Scherle led the effort in Congress to free the crew of the *Pueblo*. I have always admired Bill's tenacity in never letting the *Pueblo* crew be forgotten. Bill was the only Member of Congress invited to attend *Pueblo* reunions and as their health has allowed, Bill and Jane always have attended.

Bill and I are at different places on the political spectrum, and I ran

against him for Congress twice. He went the first time, and I won the rematch. We disagreed on many issues, but I always understood that he acted on the basis of strong-held views about what he considered were the best interests of those he represented and of the Nation.

Long after we ran as opponents, I got to know Bill and visited him on his farm. He is a good person who cares deeply about his community and rural America. Politics has always had a certain amount of rough and tumble. But while Bill was certainly a good Republican who wanted to see consistent victories for the GOP, he also could see the good in all people.

One area of our mutual interest was the Iowa School for the Deaf in Council Bluffs. Bill always did what he could for the school my brother attended years ago, and for deaf people in general.

Congressman Scherle always cared about children and their welfare. He wrote a children's book. "The Happy Barn." He gave away thousands of copies to schools, hospitals and individual families in Southwest Iowa and the Omaha area, reading to young children time after time. He had lots of fun reading to children, and I believe that there are few more valuable things we can do as adults than to read to children and get them started on that most important activity.

Bill was a businessman and farmer, proud of both professions. He received the Alegant Health Mercy Hospital Heritage Award for his contributions to business in Southwest Iowa.

He remains a good father to his two sons, and a good husband to his wife of 55 years, Jane. He is blessed with 6 grandchildren—five girls and a boy. Bill has lived a dedicated, patriotic, family and public service life.

I am pleased that my colleague, Senator GRASSLEY, joins me in sponsoring this legislation. Congressman KING has introduced similar legislation in the House of Representatives.

Mr. FRIST. I ask unanimous consent that the bill be read a third time and passed, that the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1399) was read the third time and passed, as follows:

S. 1399

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

**SECTION 1. WILLIAM J. SCHERLE POST OFFICE BUILDING.**

(a) REDESIGNATION.—The facility of the United States Postal Service located at 101

South Vine Street in Glenwood, Iowa, and known as the Glenwood Main Office, shall be known and designated as the "William J. Scherle Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the William J. Scherle Post Office Building.

**HONORING CHAMBERS OF COMMERCE FOR CONTRIBUTIONS TO IMPROVEMENT OF COMMUNITIES AND STRENGTHENING OF LOCAL AND REGIONAL ECONOMIES**

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 212, S. Con. Res. 53.

The PRESIDING OFFICER. The clerk will read the bill by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. FRIST. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, that the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The concurrent resolution (S. Con. Res. 53) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 53

Whereas chambers of commerce throughout the United States contribute to the improvement of their communities and the strengthening of their local and regional economies;

Whereas in the Detroit, Michigan area, the Detroit Regional Chamber, originally known as the Detroit Board of Commerce, typifies the public-spirited contributions made by the chambers of commerce;

Whereas, on June 30, 1903, the Detroit Board of Commerce was formally organized with 253 charter members;

Whereas the Detroit Board of Commerce played a prominent role in the formation of the United States Chamber of Commerce;

Whereas the Detroit Board of Commerce participated in the Good Roads for Michigan campaign in 1910 and 1911, helping to gain voter approval of a \$2,000,000 bond proposal to improve the roads of Wayne County, Michigan;

Whereas, in 1925, the Safety Council of the Detroit Board of Commerce helped develop the first traffic lights in Detroit;

Whereas, in 1927, the Detroit Board of Commerce brought together all of the cities, villages, and townships in southeast Michigan to tentatively establish boundaries for a metropolitan district for Detroit, embracing all or parts of Wayne, Oakland, Macomb, Monroe, and Washtenaw Counties at the request of the United States Census Bureau in advance of the 1930 census;

Whereas, in 1932, the Federal Home Loan Bank Board designated the Detroit Board of Commerce as the authorized agent for stock subscriptions in the Federal Home Loan Bank, as an early response to the Great Depression;

Whereas, in 1945, the Detroit Board of Commerce promoted the making of Victory Loans to veterans returning from service in the United States Armed Forces during World War II as a way of expressing thanks for the veterans' wartime service, and raised more than half of the total amount contributed in Wayne County, Michigan, to fund Victory Loans;

Whereas, in 1969, the Detroit Board of Commerce, then known as the Greater Detroit Chamber of Commerce, was instrumental in the establishment of a bus network connecting inner-city workers and jobs, which resulted in the creation of the Southeast Metropolitan Transportation Authority, now known as SMART;

Whereas the Detroit Board of Commerce has been known by several names during its century of existence, eventually becoming known as the Detroit Regional Chamber in November 1997;

Whereas the Detroit Regional Chamber is the largest chamber of commerce in the United States and has been in existence for over 100 years;

Whereas more than 19,000 businesses across southeast Michigan have decided to make an initial investment in the Detroit Regional Chamber to help develop the region;

Whereas the Detroit Regional Chamber has supported the concept of regionalism in southeast Michigan, representing the concerns of business and the region as a whole;

Whereas the mission of the Detroit Regional Chamber is to help power the economy of southeastern Michigan;

Whereas the Detroit Regional Chamber successfully advocates public policy concerns on behalf of its members at the local, regional, State, and national levels;

Whereas the Detroit Regional Chamber has implemented programs promoting diversity in its work force and has won recognition for such efforts;

Whereas the Detroit Regional Chamber is committed to promoting the interests of its members in the global marketplace through economic development efforts; and

Whereas, on June 30, 2003, the Detroit Regional Chamber celebrates its 100th anniversary: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring).* That Congress honors and congratulates chambers of commerce for their efforts that contribute to the improvement of their communities and the strengthening of their local and regional economies.

# Daily Digest

## HIGHLIGHTS

Senate passed H.R. 2658, Defense Appropriations.

House and Senate met in a Joint Meeting to Receive the Right Honorable Tony Blair, Prime Minister of the United Kingdom and Northern Ireland.

House passed H.R. 2691, Interior and Related Agencies Appropriations.

## Senate

### Chamber Action

*Routine Proceedings, pages S9515–S9619*

**Measures Introduced:** Ten bills were introduced, as follows: S. 1422–1431. **Page S9592**

#### Measures Reported:

S. 1424, making appropriations for energy and water development for the fiscal year ending September 30, 2004. (S. Rept. No. 108–105)

S. 1426, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2004. (S. Rept. No. 108–106)

S. 1427, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2004. (S. Rept. No. 108–107)

S. Con. Res. 53, honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

**Page S9591**

#### Measures Passed

**Defense Appropriations:** By a unanimous vote of 95 yeas (Vote No. 290), Senate passed H.R. 2658, making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, after taking action on the following amendments proposed thereto: **Pages S9516–45, S9547–58, S9560–75**

Adopted:

Dodd Amendment No. 1276, to require a review and report regarding the effects of use of contractual offset arrangements and memoranda of understanding and related agreements on the effectiveness of buy-American requirements. **Pages S9519–20**

By 81 yeas to 15 nays (Vote No. 286), Byrd Amendment No. 1281, to state the sense of Congress on funding of ongoing overseas military operations, including overseas contingency operations.

**Pages S9536–45**

Stevens (for Santorum) Amendment No. 1285, to make available from amounts available for Operation and Maintenance, Army Reserve, \$2,000,000 for a Software Engineering Institute Information Assurance Initiative. **Pages S9562–63**

Stevens Amendment No. 1286, to provide up to \$10,000,000 of Operation and Maintenance, Defense-Wide funds for civil-military programs and the Innovative Readiness Training (IRT) program.

**Pages S9562–63**

Stevens (for Allard) Amendment No. 1287, to increase by \$10,000,000 the amount of Missile Procurement, Air Force funds set aside for assured access to space. **Pages S9562–63**

Stevens Amendment No. 1288, to provide for a study of mail delivery to troops in the Middle East.

**Pages S9562–63**

Stevens Amendment No. 1289, to conform the appropriation provision relating to use of RDT&E, Defense-Wide funds for an initial set of missile defense capabilities to the corresponding authorization provision. **Pages S9562–63**

Stevens (for Kyl) Amendment No. 1290, to make available from amounts available for Research, Development, Test and Evaluation for the Air Force, \$4,000,000 for adaptive optics research.

**Pages S9562–63**

Stevens (for Chafee) Amendment No. 1291, to make available from amounts available for Research, Development, Test and Evaluation, Navy, \$1,000,000 for the completion of the Rhode Island Disaster Initiative. **Pages S9562–63**

Stevens (for Warner) Amendment No. 1292, to make available from amounts available for military personnel, \$8,000,000 for the costs during fiscal year 2004 of an increase in the amount of the death gratuity payable with respect to members of the Armed Forces from \$6,000 to \$12,000. **Pages S9562-63**

Stevens (for Collins/Snowe) Amendment No. 1293, to make available from amounts available for Shipbuilding and Conversion, Navy, \$20,000,000 for DDG-51 modernization planning. **Pages S9562-63**

Stevens (for Nickles) Amendment No. 1294, to make available from amounts available for Operation and Maintenance, Army, \$4,000,000 for the Army Museum of the Southwest at Ft. Sill, Oklahoma. **Pages S9562-63**

Stevens (for Roberts) Amendment No. 1295, to limit the use of funds for the privatization or transfer to another Federal agency of the prison guard functions at the United States Disciplinary Barracks at Fort Leavenworth, Kansas. **Pages S9562-63**

Stevens (for Voinovich) Amendment No. 1296, to make available from amounts available for Operation and Maintenance, Marine Corps, \$6,000,000 for the purchase of HMMWV tires. **Pages S9562-63**

Stevens (for Burns) Amendment No. 1297, to make available from amounts available for National Guard Personnel, Army, \$2,500,000 for Lewis and Clark Bicentennial Commemoration Activities, and to make available from amounts available for Operation and Maintenance, Army National Guard, \$1,500,000 for such activities. **Pages S9562-63**

Stevens (for Chambliss) Amendment No. 1298, to prohibit the use of funds to decommission a Naval or Marine Corps Reserve aviation squadron pending a Comptroller General report on the requirements of the Navy and Marine Corps for tactical aviation. **Pages S9562-63**

Stevens (for Kennedy) Amendment No. 1299, to limit the use of funds for converting to contractor performance of Department of Defense activities and functions. **Pages S9563-64**

Stevens (for Hatch) Amendment No. 1300, to appropriate funds to settle certain claims of United States prisoners of war who performed forced or slave labor for Japanese companies during World War II. **Pages S9564-66**

Inouye (for Feinstein) Amendment No. 1301, to make available from amounts available for Procurement, Defense-Wide, \$20,000,000 for procurement of secure cellular telephones for the Department of Defense and the elements of the intelligence community. **Page S9566-69**

Inouye (for Boxer) Amendment No. 1302, to make available from amounts available for Research, Development, Test, and Evaluation, Army,

\$5,000,000 to support Shortstop Electronic Protection Systems research and development efforts. **Page S9566-69**

Inouye (for Durbin) Amendment No. 1303, to require a study of the mission of the 932nd Airlift Wing, Scott Air Force Base, Illinois. **Page S9566-69**

Inouye (for Mikulski) Amendment No. 1304, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, \$3,000,000 for Project Ancile. **Page S9566-69**

Inouye (for Mikulski) Amendment No. 1305, to make available from amounts available for Research, Development, Test, and Evaluation, Army, \$2,000,000 for Knowledge Management Fusion. **Page S9566-69**

Inouye (for Schumer/Clinton) Amendment No. 1306, to make available from amounts available for Research, Development, Test, and Evaluation, Army, \$3,000,000 for the Large Energy National Shock Tunnel (LENS). **Page S9566-69**

Inouye (for Dorgan) Amendment No. 1307, to make available from amounts available for Research, Development, Test, and Evaluation, Defense-Wide, \$7,000,000 for the Ultra-low Power Battlefield Sensor System. **Page S9566-69**

Inouye (for Biden) Amendment No. 1308, to require a report on the feasibility of developing and deploying a nuclear debris collection and analysis capability to permit the characterization of detonated nuclear devices. **Page S9566-69**

Inouye (for Bayh/Lugar) Amendment No. 1309, to make available amounts available for Operation and Maintenance, Army, \$15,000,000 for upgrades for M1A1 Abrams tank transmissions. **Page S9566-69**

Inouye Amendment No. 1310, to make available amounts available for Operation and Maintenance, Army, \$2,000,000 to promote civil rights education and history in the Army. **Page S9566-69**

Inouye (for Harkin) Amendment No. 1311, to require reports on safety issues due to defective parts. **Page S9566-69**

Inouye (for Wyden/Byrd) Amendment No. 1312, to require a report on the reconstruction of Iraq. **Page S9566-69**

Inouye (for Boxer) Amendment No. 1313, to provide travel reimbursement to the spouses and dependents of deployed military personnel when they visit family members. **Page S9566-69**

Inouye (for Biden) Amendment No. 1314, to make available amounts available for Aircraft Procurement, Air Force, \$19,700,000 for C-5 aircraft in-service modifications for the procurement of additional C-5 aircraft Avionics Modernization Program kits. **Page S9566-69**

Inouye (for Schumer/Bingaman) Amendment No. 1315, to require a report on the establishment of police and military forces in Iraq. **Pages S9560–62**

Inouye (for Byrd/Grassley) Amendment No. 1316, to continue in effect a provision of the Department of Defense Appropriations Act, 2003, relating to evaluations of creditworthiness for issuance of Government charge cards. **Pages S9566–69**

Rejected:

Durbin Amendment No. 1277, to limit the availability of funds for the Intelligence Community Management Account pending a report on the development and use of intelligence relating to Iraq and Operation Iraqi Freedom. (By 62 yeas to 34 nays (Vote No. 287), Senate tabled the amendment.)

**Pages S9520–29, S9545**

Byrd Amendment No. 1283, to rescind \$1,100,000,000 of the amounts appropriated for procurement and research, development, test and evaluation, and to appropriate \$1,100,000,000 for fighting AIDS/HIV, tuberculosis, and malaria. (By 71 yeas to 24 nays (Vote No. 288), Senate tabled the amendment.)

**Pages S9547–57**

Withdrawn:

Feingold Amendment No. 1279, to state the sense of the Senate on a report on the detention and April 11, 2003, escape in Yemen of the suspects in the attack on the USS *Cole*. **Pages S9531–32**

Kennedy Amendment No. 1280, to limit the use of funds of converting to contractor performance of Department of Defense activities and functions.

**Pages S9529–31, S9563**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Stevens, Cochran, Specter, Domenici, Bond, McConnell, Shelby, Gregg, Hutchison, Burns, Inouye, Hollings, Byrd, Leahy, Harkin, Dorgan, Durbin, Reid, and Feinstein.

**Page S9572**

**Memorial Construction Authority Extension:** Senate passed S. 470, to extend the authority for the construction of a memorial to Martin Luther King, Jr., after agreeing to the committee amendment in the nature of a substitute. **Pages S9605–18**

**Land Conveyance Act:** Senate passed S. 490, 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, after agreeing to the committee amendments.

**Pages S9605–18**

**Buffalo Soldier Commemoration Act:** Senate passed S. 499, to authorize the American Battle Monuments Commission to establish in the State of

Louisiana a memorial to honor the Buffalo Soldiers, after agreeing to the committee amendment in the nature of a substitute. **Pages S9605–18**

**Paleontological Resources Preservation Act:** Senate passed S. 546, to provide for the protection of paleontological resources on Federal lands, after agreeing to the committee amendment in the nature of a substitute. **Pages S9605–18**

**Hibben Center for Archaeological Research Act:** Senate passed S. 643, to authorize the Secretary of the Interior, in cooperation with the University of New Mexico, to construct and occupy a portion of the Hibben Center for Archaeological Research at the University of New Mexico, after agreeing to the committee amendment in the nature of a substitute.

**Pages S9605–18**

**National Trails System Willing Seller Act:** Senate passed S. 651, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, after agreeing to the committee amendment in the nature of a substitute.

**Pages S9605–18**

**Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area Boundary Revision Act:** Senate passed S. 677, to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, after agreeing to the committee amendment in the nature of a substitute. **Pages S9605–18**

**Lands Exchange:** Senate passed S. 924, to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, after agreeing to the committee amendment in the nature of a substitute. **Pages S9605–18**

**Vietnam Veterans Memorial Education Center Act:** Senate passed S. 1076, to authorize construction of an education center at or near the Vietnam Veterans Memorial, after agreeing to the committee amendment in the nature of a substitute.

**Pages S9605–18**

**Easement Grant:** Senate passed H.R. 255, to authorize the Secretary of the Interior to grant an easement to facilitate access to the Lewis and Clark Interpretative Center in Nebraska City, Nebraska, clearing the measure for the President.

**Pages S9605–18**

**Kris Eggle Visitor Center Designation Act:** Senate passed H.R. 1577, to designate the visitor center in Organ Pipe National Monument in Arizona as the "Kris Eggle Visitor Center", clearing the measure for the President. **Pages S9605–18**

**Land Conveyance Act:** Senate passed H.R. 74, to direct the Secretary of Agriculture to convey certain land in the Lake Tahoe Basin Management Unit, Nevada, to the Secretary of the Interior, in trust for the Washoe Indian Tribe of Nevada and California, clearing the measure for the President.

Pages S9605–18

**Foundation for the National Institutes of Health Improvement Act:** Senate passed S. 314, to make improvements in the Foundation for the National Institutes of Health.

Page S9618

**William J. Scherle Post Office Building:** Committee on Governmental Affairs was discharged from further consideration of S. 1399, to redesignate the facility of the United States Postal Service located at 101 South Vine Street in Glenwood, Iowa, as the “William J. Scherle Post Office Building”, and the bill was then passed.

Pages S9618–19

**Honoring Chambers of Commerce:** Senate agreed to S. Con. Res. 53, honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies.

Page S9619

**Homeland Security Appropriations—Agreement:** A unanimous-consent agreement was reached providing for consideration of H.R. 2555, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, at 1:30 p.m., on Monday, July 21, 2003.

Page S9575

**Nominations Confirmed:** Senate confirmed the following nominations:

By unanimous vote of 93 yeas (Vote No. EX. 289), Allyson K. Duncan, of North Carolina, to be United States Circuit Judge for the Fourth Circuit.

Pages S9558–59, S9585

Louise W. Flanagan, of North Carolina, to be United States District Judge for the Eastern District of North Carolina.

Pages S9559–60, S9585

**Nominations Received:** Senate received the following nominations:

Gwendolyn Brown, of Virginia, to be Chief Financial Officer, National Aeronautics and Space Administration.

Susan C. Schwab, of Maryland, to be Deputy Secretary of the Treasury.

George H. Walker, of Missouri, to be Ambassador to the Republic of Hungary.

Page S9585

**Messages From the House:** Page S9587

**Measures Referred:** Page S9587

**Measures Placed on Calendar:** Page S9587

**Executive Communications:** Pages S9588–89

**Petitions and Memorials:** Pages S9589–91

**Executive Reports of Committees:** Page S9591

**Additional Cosponsors:** Pages S9592–93

**Statements on Introduced Bills/Resolutions:** Pages S9593–98

**Additional Statements:** Pages S9582–84

**Amendments Submitted:** Pages S9598–S9605

**Notices of Hearings/Meetings:** Page S9605

**Authority for Committees to Meet:** Page S9605

**Privilege of the Floor:** Page S9605

**Record Votes:** Five record votes were taken today. (Total—290) Pages S9544–45, S9557, S9559, S9572

**Adjournment:** Senate met at 9 a.m., and adjourned at 9:30 p.m., until 1 p.m., on Monday, July 21, 2003. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on page S9584.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

**Committee on Appropriations:** Committee ordered favorably reported the following bills:

An original bill (S. 1426) making appropriations for foreign operations, export financing and related programs for the fiscal year ending September 30, 2004;

An original bill (S. 1427) making appropriations for agriculture, rural development and food and drug administration and related agencies programs for fiscal year ending September 30, 2004; and

An original bill (S. 1424) making appropriations for energy and water development for the fiscal year ending September 30, 2004.

Also, committee began consideration of an original bill, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, but did not take final action thereon, and will continue on Thursday, July 24.

### FEDERAL HOUSING ENTERPRISE OVERSIGHT

**Committee on Banking, Housing, and Urban Affairs:** Committee concluded hearings to examine regulatory oversight of government sponsored enterprise accounting practices, focusing on the role of a federal financial safety and soundness regulator, an approach to examining accounting practices and controls over financial reporting, executive compensation, corporate governance, and legislative enhancements,

after receiving testimony from Armando Falcon, Jr., Director, Office of Federal Housing Enterprise Oversight.

### BUSINESS MEETING

*Committee on Commerce, Science, and Transportation:* Committee ordered favorably reported the following business items:

S. 1389, to authorize appropriations for the Surface Transportation Board for fiscal years 2004 through 2008, with amendments;

S. 1402, to authorize appropriations for activities under the Federal railroad safety laws for fiscal years 2004 through 2008, with amendments;

S. 1250, to improve, enhance, and promote the Nation's homeland security, public safety, and citizen activated emergency response capabilities through the use of enhanced 911 services, to further upgrade Public Safety Answering Point capabilities and related functions in receiving E-911 calls, and to support the construction and operation of a ubiquitous and reliable citizen activated system;

S. 1401, to reauthorize the National Oceanic and Atmospheric Administration, with amendments;

S. 1400, to develop a system that provides for ocean and coastal observations, to implement a research and development program to enhance security at United States ports, to implement a data and information system required by all components of an integrated ocean observing system and related research, with an amendment in the nature of a substitute;

S. 1404, to amend the Ted Stevens Olympic and Amateur Sports Act, with amendments;

S. 1395, to authorize appropriations for the Technology Administration of the Department of Commerce for fiscal years 2004 through 2005, with amendments; and

The nominations of Nicole R. Nason, of Virginia, to be an Assistant Secretary of Transportation, and Pamela Harbour, of New York, to be a Federal Trade Commissioner.

### DOE LABORATORY MANAGEMENT

*Committee on Energy and Natural Resources:* Committee concluded hearings to examine the contrast between management of science and technology resources by the Department of Energy with management of such resources in other agencies and in the private sector towards the goal of suggesting approaches for optimizing DOE's management and use of its science and technology resources, after receiving testimony from William Schneider, Jr., Chairman, Defense Science Board, Department of Defense; John H. Gibbons, Resource Strategies, The Plains, Virginia,

former Assistant to the President for Science and Technology, and former Director, Office of Science and Technology Policy; Victor H. Reis, Hicks and Associates, Inc., Washington, D.C.; and William J. Spencer, International SEMATECH, Austin, Texas.

### EXOTIC ANIMALS

*Committee on Environment and Public Works:* Committee concluded hearings to examine the importation of exotic species and the impact on public health and safety, after receiving testimony from Senator Ensign; John Clifford, Associate Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Department of Agriculture; Lester M. Crawford, Deputy Commissioner, Food and Drug Administration, and Stephen M. Ostroff, Deputy Director, National Center for Infectious Diseases, Centers for Disease Control and Prevention, both of the Department of Health and Human Services; Marshall P. Jones, Jr., Deputy Director, Fish and Wildlife Service, Department of the Interior; Gabriela Chavarria, National Wildlife Federation, Reston, Virginia, on behalf of the National Environmental Coalition on Invasive Species; Robert A. Cook, Columbia University School of International and Public Affairs, on behalf of the Wildlife Conservation Society; and N. Marshall Meyers, Pet Industry Joint Advisory Council, Washington, D.C.

### NURSING HOME QUALITY

*Committee on Finance:* Committee concluded hearings to examine nursing home quality, focusing on reports of abuse and neglect and federal efforts to improve conditions in nursing homes, after receiving testimony from Senator Bond; Dara Corrigan, Acting Principal Deputy Inspector General, and Thomas A. Scully, Administrator, Centers for Medicare and Medicaid Services, both of the Department of Health and Human Services; William J. Scanlon, Director, Health Care Issues, General Accounting Office; Mary K. Ousley, Sun Bridge Health Care Center, Albuquerque, New Mexico, on behalf of the American Health Care Association; Jeanne M. Hodgson, Ranson, West Virginia; and Sheila E. Albores, Oak Park, Illinois.

### BUSINESS MEETING

*Committee on Finance:* Committee ordered favorably reported the following bills:

S. 1416, to implement the United States-Chile Free Trade Agreement; and

S. 1417, to implement the United States-Singapore Free Trade Agreement.



### BENEFITS FOR VICTIMS OF INTERNATIONAL TERRORISM ACT

*Committee on Foreign Relations:* Committee held hearings to examine S. 1275, to establish a comprehensive federal program to provide benefits to U.S. victims of international terrorism, focusing on issues including the importance of blocked assets for U.S. foreign policy and national security interests, and maintaining a proper balance between administrative and litigation alternatives for international terrorism claims, receiving testimony from William H. Taft IV, Legal Adviser, Department of State; and Stuart E. Eizenstat, Covington and Burling, and Allan Gerson, George Washington University and Gerson International Law Group, both of Washington, D.C.

Hearings recessed subject to the call.

### MENTAL HEALTH SERVICES FOR CHILDREN

*Committee on Governmental Affairs:* Committee concluded hearings to examine certain situations where parents must relinquish custody in order to secure mental health services for their children, focusing on adolescent males with severe mental health problems, limitations in private and public insurance, difficulties accessing services through mental health and education agencies, and expanding community mental health services and supporting families, after receiving testimony from Charles G. Curie, Administrator, Substance Abuse and Mental Health Services

Administration, Department of Health and Human Services; J. Robert Flores, Administrator, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, Department of Justice; and Cornelia M. Ashby, Director, Education, Workforce, and Income Security Issues, General Accounting Office.

### BUSINESS MEETING

*Committee on the Judiciary:* Committee ordered favorably reported the following business items:

S. 1416, to implement the United States-Chile Free Trade Agreement;

S. 1417, to implement the United States-Singapore Free Trade Agreement;

S. Con. Res. 53, honoring and congratulating chambers of commerce for their efforts that contribute to the improvement of communities and the strengthening of local and regional economies; and

The nominations of Kathleen Cardone, to be United States District Judge for the Western District of Texas, James I. Cohn, to be United States District Judge for the Southern District of Florida, Frank Montalvo, to be United States District Judge for the Western District of Texas, Xavier Rodriguez, to be United States District Judge for the Western District of Texas, and Christopher A. Wray, of Georgia, to be an Assistant Attorney General, and Jack Landman Goldsmith III, of Virginia, to be an Assistant Attorney General, both of the Department of Justice.

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## House of Representatives

### *Chamber Action*

**Measures Introduced:** 24 public bills, H.R. 2766–2789; and 2 resolutions, H. Con. Res. 247, and H. Res. 323, were introduced. **Pages H7084–85**

**Additional Cosponsors:** **Pages H7085–86**

**Reports Filed:** Reports were filed as follows:

H.R. 2765, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2004, and for other purposes (H. Rept. 108–214).

H. Res. 287, directing the Attorney General to transmit to the House of Representatives not later than 14 days after the date of the adoption of this resolution all physical and electronic records and documents in his possession related to any use of

Federal agency resources in any task or action involving or relating to Members of the Texas Legislature in the period beginning May 11, 2003, and ending May 16, 2003, except information the disclosure of which would harm the national security interests of the United States, with amendments (H. Rept. 108–215);

H.R. 1572, to designate the historic Federal District Court Building located at 100 North Palafox Street in Pensacola, Florida, as the “Winston E. Arnow Federal Building”, amended (H. Rept. 108–216);

H.R. 1668, to designate the United States courthouse located at 101 North Fifth Street in Muskogee, Oklahoma, as the “Ed Edmondson United States Courthouse” (H. Rept. 108–217);

H.R. 1038, to increase the penalties to be imposed for a violation of fire regulations applicable to

the public lands, National Park System lands, or National Forest System lands when the violation results in damage to public or private property, to specify the purpose for which collected fines may be used, referred sequentially to the House Committee on the Judiciary for a period ending not later than Sept. 15, 2003 for consideration of such provisions of the bill as fall within the jurisdiction of that committee pursuant to clause 1(K), rule X (H. Rept. 108–218, Pt. 1).

**Page H7084**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein he appointed Representative Biggett to act as Speaker Pro Tempore for today. **Page H7023**

**Recess:** The House recessed at 2:35 p.m. for the purpose of receiving Prime Minister Tony Blair in a Joint Meeting. The House reconvened at 5:31 p.m.; and agreed that the proceedings had during the Joint Meeting be printed in the Record. **Page H7062**

**Joint Meeting to Receive the Right Honorable Tony Blair, Prime Minister of the United Kingdom and Northern Ireland:** The House and Senate met in a Joint Meeting to receive Prime Minister Tony Blair. He was escorted into the House Chamber by a committee comprised of Representatives DeLay, Blunt, Bereuter, Lewis of California, Petri, King of New York, Brown-Waite, Pelosi, Hoyer, Menendez, Clyburn, DeLauro, Skelton, and Lantos; and Senators Frist, McConnell, Stevens, Santorum, Hutchison, Kyl, Allen, Lugar, Campbell, Dole, Daschle, Reid, Mikulski, Biden, Leahy, and Dodd.

**Pages H7059–62**

**Interior and Related Agencies Appropriations:** The House passed H.R. 2691, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, by yea-and-nay vote of 268 yeas to 152 nays, Roll No. 389. The bill was also considered on July 16.

**Pages H7025–83, H7087–H7105**

Agreed To:

Slaughter amendment No. 10 printed in the Congressional Record of July 15 and debated on July 16 that increases funding for the National Endowment for the Arts by \$10 million and increases funding for the National Endowment for the Humanities by \$5 million with offsets from the National Park Service, Departmental Management, and National Forest System was offered. (agreed to by recorded vote of 225 yeas to 200 noes with 1 voting “present”, Roll No. 376);

**Pages H7054–55**

Sanders amendment that increases funding for weatherization assistance grants by \$15 million with offsets from other energy conservation activities;

**Pages H7027–28**

Bereuter amendment No. 12 printed in the Congressional Record of July 16 that prohibits any funds

to be used for the implementation of a competitive sourcing study at the Midwest Archaeological Center in Lincoln, Nebraska or the Southeast Archaeological Center in Tallahassee, Florida (agreed to by recorded vote of 362 yeas to 57 noes, Roll No. 387);

**Pages H7092–94, H7102**

Taylor of North Carolina amendment to the Udall of Colorado amendment No. 1 that applies the provisions to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit or lands within the National Wilderness Preservation System (agreed to by recorded vote of 226 yeas to 194 noes, Roll No. 388); and

**Pages H7094–H7101, H7103**

Udall of Colorado amendment No. 1 printed in the Congressional Record of July 10, as amended, that prohibits funds to implement amendments to Bureau of Land Management regulations on Recordable Disclaimers of Interest in Land (subpart 1864 of part 1860 of title 43, Code of Federal Regulations) as adopted on January 6, 2003 with regard to any lands within a designated National Monument, Wilderness Study Area, National Park System unit, National Wildlife Refuge System unit or lands within the National Wilderness Preservation System;

**Pages H7094–H7103**

Rejected:

DeFazio amendment No. 18 printed in the Congressional Record of July 16 that sought to extend authorization for the Recreation Fee Demonstration Program to activities under the jurisdiction of the National Park Service only (rejected by recorded vote of 184 yeas to 241 noes, Roll No. 377);

**Pages H7033–36, H7055**

Hefley amendment that sought to reduce all funding by one percent (rejected by recorded vote of 81 yeas to 341 noes, Roll No. 378);

**Pages H7040–41, H7055–56**

Tancredo amendment No. 17 printed in the Congressional Record that sought to increase Wildland Fire Management funding by \$57.4 million with offsets from the National Endowment for the Arts (rejected by recorded vote of 112 yeas to 313 noes, Roll No. 379);

**Pages H7042–43, H7056–57**

Blumenauer amendment No. 14 printed in the Congressional Record of July 16 that sought to prohibit any funding to be used to enter into any new commercial agricultural lease on the Lower Klamath and Tule Lake National Wildlife Refuge in the States of Oregon and California that permits the growing of row crops or alfalfa (rejected by recorded vote of 197 yeas to 228 noes, Roll No. 380);

**Pages H7043–47, H7057**

Shadegg amendment that increases funding for Wildland Fire Management hazardous fuels reduction activities by \$19 million with offsets from the Department of Agriculture Land Acquisition program (rejected by recorded vote of 128 ayes to 298 noes, Roll No. 381); **Pages H7048–49, H7057–58**

Gallegly amendment that sought to prohibit any funding to administer any action related to the baiting of bears except to prevent or prohibit such activity (rejected by recorded vote of 163 ayes to 255 noes, Roll No. 382); **Pages H7049–51, H7076**

Rahall amendment No. 4 printed in the Congressional Record of July 14 that sought to prohibit any funds to kill, or assist others in killing, any Bison in the Yellowstone National Park herd (rejected by recorded vote of 199 ayes to 220 noes, Roll No. 383); **Pages H7051–54, H7076–77**

Udall of New Mexico amendment No. 9 printed in the Congressional Record of July 15 that sought to prohibit any funding to finalize or implement the proposed revisions to subpart A of part 219 of title 36, Code of Federal Regulations, relating to National Forest System Planning for Land and Resource management Plans, as described in the proposed rule published in the Federal Register on December 6, 2002 (rejected by recorded vote of 198 ayes to 222 noes, Roll No. 384); **Pages H7062–68, H7077–78**

Holt amendment No. 2 printed in the Congressional Record of July 14 that sought to prohibit any funding to manage recreational snowmobile use in Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway; except in accordance with national Park Service One-year Delay Rule published November 18, 2002 (rejected by recorded vote of 210 ayes to 210 noes, Roll No. 385); **Pages H7069–75, H7078**

Inslee amendment that sought to prohibit any funds to be used to propose, finalize, or implement any change to subpart B of part 294 of title 36, Code of Federal Regulations, entitled Protection of Inventoried Roadless Areas (rejected by recorded vote of 185 ayes to 234 noes, Roll No. 386);

**Pages H7082–83, H7087–7092, H7101–02**

Point of order sustained against:

King of Iowa amendment No. 16 printed in the Congressional Record of July 16 that sought to prohibit any funds to be used to subject management of the Missouri River to the imposition of any regulatory action under the Endangered Species Act; and

**Pages H7079–81**

Matheson substitute amendment to the Udall of Colorado amendment No. 1 printed in the Congressional Record of July 10 that sought to apply the provisions to any lands in National Parks, Wilderness Areas, Wilderness Study Areas, National Wildlife, Refuges, National Monuments, military bases,

or any roads except public highways, roads, or streets that are traveled ways maintained by a county or incorporated municipality; over which a conventional two-wheel drive vehicle may travel, and with regard to private property. **Pages H7096–97**

Withdrawn:

Sessions amendment No. 7 printed in the Congressional Record of July 15 was offered, but subsequently withdrawn, that sought to strike section 335 that prohibits any funds to be used to initiate any new competitive sourcing studies at the Department of the Interior; **Pages H7037–38**

Manzullo amendment No. 5 printed in the Congressional Record of July 15 was offered, but subsequently withdrawn, that sought to prohibit the procurement of manufactured materials unless section 2 of the Buy American Act is applied by substituting “at least 65 percent” for “substantially all”;

**Pages H7041–42**

John amendment No. 6 printed in the Congressional Record of July 15 was offered but subsequently withdrawn that sought to prohibit any funds to be used to prosecute any individual for killing migratory birds on or over land or water where seeds or grains have been scattered solely as the result of manipulated re-growth of a harvested rice crop;

**Pages H7078–79**

H. Res. 319, the rule that is providing for consideration of the bill was agreed to on July 16.

**Energy and Water Appropriations—Order of Business:** Agreed that it be in order at any time, for the Speaker, as though pursuant to clause 2(b) of rule 18, to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of H.R. 2754, Energy and Water Appropriations, which shall proceed according to the following order: The first reading shall be dispensed with, all points of order against consideration are waived, and general debate shall not exceed one hour equally divided and controlled. The bill shall be considered for amendment under the five-minute rule and the amendment placed at the desk shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except for section 310. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment, the Committee shall rise and report the bill as amended to the

House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Page H7106

**Tax Relief, Simplification, and Equity Act Motions to Instruct Conferees:** The House rejected the Michaud motion to instruct conferees on H.R. 1308, Tax Relief, Simplification, and Equity Act that was debated on July 16 by yea-and-nay vote of 202 yeas to 214 nays, Roll No. 390. Subsequently, the House debated the Bell motion, noted on July 16, to instruct conferees on the same bill. Further proceedings on the motion were postponed. Earlier, Representative Van Hollen announced his intention to offer a motion to instruct conferees on the bill.

Pages H7105–12

**Senate Messages:** Message received from the Senate today appears on page H7023.

Referral: S. 555 and S. 558 were referred to the Committees on Resources and Energy and Commerce, and S. 570 was referred to the Committee on Education and the Workforce.

Page H7084

**Amendments:** Amendments ordered printed pursuant to the rule appear on page H7086.

**Quorum Calls—Votes:** Two yea-and-nay votes and thirteen recorded votes developed during the proceedings of the House today and appear on pages H7054–55, H7055, H7055–56, H7056–57, H7057, H7058, H7076, H7076–77, H7077–78, H7078, H7101–02, H7102, H7102–03, H7105, and H7105–06. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 12:53 a.m. on Friday, July 18.

## Committee Meetings

### HEALTH INSURANCE CERTIFICATE ACT

*Committee on Energy and Commerce:* Subcommittee on Health held a hearing on the Health Insurance Certificate Act of 2003. Testimony was heard from public witnesses.

### REVIEW DOE'S RADIOACTIVE HIGH-LEVEL WASTE CLEANUP PROGRAM

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled "A Review of DOE's Radioactive High-Level Waste Cleanup Program." Testimony was heard from Robin M. Nazzaro, Director, Natural Resources and Environment, GAO; Jesse Roberson, Assistant Secretary, Environmental Management, Department of Energy; Michael Wilson, Program Director, Nuclear and Mixed Waste Program, Department of Ecology,

State of Washington; and David Wilson, Assistant Chief, Bureau of Land and Waste Management, Department of Health and Environmental Control, State of South Carolina.

### MISCELLANEOUS MEASURES

*Committee on Government Reform:* Ordered reported the following measures: H.R. 2548, amended, Federal Property Asset Management Reform Act of 2003; and H.R. 2746, to designate the facility of the United States Postal Service located at 141 Weston Street in Hartford, Connecticut, as the "Barbara B. Kennelly Post Office Building."

### "A NEW MEDICARE PRESCRIPTION DRUG BENEFIT: IS IT GOOD FOR SENIORS?"

*Committee on Government Reform:* Subcommittee on Human Rights and Wellness held a hearing on "A New Medicare Prescription Drug Benefit: Is it Good for Seniors?" Testimony was heard from Representatives Gutknecht and Emanuel; and public witnesses.

### PIRACY DETERRENCE AND EDUCATION ACT

*Committee on the Judiciary:* Subcommittee on Courts, the Internet, and Intellectual Property held a hearing on H.R. 2517, Piracy Deterrence and Education Act of 2003. Testimony was heard from Jana Monroe, Assistant Director, Cyber Division, FBI, Department of Justice; and public witnesses.

### OVERSIGHT—FORENSIC DNA TECHNOLOGY

*Committee on the Judiciary:* Subcommittee on Crime, Terrorism and Homeland Security held an oversight hearing on "Advancing Justice Through Forensic DNA Technology." Testimony was heard from Sarah V. Hart, Director, National Institute of Justice, Department of Justice; Paul B. Ferrara, M.D., Director, Division of Forensic Science, State of Virginia; and public witnesses.

### OVERSIGHT—NATIONAL AND ECONOMIC SECURITY

*Committee on Resources:* Subcommittee on Energy and Mineral Resources held an oversight hearing on "The Role of Strategic and Critical Minerals in Our National and Economic Security." Testimony was heard from Charles G. Groat, Director, U.S. Geological Survey, Department of the Interior; and public witnesses.

### MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action, as amended, the following bills: H.R. 958, Hydrographic Services Amendments of 2003; H.R. 1204, to amend the National Wildlife

Refuge System Administration Act of 1966 to establish requirements for the award of concessions in the National Wildlife Refuge System, to provide for maintenance and repair of properties located in the System by concessionaires authorized to use such properties; H.R. 2048, International Fisheries Reauthorization Act of 2003; and H.R. 2408, National Wildlife Refuge Volunteer Act of 2003.

#### MISCELLANEOUS MEASURES

*Committee on Resources:* Subcommittee on Water and Power approved for full Committee action the following bills: H.R. 1598, Irvine Basin Surface and Groundwater Improvement Act of 2003; and H.R. 1732, Williamson County Water Recycling Act of 2003.

#### U.S. FIRE ADMINISTRATION AUTHORIZATION ACT

*Committee on Science:* Subcommittee on Research approved for full Committee action, as amended, H.R. 2692, United States Fire Administration Authorization Act of 2003.

Prior to this action, the Subcommittee held a hearing on this measure. Testimony was heard from Representative Camp; David Paulison, U.S. Fire Administrator and Director, Preparedness Division of the Emergency Preparedness and Response Directorate/FEMA, Department of Homeland Security; Arden Bement, Director, National Institute of Standards and Technology, Technology Administration, Department of Commerce; and public witnesses.

#### ENDANGERED FARMERS AND RANCHERS

*Committee on Small Business:* Subcommittee on Rural Enterprises, Agriculture and Technology held a hearing on Endangered Farmers and Ranchers: the Unintended Consequences of the Endangered Species Act. Testimony was heard from Representative Pombo; Harold Manson, Assistant Secretary, Fish, Wildlife and Parks, Department of the Interior; Thomas Sullivan, Chief Counsel, Office of Advocacy, SBA; and public witnesses.

#### WATER QUALITY FINANCING ACT; WATER RESOURCES DEVELOPMENT ACT

*Committee on Transportation and Infrastructure:* Subcommittee on Water Resources and Environment approved for full Committee action, as amended, the following bills: H.R. 1560, Water Quality Financing Act of 2003; and H.R. 2557, Water Resources Development Act of 2003.

#### U.S.-SINGAPORE FREE TRADE AGREEMENT IMPLEMENTATION ACT; U.S.-CHILE FREE TRADE AGREEMENT IMPLEMENTATION ACT

*Committee on Ways and Means:* Ordered reported the following bills: H.R. 2739, United States-Singapore Free Trade Agreement Implementation Act; and

H.R. 2738, United States-Chile Free Trade Agreement Implementation Act.

#### WASTE, FRAUD AND ABUSE

*Committee on Ways and Means:* Held a hearing on Waste, Fraud and Abuse. Testimony was heard from David M. Walker, Comptroller General, GAO; Joseph R. Brimacombe, Deputy Director, Compliance Policy, Small Business—Self Employed Division, IRS, Department of the Treasury; James G. Huse, Jr., Inspector General, SSA; Bill Jordan, Senior Counsel to the Assistant Attorney General for the Civil Division, Department of Justice; and public witnesses.

#### FIRST RESPONDERS

*Select Committee on Homeland Security:* Held a hearing entitled "First Responders: How States, Localities and the Federal Government Can Strengthen Their Partnership to Make America Safer." Testimony was heard from Mitt Romney, Governor, State of Massachusetts; and public witnesses.

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#### COMMITTEE MEETINGS FOR FRIDAY, JULY 18, 2003

*(Committee meetings are open unless otherwise indicated)*

##### Senate

No meetings/hearings scheduled.

##### House

*Committee on Government Reform,* Subcommittee on Criminal Justice, Drug Policy, and Human Resources, hearing entitled, "Facing the Methamphetamine Problem in America," 10 a.m., 2203 Rayburn.

Subcommittee on Energy Policy, Natural Resources, and Regulatory Reform, and the Subcommittee on Regulatory Reform and Oversight of the Committee on Small Business, joint hearing entitled "What is OMB's Record in Small Business Paperwork Relief?" 10 a.m., 2154 Rayburn.

Subcommittee on National Security, Emerging Threats, and International Relations, hearing entitled "Humanitarian Assistance Following Military Operations: Overcoming Barriers—Part II," 10 a.m., 2318 Rayburn.

*Committee on International Relations,* Subcommittee on Asia and the Pacific, to mark up H.J. Res. 63, to approve the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Federated States of Micronesia," and the "Compact of Free Association, as amended between the Government of the United States of America and the Government of the Republic of the Marshall Islands," and otherwise to amend Public Law 99-239, and to appropriate for the purposes of amended Public Law 99-239 for fiscal years ending on or before September 30, 2023, 10 a.m., 2172 Rayburn.

*Committee on Ways and Means,* to mark up H.R. 1776, Pension Preservation and Savings Expansion Act of 2003, 10 a.m., 1100 Longworth.

*Next Meeting of the SENATE*

1 p.m., Monday, July 21

## Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 1:30 p.m.), Senate will begin consideration of H.R. 2555, Homeland Security Appropriations.

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Friday, July 18

## House Chamber

**Program for Friday:** Consideration of H.R. 2754, Energy and Water Appropriations (unanimous consent, one hour of debate).



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